start and made a lot of noise in the press and the people back home thought everybody, more or less, wanted to go to war, and they had no medium of expression. But when the America First Committee came along and American people found that others were thinking the same way, they have been holding meetings all over the country. I have talked to dozens of them, and I have never talked to an audience of America First where the room was not full. Only within the last week or 10 days I talked to 8,000 in Milwaukee and 4,000 in St. Louis. Everywhere else I spoke the halls were packed, and there was an overflow audience. Why? Because the American people want some medium of expression, and they want to have some organization that is for America first and that wants to keep us out of war. They had a meeting in Philadelphia about 2 weeks ago, and not a single paper carried any item that I was to be there. All the large newspapers, 9 or 10 of them, are interventionists, and the smaller and rural papers are about equally divided.

None of the Philadelphia newspapers mentioned my coming there. It was held in an old Masonic auditorium, which had gone bankrupt and now is called the Forum of the City of Philadelphia—a perfectly beautiful building, a great forum, with three tiers of seats. In spite of the press, the building was packed with over 3,000 people, with an overflow audience, and it was held under the auspices of the America First Committee. It was packed because they wanted to hear this issue discussed, and what price war means to the American people. That was what I discussed with them, and yet when the interventionists speak, Senator PEPPER and others, they have only three or four hundred people. When the America First Committee holds a meeting the whole building is packed, because the people want a chance to hear that side of the issue. I am for this committee on two grounds, one of national defense, and the other keeping America out of war.

Mr. SAUTHOFF. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. SAUTHOFF. I merely want to interject here into the gentleman's remarks, that General Wood, the head of the America First Committee, is a veteran of two of our wars, while the gentleman who is speaking went through the first World War and served in France as a captain, and has now recently come back from camp, where he served in the Reserves and is ready to serve again. I wonder if Mr. Ingersoll of the PM can show the record either of General Wood or of the gentleman who now has the floor?

Mr. FISH. Mr. Speaker, may I add to that that among the other directors of the America First Committee is Mr. Hanford McNider, of Iowa, a past national commander of the American Legion, a veteran with a distinguished war record, who was decorated by practically all the Allied governments during the last war for gallantry in action, and there is also General Hammond and several others on the executive committee.

In conclusion I asked permission to speak on this matter of personal privilege because of what was published in the Washington Post and PM—"HAM FISH snatches evidence wanted in United States Nazi hunt." That is what was circulated all around New York, and that is what I wanted to answer. I have tried to present to this House a detailed, categorical answer to the effect that I never snatched any evidence, that I have never received any of these bags, nor have I ever heard from these parties concerned; that I know nothing about it, except what I have read in the press and heard from my secretaries, who refused to accept the bags of speeches. Yet they deliberately say that I have snatched evidence that the United States wants in a Nazi hunt. Of course, I was required after those charges to come here and answer them, but, as far as I am concerned, they can put all the Nazis in the country on a ship and send them back to Germany on a one-way ticket, and at the same time they can send all of the Communists away on another boat to Soviet Russia, and let them fight for their respective countries. I shall do everything that I can to help deport these Nazis and Communists and to stop all Nazi and Communist activities in America, but I do hope from now on that these pro-war newspapers will not rush into print and try to have some Members of Congress pilloried or smeared simply because they are trying in accordance with their convictions to keep the United States out of war unless attacked by some foreign power.

EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by insertion of a speech delivered by Dr. Nicholas Murray Butler.

The SPEAKER. Is there objection?

There was no objection.

THE NATIONAL DEBT

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

WILL COST GOVERNMENT $100,000,000,000 TO PAY DEBT OF $50,000,000,000

Mr. PATMAN. Mr. Speaker, our Government debt at this time is approximately $50,000,000,000. By the time that is paid it will aggregate $100,000,000,000. When we talk about a debt of a certain size we should double the amount if we want to keep in mind what will actually have to be paid before the debt is liquidated. This amount of 100 percent is due to the interest charges. I am not opposed to individuals and corporations paying interest. They should pay interest for the use of money that they hire from other people, but when our Federal Government, that has the exclusive power to create money, creates that money and then goes into the open market and borrows it and pays interest for the use of its own money, it occurs to me that that is going too far. I have never yet had anyone who could, through the use of logic and reason, justify the Federal Government borrowing the use of its own money.

For the first 125 years of our country's existence the national debt was small. It was only about $3,000,000 a year—very small. The interest charges amounted to a very insignificant sum, excepting during the War between the States, when the national debt ran up to twenty-five or thirty million dollars. But that was only for 2 or 3 years, and it was small in comparison. However, since the World War in 1917–18, our national debt has been large, and today we are paying at the rate of $1,300,000,000 a year interest on our Government obligations.

GOVERNMENT SHOULD NOT ISSUE INTEREST-BEARING BONDS

It is true that if we contract a debt we should pay it. If the Government sells bonds, the Government should pay those bonds. If the Government promises to pay interest at a certain rate on those bonds, the Government should carry out its obligation. But I am saying to you in all sincerity and with all the earnestness that I possess, it is absolutely wrong for the Government to issue interest-bearing obligations. It is not only wrong; it is extravagant. It is not only extravagant, it is wasteful. It is absolutely unnecessary.

Two days ago Mr. Henry Morgenthau, Secretary of the Treasury, was on the witness stand before the Committee on Banking and Currency on the price control bill. I asked him questions about this. It is in the hearings, commencing at page 1005. Mr. Morgenthau admitted in this testimony that if the Government were to issue $1,000,000 in bonds and sell those bonds which are non-interest-bearing and delivered those bonds to the 12 Federal Reserve banks and received credit for them, that he, as Secretary of the Treasury, could then issue the same kind of checks against that money, and the people receiving the checks would receive the same kind of money as if he had issued a million dollars in bonds and sold them to the commercial banks of the country and agreed to pay the commercial banks a certain rate of interest. It would not increase the money supply one penny. Anyone who argues that it is inflationary does not know what he is talking about. It is not inflationary. It is not nearly as inflationary as our present system of selling bonds and paying interest as much as you pay principal.

I have in my possession a letter from the Secretary of the Treasury, Mr. Morgenthau, in reply to a letter I had written to him. I asked him how much the Government would pay in interest charges on the $758,000,000 4¼-percent Treasury bonds that are payable in 1947 to 1952. His reply was that the amount would be about $967,700,000. Now, mind you, that is where we issued those bonds during the World War, amounting to $758,000,000, and we are paying in interest on those bonds, in addition to the principal, $967,700,000.

Now, take the Panama Canal bonds. They amounted to a little less than $50,000,000—$49,300,000. By the time they are paid the Government will have paid $75,000,000 in interest on bonds of less than $50,000,000. So the Government is paying out $125,000,000 to obtain the use of $49,800,000. That is the way it has

worked all along. That is our policy. That is our system. The question is, Should that policy be continued? Is it sane? Is it reasonable? Is it right or is it wrong? If it is wrong, it should be changed.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I would rather the gentleman wait until I have finished.

Now, I believe the system should be changed. The Constitution of the United States does not give the banks the power to create money. The Constitution says that Congress shall have the power to create money, but now under our system we will sell bonds to commercial banks and obtain credit from those banks. We do not receive money for the bonds. The bank creates credit, and, as Mr. Morgenthau said in reply to my question, they create the money in that way, and they have already created $20,000,000,000 and bought $20,000,000,000 of Government bonds. Therefore, if we do not change that system we are, in effect, farming out the credit of this Nation and paying a bonus or tribute to people who do not have anything in the world to offer us. They have nothing of value. They have nothing to give us that we do not already have, and yet here we are paying over a billion dollars a year for the use of it.

IDIOTIC SYSTEM

I believe the time will come when people will demand that this be changed. I believe the time will come in this country when they will actually blame you and me and everyone else connected with this Congress for sitting idly by and permitting such an idiotic system to continue. I make that statement after years of study. I have talked to the Secretary of the Treasury and members of the Federal Reserve Board and other people who are supposed to know about the money system of our country. They know this can be done easily and conveniently, and it will save money; but their one reply is, "It will have a bad psychological effect." Well, I do not think it would have a bad psychological effect to save the people 50 percent of their national debt. I do not think it would have a bad psychological effect to save the people over a billion dollars a year in interest. I do not think it would. It would certainly have a bad effect on the people who are collecting interest on the Government's money.

FEDERAL RESERVE PRIVATELY OWNED

We have what is known as the Federal Reserve Bank System. That system is not owned by the Government. Many people think that it is, because it says "Federal Reserve."

It belongs to the private banks, private corporations. So we have farmed out to the Federal Reserve Banking System that is owned exclusively, wholly, 100 percent by the private banks—we have farmed out to them the privilege of issuing the Government's money. If we were to take this privilege back from them we could save the amount of money that I have indicated in enormous interest charges.

We have today about $23,000,000,000 in gold. This gold is, of course, owned by the Government—title to it is in the Government. Many people say the Federal Reserve banks own it, but they do not own it. Congress passed a law saying that the right, title, and interest in and to that gold is in the Government, but for convenience and in order to carry out this present monetary policy, the Treasury has issued what is known as gold certificates and has turned over to the Federal Reserve banks these gold certificates. So today we hold about $23,000,000,000 in gold. Under the old system of issuing $2.50 in currency to every $1 of gold on the theory that a 40-percent gold base would always be safe, you could take that $23,000,000,000 of gold and issue two and one-half times that much money under our present system. This would amount to fifty-seven or fifty-eight billions of dollars that could be issued on that gold; and then the banks receiving the money could issue all the way from 7 to 10 to 1. You can thus see what a great potential threat of inflation is there if it were exercised, but it will not be exercised, because the people who have charge of the monetary system will not permit it to be exercised.

The point I want to try to make is that the 12 Federal Reserve banks have in their custody these gold certificates which are used the same as gold, which are sufficient to more than pay off the entire national debt. I am not advocating that this be done quickly or suddenly. I am not advocating that any change like this be made quickly, for it would probably be disturbing to the country; but if the Government owned these 12 Federal Reserve banks, as it should—they should be just as much a part of this Government as the Treasury itself—then eventually the national debt could be absorbed by them and this interest burden could be taken off our shoulders.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. WHITE. The gentleman states that the $23,000,000,000 in gold which is stored in Kentucky, or wherever it may be stored, is owned solely by the Government. How does the gentleman classify the $17,000,000,000 of gold certificates to the credit of the Board of Governors of the Federal Reserve bank? What class do they fall into? What are they?

Mr. PATMAN. They can be used in international transactions. The Federal Reserve banks cannot get gold unless the gold is needed for one of the purposes specified in the law, and one of those purposes is to settle balances with foreign countries.

Mr. WHITE. Under the gentleman's own statement, then, those very gold certificates are a draft when properly exercised on the gold that is now in the possession of the Federal Government.

Mr. PATMAN. A limited draft, a draft only for the purposes specified by the law.

Mr. WHITE. If we assume there are enough foreign balances to drain off the $23,000,000,000 in gold then it is no longer the property of the Government but must flow out to redeem those gold certificates.

Mr. PATMAN. That is right regardless of whether the Federal Reserve claimed the gold or whether the Treasury claimed it. If our balances were so unfavorable as to drain that gold off that is what would happen.

Mr. WHITE. The gentleman knows that hundreds of millions of dollars' worth of foreign gold has been brought over into this country for storage, for safekeeping; and when this emergency of war is over this gold will flow out again.

Mr. PATMAN. That will depend on trade balances.

Mr. WHITE. It is possible that it may flow out. Those gold certificates will then be a demand on that gold which must be honored. Am I right?

Mr. PATMAN. Yes; and they expect to honor them if they go to settle international balances, because the law says gold cannot be released except to use in the arts, trades, sciences, to settle international balances and possibly other reasons but these are the principle ones.

Mr. WHITE. I am talking now of the gold that is in storage supposed to be owned by the Federal Government. The law as I understand it requires that the issuance of Federal Reserve currency must be backed by 40 percent gold. How is the currency now in circulation backed? I think it is $7,000,000,000, is it not?

Mr. PATMAN. Nine billion dollars.

Mr. WHITE. Is that backed by 40-percent gold?

Mr. PATMAN. It is backed by much more than 40 percent; it is backed by 200 percent.

Mr. WHITE. The gentleman has just stated that the gold was not owned by the Federal Government.

Mr. PATMAN. The title to it is in the Federal Government. The same Government that owns the gold issues the money, and the Government that issues the money has $23,000,000,000 in gold. So there is more than 200-percent reserve behind the outstanding currency.

Mr. WHITE. I must have misunderstood the gentleman because he said the banks were exercising the prerogative of the Government in issuing money.

Mr. PATMAN. They are issuing it for the Government on the Government's credit; yes.

I suggest that this matter should receive the attention of the Members of the House.

[Here the gavel fell.]

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on Monday next, after the call of bills on the Unanimous Consent Calendar, that bills on the Private Calendar, which would ordinarily be called on Tuesday unless dispensed with be called after the call of the Consent Calendar on Monday.

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JFK JR FOIA

National Transportation Safety Board FACTUAL REPORT AVIATION	NTSB ID: NYC99MA178	Aircraft Registration Number: N9253N
	Occurrence Date: 07/16/99	Most Critical Injury: FATAL
	Occurrence Type: Accident	Investigated By: NTSB

Location/Time

Nearest City/Place	State	Zip Code	Local Time	Time Zone
VINEYARD HAVEN	MA	02568	2141	EDT

Accident Location: Off Airport	Distance From Landing Facility: UNK/NA	Direction From Airport: UNK/NA

Aircraft Information Summary

Aircraft Manufacturer	Model/Series	Type of Aircraft
Piper	PA-32R-301	Airplane

Sightseeing Flight: No **Air Medical Transport Flight:** No

Narrative

Brief narrative statement of facts, conditions, and circumstances pertinent to the accident/incident:

HISTORY OF FLIGHT

On July 16, 1999, about 2141 eastern daylight time, a Piper PA-32R-301, Saratoga II, N9253N, was destroyed when it crashed into the Atlantic Ocean approximately 7 1/2 miles southwest of Gay Head, Martha's Vineyard, Massachusetts. The certificated private pilot and two passengers received fatal injuries. Night visual meteorological conditions (VMC) prevailed, and no flight plan had been filed for the personal flight conducted under the provisions of 14 Code of Federal Regulations (CFR) Part 91. The flight originated from Essex County Airport (CDW), Caldwell, New Jersey, and was destined for Barnstable Municipal-Boardman/Polando Field (HYA), Hyannis, Massachusetts, with a scheduled stop at Martha's Vineyard Airport (MVY), Vineyard Haven, Massachusetts.

During interviews, witnesses stated that the purpose of the flight was to fly to Martha's Vineyard to drop off one passenger and then continue to HYA. An employee of a fixed-base operator (FBO) at CDW stated that he had called the pilot about 1300 on the day of the accident to verify that the pilot intended to fly the airplane, N9253N, over the weekend. The pilot informed the employee that he did plan to fly the airplane and that he would arrive at the airport between 1730 and 1800. The employee informed the pilot that he would have the airplane parked outside of the hangar.

Witnesses who were at CDW on the night of the accident stated that they saw the pilot and a female near the accident airplane. The witnesses also reported that they saw the pilot using crutches and loading luggage into the airplane. One witness stated that he watched the pilot perform an engine run-up and then take off about 2040. The witness further stated that "takeoff and right downwind departure seem[ed] normal."

According to air traffic control (ATC) transcripts from CDW's tower, about 2034, the pilot of N9253N contacted the ground controller and stated, "...saratoga niner two five three november ready to taxi with mike...right turnout northeast bound." The ground controller instructed the pilot to taxi to runway 22, which the pilot acknowledged. At 2038:32, the pilot of N9253N contacted the tower controller and advised that he was ready to take off from runway 22. At 2038:39, the tower controller cleared N9253N for takeoff; at 2038:43, the pilot acknowledged the clearance. A few seconds later, the tower controller asked the pilot if he was heading towards Teterboro, New Jersey. The pilot replied, "No sir, I'm uh actually I'm heading a little uh north of it, uh eastbound." The tower controller then instructed the pilot to "make it a right downwind departure then." At 2038:56, the pilot acknowledged the instruction stating, "right downwind departure two two." No records of any further communications between the pilot and ATC exist.

(Continued on Next Page)

National Transportation Safety Board FACTUAL REPORT AVIATION	NTSB ID: NYC99MA178	
	Occurrence Date: 07/16/99	
	Occurrence Type: Accident	

Narrative (Continued)

According to radar data, at 2040:59, a target transmitting a visual flight rules (VFR) code was observed about 1 mile southwest of CDW at an altitude of 1,300 feet. The target proceeded to the northeast, on a course of about 55 degrees, remaining below 2,000 feet. The target was at 1,400 feet when it reached the Hudson River. When the target was about 8 miles northwest of the Westchester County Airport (HPN), White Plains, New York, it turned north over the river and began to climb. After proceeding north about 6 miles, the target turned eastward to a course of about 100 degrees. The target continued to climb and reached 5,500 feet about 6 miles northeast of HPN. When the target's course was plotted on a New York VFR navigational map, the extended course line crossed the island of Martha's Vineyard.

The target continued eastward at 5,500 feet, passing just north of Bridgeport, Connecticut, and crossed the shoreline between Bridgeport and New Haven, Connecticut. The target ground track continued on the 100-degree course, just south and parallel to the Connecticut and Rhode Island coastlines. After passing Point Judith, Rhode Island, the target continued over the Rhode Island Sound.

A performance study of the radar data revealed that the target began a descent from 5,500 feet about 34 miles west of MVY. The speed during the descent was calculated to be about 160 knots indicated airspeed (KIAS), and the rate of descent was calculated to have varied between 400 and 800 feet per minute (fpm). About 2138, the target began a right turn in a southerly direction. About 30 seconds later, the target stopped its descent at 2,200 feet and began a climb that lasted another 30 seconds. During this period of time, the target stopped the turn, and the airspeed decreased to about 153 KIAS. About 2139, the target leveled off at 2,500 feet and flew in a southeasterly direction. About 50 seconds later, the target entered a left turn and climbed to 2,600 feet. As the target continued in the left turn, it began a descent that reached a rate of about 900 fpm. When the target reached an easterly direction, it stopped turning; its rate of descent remained about 900 fpm. At 2140:15, while still in the descent, the target entered a right turn. As the target's turn rate increased, its descent rate and airspeed also increased. The target's descent rate eventually exceeded 4,700 fpm. The target's last radar position was recorded at 2140:34 at an altitude of 1,100 feet. (For a more detailed description of the target's [accident airplane's] performance, see Section, "Tests and Research," Subsection, "Aircraft Performance Study.")

On July 20, 1999, about 2240, the airplane's wreckage was located in 120 feet of water, about 1/4 mile north of the target's last recorded radar position.

The accident occurred during the hours of darkness. In the area of and on the night of the accident, sunset occurred about 2014. Civil twilight ended about 2047, and nautical twilight ended about 2128. About 2140, the moon was about 11.5 degrees above the horizon at a bearing of 270.5 degrees and provided about 19 percent illumination. The location of the accident wreckage was about 41 degrees, 17 minutes, 37.2 seconds north latitude; 70 degrees, 58 minutes, 39.2 seconds west longitude.

PILOT INFORMATION

The pilot obtained his private pilot certificate for "airplane single-engine land" in April 1998. He did not possess an instrument rating. He received a "high performance airplane" sign-off in his Cessna 182 in June 1998 and a "complex airplane" sign-off in the accident airplane in May 1999. His most recent Federal Aviation Administration (FAA) second-class medical certificate was issued on December 27, 1997, with no limitations.

(Continued on Next Page)

National Transportation Safety Board FACTUAL REPORT AVIATION	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Narrative (Continued)

A copy of the pilot's logbook that covered from October 4, 1982, to November 11, 1998, was provided to the Safety Board. The pilot's most recent logbook was not located. The Board used the copied logbook, records from training facilities, copies of flight instructors' logbooks, and statements from instructors and pilots to estimate the pilot's total flight experience. The pilot's estimated total flight experience, excluding simulator training, was about 310 hours, of which 55 hours were at night. The pilot's estimated experience flying without a certified flight instructor (CFI) on board was about 72 hours. The pilot's estimated flight time in the accident airplane was about 36 hours, of which 9.4 hours were at night. Approximately 3 hours of that flight time was without a CFI on board, and about 0.8 hour of that time was flown at night, which included a night landing. In the 15 months before the accident, the pilot had flown about 35 flight legs either to or from the Essex County/Teterboro, New Jersey, area and the Martha's Vineyard/Hyannis, Massachusetts, area. The pilot flew over 17 of these legs without a CFI on board, including at least 5 at night. The pilot's last known flight in the accident airplane without a CFI on board was on May 28, 1999.

Pilot Training

On October 4, 1982, the pilot started receiving flight instruction. Over the next 6 years, he flew with six different CFIs. During this period, the pilot logged 47 hours, consisting of 46 hours of dual instruction and 1 hour without a CFI on board. The pilot made no entries in his logbook from September 1988 to December 1997.

In December 1997, the pilot enrolled in a training program at Flight Safety International (FSI), Vero Beach, Florida, to obtain his private pilot certificate. Between December 1997 and April 1998, the pilot flew about 53 hours, of which 43 were flown with a CFI on board. The CFI who prepared the pilot for his private pilot checkride stated that the pilot had "very good" flying skills for his level of experience.

On April 22, 1998, the pilot passed his private pilot flight test. The designated pilot examiner who administered the checkride stated that as part of the flight test, the pilot conducted two unusual attitude recoveries. The pilot examiner stated that in both cases, the pilot recovered the airplane while wearing a hood and referencing the airplane's flight instruments. After receiving his private pilot certificate, the pilot flew solo in his Cessna 182 and received instruction in it by CFIs local to New Jersey. He also received instruction at Million Air, a flight school in New Jersey, and flew their airplanes. During calendar year 1998, the pilot flew approximately 179 hours, including about 65 hours without a CFI on board. On March 12, 1999, the pilot completed the FAA's written airplane instrument examination and received a score of 78 percent.

On April 5, 1999, the pilot returned to FSI to begin an airplane instrument rating course. During the instrument training, the pilot satisfactorily completed the first 12 of 25 lesson plans. The pilot's primary CFI during the instrument training stated that the pilot's progression was normal and that he grasped all of the basic skills needed to complete the course; however, the CFI did recall the pilot having difficulty completing lesson 11, which was designed to develop a student's knowledge of very high frequency omnidirectional radio range (VOR) and nondirectional beacon operations while working with ATC. It took the pilot four attempts to complete lesson 11 satisfactorily. After two of the attempts, the pilot took a 1-week break. After this break, the pilot repeated lesson 11 two more times. The CFI stated that the pilot's basic instrument flying skills and simulator work were excellent. However, the CFI stated that the pilot had trouble managing multiple tasks while flying, which he felt was normal for the pilot's level of experience.

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The pilot attended this training primarily on weekends. During this training, the pilot accumulated 13.3 hours of flight time with a CFI on board. In addition, the pilot logged 16.9 hours of simulator time. The pilot departed from FSI for the last time on April 24, 1999.

The pilot continued to receive flight instruction from CFIs in New Jersey in his newly purchased Piper Saratoga, the accident airplane. One CFI flew with the pilot on three occasions. One of the flights was on June 25, 1999, from CDW to MVY. The CFI stated that the departure, en route, and descent portions of the flight were executed in VMC, but an instrument approach was required into MVY because of a 300-foot overcast ceiling. The CFI requested an instrument flight rules (IFR) clearance and demonstrated a coupled instrument landing system (ILS) approach to runway 24. The CFI stated that the pilot performed the landing, but he had to assist with the rudders because of the pilot's injured ankle. (For additional information about the pilot's ankle injury, see Section, "Medical and Pathological Information.") The CFI stated that the pilot's aeronautical abilities and his ability to handle multiple tasks while flying were average for his level of experience.

A second CFI flew with the pilot between May 1998 and July 1999. This CFI accumulated 39 hours of flight time with the pilot, including 21 hours of night flight and 0.9 hour flown in instrument meteorological conditions (IMC). The pilot used this CFI for instruction on cross-country flights and as a safety pilot. On July 1, 1999, the CFI flew with the pilot in the accident airplane to MVY. The flight was conducted at night, and IMC prevailed at the airport. The CFI stated that, during the flight, the pilot used and seemed competent with the autopilot. The instructor added that during the flight the pilot was wearing a nonplaster cast on his leg, which required the CFI to taxi the airplane and assist the pilot with the landing.

The CFI stated that the pilot had the ability to fly the airplane without a visible horizon but may have had difficulty performing additional tasks under such conditions. He also stated that the pilot was not ready for an instrument evaluation as of July 1, 1999, and needed additional training. The CFI was not aware of the pilot conducting any flight in the accident airplane without an instructor on board. He also stated that he would not have felt comfortable with the accident pilot conducting night flight operations on a route similar to the one flown on, and in weather conditions similar to those that existed on, the night of the accident. The CFI further stated that he had talked to the pilot on the day of the accident and offered to fly with him on the accident flight. He stated that the accident pilot replied that "he wanted to do it alone."

A third CFI flew with the pilot between May 1998 and July 1999. This CFI accumulated 57 hours of flight time with the pilot, including 17 hours of night flight and 8 hours flown in IMC. The pilot also used this instructor for instruction on cross-country flights and as a safety pilot. This CFI had conducted a "complex airplane" evaluation on the pilot and signed him off in the accident airplane in May 1999. According to the CFI, on one or two occasions, the airplane's autopilot turned to a heading other than the one selected, which required the autopilot to be disengaged and then reengaged. He stated that it seemed as if the autopilot had independently changed from one navigation mode to another. He also stated that he did not feel that the problem was significant because it only happened once or twice.

The CFI had made six or seven flights to MVY with the pilot in the accident airplane. The CFI stated that most of the flights were conducted at night and that, during the flights, the pilot did not have any trouble flying the airplane. The instructor stated that the pilot was methodical about his flight planning and that he was very cautious about his aviation decision-making. The CFI stated that the pilot had the capability to conduct a night flight to MVY as long as a visible horizon existed.

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AIRCRAFT INFORMATION

The accident airplane, N9253N, was a Piper PA-32R-301, Saratoga II, single-engine, low-wing airplane with retractable landing gear. The airplane was originally certificated by Piper Aircraft Corporation on June 9, 1995. The airplane was sold to Skytech, Inc., Baltimore, Maryland, on June 16, 1995, and then resold to Poinciana LLC, Wilmington, North Carolina, on January 5, 1996.

A review of records from an engine overhaul facility revealed that during a 100-hour and annual inspection of the airplane in May 1998, corrosion was observed on the interior surfaces of the engine cylinder walls. Additionally, pitting was observed on the surfaces of several valve tappets. At that time, the engine had a total time since new of 387.1 hours. The documents also revealed that the engine was shipped to the overhaul facility in June 1998, where the engine was disassembled, inspected, and reassembled (parts were replaced as necessary) in June and July 1998. The engine was also run in a test cell before it was shipped and was reinstalled in the airplane in July 1998.

On August 25, 1998, the airplane was purchased by Raytheon Aircraft Company, Wichita, Kansas, and then resold the same day to Air Bound Aviation, Inc., Fairfield, New Jersey. The airplane was sold on August 27, 1998, to a pilot in New Jersey. On April 28, 1999, the airplane was sold to Columbia Aircraft Sales, Inc., Groton, Connecticut. On the same day, the airplane was sold back to Air Bound Aviation and then to the accident pilot, operating as Random Ventures, Inc., New York, New York. According to maintenance personnel at CDW, the pilot kept the airplane's maintenance records inside of the airplane. The maintenance records were not recovered during the wreckage recovery operation.

According to FAA records, work orders, and a statement from an employee of a maintenance facility, a prepurchase inspection of N9253N was conducted on April 16, 1999. According to the maintenance facility employee, "the aircraft was found to be in very good condition, with only a few minor discrepancies." According to the records and the maintenance facility employee, an annual inspection was completed on June 18, 1999, at a total airframe time of 622.8 hours, and the airplane was returned to service on June 25, 1999. The records and maintenance facility employee also revealed that the airplane's return to service was delayed because of an error on the airplane's registration form about its exact make and model. A new registration form with the correct information had to be sent to the pilot for his signature.

A July 13, 1999, work order revealed that a "swing" of the compass and the horizontal situation indicator (HSI) were completed. No total airframe time was recorded on that work order. The tachometer recovered in the wreckage indicated 663.5 hours.

A review of other pilots' logbooks revealed that they had flown the airplane without the accident pilot on board. However, it could not be accurately determined how many other pilots might have flown the airplane without the pilot on board or how many flight hours they might have added on to the airplane.

METEOROLOGICAL INFORMATION

The following airport designators (and those previously defined) are used in this section:

ACK - Nantucket Memorial Airport, Nantucket, Massachusetts.

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BDR - Igor I. Sikorsky Memorial Airport, Bridgeport, Connecticut.
BID - Block Island State Airport, Block Island, Rhode Island.
BLM - Allaire Airport, Belmar-Farmingdale, New Jersey.
EWB - New Bedford Municipal Airport, New Bedford, Massachusetts.
EWR - Newark International Airport, Newark, New Jersey.
FMH - Otis ANGB, Falmouth, Massachusetts.
FOK - Francis S. Gabreski Airport, Westhampton Beach, New York.
FRG - Republic Airport, Farmingdale, New York.
ISP - Long Island MacArthur Airport, Islip, New York.
JFK - John F. Kennedy International Airport, New York, New York.
PVD - Theodore Francis Green State Airport, Providence, Rhode Island.
TAN - Taunton Municipal, Taunton, Massachusetts.
TEB - Teterboro Airport, Teterboro, New Jersey.

ACK is located about 27 nautical miles (nm) east-southeast of MVY. HYA is located about 22 nm northeast of MVY.

Pilot Preflight Weather Requests

According to Weather Service International (WSI) personnel, a search of their briefing logs indicated that the pilot, or someone using his user code, made two weather requests from WSI's PILOTbrief Web site on July 16, 1999. The first request, made at 1832:59, was for a radar image. The second request, made at 1834:18, was for a route briefing from TEB to HYA with MVY as an alternate.

The information provided to the requester included en route weather observations from BID, BLM, EWB, EWR, FMH, FOK, FRG, ISP, JFK, PVD, and TAN. These observations indicated that visibilities varied from 10 miles along the route to 4 miles in haze at CDW. The lowest cloud ceiling was reported at 20,000 feet overcast at PVD. These observations were made about 1800. Observations for ACK, CDW, HYA, and MVY were also included. Excerpts from these observations include the following:

ACK 1753...Clear skies; visibility 5 miles in mist; winds 240 degrees at 16 knots.
CDW 1753...Clear skies; visibility 4 miles in haze; winds 230 degrees at 7 knots.
HYA 1756...Few clouds at 7,000 feet; visibility 6 miles in haze; winds 230 degrees at 13 knots.
MVY 1753...Clear skies; visibility 6 miles in haze; winds 210 degrees at 11 knots.

Also included were the following terminal forecasts for ACK and HYA:

ACK (July 16 at 1400 to July 17 at 1400)...July 16...1400 to 2000...Clear skies; visibility greater than 6 miles; winds 240 degrees at 15 knots. Becoming 2000 to 2100, winds 260 degrees at 13 knots.

HYA (July 16 at 1400 to July 17 at 1400)...July 16...1400 to 2200...Clear skies; visibility greater than 6 miles; winds 230 degrees at 10 knots.

According to WSI, the pilot, or someone using his user code, did not access the National Weather Service (NWS) Area Forecast.

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Aviation Forecasts and Surface Weather Observations

Area Forecasts (FA)

Excerpts from the Boston FA, issued July 16 about 2045 and valid until July 17 about 0200, included the following: Coastal Waters (includes area of MVY); Scattered clouds at 2,000 feet. Occasional visibility 3 to 5 miles in haze. Haze tops 7,000 feet.

Excerpts from the Boston FA, issued July 16 about 2045 and valid until July 17 about 0900, included the following: Coastal Waters (includes area of MVY); North of 40 degrees north latitude... Scattered cirrus. Occasional visibility 4 to 5 miles in haze. Haze tops 8,000 feet.

Aviation Terminal Forecasts (TAF)

NWS does not prepare TAFs for MVY. Excerpts from TAFs pertinent to the accident include the following:

The TAF for ACK, issued July 16 about 1330 and valid from July 16 about 1400 to July 17 about 1400, was as follows: July 16 at 1400 to July 17 at 1100...Clear skies; visibility greater than 6 miles; winds 240 degrees at 15 knots. Becoming July 16 at 2000 to July 16 at 2100, winds 260 degrees at 13 knots.

The TAF for ACK, issued July 16 about 1930 and valid from July 16 about 2000 to July 17 about 2000, was as follows: July 16 at 2000 to July 17 at 0200...Winds 240 degrees at 15 knots; visibility 4 miles, mist; scattered clouds at 25,000 feet. Temporary changes from July 16 at 2100 to July 17 at 0100...clouds 500 feet scattered; visibility 2 miles, mist.

The TAF for HYA, issued July 16 about 1330 and valid from July 16 about 1400 to July 17 about 1400, was as follows: July 16 at 1400 to July 17 at 1100...Clear skies; visibility greater than 6 miles; winds 230 degrees at 10 knots. Winds becoming July 16 at 2200 to July 17 at 0000...250 degrees at 8 knots.

The TAF for HYA, issued July 16 about 1930 and valid from July 16 about 2000 to July 17 about 2000, was as follows: July 16 at 2000 to July 17 at 0200...Winds 230 degrees at 10 knots; visibility 6 miles, haze; scattered clouds at 9,000 feet. Temporary changes from July 16 at 2000 to July 17 at 0000...Visibility 4 miles, haze.

In-flight Weather Advisories

No airmen's meteorological information, significant meteorological information (SIGMET), or convective SIGMETs were issued by the NWS Aviation Weather Center in Kansas City, Missouri, for the time and area of the accident. No in-flight weather advisories were in effect along the route between CDW and MVY from 2000 to 2200.

Surface Weather Observations

MVY had an Automated Surface Observing System (ASOS), which was edited and augmented by ATC tower personnel if necessary. The tower manager at MVY was on duty on the night of the accident for an 8-hour shift, which ended when the tower closed, about 2200. During an interview, the tower manager stated that no actions were taken to augment or edit the ASOS during his shift. He also stated the following:

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"The visibility, present weather, and sky condition at the approximate time of the accident was probably a little better than what was being reported. I say this because I remember aircraft on visual approaches saying they had the airport in sight between 10 and 12 miles out. I do recall being able to see those aircraft and I do remember seeing the stars out that night...To the best of my knowledge, the ASOS was working as advertised that day with no reported problems or systems log errors."

ASOS observations for the night of the accident include the following:

ACK

2053...Clear at or below 12,000 feet; visibility 4 miles, mist; winds 240 degrees at 11 knots; temperature 21 degrees [Celsius] C; dewpoint 20 degrees C; altimeter setting 30.10 inches of [mercury] Hg.
2153...Clear at or below 12,000 feet; visibility 4 miles, mist; winds 240 degrees at 12 knots; temperature 21 degrees C; dewpoint 20 degrees C; altimeter setting 30.11 inches of Hg.

BDR

2054...Clear at or below 12,000 feet; visibility 8 miles, haze; winds 230 degrees at 4 knots; temperature 27 degrees C; dewpoint 21 degrees C; altimeter setting 30.08 inches of Hg.

CDW

1953...Clear at or below 12,000 feet; visibility 4 miles, haze; winds 230 degrees at 4 knots; temperature 33 degrees C; dewpoint 18 degrees C; altimeter setting 30.07 inches of Hg.
2053...Clear at or below 12,000 feet; visibility 5 miles, haze; winds 220 degrees at 5 knots; temperature 31 degrees C; dewpoint 19 degrees C; altimeter setting 30.08 inches of Hg.

HPN

2045...7,500 feet broken, 15,000 feet overcast, visibility 5 miles haze; winds 140 degrees at 4 knots; temperature 28 degrees C; dewpoint 22 degrees C; altimeter setting 30.08 inches of Hg.

HYA

2056...Few clouds at 7,000 feet; visibility 6 miles, mist; winds 230 degrees at 7 knots; temperature 23 degrees C; dewpoint 21 degrees C; altimeter setting 30.07 inches of Hg.
2156...Few clouds at 7,500 feet; visibility 6 miles, mist; winds 230 degrees at 8 knots; temperature 23 degrees C; dewpoint 22 degrees C; altimeter setting 30.08 inches of Hg.

MVY

2053...Clear at or below 12,000 feet; visibility 8 miles; winds 250 degrees at 7 knots; temperature 23 degrees C; dewpoint 19 degrees C; altimeter 30.09 inches of Hg.
2153...Clear at or below 12,000 feet; visibility 10 miles; winds 240 degrees at 10 knots, gusts to 15 knots; temperature 24 degrees C; dewpoint 18 degrees C; altimeter 30.10 inches of Hg.

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U.S. Coast Guard Station (USCG) Weather Observations

Safety Board staff reviewed weather observations from USCG stations. Excerpts pertinent to the accident include the following:

Point Judith, Rhode Island
1700...Cloudy, 3 miles visibility in haze, winds south-southwest at 10 knots.
2000...Cloudy, 3 miles visibility in haze, winds south-southwest at 10 knots.
2300...Cloudy, 2 miles visibility, winds southwest at 10 knots.

Brant Point, Massachusetts
1700...Clear, 8 miles visibility.
2000...Overcast, 6 miles visibility.
2300...Scattered clouds, 6 miles visibility.

The Brant Point report stated that two observations were reported by ships. About 2000, a ship 1 nm north of buoy 17, which was about 8 miles north of Martha's Vineyard, reported that the seas were 2 to 3 feet and that the visibility was 5 nm. About 2300, another ship reported that the winds were west-southwest at 10 to 15 knots, the seas were 2 to 3 feet, and the visibility was 6 nm in light haze.

Pilot Weather Observations

Three pilots who had flown over the Long Island Sound on the night of the accident were interviewed after the accident.

One pilot kept his twin turboprop airplane at TEB, and on the evening of the accident, he flew from TEB to ACK. The pilot stated that he drove to TEB from New York City and that the traffic was the second heaviest he had seen in 15 years. The pilot stated that he had called the TEB FBO and estimated that his arrival time would be about 1850; however, he did not arrive until between about 1930 and 2000 because of traffic. The pilot also stated that this delay changed the flight from one that would have been conducted entirely during the day to one that would have to be conducted partially at night. The pilot further stated, "Our car took route 80 to Teterboro Airport. Caldwell Airport, where [the accident pilot] flew from is another 14 minute drive west on route 80 past TEB."

Before departing the city, the pilot had obtained current weather observations and forecasts for Nantucket and other points in Massachusetts, Connecticut, New York, and New Jersey. He stated that the visibility was well above VFR minimums. He also stated that he placed a telephone call to a flight service station (FSS) before leaving the city, while driving to TEB. Regarding the telephone call, he stated the following:

"I asked if there were any adverse conditions for the route TEB to ACK. I was told emphatically: 'No adverse conditions. Have a great weekend.' I queried the briefer about any expected fog and was told none was expected and the conditions would remain VFR with good visibility. Again, I was reassured that tonight was not a problem."

The pilot stated that he departed TEB "...in daylight and good flight conditions and reasonable visibility. The

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horizon was not obscured by haze. I could easily pick our land marks at least five [miles] away." The pilot also stated that he did not request or receive flight information after his departure from TEB. Once clear of the New York Class B airspace, he stated that he climbed his airplane to 17,500 feet and proceeded towards Nantucket. He reported that above 14,000 feet, the visibility was unrestricted; however, he also reported that during his descent to Nantucket, when his global positioning system (GPS) receiver indicated that he was over Martha's Vineyard, he looked down and "...there was nothing to see. There was no horizon and no light....I turned left toward Martha's Vineyard to see if it was visible but could see no lights of any kind nor any evidence of the island...I thought the island might [have] suffered a power failure."

He stated that he had his strobe lights on during the descent and that at no time did they illuminate clouds or fog. He also stated, "I had no visual reference of any kind yet was free of any clouds or fog." The pilot stated that when he contacted the ACK tower for landing, he was instructed to fly south of Nantucket about 5 miles to join the downwind for runway 24; however, he maintained a distance of 3 to 4 miles because he could not see the island at 5 miles. The pilot stated that, as he neared the airport, he had to make a 310-degree turn for spacing. He stated that, during the turn, "I found that I could not hold altitude by outside reference and had to use my [vertical speed indicator] VSI and HSI to hold altitude and properly coordinate the turn."

Another pilot had flown from Bar Harbor, Maine, to Long Island, New York, and crossed the Long Island Sound on the same evening, about 1930. This pilot stated that during his preflight weather briefing from an FSS, the specialist indicated VMC for his flight. The pilot filed an IFR flight plan and conducted the flight at 6,000 feet. He stated that he encountered visibilities of 2 to 3 miles throughout the flight because of haze. He also stated that the lowest visibility was over water, between Cape Cod, Massachusetts, and eastern Long Island. He stated that he did not encounter any clouds below 6,000 feet.

A third pilot departed TEB about 2030 destined for Groton, Connecticut, after a stopover at MVY. He stated that, after departure, he flew south of HPN and, remaining clear of the Class B airspace, he climbed to 7,500 feet. He also stated that, while en route, he monitored several ATC frequencies, but did not transmit on any of them until he neared MVY. His route of flight took him over the north shore of Long Island to Montauk, New York. He stated that he then crossed over Block Island, Rhode Island, and proceeded directly to MVY.

He stated that the entire flight was conducted under VFR, with a visibility of 3 to 5 miles in haze. He stated that, over land, he could see lights on the ground when he looked directly down or slightly forward; however, he stated that, over water, there was no horizon to reference. He stated that he was not sure if he was on top of the haze layer at 7,500 feet and that, during the flight, he did not encounter any cloud layers or ground fog during climb or descent. He further stated that, between Block Island and MVY, there was still no horizon to reference. He recalled that he began to observe lights on Martha's Vineyard when he was in the vicinity of Gay Head. He stated that, before reaching MVY, he would have begun his descent from 7,500 feet and would have been between 3,000 and 5,000 feet over Gay Head (the pilot could not recall his exact altitudes). He did not recall seeing the Gay Head marine lighthouse. He was about 4 miles from MVY when he first observed the airport's rotating beacon. He stated that he had an uneventful landing at MVY about 2145.

About 2200, the pilot departed MVY as the controller announced that the tower was closing. After takeoff, he proceeded on a heading of 290 degrees, climbed to 6,500 feet, and proceeded directly to Groton. The pilot stated that, during the return flight, the visibility was the same as that which he had encountered during the

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flight to MVY, which was about 3 to 5 miles in haze.

Another pilot at CDW had stated to the news media that he cancelled his planned flight from CDW to MVY on the evening of the accident because of the "poor" weather. In a written statement he stated the following:

"From my own judgement visibility appeared to be approximately 4 miles-extremely hazy. Winds were fairly light. Based only on the current weather conditions at CDW, the fact that I could not get my friends to come with me, and the fact that I would not have to spend money on a hotel room in Martha's Vineyard, I made the decision to fly my airplane to Martha's Vineyard on Saturday."

COMMUNICATIONS

No record exists of the pilot, or a pilot using the airplane's registration number, receiving a weather briefing or filing a flight plan with any FAA FSS for the accident flight. Further, no record exists of the pilot, or a pilot using the airplane's registration number, contacting any FSS or ATC tower or facility during the duration of the flight, except for those at CDW.

The MVY ATC tower tape revealed that, during the period of time from when the accident airplane departed CDW until the tower closed and the recorder was turned off (about 2200), no contact was attempted by the pilot, the call sign of N9253N, or any unknown station.

TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEM (TCAS) ALERT NEAR HPN

According to the Aeronautical Informational Manual (AIM), definitions for Class B and D airspace are as follows:

Class B Airspace: "Generally, that airspace from the surface to 10,000 feet MSL [mean sea level], surrounding the nation's busiest airports in terms of IFR operations or passenger enplanements...An ATC clearance is required for all aircraft to operate in the area, and all aircraft that are so cleared receive separation services within the airspace...Regardless of weather conditions, an ATC clearance is required prior to operating within Class B airspace..."

Class D Airspace: "Generally, that airspace from the surface to 2,500 feet above the airport elevation (charted in MSL) surrounding those airports that have an operational control tower...Two-way radio communication must be established with the ATC facility providing ATC services prior to entry and thereafter maintain those communications while in the Class D airspace...."

The following TCAS alert occurred during the approach of a commercial airplane to HPN, which was located within published Class D airspace and the New York Class B airspace. On July 16, 1999, about 2049, American Airlines flight 1484, a Fokker 100, was inbound for landing at HPN. According to the transcripts of communications between flight 1484 and the New York approach controller, at 2049:33, flight 1484 was level at 6,000 feet. At 2049:48, the controller instructed flight 1484 to descend and maintain 3,000 feet, which flight 1484 acknowledged. At 2050:32, the controller issued an approach clearance to flight 1484, which flight 1484 also acknowledged. The following is an excerpt of the communications transcript between flight 1484 and the controller regarding the TCAS:

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2052:22, the controller, "American fourteen eighty four traffic one o'clock and five miles eastbound two thousand four hundred, unverified, appears to be climbing."

2052:29, flight 1484, "American fourteen eighty four we're looking."

2052:56, the controller, "fourteen eighty four traffic one o'clock and uh three miles twenty eight hundred now, unverified."

2053:02, flight 1484, "um yes we have uh (unintelligible) I think we have him here american fourteen eighty four."

2053:10, flight 1484, "I understand he's not in contact with you or anybody else."

2053:14, the controller, "uh nope doesn't not talking to anybody."

2053:27, flight 1484, "seems to be climbing through uh thirty one hundred now we just got a traffic advisory here."

2053:35, the controller, "uh that's what it looks like."

2053:59, flight 1484, "uh we just had a."

2054:12, the controller, "American fourteen eighty four you can contact tower nineteen seven."

2054:15, flight 1484, "nineteen seven uh we had a resolution advisory seemed to be a single engine piper er commanche or something."

2054:21, the controller, "roger."

The event occurred outside of the New York Class B and the HPN Class D airspace, and no corrective action was reported to have been taken by the controller or flight 1484. A review of the radar data correlated the unknown target with the track of N9253N.

AIRPORT INFORMATION

MVY had a field elevation of 68 feet. The hours of operation for the contract-operated tower were from 0600 to 2200. MVY had two runways. Runway 06/24 was asphalt-surfaced, 5,500 feet long, and 100 feet wide. Runway 15/33 was asphalt-surfaced, 3,297 feet long, and 75 feet wide. A VOR-distance measuring equipment (DME) navigation aid was located on the airport. The VOR was listed with a normal anticipated interference-free service of 40 nm, up to 18,000 feet with DME. ILS, VOR, and GPS instrument approaches were published for the airport.

MVY was located about 10 miles east of Gay Head. Gay Head had a lighthouse for marine navigation at 41 degrees, 20.9 minutes north latitude; 70 degrees, 50.1 minutes west longitude. According to USCG personnel, the top of the lighthouse was 170 feet above mean low water and operated 24 hours-a-day. The rotating beacon ran on a 15-second cycle, 7.3 seconds white and 7.3 seconds red. The expected range of

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the white light was 24 miles, and the expected range of the red light was 20 miles.

FLIGHT RECORDERS

The airplane was equipped with a Flightcom Digital Voice Recorder Clock, DVR 300i. The unit contained a digital clock, was wired into the radio communications circuits, and could record conversations between the airplane and other radio sources, ground, or air. The unit was voice activated, and the continuous loop could record and retain a total of 5 minutes of data. The unit had a nonvolatile speech memory that required a 9-volt backup battery to preserve the speech data. When the unit was located in the wreckage, it was crushed, its backup battery was missing, and it had retained no data.

WRECKAGE INFORMATION

On July 20, 1999, the airplane wreckage was located by U.S. Navy divers from the recovery ship, USS Grasp, at a depth of about 120 feet below the surface of the Atlantic Ocean. According to the divers, the recovered wreckage had been distributed in a debris field about 120 feet long and was oriented along a magnetic bearing of about 010/190 degrees. The main cabin area was found in the middle of the debris field.

A Safety Board investigator was present on the USS Grasp during the salvage operation. On July 21, 1999, the main cabin area was raised and placed aboard the USS Grasp. On July 22, 1999, the divers made five additional dives, and the wreckage retrieved from these dives was also placed aboard the USS Grasp. On July 23, 1999, about 2100, the wreckage was transferred from the USS Grasp to the Safety Board at a naval base in Newport, Rhode Island. The wreckage was then transported to the USCG Air Station at Otis Air Force Base, Cape Cod, Massachusetts, the evening of July 23, 1999. The wreckage was examined by Board investigators in a hangar at the USCG Air Station on July 24, 25, and 26, 1999. Follow-up examinations were conducted on August 1 and 2, 1999.

According to the Airworthiness Group Chairman's Report, the engine was found separated from the engine mount truss. The structural tubing on the right side of the engine mount truss was missing. The engine mount truss was deformed to the right and fractured in numerous locations. The upper left engine mount ear and both lower mount ears were fractured. The upper right engine mount ear was bent. The engine and propeller were retained for additional examination.

About 75 percent of the fuselage structure was recovered. A section of the aft cabin roof, about 5 feet long by 3 1/2 feet wide, had separated from the fuselage; this section included the airframe-mounted hinge of the left-side cargo door and a partial frame of the left-side cabin door. The left side of this section exhibited accordion crush damage in the aft direction and contained multiple folds about 5 inches deep. No fuselage structure from the left or right side of the cabin area was recovered, except for a piece of skin, about 2 feet by 2 feet, located beneath the left-side passenger window frame. The belly skin and floor structure of the fuselage were intact aft of the wing spar box carry-through section. The recovered floor structure forward of this section was fragmented. Portions of five of the six seats were found inside the fuselage. The sixth seat was not recovered. Most of the fuselage structure aft of the cabin area was recovered.

About 60 percent of the right wing structure was recovered, including the entire span of the main spar. The right wing had separated into multiple pieces and exhibited more damage than the left wing. The right wing main spar had separated into three pieces. The wing spar had fractured at its attachment to the main

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carry-through section. The upper spar cap fracture exhibited tension on its forward edge and compression on its aft edge. The spar web exhibited aft bending and tearing in this area.

The outboard portion of the wing leading edge exhibited rearward accordion crush damage and was separated from the remainder of the wing. No evidence of upward spar bending damage was found. No evidence of metal fatigue was found in any of the fracture surfaces.

The entire span of the right flap was recovered; it had separated into two sections (chordwise fracture), and both sections had separated from the right wing. Neither flap section exhibited bowing, bulging, or planar deformation. About 33 inches of the right aileron was recovered, and the leading edge of this section exhibited rearward crush deformation.

About 80 percent of the left wing structure was recovered, including the entire span of the main spar. The left wing main spar had separated into several pieces and exhibited less deformation than the right wing. The wing spar was fractured near the left edge of the main carry-through section. The upper and lower spar cap fractures in this area exhibited tension on the forward edges and compression on the aft edges. The spar web also exhibited aft bending and tearing in this area. No evidence of upward spar bending damage was found. No evidence of metal fatigue was found in any of the fracture surfaces.

About 90 percent of the upper and lower wing skin between the main and rear spars was recovered. The upper skin near the left wing tip was flattened out. The leading edge skin near the inboard portion of the left wing, near the stall warning port, exhibited damage consistent with uniform hydrodynamic deformation in the aft direction.

A 27-inch inboard section of the wing flap section was recovered, and the leading edge of this section exhibited aft accordion crush damage. The flap section did not exhibit any bowing, bulging, or planar deformation. The entire span of the left aileron was recovered; it had separated into two pieces. The outboard section of the aileron was curled downward.

The vertical stabilizer and rudder had separated from the aft fuselage. The stabilator had separated from the aft fuselage attach points and had fractured into five pieces. Two of the pieces consisted of left and right outboard sections, about 22 inches long, and exhibited symmetrical aft crush marks that were semicircular, with diameters of about 5 inches. The fracture surfaces of the left outboard section exhibited tearing in the aft direction. The fracture surfaces of the right outboard sections exhibited forward and upward tearing. The left inboard section of the stabilator was more intact than the right inboard section. The leading edge of the right stabilator section exhibited rearward uniform crush damage along its entire leading edge.

The lower portion of the rudder had separated from the vertical stabilizer fin structure and remained attached to the torque tube bellcrank assembly and fin aft spar. The rudder was folded over toward the right side of the airplane. The vertical stabilizer was also twisted, bent, and curled around toward the right. The structure surrounding the dorsal fin area was deformed symmetrically upward.

All three landing gear assemblies had separated from the airframe and were recovered. The retraction/extension actuating cylinders associated with the nose gear and the left main gear were found in the fully retracted position. The retraction/extension actuating cylinder for the right main gear was not recovered.

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Examination of the aileron control cable circuit and associated hardware did not reveal any evidence of a preexisting jam or failure. Flight control cable continuity for the entire right aileron control circuit, including the entire balance cable that links the right aileron to the left aileron, was established. The control cable continuity for the left aileron could not be established because of impact damage and fragmentation. All of the ends of the separations of the aileron control cable circuits exhibited evidence of tensile overload. The stops for the ailerons were examined; no evidence of severe repetitive strike marks or deformations was noted.

Examination of the stabilator control cable circuit and associated hardware did not reveal any evidence of a preexisting jam or failure. Flight control cable continuity for the stabilator was established from the control surfaces to the cockpit controls. The stabilator balance weight had separated from the stabilator, and the fractures associated with the separation were consistent with tensile overload. The stops for the stabilator were examined; no evidence of severe repetitive strike marks or deformations was noted.

Examination of the stabilator trim control cable circuit and associated hardware did not reveal any evidence of a preexisting jam or failure. Control cable circuitry for the stabilator trim was established from the control surfaces to the cockpit area. An examination of the stabilator trim barrel jackscrew revealed that one full thread was protruding out of the upper portion of the trim barrel assembly housing. The barrel assembly was free to rotate and had the trim control cable wrapped around it. The two cable ends were separated about 41 inches and 37 inches, respectively, from the barrel assembly winding. Examination of the separations revealed evidence consistent with tensile overload.

Examination of the rudder control cable circuit and associated hardware did not reveal any evidence of a preexisting jam or failure. Flight control cable continuity for the rudder was established from the control surfaces to the cockpit controls. The stops for the rudder were examined; no evidence of severe repetitive strike marks or deformations was noted.

The electrically driven wing flap jackscrew actuator was not recovered. The flap switch in the cockpit was destroyed. The throttle and propeller controls were found in the FULL-FORWARD position. The mixture control was broken. The alternate air control was found in the CLOSED position. The key in the magneto switch was found in the BOTH position.

The tachometer needle was found intact, fixed in place, and pointed to 2,750 rpm. The red line on the tachometer began at 2,700 rpm. The hour register inside the tachometer read 0663.5 hours. The manifold pressure gauge needle was found fixed in place and indicated 27 inches Hg. The fuel flow gauge needle was found slightly loose and indicated 22 gallons per hour. The exhaust gas temperature gauge needle was found loose and indicated 1,000 degrees Fahrenheit (F). The oil temperature gauge was found fixed and indicated 150 degrees F. The oil pressure gauge was found fixed and indicated about 17 pounds per square inch (psi). The cylinder temperature gauge needle was not found. The fuel quantity gauges were destroyed. The altimeter needle was found fixed and indicated 270 feet. The altimeter setting was found fixed at 30.09 Hg. The top of the VOR indicator heading card was found at the 097-degree bearing.

Examination of all recovered electrical wiring and components did not reveal any evidence of arcing or fire. The circuit breaker panel was deformed and impact damaged. All of the breakers were found in the tripped position, except for the flap, transceiver, and DME. The circuit breaker that provided protection for the

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transponder, which provided the VFR code and altitude readout to radar facilities down to 1,100 feet, was also found tripped.

The fuel selector valve was recovered, and the bottom of the valve was missing. All three fuel line connections were broken off. The valve had separated from the fuselage attach points. The selector valve linkage was deformed, and the valve was found in the OFF position.

A liquid that had a similar color, odor, and texture as 100 low-lead aviation gasoline was found in the fuel selector valve sump. The electrically driven fuel boost pump was able to function when electrical power was applied to it.

The airplane had been equipped with six seats. The seats had been configured in a "club style" arrangement, with two forward-facing seats in row 1 (including the pilot's seat), two aft-facing seats in row 2, and two front-facing seats in row 3. The five recovered seats had separated from the floor structure. Examination of the aluminum backs of both aft-facing seats revealed that they were deformed (bulged) in the forward direction.

The left and right front seats were equipped with lap belts and shoulder harnesses. None of the belts for these seats could be identified in the wreckage. The four seats in rows 2 and 3 were also equipped with lap belts and shoulder harnesses. Both sections of the lap belt for the left-side aft-facing seat were found and exhibited evidence of stretching. The inboard section of the lap belt for the right-side aft-facing seat in row 2 had been cleanly cut about 3 inches from the male-end of the latch, and the outboard section of lap belt for this seat exhibited evidence of stretching. All of the lap belt sections for the seats in row 3 were identified and none exhibited evidence of stretching. The shoulder harnesses for the rear seats could not be identified in the wreckage.

MEDICAL AND PATHOLOGICAL INFORMATION

On July 21, 1999, examinations were performed on the pilot and passengers by Dr. James Weiner, Office of the Chief Medical Examiner, Commonwealth of Massachusetts. The results indicated that the pilot and passengers died from multiple injuries as a result of an airplane accident.

Toxicological testing was conducted by the FAA Toxicology Accident Research Laboratory, Oklahoma City, Oklahoma. The toxicological tests were negative for alcohol and drugs of abuse.

Medical Information

According to medical records, on June 1, 1999, the pilot fractured his left ankle in a "hang gliding" accident, and on June 2, 1999, he underwent surgical "open reduction internal fixation of left ankle fracture." On June 23, 1999, the pilot's leg was removed from a cast and placed in a "Cam-Walker." On July 15, 1999, the pilot's Cam-Walker was removed, and on July 16, 1999, he was given a "straight cane and instructed in cane usage." The medical records noted that the pilot was "full-weight bearing with mild antalgic gait."

During interviews, the pilot's physical therapist stated that the pilot did not have full dorsiflexion (bending upward of the foot) and that he could not determine whether the pilot's gait was caused by his slight limitation of motion or by mild pain. The pilot's orthopedic surgeon stated that he felt that, at the time of the

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accident, the pilot would have been able to apply the type of pressure with the left foot that would normally be required by emergency brake application with the right foot in an automobile.

According to 14 CFR Section 61.53, "Prohibition On Operations During Medical Deficiency," in operations that required a medical certificate, a person shall not act as a pilot-in-command while that person, "(1) Knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the medical certificate necessary for the pilot operation."

According to an FAA medical doctor, a pilot with the type of ankle injury that the accident pilot had at the time of the accident would not normally be expected to visit and receive approval from an FAA Medical Examiner before resuming flying activities.

TESTS AND RESEARCH

Engine and Propeller Examinations

On July 26, 1999, the engine was examined at the Textron-Lycoming Facility, Williamsport, Pennsylvania, under the supervision of a Safety Board powerplants investigator. On July 28, 1999, the propeller hub and blades were examined at the Hartzell Propeller Facility, Piqua, Ohio, under the supervision of a Safety Board powerplants investigator. Parties to the investigation were present during both examinations.

According to the Powerplants Group Chairman's Factual Report, the examinations of the engine and propeller did not reveal evidence of any preexisting failures or conditions that would have prevented engine operation. The report further stated that "the investigation team found impact marks on one of the propeller blades and the top of the engine, witness marks inside the propeller, and the engine controls and instruments in the cockpit that indicated high engine power output."

Autopilot Operation

The airplane was equipped with a Bendix/King 150 Series Automatic Flight Control System (AFCS), which was approved for use in Piper PA-32R-301 model airplanes by the FAA on November 1, 1982. The AFCS provided two-axis control for pitch and roll. It also had an electric pitch trim system, which provided autotrim during autopilot operation and manual electric trim for the pilot during manual operation.

The AFCS installed on the accident airplane had an altitude hold mode that, when selected, allowed the airplane to maintain the altitude that it had when the altitude hold was selected. The AFCS did not have the option of allowing the pilot to preselect an altitude so that the autopilot could fly to and maintain the preselected altitude as it climbed or descended from another altitude. The AFCS had a vertical trim rocker switch installed so that the pilot could change the airplane's pitch up or down without disconnecting the autopilot. The rocker switch allowed the pilot to make small corrections in the selected altitude while in the altitude hold mode or allowed the pitch attitude to be adjusted at a rate of about 0.9 degree per second when not in altitude hold mode.

The AFCS incorporated a flight director, which had to be activated before the autopilot would engage. Once activated, the flight director could provide commands to the flight command indicator to maintain wings level and the pitch attitude. To satisfy the command, the pilot could manually fly the airplane by referencing the

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guidance received in the flight command indicator, or the pilot could engage the autopilot and let it satisfy the commands by maneuvering the aircraft in a similar manner via the autopilot servos.

The AFCS incorporated a navigation mode that could provide guidance to the pilot, or the autopilot, about intercepting and tracking VOR and GPS courses. While engaged in this mode, the AFCS could receive input signals from either the selected VOR frequency and course or from GPS course data selected for presentation on the pictorial navigation indicator. The flight command indicator could then command the bank required to maintain the selected VOR or GPS course with automatic crosswind compensation, and the autopilot, if engaged, would satisfy those commands.

The AFCS incorporated a heading select mode that allowed the pilot to select a heading by moving a "bug" on the outer ring of the pictorial navigation indicator. Once the bug was moved to the desired heading with the heading select button engaged, the autopilot could command the airplane to that heading at a bank angle of about 22 degrees.

The AFCS had a control wheel steering (CWS) button mounted on the control yoke that allowed the pilot to maneuver the aircraft in pitch and roll without disengaging the autopilot. According to AlliedSignal, when the CWS button was released, the autopilot would resume control of the aircraft at the heading and altitude that had been selected at the time the CWS button was released.

According to the FAA and Bendix/King, the trim system was designed to withstand any single in-flight malfunction. Trim faults were visually and aurally annunciated in the cockpit. Through the use of monitor circuits, aircraft control would automatically be returned to the pilot when a fault was detected.

After the AFCS had been preflight tested, it could be engaged and disengaged either manually or automatically. The following conditions would cause the autopilot to automatically disengage: power failure, internal flight control system failure, loss of a valid compass signal, roll rates greater than 14 degrees per second, and pitch rates greater than 8 degrees per second.

Avionics Examinations

On July 29 and 30, 1999, the avionics were examined at the AlliedSignal/King Radios Facility, Olathe, Kansas, under the supervision of a Safety Board investigator. On October 13 and 14, 1999, a follow-up examination of the navigation and communications transceivers and all three autopilot servos was also performed at the AlliedSignal/King Radios Facility under the supervision of a Safety Board investigator. parties to the investigation were present during both examinations.

The accident airplane's AFCS was examined. Examination and functional testing of the AFCS pitch, pitch trim, and roll servos did not reveal any evidence of a preimpact malfunction or jam.

The accident airplane was equipped with a GPS receiver, Bendix/King model KLN-90B. The GPS was capable of presenting moving map displays; bearings and distances to programmable destinations, such as airports and waypoints; airport information; ground speed; and other information. The GPS was also capable of interfacing with the AFCS and the pictorial navigation indicator.

Examination of the GPS unit revealed that it was crushed vertically. The display in the front face of the unit

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was destroyed. The ON/OFF switch was found in the ON position. The navigation database indicated that it was effective on October 8, 1998, and that it expired on November 4, 1998. A wire that connected the circuitry of a 3.6-volt lithium battery was separated. According to AlliedSignal, the lithium battery provided electrical power to retain the nonvolatile memory of the GPS receiver and required a minimum of 2.5 volts to retain memory. The battery voltage was measured to be 0.2 volt, and it was determined that the memory had not been retained.

Examination of the Bendix/King model KR-87, automatic direction finder, revealed that the receiver's primary frequency was set at 400 kilohertz (kHz) and the secondary frequency was set at 200 kHz.

Both of the airplane's communication/navigation transceivers received severe impact damage and could not be powered up. The nonvolatile memory circuit chips were extracted from the transceivers, placed in a test unit, and powered up. The following information was noted about each of the transceivers:

Transceiver No. 1, KX-165

The in-use communication frequency was set at 132.02, which was the same frequency as the TEB automatic terminal information service (ATIS).

The standby communication frequency was set at 135.25; the CDW ATIS had a frequency of 135.5.

The in-use navigation frequency was set at 109.80, which was the same frequency as the New Haven, Connecticut, VOR.

The standby navigation frequency was set at 113.10, which was the same frequency as the LaGuardia Airport, New York, VOR.

Transceiver No. 2, KX-165

The in-use communication frequency was set at 121.40, which was the same frequency as the MVY tower.

The standby communication frequency was set at 127.25; the MVY ATIS had a frequency of 126.25.

The in-use navigation frequency was set at 108.80, which was the same frequency as the BDR VOR.

The standby navigation frequency was set at 110.00, which was the same frequency as the Norwich, Connecticut, VOR.

Safety Board Materials Laboratory Examinations

An examination of the accident airplane's components was conducted in the Safety Board Materials Laboratory in Washington, D.C.

The flight command indicator (Bendix/King model KI-256) was deformed, and its glass faceplate was missing. The center portion of the pictorial display was partially embedded in the side of the housing in a position that indicated a right turn with a bank angle of about 125 degrees and a nose-down pitch attitude of about

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30 degrees. The air-driven gyro housing inside of the flight command indicator was corroded but not deformed. Disassembly and inspection of the gyro did not reveal any scoring marks on the spinning mass gyro and mating housing. The turn coordinator was deformed, and its glass was missing. The display was captured in a position indicating a steep right turn. The electrically driven gyro assembly inside of the instrument was removed and found free to rotate with no binding or case interference. No scoring marks were found on either the spinning mass gyro or mating housing.

The pictorial navigation indicator (Bendix/King model KI-525A) was deformed, and its glass faceplate was missing. The heading indicator was pointing to 339 degrees. The center navigational display needle was oriented along the 300/120-degree bearing. The heading flag was displayed. The heading bug was located at the 095-degree mark. The slaved gyro assembly was partially separated from its mounting, and its case exhibited minor deformation. The gyro housing and internal rotor were disassembled. The interior surface of the case and the exterior surface of the spinning mass rotor did not exhibit any deformation, impact marks, or rotational scoring.

The engine-driven vacuum pump drive shear shaft was intact. The drive end was removed to expose the internal rotor and vanes. The rotor showed several cracks between the bottom of the vane slots and the center of the rotor. All six vanes were removed intact. The rotor was removed in several pieces, and the housing was examined. Examination revealed no evidence of scoring or rotational damage. A metal straight-edge was placed along the long ends of each vane, and no warping or wear was noted.

The electrically driven vacuum pump drive shear shaft was intact. The pump was opened from the motor drive end to expose the rotor and internal vanes. Several cracks were noted in the rotor between the vane slots and the center shaft area. Five of the six vanes were removed and found intact with no fractures or edge chipping. The sixth vane was found wedged and stuck in the rotor, which was stuck inside the housing. Approximately half of the rotor was removed, and examination of its housing revealed no evidence of scoring or rotational damage. A metal straight-edge was placed along the long ends of the removed vanes, and no warping or wear was noted. Disassembly and examination of the vacuum system filter did not reveal any evidence of contaminants or blockages.

The airspeed indicator was damaged, and its glass faceplate was missing. The needle position was found off-scale near the right edge of the density altitude adjustment window; it could be moved, however, when released, it spring-loaded to its as-found position. Magnified examination of marks on the instrument face revealed an outline similar to the size and shape of the needle. This mark was located about two needle widths above the 210-knot marking, which was the maximum marking on the indicator. The location of the needle mark on the airspeed indicator was consistent with the maximum mechanical needle travel position for the airspeed indicator design.

The VSI needle was missing. Magnified examination of marks on the instrument face revealed an outline similar to the size and shape of a needle. This needle mark was pointed at the down-limit position of 2,000 fpm descent.

Microscopic examination of the AFCS light bulbs on the front face of the unit was performed. None of the light bulbs exhibited evidence of filament stretch, including the autopilot engage, flight director, or trim failure light bulbs. An examination of all recovered light bulbs from the airplane's main and landing gear annunciator panels revealed no evidence of filament stretch.

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Aircraft Performance Study

An aircraft performance study was performed by a Safety Board specialist using the Board's computer simulation program. According to the specialist's report, airplane performance data for the final portion of the flight were calculated using radar, aircraft, and weather data. Performance parameters were then computed for the final 7 minutes of the flight.

The calculated parameters showed the airplane initially descending from 5,500 feet at descent rates varying between 400 and 800 fpm, at 2133:40. At 2137:20, the airplane attained a steady descent rate of close to 600 fpm as the airplane passed through 3,000 feet. During the entire descent from 5,500 feet, the calculated airspeed remained near 160 KIAS, and the flightpath angle remained close to -2 degrees. About 2138, the airplane started to bank in a right-wing-down (RWD) direction toward a southerly direction. Calculated parameters indicated an almost constant roll angle of 13 degrees RWD and a vertical acceleration of 1.09 Gs while executing the turn. About 30 seconds after the turn was initiated, at an altitude of 2,200 feet, the airplane stopped descending. The airplane then climbed for the next 30 seconds, attaining a maximum climb rate of 600 fpm. During the ascent, the airplane finished the turn to a southeasterly direction, reduced speed slightly to 153 KIAS, and returned to a wings-level attitude by 2138:50. By 2139, the airplane leveled at 2,500 feet and then flew in a southeasterly direction with wings level while increasing airspeed back to 160 KIAS.

At 2139:50, the airplane entered a left turn, while slightly increasing altitude to 2,600 feet. The airplane reached a maximum bank angle of 28 degrees left-wing-down (LWD) and a maximum vertical acceleration of 1.2 Gs in this turn. When the maximum LWD bank angle was obtained, the altitude started to decrease at a descent rate close to 900 fpm. The LWD attitude was maintained for approximately 15 seconds until the airplane was heading towards the east. At 2140:07, the airplane bank angle returned to wings level. At 2140:15, with the airplane continuing towards the east, it reestablished a descent close to 900 fpm and then started to increase its bank angle in a RWD direction at nearly a constant rate. As the airplane bank angle increased, the rate of descent increased, and the airspeed started to increase. By 2140:25, the bank angle exceeded 45 degrees, the vertical acceleration was 1.2 Gs, the airspeed increased through 180 knots, and the flightpath angle was close to 5 degrees airplane nose down. After 2140:25, the airplane's airspeed, vertical acceleration, bank, and dive angle continued to increase, and the right turn tightened until water impact, about 2141.

ADDITIONAL INFORMATION

Cell Phones

The cell phone records for the three occupants of the airplane reflected one out-going call, about 2025. No calls were listed as being made from, or received by, the cell phones from the time of the takeoff through the estimated time of the accident.

Preflight Briefing

The AIM, published by the FAA, is the official guide to basic flight information and ATC procedures. Under the Section, "Preflight Briefing," it states that FSSs are the primary source for obtaining preflight briefings

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and in-flight weather information. The AIM states that a standard briefing should be requested any time a pilot is planning a flight and has not received a previous briefing or has not received preliminary information through mass dissemination media. The standard briefing should include the following information:

Adverse Conditions: Significant meteorological and aeronautical information that might influence the pilot to alter the proposed flight.

VFR Flight Not Recommended: When VFR flight is proposed and sky conditions or visibilities are present or forecast, surface or aloft, that in the briefer's judgment would make flight under VFR doubtful, the briefer will describe the conditions, affected locations, and use the phrase "VFR flight not recommended."

Current Conditions: Reported weather conditions applicable to the flight will be summarized from all available sources.

En Route Forecast: Forecast en route conditions for the proposed route are summarized in logical order (for example, departure/climbout, en route, and descent).

Destination Forecast: The destination forecast for the planned estimated time of arrival. Any significant changes within 1 hour before and after the planned arrival are included.

Winds Aloft: Forecast winds aloft will be provided using degrees of the compass. The briefer will interpolate wind directions and speeds between levels and stations as necessary to provide expected conditions at planned altitudes.

The AIM also states that a standard briefing should include synopsis, notices to airmen, and ATC delays.

Spatial Disorientation

A review of 14 CFR Part 61, "Certification: Pilots, Flight Instructors, and Ground Instructors," revealed that no specific training requirements exist regarding spatial disorientation. According to the FAA Practical Test Standards, an applicant for a private pilot rating must exhibit knowledge of spatial disorientation. In addition, the publication states that "the examiner shall also emphasize stall/spin awareness, spatial disorientation..."

A review of training records from FSI revealed that while the pilot was preparing for his private pilot certificate, he received instruction on the symptoms, causes, and effects of spatial disorientation and the correct action to take if it occurred. In addition, the pilot received unusual attitude training while attending the private pilot and instrument training courses at FSI.

According to an FAA Instrument Flying Handbook, Advisory Circular 61-27C (AC) (Section II, "Instrument Flying: Coping with Illusions in Flight"), one purpose for instrument training and maintaining instrument proficiency is to prevent a pilot from being misled by several types of hazardous illusions that are peculiar to flight. The AC states that an illusion or false impression occurs when information provided by sensory organs is misinterpreted or inadequate and that many illusions in flight could be created by complex motions and certain visual scenes encountered under adverse weather conditions and at night. It also states that some illusions may lead to spatial disorientation or the inability to determine accurately the attitude or motion of

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the aircraft in relation to the earth's surface. The AC also states that spatial disorientation as a result of continued VFR flight into adverse weather conditions is regularly near the top of the cause/factor list in annual statistics on fatal aircraft accidents.

The AC further states that the most hazardous illusions that lead to spatial disorientation are created by information received from motion sensing systems, which are located in each inner ear. The AC also states that the sensory organs in these systems detect angular acceleration in the pitch, yaw, and roll axes, and a sensory organ detects gravity and linear acceleration and that, in flight, the motion sensing system may be stimulated by motion of the aircraft alone or in combination with head and body movement. The AC lists some of the major illusions leading to spatial disorientation as follows:

"The leans - A banked attitude, to the left for example, may be entered too slowly to set in motion the fluid in the 'roll' semicircular tubes. An abrupt correction of this attitude can now set the fluid in motion and so create the illusion of a banked attitude to the right. The disoriented pilot may make the error of rolling the aircraft back into the original left-banked attitude or, if level flight is maintained, will feel compelled to lean to the left until this illusion subsides.

Coriolis illusion - An abrupt head movement made during a prolonged constant-rate turn may set the fluid in more than one semicircular tube in motion, creating the strong illusion of turning or accelerating, in an entirely different axis. The disoriented pilot may maneuver the aircraft into a dangerous attitude in an attempt to correct this illusory movement....

Graveyard spiral - In a prolonged coordinated, constant-rate turn, the fluid in the semicircular tubes in the axis of the turn will cease its movement...An observed loss altitude in the aircraft instruments and the absence of any sensation of turning may create the illusion of being in a descent with the wings level. The disoriented pilot may pull back on the controls, tightening the spiral and increasing the loss of altitude....

Inversion illusion - An abrupt change from climb to straight-and-level flight can excessively stimulate the sensory organs for gravity and linear acceleration, creating the illusion of tumbling backwards. The disoriented pilot may push the aircraft abruptly into a nose-low attitude, possibly intensifying this illusion.

Elevator illusion - An abrupt upward vertical acceleration, as can occur in a helicopter or an updraft, can shift vision downwards (visual scene moves upwards) through excessive stimulation of the sensory organs for gravity and linear acceleration, creating the illusion of being in a climb. The disoriented pilot may push the aircraft into a nose low attitude. An abrupt downward vertical acceleration, usually in a downdraft, has the opposite effect, with the disoriented pilot pulling the aircraft into a nose-up attitude....

Autokinesis - In the dark, a stationary light will appear to move about when stared at for many seconds. The disoriented pilot could lose control of the aircraft in attempting to align it with the false movements of this light."

The AC also states that these undesirable sensations cannot be completely prevented but that they can be ignored or sufficiently suppressed by pilots' developing an "absolute" reliance upon what the flight instruments are reporting about the attitude of their aircraft. The AC further states that practice and experience in instrument flying are necessary to aid pilots in discounting or overcoming false sensations.

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Narrative (Continued)

Further, the FAA Airplane Flying Handbook, FAA-H-8083-3, chapter 10, states the following about night flying and its affect on spatial orientation:

"Night flying requires that pilots be aware of, and operate within, their abilities and limitations. Although careful planning of any flight is essential, night flying demands more attention to the details of preflight preparation and planning. Preparation for a night flight should include a thorough review of the available weather reports and forecasts with particular attention given to temperature/dewpoint spread. A narrow temperature/dewpoint spread may indicate the possibility of ground fog. Emphasis should also be placed on wind direction and speed, since its effect on the airplane cannot be as easily detected at night as during the day...Night flying is very different from day flying and demands more attention of the pilot. The most noticeable difference is the limited availability of outside visual references. Therefore, flight instruments should be used to a greater degree in controlling the airplane...Under no circumstances should a VFR night-flight be made during poor or marginal weather conditions unless both the pilot and aircraft are certificated and equipped for flight under...IFR...Crossing large bodies of water at night in single-engine airplanes could be potentially hazardous, not only from the standpoint of landing (ditching) in the water, but also because with little or no lighting the horizon blends with the water, in which case, depth perception and orientation become difficult. During poor visibility conditions over water, the horizon will become obscure, and may result in a loss of orientation. Even on clear nights, the stars may be reflected on the water surface, which could appear as a continuous array of lights, thus making the horizon difficult to identify."

According to AC 60-4A, "Pilot's Spatial Disorientation," tests conducted with qualified instrument pilots indicated that it can take as long as 35 seconds to establish full control by instruments after a loss of visual reference of the earth's surface. AC 60-4A further states that surface references and the natural horizon may become obscured even though visibility may be above VFR minimums and that an inability to perceive the natural horizon or surface references is common during flights over water, at night, in sparsely populated areas, and in low-visibility conditions.

A book titled, Night Flying, by Richard Haines and Courtney Flatau, provides some additional information concerning vertigo and disorientation. It states the following:

"Vestibular disorientation refers to the general feeling that one's flight path isn't correct in some way. By calling this effect vestibular, it emphasizes the role played by the middle ear's balance organ. Flying an uncoordinated turn produces this effect as does excessive head turning during a turn in flight. Vestibular disorientation is often subtle in its onset, yet it is the most disabling and dangerous of all disorientation."

Pilot's Operating Handbook (POH)

According to the POH and a photo of the accident airplane's cockpit, the fuel selector control was located below the center of the instrument panel, on the sloping face of the control tunnel, on the cockpit floor. In the "Normal Procedures" section of the POH, under "Cruising," it states, "In order to keep the airplane in best lateral trim during cruise flight, the fuel should be used alternately from each tank at one hour intervals." Also, in the "Normal Procedures" section, under the "Approach and Landing" checklist, the first item listed is "Fuel selector - proper tank."

Wreckage Release

(Continued on Next Page)

National Transportation Safety Board FACTUAL REPORT AVIATION	NTSB ID: NYC99MA178	
	Occurrence Date: 07/16/99	
	Occurrence Type: Accident	

Narrative (Continued)

On August 5, 1999, the main airplane wreckage was released to a representative of the accident pilot's insurance company. On November 17, 1999, the remainder of the retained parts were released and shipped to the insurance company's storage facility.

Additional Persons Participating in the Investigation:

Richard I. Bunker - Massachusetts Aeronautics Commission, Boston, Massachusetts

Tom McCreary - Hartzell Propeller Inc., Piqua, Ohio

National Transportation Safety Board **FACTUAL REPORT** **AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Landing Facility/Approach Information

Airport Name	Airport ID	Airport Elevation	Runway Used	Runway Length	Runway Width
UNK/NA	U/NA	U/NA Ft. MSL	UNK/NA	UNK/NA	UNK/NA

Runway Surface Type: UNK/NA

Runway Surface Condition :	UNK/NA			
Type Instrument Approach :	UNK/NA			
VFR Approach/Landing :	UNK/NA			

Aircraft Information

Aircraft Manufacturer	Model/Series	Serial Number
Piper	PA-32R-301	32-13100

Airworthiness Certificate :	Normal			
Landing Gear Type :	Tricycle-Retractable			

Homebuilt Aircraft? No	Number of Seats: 6	Certified Max Gross Wt.	Number of Engines
Stall Warning System Installed? Yes		3600 LBS	1

Engine Type	Engine Manufacturer	Model/Series	Rated Power
Recip-Fuel Injected	Lycoming	IO-540-K1G5	300 HP

- Aircraft Inspection Information

Type of Last Inspection	Date of Last Inspection	Time Since Last Inspection	Airframe Total Time
Annual	06/25/99	41 Hours	664 Hours

- Emergency Locator Transmitter (ELT) Information

ELT Installed?	ELT Operated?	ELT Aided in Locating Accident Site?
Yes	UNK/NA	UNK/NA

Owner/Operator Information

Registered Aircraft Owner	Street Address		
JOHN F. KENNEDY JR.	1633 BROADWAY		
	City	State	Zip Code
	NEW YORK	NY	10019

Operator of Aircraft	Street Address		
Same As Reg'd Aircraft Owner	Same as Registered Aircraft Owner		
	City	State	Zip Code

Operator Does Business As: RANDOM VENTURES — Operator Designator Code:

- Type of Certificate(s) Held: NONE

Air Carrier Operating Certificate :			

Operating Certificate: — Operator Certificate:

Regulation Flight Conducted Under: 14 CFR 91

Type of Flight Operation Conducted: Personal

National Transportation Safety Board **FACTUAL REPORT** **AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

First Pilot Information

Name	City	State	Date of Birth	Age
JOHN F. KENNEDY JR.	NEW YORK	NY	11/25/60	38

Sex: M	Seat Occupied: Left	Principal Profession: Business	Certificate Number: 119365900

Certificate(s) :	Private			
Airplane Rating(s) :	SE Land			
Rotorcraft/Glider/LTA :	None			
Instrument Rating(s) :	None			
Instructor Rating(s) :	None			

Type Rating Endorsement for Accident/Incident Aircraft? Yes	Current Biennial Flight Review? Yes

Months Since Last BFR	BFR Aircraft Make	BFR Aircraft Model	Medical Certificate: Class 2
15	PIPER	PA-28	Date of Last Medical Exam: 12/27/97

Medical Certificate Status: Valid Medical-No Waivers/Limitations

Source of Pilot Flight Time Information : Pilot Log | Estimate | Other Person

- Flight Time Matrix	All A/C	This Make and Model	Airplane Single Engine	Airplane Multi-Engine	Night	Instrument Actual	Instrument Simulated	Rotorcraft	Glider	Lighter Than Air
Total Time	310	36	308	2	55	9	29	0	0	0
Pilot In Command (PIC)	212	36	212	0	48	0	8	0	0	0
Instructor										
Last 90 Days	45	36	45	0	13	5	9	0	0	0
Last 30 Days	18	17	18	0	6	2	0	0	0	0
Last 24 Hours	0	0	0	0	0	0	0	0	0	0

Seatbelt Used? Yes	Shoulder Harness Used? U/NA	Autopsy Performed? Yes	Toxicology Performed? Yes

Person at Controls of Aircraft at Time of Accident/Incident: First Pilot | Second Pilot? No

Flight Plan/Itinerary

Type of Flight Plan Filed: None

Departure Point	State	Airport Identifier	Departure Time	Time Zone
CALDWELL	NJ	CDW	2039	EDT

Destination	State	Airport Identifier
VINEYARD HAVEN	MA	MVY

Type of Clearance :	None		
Type of Airspace :	Class G		

Weather Information

Source of Briefing :	Com WX Sv/DUATS			
Method of Briefing :	Phone/Computer			

National Transportation Safety Board **FACTUAL REPORT** **AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Weather Information

WOF ID	Observation Time	Time Zone	WOF Elevation	WOF Distance From Accident Site	Direction From Accident Site
MVY	2153	EDT	68 Ft. MSL	15 NM	095 Deg. Mag.

Sky/Lowest Cloud Condition: Clear Ft. AGL		Condition of Light: Night (Dark)
Lowest Ceiling: None Ft. AGL	Visibility: 10 SM	Altimeter: 30.10 "Hg
Temperature: 75 F	Dew Point: 64 F	Wind Direction: 240
		Density Altitude: UNK/NA Ft.
Wind Speed: 10	Gusts: 15	Weather Conditions at Accident Site: Visual Conditions
Visibility (RVR): Ft.	Visibility (RVV) SM	Intensity of Precipitation:
Restrictions to Visibility :	None	
Type of Precipitation :	None	

Accident Information

Aircraft Damage: Destroyed	Aircraft Fire: None	Aircraft Explosion: None

Classification: US Registered on US Soil, Territories or Possessions, or Intl Waters

- Injury Summary Matrix	Fatal	Serious	Minor	None	TOTAL
First Pilot	1				1
Second Pilot					
Dual Student					
Check Pilot					
Flight Engineer					
Cabin Attendants					
Other Crew					
Passengers	2				2
TOTAL ABOARD	3				3
Other Aircraft					
Other Ground					
GRAND TOTAL	3				3

National Transportation Safety Board FACTUAL REPORT AVIATION	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Administrative Information

Investigator-In-Charge (IIC)

ROBERT L. PEARCE

Additional Persons Participating in This Accident/Incident Investigation:

TONY JAMES
FAA/AAI-100
WASHINGTON DC

PAUL LEHMAN
NEW PIPER AIRCRAFT CORP
VERO BEACH FL

GREGORY A. ERIKSON
TEXTRON-LYCOMING
WILLIAMSPORT PA

JAY WICKIM
MATTITUCK AIRBASE INC
MATTITUCK NY

National Transportation Safety Board
Washington, D.C. 20594

Brief of Accident

Adopted 07/06/2000

NYC99MA178
FILE NO. 1349 07/16/99 VINEYARD HAVEN,MA AIRCRAFT REG. NO. N9253N TIME (LOCAL) - 21:41 EDT

MAKE/MODEL - Piper PA-32R-301
ENGINE MAKE/MODEL - Lycoming IO-540-K1G5
AIRCRAFT DAMAGE - Destroyed
NUMBER OF ENGINES - 1

	FATAL	SERIOUS	MINOR/NONE
CREW	1	0	0
PASS	2	0	0

OPERATING CERTIFICATES - None
TYPE OF FLIGHT OPERATION - Personal
REGULATION FLIGHT CONDUCTED UNDER - 14 CFR 91

LAST DEPARTURE POINT - CALDWELL,NJ
DESTINATION - Same as Accident

AIRPORT PROXIMITY - Off airport/airstrip

CONDITION OF LIGHT - Night (dark)

WEATHER INFO SOURCE- Weather observation facility

BASIC WEATHER - Visual (VMC)
LOWEST CEILING - None
VISIBILITY - 0010.000 SM
WIND DIR/SPEED - 240 /010 KTS
TEMPERATURE (F) - 75
OBSTR TO VISION - None
PRECIPITATION - None

PILOT-IN-COMMAND AGE - 38

CERTIFICATES/RATINGS
Private
Single-engine land
INSTRUMENT RATINGS
None

FLIGHT TIME (Hours)

TOTAL ALL AIRCRAFT - 310
LAST 90 DAYS - 45
TOTAL MAKE/MODEL - 36
TOTAL INSTRUMENT TIME - 38

The noninstrument-rated pilot obtained weather forecasts for a cross-country flight, which indicated visual flight rules (VFR) conditions with clear skies and visibilities that varied between 4 to 10 miles along his intended route. The pilot then departed on a dark night. According to a performance study of radar data, the airplane proceeded over land at 5,500 feet. About 34 miles west of Martha's Vineyard Airport, while crossing a 30-mile stretch of water to its destination, the airplane began a descent that varied between 400 to 800 feet per minute (fpm). About 7 miles from the approaching shore, the airplane began a right turn. The airplane stopped its descent at 2,200 feet, then climbed back to 2,600 feet and entered a left turn. While in the left turn, the airplane began another descent that reached about 900 fpm. While still in the descent, the airplane entered a right turn. During this turn, the airplane's rate of descent and airspeed increased. The airplane's rate of descent eventually exceeded 4,700 fpm, and the airplane struck the water in a nose-down attitude. Airports along the coast reported visibilities between 5 and 8 miles. Other pilots flying similar routes on the night of the accident reported no visual horizon while flying over the water because of haze. The pilot's estimated total flight experience was about 310 hours, of which 55 hours were at night. The pilot's estimated flight time in the accident airplane was about 36 hours, of which about 9.4 hours were at night. About 3 hours of that time was without a certified flight instructor (CFI) on board, and about 0.8 hour of that was flown at night and included a night landing. In the 15 months before the accident, the pilot had flown either to or from the destination area about 35 times. The pilot flew at least 17 of these flight legs without a CFI on board, of which 5 were at night. Within 100 days before the accident, the pilot had completed about 50 percent of a formal instrument training course. A Federal Aviation Administration Advisory Circular (AC) 61-27C, "Instrument Flying: Coping with

Illusions in Flight," states that illusions or false impressions occur when information provided by sensory organs is misinterpreted or inadequate and that many illusions in flight could be caused by complex motions and certain visual scenes encountered under adverse weather conditions and at night. The AC also states that some illusions might lead to spatial disorientation or the inability to determine accurately the attitude or motion of the aircraft in relation to the earth's surface. The AC further states that spatial disorientation, as a result of continued VFR flight into adverse weather conditions, is regularly near the top of the cause/factor list in annual statistics on fatal aircraft accidents. According to AC 60-4A, "Pilot's Spatial Disorientation," tests conducted with qualified instrument pilots indicated that it can take as long as 35 seconds to establish full control by instruments after a loss of visual reference of the earth's surface. AC 60-4A further states that surface references and the natural horizon may become obscured even though visibility may be above VFR minimums and that an inability to perceive the natural horizon or surface references is common during flights over water, at night, in sparsely populated areas, and in low-visibility conditions. Examination of the airframe, systems, avionics, and engine did not reveal any evidence of a preimpact mechanical malfunction.

NYC99MA178
FILE NO. 1349 07/16/99 VINEYARD HAVEN,MA AIRCRAFT REG. NO. N9253N TIME (LOCAL) - 21:41 EDT

Occurrence# 1 LOSS OF CONTROL - IN FLIGHT
Phase of Operation DESCENT

Findings
1. - LIGHT CONDITION - DARK NIGHT
2. - WEATHER CONDITION - HAZE
3. - AIRCRAFT CONTROL - NOT MAINTAINED - PILOT-IN-COMMAND
4. - SPATIAL DISORIENTATION - PILOT-IN-COMMAND

Occurrence# 2 IN-FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation DESCENT - UNCONTROLLED

Findings
5. - TERRAIN CONDITION - WATER

The National Transportation Safety Board determines that the probable cause(s) of this accident was:
The pilot's failure to maintain control of the airplane during a descent over water at night, which was a result of spatial disorientation. Factors in the accident were haze, and the dark night.

Format Revision 4/97

National Transportation Safety Board **PRELIMINARY REPORT AVIATION**	NTSB ID: NYC99MA178	Most Critical Injury: FATAL
	Occurrence Date: 07/16/99	Investigated By: NTSB
	Occurrence Type: Accident	ICAO Report Submitted: No

Location/Time

Nearest City/Place	State	Zip Code	Local Time	Time Zone
VINEYARD HAVEN	MA	02568	2141	EDT

Aircraft Information

Registration Number	Aircraft Manufacturer	Model/Series Number
9253N	Piper	PA-32-R301

Type of Aircraft: Airplane	Homebuilt Aircraft? No

Injury Summary :	Fatal 3	Serious 0	Minor 0	None 0

Sightseeing Flight: No **Air Medical Transport Flight:** No

Narrative

Brief narrative statement of facts, conditions, and circumstances pertinent to the accident/incident:

On July 16, 1999, about 2141 eastern daylight time, a Piper PA-32-R301, Saratoga II, N9253N, was destroyed during a collision with water approximately 7 1/2 miles southwest of Gay Head, Martha's Vineyard, Massachusetts. The certificated private pilot and two passengers were fatally injured. Night visual meteorological conditions prevailed, and no flight plan had been filed for the personal flight conducted under 14 CFR Part 91. The flight originated from Essex County Airport (CDW), Caldwell, New Jersey, and was destined for the Martha's Vineyard Airport, (MVY), Vineyard Haven, Massachusetts.

According to witnesses, the flight was en route to Martha's Vineyard to drop off one passenger, and then continue on to Hyannis, Massachusetts. According to computer records, a person using the pilot's subscriber log-in code obtained aviation weather information from an internet site at 1834. The weather information was for a route briefing from Teterboro, New Jersey, to Hyannis, with MVY as an alternate. The forecast for Hyannis called for winds from 230 degrees at 10 knots, visibility 6 miles, and sky clear; with winds becoming 280 degrees at 8 knots. Additionally, no AIRMETS or SIGMETS were issued for the route of flight, and all airports along the route of flight reported visual meteorological conditions.

The flight departed CDW at 2038. The pilot informed the CDW tower controller that he would be proceeding north of the Teterboro Airport, and then eastbound. There is no record of any further communications between the pilot and the air traffic control system. According to radar data, the airplane passed north of the Teterboro Airport, and then continued northeast along the Connecticut coastline at 5,600 feet, before beginning to cross the Rhode Island Sound near Point Judith, Rhode Island.

A review of the radar data revealed that the airplane began a descent from 5,600 feet about 34 miles from MVY. The airspeed was about 160 knots, and the rate of descent was about 700 feet per minute (fpm). About 2,300 feet, the airplane began a turn to the right and climbed back to 2,600 feet. It remained at 2,600 feet for about 1 minute while tracking on a southeasterly heading. The airplane then started a descent of about 700 fpm and a left turn back to the east. Thirty seconds into the maneuver, the airplane started another turn to the right and entered a rate of descent that exceeded 4,700 fpm. The altitude of the last recorded target was 1,100 feet.

On Tuesday, July 20, 1999, about 2240, the airplane was located in 116 feet of water, about 1/4 of a mile north of the 1,100 foot radar target position. The engine, propeller hub and blades, and entire tail section were recovered. The entire span of both main wings' spars were also recovered. Additionally, about 75 percent of the fuselage/cabin area, 80 percent of the left wing structure, and 60 percent of the right wing

(Continued on Next Page)

National Transportation Safety Board PRELIMINARY REPORT AVIATION	NTSB ID: NYC99MA178	
	Occurrence Date: 07/16/99	
	Occurrence Type: Accident	

Narrative (Continued)

structure were recovered. The recovered wreckage was taken from an area that was about 120 feet long and oriented along an approximate bearing of 010/190 degrees.

Preliminary examination of the wreckage revealed no evidence of an in-flight structural failure or fire. The right wing structure exhibited greater deformation than the left wing structure. Two of the three landing gear actuators were recovered and found in the fully retracted position. There was no evidence of conditions found during examinations that would have prevented either the engine or propeller from operating. Visual inspection of the propeller indicated the presence of rotational damage. Detailed examination of the navigation and communication radios, autopilot, and vacuum systems are planned for a later date.

The pilot received his private pilot certificate in April 1998. He did not possess an instrument rating. Interviews and training records revealed that the pilot had accumulated about 300 hours of total flight experience. These hours did not include the recent experience gained in the accident airplane.

Pilots who had flown over the Long Island Sound that evening were interviewed after the accident. These pilots reported that the in-flight visibility over the water was significantly reduced.

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National Transportation Safety Board **PRELIMINARY REPORT AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Other Aircraft Involved

Registration Number	Aircraft Manufacturer	Model/Series Number

Accident Information

Aircraft Damage: Destroyed	Accident Occurred During: Descent
Property Damage: None	

Crew	Name	Certificate No.	Injury
Pilot	JOHN F. KENNEDY JR.	119365900	Fatal
2			
3			
4			
5			
6			

Operator Information

Name	Operator Designator Code	Doing Business As
JOHN F. KENNEDY JR.		RANDOM VENTURES

Street Address	City	State	Zip Code
1633 BROADWAY	NEW YORK	NY	10019

-Type of Certificate(s) Held: NONE

Air Carrier Operating Certificate :			

Operating Certificate:	Operator Certificate:

Regulation Flight Conducted Under: 14 CFR 91

Type of Flight Operation Conducted: Personal

Flight Plan/Itinerary

Type of Flight Plan Filed: None

Last Departure Point	State	Airport Identifier	
CALDWELL	NY	CDW	
Destination	State	Airport Identifier	
VINEYARD HAVEN	MA	MVY	

Weather Information

Investigator's Source: Observation Facility	Facility ID: MVY	Observation Time (Local): 2153
Sky/Lowest Cloud Condition: Clear Ft. AGL		Precipitation: No
Lowest Ceiling: None Ft. AGL	Visibility: 10 SM	Altimeter: 30.10 "Hg

National Transportation Safety Board **PRELIMINARY REPORT** **AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Weather Information (Continued from page 2)

Temperature: 75 F	Dew Point: 64 F	Wind Direction: 240	
Wind Speed: 10 Kts.	Gusts: 15 Kts.	Weather Conditions at Accident Site:	Visual Conditions

Administrative Data

Notification From	Date	Local Time	Time Zone
NEW ENGLAND REG OPS CTR	07/17/99	0445	EDT

FAA District Office/Coordinator	Investigator-In-Charge (IIC)
AAI-100 WASHINGTON D.C. TONY JAMES	ROBERT L. PEARCE

This space for binding

National Transportation Safety Board **PRELIMINARY REPORT AVIATION**	NTSB ID: NYC99MA178	Most Critical Injury: FATAL
	Occurrence Date: 07/16/99	Investigated By: NTSB
	Occurrence Type: Accident	ICAO Report Submitted: No

Location/Time

Nearest City/Place	State	Zip Code	Local Time	Time Zone
VINEYARD HAVEN	MA	02568	2141	EDT

Aircraft Information

Registration Number	Aircraft Manufacturer	Model/Series Number
9253N	Piper	PA-32-R301

Type of Aircraft: Airplane	Homebuilt Aircraft? No

Injury Summary :	Fatal 3	Serious 0	Minor 0	None 0

Sightseeing Flight: No **Air Medical Transport Flight:** No

Narrative

Brief narrative statement of facts, conditions, and circumstances pertinent to the accident/incident:

On July 16, 1999, about 2141 eastern daylight time, a Piper PA-32-R301, Saratoga II, N9253N, was destroyed during a collision with water approximately 7 1/2 miles southwest of Gay Head, Martha's Vineyard, Massachusetts. The certificated private pilot and two passengers were fatally injured. Night visual meteorological conditions prevailed, and no flight plan had been filed for the personal flight conducted under 14 CFR Part 91. The flight originated from Essex County Airport (CDW), Caldwell, New Jersey, and was destined for the Martha's Vineyard Airport, (MVY), Vineyard Haven, Massachusetts.

According to witnesses, the flight was en route to Martha's Vineyard to drop off one passenger, and then continue on to Hyannis, Massachusetts. According to computer records, a person using the pilot's subscriber log-in code obtained aviation weather information from an internet site at 1834. The weather information was for a route briefing from Teterboro, New Jersey, to Hyannis, with MVY as an alternate. The forecast for Hyannis called for winds from 230 degrees at 10 knots, visibility 6 miles, and sky clear; with winds becoming 280 degrees at 8 knots. Additionally, no AIRMETS or SIGMETS were issued for the route of flight, and all airports along the route of flight reported visual meteorological conditions.

The flight departed CDW at 2038. The pilot informed the CDW tower controller that he would be proceeding north of the Teterboro Airport, and then eastbound. There is no record of any further communications between the pilot and the air traffic control system. According to radar data, the airplane passed north of the Teterboro Airport, and then continued northeast along the Connecticut coastline at 5,600 feet, before beginning to cross the Rhode Island Sound near Point Judith, Rhode Island.

A review of the radar data revealed that the airplane began a descent from 5,600 feet about 34 miles from MVY. The airspeed was about 160 knots, and the rate of descent was about 700 feet per minute (fpm). About 2,300 feet, the airplane began a turn to the right and climbed back to 2,600 feet. It remained at 2,600 feet for about 1 minute while tracking on a southeasterly heading. The airplane then started a descent of about 700 fpm and a left turn back to the east. Thirty seconds into the maneuver, the airplane started another turn to the right and entered a rate of descent that exceeded 4,700 fpm. The altitude of the last recorded target was 1,100 feet.

On Tuesday, July 20, 1999, about 2240, the airplane was located in 116 feet of water, about 1/4 of a

(Continued on Next Page)

National Transportation Safety Board PRELIMINARY REPORT AVIATION	NTSB ID: NYC99MA178	
	Occurrence Date: 07/16/99	
	Occurrence Type: Accident	

Narrative (Continued)

mile north of the 1,100 foot radar target position. The engine, propeller hub and blades, and entire tail section were recovered. The entire span of both main wings' spars were also recovered. Additionally, about 75 percent of the fuselage/cabin area, 80 percent of the left wing structure, and 60 percent of the right wing structure were recovered. The recovered wreckage was taken from an area that was about 120 feet long and oriented along an approximate bearing of 010/190 degrees.

Preliminary examination of the wreckage revealed no evidence of an in-flight structural failure or fire. The right wing structure exhibited greater deformation than the left wing structure. Two of the three landing gear actuators were recovered and found in the fully retracted position. There was no evidence of conditions found during examinations that would have prevented either the engine or propeller from operating. Visual inspection of the propeller indicated the presence of rotational damage. Detailed examination of the navigation and communication radios, autopilot, and vacuum systems are planned for a later date.

The pilot received his private pilot certificate in April 1998. He did not possess an instrument rating. Interviews and training records revealed that the pilot had accumulated about 300 hours of total flight experience. These hours did not include the recent experience gained in the accident airplane.

Pilots who had flown over the Long Island Sound that evening were interviewed after the accident. These pilots reported that the in-flight visibility over the water was significantly reduced.

This space for binding

National Transportation Safety Board **PRELIMINARY REPORT AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Other Aircraft Involved

Registration Number	Aircraft Manufacturer	Model/Series Number

Accident Information

Aircraft Damage: Destroyed	Accident Occurred During: Descent
Property Damage: None	

Crew	Name	Certificate No.	Injury
Pilot	JOHN F. KENNEDY JR.	119365900	Fatal
2			
3			
4			
5			
6			

Operator Information

Name	Operator Designator Code	Doing Business As
JOHN F. KENNEDY JR.		RANDOM VENTURES

Street Address	City	State	Zip Code
1633 BROADWAY	NEW YORK	NY	10019

-Type of Certificate(s) Held: NONE

Air Carrier Operating Certificate :			

Operating Certificate:	Operator Certificate:

Regulation Flight Conducted Under: 14 CFR 91

Type of Flight Operation Conducted: Personal

Flight Plan/Itinerary

Type of Flight Plan Filed: None

		State	Airport Identifier
Last Departure Point	CALDWELL	NY	CDW
Destination	VINEYARD HAVEN	MA	MVY

Weather Information

Investigator's Source: Observation Facility	Facility ID: MVY	Observation Time (Local): 2153
Sky/Lowest Cloud Condition: Clear Ft. AGL		Precipitation: No
Lowest Ceiling: None Ft. AGL	Visibility: 10 SM	Altimeter: 30.10 "Hg

PRELIMINARY INFORMATION - SUBJECT TO CHANGE

National Transportation Safety Board **PRELIMINARY REPORT** **AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Weather Information (Continued from page 2)

Temperature: 75 F	Dew Point: 64 F	Wind Direction: 240	
Wind Speed: 10 Kts.	Gusts: 15 Kts.	Weather Conditions at Accident Site: Visual Conditions	

Administrative Data

Notification From	Date	Local Time	Time Zone
NEW ENGLAND REG OPS CTR	07/17/99	0445	EDT

FAA District Office/Coordinator	Investigator-In-Charge (IIC)
AAI-100 WASHINGTON D.C. TONY JAMES	ROBERT L. PEARCE

National Transportation Safety Board **PRELIMINARY REPORT AVIATION**	NTSB ID: NYC99MA178	Most Critical Injury: FATAL
	Occurrence Date: 07/16/99	Investigated By: NTSB
	Occurrence Type: Accident	ICAO Report Submitted: No

Location/Time

Nearest City/Place	State	Zip Code	Local Time	Time Zone
VINEYARD HAVEN	MA	02568	2141	EDT

Aircraft Information

Registration Number	Aircraft Manufacturer	Model/Series Number
9253N	Piper	PA-32-R301

Type of Aircraft: Airplane	Homebuilt Aircraft? No			
Injury Summary :	Fatal 3	Serious 0	Minor 0	None 0

Sightseeing Flight: No **Air Medical Transport Flight:** No

Narrative

Brief narrative statement of facts, conditions, and circumstances pertinent to the accident/incident:

On July 16, 1999, about 2141 eastern daylight time, a Piper PA-32-R301, Saratoga II, N9253N, was destroyed d certificated private pilot and two passengers were fatally injured. Night visual meteorological conditions prevaile Essex County Airport (CDW), Caldwell, New Jersey, and was destined for the Martha's Vineyard Airport, (MVY), V

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Preliminary examination of the wreckage revealed no evidence of an in-flight structural failure or fire. The right recovered and found in the fully retracted position. There was no evidence of conditions found during examinatic the presence of rotational damage. Detailed examination of the navigation and communication radios, autopilot,

The pilot received his private pilot certificate in April 1998. He did not possess an instrument rating. Interviews a not include the recent experience gained in the accident airplane.

Pilots who had flown over the Long Island Sound that evening were interviewed after the accident. These pilots re

National Transportation Safety Board

PRELIMINARY REPORT AVIATION

NTSB ID: NYC99MA178

Occurrence Date: 07/16/99

Occurrence Type: Accident

Other Aircraft Involved

Registration Number	Aircraft Manufacturer	Model/Series Number

Accident Information

Aircraft Damage: Destroyed

Accident Occurred During: Descent

Property Damage: None

Crew	Name	Certificate No.	Injury
Pilot	JOHN F. KENNEDY JR.	119365900	Fatal
2			
3			
4			
5			
6			

Operator Information

Name	Operator Designator Code	Doing Business As
JOHN F. KENNEDY JR.		RANDOM VENTURES

Street Address	City	State	Zip Code
1633 BROADWAY	NEW YORK	NY	10019

-Type of Certificate(s) Held: NONE

Air Carrier Operating Certificate :

Operating Certificate:

Operator Certificate:

Regulation Flight Conducted Under: 14 CFR 91

Type of Flight Operation Conducted: Personal

Flight Plan/Itinerary

Type of Flight Plan Filed: None

		State	Airport Identifier
Last Departure Point	CALDWELL	NY	CDW
Destination	VINEYARD HAVEN	MA	MVY

Weather Information

Investigator's Source: Observation Facility

Facility ID: MVY

Observation Time (Local): 2153

Sky/Lowest Cloud Condition: Clear Ft. AGL

Precipitation: No

Lowest Ceiling: None Ft. AGL

Visibility: 10 SM

Altimeter: 30.10 "Hg

National Transportation Safety Board **PRELIMINARY REPORT AVIATION**	NTSB ID: NYC99MA178 Occurrence Date: 07/16/99 Occurrence Type: Accident	

Weather Information (Continued from page 2)

Temperature: 75 F	Dew Point: 64 F	Wind Direction: 240	
Wind Speed: 10 Kts.	Gusts: 15 Kts.	Weather Conditions at Accident Site:	Visual Conditions

Administrative Data

Notification From	Date	Local Time	Time Zone
NEW ENGLAND REG OPS CTR	07/17/99	0445	EDT

FAA District Office/Coordinator	Investigator-In-Charge (IIC)
AAI-100 WASHINGTON D.C. TONY JAMES	ROBERT L. PEARCE

National Transportation Safety Board **PRELIMINARY REPORT AVIATION**	NTSB ID: NYC99MA178	Most Critical Injury: FATAL
	Occurrence Date: 07/16/99	Investigated By: NTSB
	Occurrence Type: Accident	ICAO Report Submitted: No

Location/Time

Nearest City/Place	State	Zip Code	Local Time	Time Zone
VINEYARD HAVEN	MA	02568	2141	EDT

Aircraft Information

Registration Number	Aircraft Manufacturer	Model/Series Number
9253N	Piper	PA-32-R301

Type of Aircraft: Airplane	Homebuilt Aircraft? No

Injury Summary :	Fatal 3	Serious 0	Minor 0	None 0

Sightseeing Flight: No **Air Medical Transport Flight:** No

Narrative

Brief narrative statement of facts, conditions, and circumstances pertinent to the accident/incident:

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Destination	VINEYARD HAVEN	MA	MVY

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Investigator's Source: Observation Facility	Facility ID: MVY	Observation Time (Local): 2153
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AAI-100 WASHINGTON D.C. TONY JAMES	ROBERT L. PEARCE

ALERT TO ACTION
Congressional Action Program
Paeonian Springs, Virginia

June 1993

VACCINATION MANDATE THREATENS FAMILY

PLAN WOULD REQUIRE ALL CHILDREN TO BE REGISTERED AT BIRTH AND TRACKED

The Clinton Administration is leading a bi-partisan effort in the House and Senate to implement a one billion dollar program to vaccinate all children in the U.S. Under the Clinton proposal, children would be required to receive vaccinations at the time of birth or shortly thereafter, but no later than age two. This proposal would create a nationwide tracking system that would require all children to be registered at birth in a centralized computer databank.

The "Comprehensive Child Immunization Act" [S.732 & S.733] was introduced on April 1, 1993, by Senator Ted Kennedy (D-MA) and Senator Don Riegle (D-MI). The drafters of the bill worked closely with the Children's Defense Fund in formulating the proposal. The House version of the bill H.R. 1640, was introduced by Congressman Henry Waxman (D-CA).

At first glance, a proposal for universal vaccination might seem like a very positive step for America's children. The truth behind the pro-immunization rhetoric is that the Clinton proposal would transfer the responsibility for the medical care of children from the family to the State.

Kennedy spokesman Dr. Keith Powell told the National Center for Home Education that a primary goal of the bill was to create a "registry with the capacity to do tracking and surveillance." Regarding enforcement mechanisms against parents who withhold some vaccinations from their children, Powell stated that the law would be designed so that "if a child does not show up and get a vaccination, bells and whistles will go off."

VACCINES ARE CONTROVERSIAL

A growing number of physicians are expressing concern about various vaccination programs, believing that the harm done from them may be far more extensive than generally recognized. Physicians, parents and consumer interest groups have expressed reservations about many of the vaccines currently being marketed.

Genuine issues exist regarding vaccine efficacy and safety. Thousands of children have been damaged by vaccines. Seizures, retardation and death are only a few of the many potential "side-effects." The National Vaccine Information Center recently announced that 17,221 adverse reactions to vaccines were reported to the Food and Drug Administration during a twenty month period that ended in July 1992. And as Lynn Sherr reported on *20/20* of January 26, 1990, "Even the FDA admits that adverse reactions are rarely reported." In fact, the FDA estimates that fewer than 10% of doctors report any reactions they have observed. Also, as of September 1992, the federal Vaccine Injury Compensation Program had paid over $249 million dollars to the families of those seriously injured or killed by vaccines, and was backlogged with nearly 4,000 unresolved cases.

Currently both state and federal laws acknowledge the dangers and risks of vaccination. Current federal law (PL 99-660) requires that parents indicate that they are aware of the risks of vaccination through written materials mandatorily provided by doctors. Furthermore, all states allow for various exemptions, including those on religious, philosophical, personal, and medical grounds.

There is a lack of evidence that vaccines may be consistently relied upon to confer immunity. For example, the December 29, 1989 edition of the *Morbidity and Mortality Weekly Report*, a U.S. Government publication, indicated that measles outbreaks that continue to occur among 100 percent vaccinated populations. In fact, of all reported cases of measles in the U.S. in 1984, more than 58 percent of the school age children were "adequately" vaccinated.

Some studies even show that a virus may be more likely to be contracted by those who are vaccinated against it than by those who are left alone. In January of this year, the United States Court of Appeals for the Fourth Circuit affirmed [*In re Sabin*] the right of seven individuals, children and adults, to recover millions of dollars in compensatory damages for contracting polio they sustained from polio vaccine batches which had been approved by the federal government. The Court found that for more than twenty years the U.S. government had willfully and knowingly released batches of polio vaccines which did not meet the government declared regulatory specifications, thus jeopardizing the lives of untold thousands. Reports from the Centers for Disease Control indicate that hundreds of others have contracted polio from the live vaccine. The trial also established that since its introduction in 1963, the live oral polio vaccine is the only source of polio in this country. In other words, the oral polio vaccine is the cause of the very disease it was designed to prevent.

Despite the controversial nature of vaccines, the Comprehensive Childhood Immunization Act has no clearly specified exemptions from compulsory vaccination.

FAILURE TO VACCINATE MAY RESULT IN CHARGES OF CHILD ABUSE AND NEGLECT

There has been a growing movement among child welfare authorities to equate non-vaccination with child abuse or neglect. The Clinton plan would have the effect of federalizing the mandate for universal vaccinations, thus creating the presumption that non-vaccination equals neglect. On the state level a number of parents have been found guilty of child neglect for withholding vaccinations from their children.

On February 15, 1993, the *Wall Street Journal* reported that a New York judge ruled that failure to immunize a pre-school child constitutes child abuse. In that case, the court found a father neglectful because he declined, for religious reasons, to allow his daughter to be vaccinated against measles. The judge reached this conclusion even though she specifically found that the father was a "diligent, loving and concerned parent" in all other regards.

In addition to child abuse charges, many parents have been

harassed by officials for non-vaccinatio... one circumstance, after a Middletown, Ohio woman whose two children were killed by the DPT vaccine refused to vaccinate her only surviving child, officials from the Ohio Department of Health sent her "warning" letters that she must vaccinate the child (*Dayton Daily News*, September, 1988).

THE CLINTON PROPOSAL ATTACKS PARENTAL RIGHTS AND FAMILY PRIVACY

If the Clinton proposal becomes law family privacy would be jeopardized by the government's registration and "surveillance" of children. The assumption of the proposal is that parents are not making wise medical decisions for their children, therefore, health bureaucrats and social workers must do it for them. Another concern is that the bill would undermine the doctor/patient privilege by requiring doctors to report their patients to the registry (potentially for prosecution) where the family has chosen not to vaccinate.

The tracking and registration of children is part of President Clinton's broader plan to record and track all personal health information through computer-linked databases using the "smart card," a universal identity card. Embedded in the plastic of the smart card is a powerful computer complete with a memory chip and microprocessor. Ira Magaziner, a Clinton Administration health care policy official, asserted that the President wants "to create an integrated system with a card that everyone will get at birth" [emphasis ours].

Under the Clinton National Immunization Tracking System, every registered newborn child in America will be monitored through a national database linked to other database systems. The Kennedy bill includes provisions which specifically amend the Privacy Act to allow government officials to access private information from the registry without the consent of the parent or individual. This access to registry information provides antagonistic social workers and health officials with the tools to monitor the home and to effectively wield police power against those families who decide not to cooperate.

WHO CALLS THE SHOTS?

There is growing concern that vaccine policy is being determined by political and economic expediency. The federal government's push to vaccinate all American children with the hepatitis B vaccine is just one example of medical policy being formulated by special interest groups and financially motivated vaccine manufacturers. If the Clinton proposal becomes law, all infants will be required to receive the hepatitis B vaccine 12 hours after birth. This is true even though the hepatitis vaccine is considered very dangerous and highly controversial. *Medical World News* (January 10, 1983) reported that when the hepatitis vaccine became available many doctors were concerned that it might be contaminated with a microorganism responsible for the AIDs epidemic. Vaccine researcher Dr. Robert Mendelsohn documented the fact that two-thirds of doctors eligible for the hepatitis B vaccine have refused to take it.

After an extensive lobbying campaign by the homosexual community to persuade government officials that it is the civic duty of every American to receive this controversial vaccine, the Clinton Administration is moving forward with the requirement that all babies be subjected to the hepatitis B shot, even though hepatitis B is a virus primarily contracted by prostitutes, intravenous drug users and homosexuals. The theory is that when an infant grows up to be a homosexual, a junkie or a member of another high risk category, he won't have to worry about contracting hepatitis B.

Barbara Loe Fisher, author of *DPT: A Shot In the Dark*, and a former Reagan Administration appointee to the National Vaccine Advisory Committee gave this shocking testimony: "In 1990, when the committee discussed the hepatitis B vaccine, I asked a vaccine researcher employed by the Centers for Disease Control if a large study had ever been done in America to prove the effectiveness and safety of giving hepatitis B along with DPT, OPVB and HIB at one time to every healthy two-month-old American infant. The researcher admitted that no study had been conducted. . . . In effect, American children are participating in a national vaccine experiment every time a new vaccine is produced and added to the existing vaccine schedule."

The facts behind the approval of hepatitis B are alarming. The homosexual community was demanding a vaccine to treat their high risk behavior. The drug manufacturers could not recoup their profits without mass distribution of the vaccine. The only way to mass distribute a hepatitis B vaccine (and thus guarantee profitability to the manufacturers) was to pressure policymakers to require that every child receive it.

The issue seems clear: Should parents be coerced to subject their children to the risks of the controversial and potentially dangerous hepatitis B vaccine just to satisfy the demands of the sodomites so they can continue their own health-jeopardizing behavior? On a fundamental level the questions is this: Who should be calling the shots, loving parents or politically compromised government officials?

ACTION Urgently Needed:

Write your **two U.S. Senators** and your **U.S. Congressional Representative** now.

Letters should be addressed:

The Honorable (first name) (last name)
U.S. Senate (or U.S. House of Representatives)
Washington, DC 20510

Dear Senator (last name): or Dear Representative (last name):

Please OPPOSE the Comprehensive Child Immunization Act *and all similar legislation: (1) It is an invasion of privacy, and (2) It restricts the right of parents to exercise their responsibility to make informed medical decisions on behalf of their children. The safety and effectiveness of particular vaccines is a matter of much debate. As parents we are concerned about the health of our children, and as citizens we are opposed to the loss of freedoms this proposal would require. This kind of policy should be left up to the states.*

(This is sample language only. Utilize this information and put in your own words. A short letter is better than no letter at all. It is best to limit your letter to one page. If you home school, write your letter as a parent, not as a home schooler.)

The names of your U.S. Senators and Representative should be available from: local library, local paper, county registrar of voters, or Federal Government section in white pages of the telephone book. The general telephone # for U.S. Senators and Representatives: (202) 224-3121.

ADDITIONAL ACTION: Please use the information in this paper to write a letter to the editor of your local newspaper, warning of the dangers of the Clinton plan.

This special report was prepared by Douglas Phillips, Director of the *Congressional Action Program*. P.O. Box 125 Paeonian Springs, VA 22129. Permission is given to reprint this report in its entirety.

JUL 4 1987

The News-Sentinel

July 4-5, 1987

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North made plans to call martial law

By ALFONSO CHARDY
Of Our Washington Bureau

WASHINGTON — Lt. Col. Oliver North helped draft a plan in 1984 to impose martial law in the United States in event of an emergency, inspiring a sharp protest by then-Attorney General William French Smith, according to government officials.

The secret plan called for suspension of the Constitution, turning control of the government over to the little-known Federal Emergency Management Agency, appointment of military commanders to run state and local governments and the declaration of martial law in the event of such a crisis as nuclear war, violent and widespread internal dissent or national opposition to a U.S. military invasion abroad.

Investigators now believe that from 1983 to 1986 North's office, in the Old Executive Office Building adjacent to the White House, was the heart of an informal secret structure involved in far more than the sale of arms to Iran and the funding of the undercover war in Nicaragua.

North's influence within the secret structure was so great, the sources said, that he was able to have the orbits of sophisticated surveillance satellites altered to follow Soviet ships around the world, call for the launching of high-flying spy aircraft on secret missions over Cuba and Nicaragua and become involved in sensitive domestic activities.

Some of Reagan's closest friends and advisers, including former national security adviser William Clark, the late CIA Director William Casey and Attorney General Edwin Meese, were part of that informal secret structure, according to several congressional investigators and government officials who released the information on the condition they remain anonymous.

North's involvement in a proposal to radically alter American government by executive order in a time of crisis is evidence that he was involved in a wide range of secret activities, foreign and domestic, far beyond the Iran-Contra affair, according to the officials.

Arthur Liman, the chief counsel of the Senate Iran-Contra committee, has declared in an unreleased memo that North was at the center of what amounted to a "secret government-within-a-government."

North, a staff member of President Reagan's National Security Council until his dismissal last November, begins long-awaited testimony Tuesday before the Senate and House Iran-Contra committees.

North

Liman wrote prior to the current hearings that he expected to show that "a policy decision was made at the highest levels" to transfer U.S. support of the Nicaraguan Contra rebels to the NSC, where North operated. Thus, Liman wrote, "we favor examining how that decision was implemented."

"This is the part of the story that reveals the whole secret government-within-a-government, operated from the Executive Office Building by a lieutenant colonel, with its own army, air force, diplomatic agents, intelligence operatives and appropriations capacity," Liman wrote.

North helped draft the plan to impose martial law while serving as the NSC's liaison to FEMA, an executive agency with responsibility for the government's management of national crises.

Alarmed at the plan, Attorney General Smith dispatched a letter to William McFarlane, North's NSC boss at the time. The Aug. 2, 1984, letter expressed fear that FEMA was establishing itself as an "emergency czar."

"I believe that the role assigned to FEMA in the revised Executive Order exceeds its proper function as a coordinating agency for emergency preparedness," Smith wrote. "This department and others have repeatedly raised serious policy and legal objections to the creation of an 'emergency czar' role for FEMA."

The contingency plan was being written as part of an executive order or legislative package that Reagan would sign and hold within the NSC until such time as a severe crisis arose, an administration official said. It is not known whether Reagan signed the plan.

Officials consulted for this article — members of the CIA, State Department and Pentagon — said they do not have a full record yet of the secret government.

The White House has rejected Liman's notion of a secret government.

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PLUS ■ PATHWAYS ■ WEDDINGS ■ DEAR ABBY ■ COLOR COMICS ■ SUMMIT ■ STOCKS

Update

Nation

Man accused of setting fire to occupied house

By TAREK HAMADA
Of The News-Sentinel

A man allegedly set a house on fire with five people inside, and when they escaped, tried to run them over with a car.

The family discovered the fire and went to a nearby grocery store, where they called for help.

Police gave the following account of Friday's fire:

After an argument with Barbara Thoza, George Thoza Jr. started the fire at 6:57 p.m. in Sabrina Hart's bedroom on the second floor of the house and left.

Minutes later, the rest of the family discovered the fire and went to a nearby grocery store, where they called for help.

While they were walking back to the house, George Thoza Jr. tried to run them over with his car.

He is in the City-County Jail in lieu of $10,750 bond. He also is charged with driving without a license and current vehicle registration papers.

In December, the family lost its home in the 700 block of Walnut Street when one of the children playing with a disposable lighter started a fire. Sabrina Hart was rescued by firefighters after a four-minute search. Pvt. Rick Nabrowski found her lying in a crib.

[redacted]at Kind of Counterfeiting Operation the Government is Running"

RON PAUL
[redacted]

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

Congress of the United States
House of Representatives
Washington, D.C. 20515

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

August 27, 1979

St. Louis, Mo. 63129

Dear Mr. :

Thank you for your letter of August 20 and the enclosed copy of your letter to Mr. Volker.

Strictly speaking, it probably is not "necessary" for the federal government to tax anyone directly; it could simply print the money it needs. However, that would be too bold a stroke, for it would then be obvious to all what kind of counterfeiting operation the government is running. The present system combining taxation and inflation is akin to watering the milk: too much water and the people catch on.

Sincerely,

Ron Paul

Ron Paul
Member of Congress

Ron Paul was re-elected to Congress 11-5-96.

with the workers or they took the vaguest of half measures against them. Official sources eventually listed some 46 killed and 270 wounded.

Mr. Speaker, on this commemorative day, I want to take the opportunity to salute our American citizens of Polish descent and pray that the courage of their brothers and sisters across the seas will soon be rewarded with freedom and true self-determination.

CLEAN AIR DEBATE

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1976

Mr. McCOLLISTER. Mr. Speaker, the House will have before it within a month, the long-awaited Clean Air Act amendments. There are many serious and significant policy questions which this bill must resolve.

One of the most serious, but relatively unpublicized, is the question of preventing the anticipated anticompetitive and anticonsumer impact of the performance warranty provided in the 1970 act but never implemented.

Our House Small Business Committee, in 1974, recommended reducing the length of this warranty from 5 years to 1 year. The Interstate and Foreign Commerce Committee unanimously accepted an 18-month warranty—the compromise worked out in the subcommittee.

Two experienced and thoughtful reporters of events in our Capital City, Jerald terHorst and Darwin Olofson, have made the performance warranty question the topic of recent news stories. Because they provide a useful insight in understanding this problem, I am including them in the RECORD at this point:

[From the Sunday News, May 30, 1976]

NADER STAND HIT ON "CLEAN AIR" DEBATE

(By J. F. terHorst)

WASHINGTON.—While public attention is being diverted by the political smog over the presidential primaries, the U.S. Senate is about to begin floor debate on the long-awaited "Clean Air Amendments of 1976."

That could have more effect on the air we breathe, the places we work and the money we spend than almost anything else the Senate and the White House candidates have said and done all year.

It's a pity the existing Clean Air Act of 1970 has not curbed the noxious emissions along the campaign trail. And, to turn serious, it is a pity that no presidential aspirant is making a big issue of the proposed changes in the six-year-old law that was adopted as the means for cleaning up the nation's air by the end of the decade.

Nearly a year has gone into the shaping of the amendments that will be offered by the Senate Public Works Committee. As Congressional Quarterly observed, every step along the way has been monitored by a small army of lobbyists representing environmentalists, consumer groups, the electric utilities, the oil, steel and chemical industries, Detroit's auto makers and local and state governments.

Two major controversies will be up for judgment. One involves what ought to be done to preserve unspoiled parts of the country against industrial smoke and gases. Another battle will be fought over the auto companies' efforts to lower the standards for vehicle emissions. Both of these struggles find environmental and consumer organizations on one side and the business communities on the other.

Yet one facet of the auto-emission controversy strikes me as intriguing because the battle lineup is different, even unusual. There are consumer champions in opposition to each other, the auto makers are essentially neutral and some very potent business groups actually are promoting the cause of "the little guy," along with their own.

I am referring to the amendment to be offered by Sen. Lloyd Bentsen, D-Tex., to reduce the performance warranty on pollution-control systems on new cars from five years and 50,000 miles to 18 months and 18,000 miles.

On the surface, that idea sounds like an anti-consumer move by a probusiness senator. And that is what Ralph Nader and the National Clean Air Coalition of assorted environmental and consumer organizations thinks about it.

But then you find a proconsumer liberal like Sen. Philip A. Hart, D-Mich., and others listed as co-sponsors of the Bentsen plan. And you find it has staunch support from the independent auto-parts companies, the corner gas station owner and the big Automotive Service Industry Association. And suddenly it is no longer easy to distinguish the good guys from the bad guys.

Independent garage mechanics and parts manufacturers contend that the "5-50" warranty now on the books will, if put into effect by the Environment Protection Agency, prevent them from repairing cars and trucks until they are five years old or have 50,000 miles on them. The American Automobile Association argues the existing law would practically force car owners to have all repairs and maintenance done by new car dealers or risk voiding their warranties.

That strikes Bentsen and Hart as anti-consumer. It limits a motorist's ability to choose a repairman of his own. It offers the Detroit auto makers a competitive edge over the whole auto repair market and that threatens the future existence of the 400,000 independent garages, service stations and others who now perform about 80 percent of the repairs to America's 125 million cars and trucks.

Nader and the consumer-environmental coalition contend this fear is unjustified. Their own fear is that any tampering with the "5-50" warranty would ease the pressure on car makers for quality emission controls. Not so, counter the proponents of the "18-18" warranty amendment, since Detroit still will have to build emission devices to a "5-50" standard provided in the production warranty and not affected by changing the performance warranty.

My feeling on this upcoming Senate battle is that Nader ought to lose and your corner repairman should win. Forty million cars and trucks have been built since the Clean Air Act went into effect in 1970. At the rate of nine million vehicles a year, those covered by the act soon will comprise most cars and trucks on the road.

There is no good reason why the auto makers should be given a prospective monopoly over the auto parts and repair business. And it is not physically possible for the 25,000 new-car dealers to handle all the service and maintenance work.

Moreover, if the car buyer is going to have to pay an extra $200 or more on a new car for the manufacturer's "free" "5-50" warranty, the roar from American motorists may even shake up those presidential candidates who cannot seem to find specific issues to talk about. And it should.

[From the Omaha (Nebr.) Morning World-Herald, June 7, 1976]

McCOLLISTER "FRUSTRATED" BY AUTO LAW OPPOSITION

WASHINGTON.—Persuading colleagues that consumers would benefit from his amendment to reduce the warranty on pollution control systems on new cars has been "a most frustrating experience," according to Rep. John McCollister.

But his amendment, which has been approved by a House committee, is now being pushed by a group of senators, including Lloyd Bentsen, D-Tex., and Philip Hart, D-Mich.

It would lower the emission control system warranty from five years and 50,000 miles to 18 months and 18,000 miles.

Ralph Nader and a coalition of environmental and consumer organizations view it as anti-consumer legislation that would ease pressure on car makers.

His amendment has been hard to sell, McCollister said, "because it gives the impression of taking something away from the consumer.

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THE MINNESOTA ENDORSEMENT OF THE DECLARATION OF INTERDEPENDENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1976

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Enough publicity has attended Henry Steele Commager's effort so that it is unnecessary for me to further identify the Declaration of Interdependence. However, I would like to introduce the text of the declaration into the RECORD at this point:

A DECLARATION OF INTERDEPENDENCE

(By Henry Steele Commager)

When in the course of history the threat of extinction confronts mankind, it is necessary for the people of The United States to declare their interdependence with the people of all nations and to embrace those principles and build those institutions which will enable mankind to survive and civilization to flourish.

Two centuries ago our forefathers brought forth a new nation; now we must join with others to bring forth a new world order. On this historic occasion it is proper that the American people should reaffirm those principles on which the United States of Amer-

ica was founded, acknowledge the new crises which confront them, accept the new obligations which history imposes upon them, and set forth the causes which impel them to affirm before all peoples their commitment to a Declaration of Interdependence.

We hold these truths to be self-evident: that all men are created equal; that the inequalities and injustices which afflict so much of the human race are the product of history and society, not of God or nature; that people everywhere are entitled to the blessings of life and liberty, peace and security and the realization of their full potential; that they have an inescapable moral obligation to preserve those rights for posterity; and that to achieve these ends all the people and nations of the globe should acknowledge their interdependence and join together to dedicate their minds and their hearts to the solution of those problems which threaten their survival.

To establish a new world order of compassion, peace, justice and security, it is essential that mankind free itself from the limitations of national prejudice, and acknowledge that the forces that unite it are incomparably deeper than those that divide it—that all people are part of one global community, dependent on one body of resources, bound together by the ties of a common humanity and associated in a common adventure on the planet Earth.

Let us then join together to vindicate and realize this great truth that mankind is one, and as one will nobly save or irreparably lose the heritage of thousands of years of civilization. And let us set forth the principles which should animate and inspire us if our civilization is to survive.

We affirm that the resources of the globe are finite, not infinite, that they are the heritage of no one nation or generation, but of all peoples, nations and of posterity, and that our deepest obligation is to transmit to that posterity a planet richer in material bounty, in beauty and in delight than we found it. Narrow notions of national sovereignty must not be permitted to curtail that obligation.

We affirm that the exploitation of the poor by the rich, and the weak by the strong violates our common humanity and denies to large segments of society the blessings of life, liberty and happiness. We recognize a moral obligation to strive for a more prudent and more equitable sharing of the resources of the earth in order to ameliorate poverty, hunger and disease.

We affirm that the resources of nature are sufficient to nourish and sustain all the present inhabitants of the globe and that there is an obligation on every society to distribute those resources equitably, along with a corollary obligation upon every society to assure that its population does not place upon Nature a burden heavier than it can bear.

We affirm our responsibility to help create conditions which will make for peace and security and to build more effective machinery for keeping peace among the nations. Because the insensate accumulation of nuclear, chemical and biological weapons threatens the survival of Mankind we call for the immediate reduction and eventual elimination of these weapons under international supervision. We deplore the reliance on force to settle disputes between nation states and between rival groups within such states.

We affirm that the oceans are the common property of mankind whose dependence on their incomparable resources of nourishment and strength will, in the next century, become crucial for human survival, and that their exploitation should be so regulated as to serve the interests of the entire globe, and of future generations.

We affirm that pollution flows with the waters and flies with the winds, that it recognizes no boundary lines and penetrates all defenses, that it works irreparable damage alike to Nature and to Mankind—threatening with extinction the life of the seas, the flora and fauna of the earth, the health of the people in cities and the countryside alike—and that it can be adequately controlled only through international cooperation.

We affirm that the exploration and utilization of outer space is a matter equally important to all the nations of the globe and that no nation can be permitted to exploit or develop the potentialities of the planetary system exclusively for its own benefit.

We affirm that the economy of all nations is a seamless web, and that no one nation can any longer effectively maintain its processes of production and monetary systems without recognizing the necessity for collaborative regulation by international authorities.

We affirm that in a civilized society, the institutions of science and the arts are never at war and call upon all nations to exempt these institutions from the claims of chauvinistic nationalism and to foster that great community of learning and creativity whose benign function it is to advance civilization and the health and happiness of mankind.

We affirm that a world without law is a world without order, and we call upon all nations to strengthen and to sustain the United Nations and its specialized agencies, and other institutions of world order, and to broaden the jurisdiction of the World Court, that these may preside over a reign of law that will not only end wars but end as well that mindless violence which terrorizes our society even in times of peace.

We can no longer afford to make little plans, allow ourselves to be the captives of events and forces over which we have no control, consult our fears rather than our hopes. We call upon the American people, on the threshold of the third century of their national existence, to display once again that boldness, enterprise, magnanimity and vision which enabled the founders of our Republic to bring forth a new nation and inaugurate a new era in human history. The fate of humanity hangs in the balance. Throughout the globe, hearts and hopes wait upon us. We summon all Mankind to unite to meet the great challenge.

The Minnesota endorsement is simply that—strong support and endorsement of the Declaration of Interdependence by the political leaders of the State: the Governor and Lieutenant Governor, the majority, and minority leaders of both Houses of the State legislature and the constitutional officers of the State.

In addition, a group of Minnesotans including the chief justice of the Minnesota Supreme Court, both U.S. Senators, the leaders of both major political parties and other important citizens, commended, in a further endorsement, the State officials for lending their names to the project.

Mr. Elling has done a magnificent job. In this 200th year of our independence, the Declaration of Interdependence is an appropriate Bicentennial document, affirming, among other things, those principles upon which the United States was founded and recognizing the new crises that confront us.

The Minnesota endorsement follows:

THE MINNESOTA ENDORSEMENT OF THE DECLARATION OF INTERDEPENDENCE

Recognizing the urgent need to move ahead with this Bicentennial Project, and

Further recognizing Minnesota's leadership role in promoting World Citizenship with the first State Declaration,

Be it resolved that it is appropriate and fitting for this great state to offer strong support and endorsement of This Declaration of Interdependence,

Be it further resolved that as a symbol of our support for this Declaration, we continue to proudly display the United Nations flag with the United States flag at the State Capitol,

Finally, we urge the leadership of all other states to take similar action.

Effective Law Day, May 1, 1976.

Wendell R. Anderson, Governor; State of Minnesota.

Nicholas D. Coleman, Senate Majority Leader.

Robert O. Ashbach, Senate Minority Leader.

Jim Lord, State Treasurer.

Rudy Perpich, Lt. Governor.

Martin O. Sabo, Speaker of the House.

Joan Growe, Secretary of State.

Warren Spannaus, Attorney General.

Irv Anderson, House Majority Leader.

Henry J. Savelkoul, House Minority Leader.

Robert W. Mattson, State Auditor.

We, the undersigned, commend the State Officials for this endorsement of The Declaration of Interdependence. We urge other states, our nation and other nations to follow this example, which is a valuable step in building a World Community of Peace Under Just Law:

Don Fraser, Member of Congress.

Charles H. Slocum, Chairman, Independent-Republicans of Minn.

Earl D. Craig, Jr., President, Mpls. Urban Coalition.

George C. Mastor, President, Minn. State Bar Assn.

T. M. Richter, President, World Federalists Assoc.

Hubert H. Humphrey, U.S. Senator.

David Roe, President, Minn. AFL–CIO.

Robert J. Sheran, Chief Justice, Minn. Supreme Court.

Jerry Jenkins, President, League of Women Voters.

John R. Roach, Archbishop of Minneapolis & St. Paul.

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Rick Scott, Chairman, Minn. DFL Party.

A. C. Lehman, Jr., Exec. Director, Minn. Council of Churches.

C. Peter Magrath, President, University of Minnesota.

John Edie, President, UNA of Minn.

TWO HUNDRED YEARS AGO TODAY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago, on July 1, 1776, the Continental Congress began the formal debate over declaring independence from Great Britain. The Maryland delegation declared that their earlier instructions forbidding them to vote for independence had been superseded, and they were now prepared to vote for independence. Their new instructions read in part:

The Deputies of this Colony, attending in Congress, or a Majority of them or of any three or more of them, (are authorized and empowered to concur with the other United Colonies, or a Majority of them, in declaring the United Colonies free and independent States . . ."

During the same debate, the New York delegation read a letter from its colony

with the workers or they took the vaguest of half measures against them. Official sources eventually listed some 48 killed and 270 wounded.

Mr. Speaker, on this commemorative day, I want to take the opportunity to salute our American citizens of Polish descent and pray that the courage of their brothers and sisters across the seas will soon be rewarded with freedom and true self-determination.

CLEAN AIR DEBATE

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1976

Mr. McCOLLISTER. Mr. Speaker, the House will have before it within a month, the long-awaited Clean Air Act amendments. There are many serious and significant policy questions which this bill must resolve.

One of the most serious, but relatively unpublicized, is the question of preventing the anticipated anticompetitive and anticonsumer impact of the performance warranty provided in the 1970 act but never implemented.

Our House Small Business Committee, in 1974, recommended reducing the length of this warranty from 5 years to 1 year. The Interstate and Foreign Commerce Committee unanimously accepted an 18-month warranty—the compromise worked out in the subcommittee.

Two experienced and thoughtful reporters of events in our Capital City, Jerald terHorst and Darwin Olofson, have made the performance warranty question the topic of recent news stories. Because they provide a useful insight in understanding this problem, I am including them in the RECORD at this point:

[From the Sunday News, May 30, 1976]

NADER STAND HIT ON "CLEAN AIR" DEBATE

(By J. F. terHorst)

WASHINGTON.—While public attention is being diverted by the political smog over the presidential primaries, the U.S. Senate is about to begin floor debate on the long-awaited "Clean Air Amendments of 1976."

That could have more effect on the air we breathe, the places we work and the money we spend than almost anything else the Senate and the White House candidates have said and done all year.

It's a pity the existing Clean Air Act of 1970 has not curbed the noxious emissions along the campaign trail. And, to turn serious, it is a pity that no presidential aspirant is making a big issue of the proposed changes in the six-year-old law that was adopted as the means for cleaning up the nation's air by the end of the decade.

Nearly a year has gone into the shaping of the amendments that will be offered by the Senate Public Works Committee. As Congressional Quarterly observed, every step along the way has been monitored by a small army of lobbyists representing environmentalists, consumer groups, the electric utilities, the oil, steel and chemical industries, Detroit's auto makers and local and state governments.

Two major controversies will be up for judgment. One involves what ought to be done to preserve unspoiled parts of the country against industrial smoke and gases. Another battle will be fought over the auto companies' efforts to lower the standards for vehicle emissions. Both of these struggles find environmental and consumer organizations on one side and the business communities on the other.

Yet one facet of the auto-emission controversy strikes me as intriguing because the battle lineup is different, even unusual. There are consumer champions in opposition to each other, the auto makers are essentially neutral and some very potent business groups actually are promoting the cause of "the little guy," along with their own.

I am referring to the amendment to be offered by Sen. Lloyd Bentsen, D-Tex., to reduce the performance warranty on pollution-control systems on new cars from five years and 50,000 miles to 18 months and 18,000 miles.

On the surface, that idea sounds like an anti-consumer move by a probusiness senator. And that is what Ralph Nader and the National Clean Air Coalition of assorted environmental and consumer organizations thinks about it.

But then you find a proconsumer liberal like Sen. Philip A. Hart, D-Mich., and others listed as co-sponsors of the Bentsen plan. And you find it has staunch support from the independent auto-parts companies, the corner gas station owner and the big Automotive Service Industry Association. And suddenly it is no longer easy to distinguish the good guys from the bad guys.

Independent garage mechanics and parts manufacturers contend that the "5–50" warranty now on the books will, if put into effect by the Environment Protection Agency, prevent them from repairing cars and trucks until they are five years old or have 50,000 miles on them. The American Automobile Association argues the existing law would practically force car owners to have all repairs and maintenance done by new car dealers or risk voiding their warranties.

That strikes Bentsen and Hart as anti-consumer. It limits a motorist's ability to choose a repairman of his own. It offers the Detroit auto makers a competitive edge over the whole auto repair market and that threatens the future existence of the 400,000 independent garages, service stations and others who now perform about 80 percent of the repairs to America's 125 million cars and trucks.

Nader and the consumer-environmental coalition contend this fear is unjustified. Their own fear is that any tampering with the "5–50" warranty would ease the pressure on car makers for quality emission controls. Not so, counter the proponents of the "18–18" warranty amendment, since Detroit still will have to build emission devices to a "5–50" standard provided in the production warranty and not affected by changing the performance warranty.

My feeling on this upcoming Senate battle is that Nader ought to lose and your corner repairman should win. Forty million cars and trucks have been built since the Clean Air Act went into effect in 1970. At the rate of nine million vehicles a year, those covered by the act soon will comprise most cars and trucks on the road.

There is no good reason why the auto makers should be given a prospective monopoly over the auto parts and repair business. And it is not physically possible for the 25,000 new-car dealers to handle all the service and maintenance work.

Moreover, if the car buyer is going to have to pay an extra $200 or more on a new car for the manufacturer's "free" "5–50" warranty, the roar from American motorists may even shake up those presidential candidates who cannot seem to find specific issues to talk about. And it should.

[From the Omaha (Nebr.) Morning World-Herald, June 7, 1976]

McCOLLISTER "FRUSTRATED" BY AUTO LAW OPPOSITION

WASHINGTON.—Persuading colleagues that consumers would benefit from his amendment to reduce the warranty on pollution control systems on new cars has been "a most frustrating experience," according to Rep. John McCollister.

But his amendment, which has been approved by a House committee, is now being pushed by a group of senators, including Lloyd Bentsen, D-Tex., and Philip Hart, D-Mich.

It would lower the emission control system warranty from five years and 50,000 miles to 18 months and 18,000 miles.

Ralph Nader and a coalition of environmental and consumer organizations view it as anti-consumer legislation that would ease pressure on car makers.

His amendment has been hard to sell, McCollister said, "because it gives the impression of taking something away from the consumer.

"It has been a most frustrating experience trying to explain that it isn't taking something away, just the reverse," he said.

"This body deals so much with appearances and so little with substance," he added.

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(Rockefeller Owned)

Hands off the Fed

Once again, Congress is looking into changing the way the nation's Federal Reserve Board works. Congress shouldn't.

One of the proposals before Congress is to change the way the presidents of the 12 regional banks are selected. Yet there is nothing wrong with the way it is done now.

Presently, the regional bank presidents are chosen by nine-member boards: three representing member banks; three representing the public; and three appointed by the Federal Reserve Board of Governors. The problem appears to be that none is elected by Congress.

The Federal Reserve seems to work. Let's leave it alone.

The nation needs a Fed free of short-term political influence and free also to make the difficult, unpopular long-term decisions that elected officials often find too painful to carry out.

Very simply, the Fed, through its regulation of money supply and interest rates, attempts to create a stable economic environment and thereby minimize uncertainty. As a result, the American people can make fundamental economic decisions that foster the saving and investment which, in turn, increase productivity and ensure higher growth and improved living standards over the long term.

The Fed's Board of Governors is selected by the President of the United States—although not always the same President—which would seem to obviate the need for further political input into the system. Or, should we change the U.S. Supreme Court every time a new President is elected, too?

Running the Fed is no easy task. It's a tightrope walk between too much expansion and just enough—with consequences that would make it akin to performing without a net. It is not a job for elected officials.

The Fed's independence may grate sometimes on the nerves of some politicians. But, like the equally independent Bundesbank, it is the envy of many nations. Giving elected officials additional power over the Fed politicizes the process of setting interest rates and determining money supply. And make no mistake. These are not arcane functions, of interest (no pun intended) only to economists and bankers. They affect every American.

For example, if you're looking to buy a house or sell one, interest rates are often the determining factor in such a decision. Starting a business, or expanding one? You may need to borrow money and, again, you'd be concerned about interest rates. The same would be true if you wanted to modernize a plant—or your kitchen. In short, the Fed impacts our lives in very different and very direct ways.

Politicizing it makes absolutely no sense. The Congress has enough to worry about and should leave well enough alone.

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"What Kind of Counterfeiting Operation the Government is Running"

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August 27, 1979

St. Louis, Mo. 63129

Dear Mr. :

Thank you for your letter of August 20 and the enclosed copy of your letter to Mr. Volker.

Strictly speaking, it probably is not "necessary" for the federal government to tax anyone directly; it could simply print the money it needs. However, that would be too bold a stroke, for it would then be obvious to all what kind of counterfeiting operation the government is running. The present system combining taxation and inflation is akin to watering the milk: too much water and the people catch on.

Sincerely,

Ron Paul

Ron Paul
Member of Congress

The Pennsylvania Crier

© 1975

"The closer you keep the government to the people, the more efficient and economical the government will be."

—Thomas Jefferson

VOL. 7 NO. 1 JANUARY – FEBRUARY, 1978

Editor:

In June, 1973 we featured a copy of the Regional Map proposed for the United States in 1935.

It was our committee's find and was sent around the country.

Now we have another find, that warned Coloradoans of the threat of Regional Government in.1943. We believe it to be, (along with the map) the two most important finds yet on the issue of Regionalism.

Our initial find on the Colorado item covered an article of Sunday, January 10, 1943 in the N.Y. Herald Tribune which featured a speech by retiring Governor Carr. We reprint the Tribune article as well as the portion of Governor Carrs speech before the Colorado Legislature that covers his warning on Regional Government — (Emphasis Ours)

SUNDAY, JANUARY 10, 1943 N.Y.H.T.

REGIONALISM

Carr's Warning On Dictatorship Baffles Capital

Legislators and Agencies in Dark on Coloradoan's Talk of Regional Set-Up

By Jack Tait

WASHINGTON, Jan. 9.—The capital was mystified today over the charges made yesterday by the retiring Governor of Colorado, Ralph L. Carr, who declared that he had uncovered a government plan to saddle the American people with "regional dictatorships" within six months.

Some quarters here voiced skepticism and wonder about the genesis of Mr. Carr's bombshell. The War Man-Power Commission and the National Resources Planning Board, along with several Representatives, when queried for details of the "dictatorship" plan, said they had heard of nothing like it.

Mr. Carr made the charge before a joint session of the Colorado Legislature. He said: "The danger is real. Regional dictatorships are planned." He went on to say that surveys are being made with this end in view, and that the details "will first shock, then astonish, the entire American citizenry, and will develop the bitterest issue which the American people have encountered since slavery."

Senator Eugene D. Milliken, Republican, of Colorado, said he had read reports of Mr. Carr's address and had sent immediately for the full text. He was asked where Mr. Carr might have obtained his information, and replied, "If any one knew anything about it here, I would, and I don't know anything."

Senator Harry F. Byrd, Democrat, of Virginia, said the details of the plan "would be very interesting" if obtainable. He added that he had heard nothing at all of such a program. Representative Joseph W. Martin jr., Republican of Massachusetts, said he also knew nothing of the plan.

After reading sections of the published reports, Senator Styles Bridges, Republican, of New Hampshire, said he was not familiar with any such steps. "But if any such plan is under contemplation," he said, "Congress should be on the alert, because we have enough regimentation like that in this country right now."

In his address Mr. Carr said that the regional authorities will be set up first "ostensibly to regulate physical resources." At the National Resources Planning Board it was pointed out that in 1935 the board had made studies along the line of physical resources and regional factors in national development. The gist of the report, it was said, was that it is impossible to have regions with hard-and-fast boundaries.

Both the board and the War Man-Power Commission, it was said, had no surveys under way such as those described by Mr. Carr, who asserted: "Surveys are now being made over great sections of the country involving people who have little in common beyond the fact that they all breathe the same air and are American citizens."

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THE NEW YORK TIMES MAGAZINE, APRIL 21, 1935. 5



The Map of the United States as It Might Be Redrawn by the "Regionalists"—States' Rights Would Be Abolished and the Country Would Be Divided Into Nine Departments.

YESTERDAY'S PLAN — TODAY'S REALITY

ADDRESS
of
THE HONORABLE RALPH L. CARR
GOVERNOR OF COLORADO
Delivered before the Joint Session of the
COLORADO LEGISLATURE
Thirty-fourth Session
AT DENVER JANUARY 8, 1943

... No single question has been given as much attention and study as the preservation and protection of Colorado's interests in the waters of the streams which are born in our high-tops and which flow down through our valleys and outward across our state lines to bless and to enrich the people of our sister states. For the first time in Colorado's history, a Water Conservation Board, fully aware of the dangers and the needs of Colorado's position, is performing a splendid service. In the name of everything which our irrigation policy has done in the development of agriculture, let us see to it that this work is continued.

Two years ago there was introduced into the Congress a bill which was designed to place the Arkansas Valley of Colorado under the absolute control of three men appointed by the President and responsible only to him. In its final analysis, the plan threatened the future of the irrigation interests and the property rights of the farmers of almost one-fourth of the state.

The bill was written by men who did not take the trouble to learn that the Arkansas River, throughout its course in Colorado and for about a hundred miles in Kansas, was an irrigation stream. It promised the impairment of the state's whole economic setup and would have removed some of the foundation stones of Colorado's first industry.

At that time, a warning of the danger was sounded and plans were undertaken to enlist the support of the other states of the reclamation West in opposition to this proposed legislation.

Through a meeting of seventeen Governors or their representatives at Denver, followed by a series of conferences and addresses throughout the Northwest, along the Pacific Coast and through the South, sufficient strength was recruited to force the amendment of the bill so as to preclude the operation of its provisions in Colorado.

The basic theory underlying the proposed measure is so inimical to what we recognize and accept as constitutional government, that Colorado must continue to oppose the enactment of the measure and similar authority bills until the idea is forever buried.

The Arkansas Valley Authority idea is not dead yet, however, because we are now threatened by plans which would not only involve riverflows, but would attempt the control and modification not only of natural resources, but also of human lives, hopes and plans. The dangers attending the passage of the Arkansas Valley Authority Bill are insignificant in comparison with the certain effects of the other programs now under consideration.

There exists in this country today a plan to commence the remodeling of the lives of American freemen on a basis so dictatorial, so monarchistic, so bureaucratic that its very exposition proves its hostility to our American form of government. I predict that unless something intervenes to stop them, within six months, the details will be made public of schemes which will first shock and then absolutely astonish the householders, the taxpayers, the entire American citizenry.

In the Four Freedoms which were exalted in the Atlantic Charter, when our President met with the Prime Minster of England on the high seas a year and a half ago, we were given an outline of human relationships on which it was suggested that all who share ideals of democratic government may join in the task of winning the war and living in harmony thereafter.

But there is another Freedom which was not included in the Atlantic Charter. It is the Freedom on which our United States has been built. It is the Freedom which has enabled the common man to rise to the heights economically, socially and politically.

It is that Freedom, without which the other four would be unattainable. And it is the one which is threatened by the regional planning of a new school of thought in American life. It is Freedom of Enterprise.

Surveys are being made over great sections of the country involving people who have little in common beyond the fact that they all breathe the same air and are American citizens. These plans seek to establish an average educationally, economically and socially over a series of sections which offer no common basis on which to draw comparisons.

While I am unable to furnish specific details. I know whereof I speak and it is my purpose in this last official message to you and the people of Colorado to warn you so that you may prepare. The danger is real. You must do your duty.

Let it be understood that Colorado and her people have proved their patriotism and their single mindedness on the problem of winning the war. If this social planning had for its basis any needed war effort, we should bow and fall into line.

But such is not the case. This is a social planning which cannot become effective until peace comes. Since that is true, we claim the right to participate in those plans.

True, there are many worthwhile enterprises wich are suggested and which can be carried on by these regional authorities. We know them and we favor them. Nor is there any disposition on our part to prevent the production of cheap hydro-electric power or the development of any and every industry which the manpower and the natural resources of any section may justify.

Regional planning is not, in and of itself alone, an evil or a useless thing. So long as it seeks to divide a purely physical resource, or to impound water for flood control or the development of hydro-electric power, provided that other physical property rights are recognized and protected, much good can come from it.

But when we mix the rights and lives and hopes and dreams of human beings with physical resources and attempt to measure and modify and restrict men and their intangibles, then we should proceed slowly.

Then again regional planning should come only when the people whose property and personal rights and privileges are to be involved, institute the proceedings for a change.
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The basic complaint against these proposals is that they are against the theory of life which has built this country. The individual would be submerged utterly to bring him down to the plane of every unfortunate human, regardless of his capacities and his potentialities. Freemen would no longer be permitted to function and to grow and to build and to produce for the improvement of themselves and their children, and for the everlasting benefit of mankind.

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No scheme of government has ever succeeded in making all men equal economically, socially and educationally. The individual equation must be considered. Climate, geography, social and racial backgrounds, the natural resources of the various sections of the country—all these exert great influences upon their lives as individuals and in the mass which mere laws cannot change or modify. Such social planning fails to take into account the fact that, while all men are born politically equal under our system of government, energy and brain power, inventive genius and untold personal factors, as well as rainfall, heat and cold, altitude and other outside conditions combine to defeat any plan such as is now suggested.

Once a regional authority is established, it will furnish the basis for a system which will control our industries, our farming, our education, our lives.

But certain we are that surveys have been made and reports are being prepared which affect every property owner in Colorado most vitally.

If they are carried out, it is certain that in some instances great irrigated areas of our state will be converted into grass lands. Irrigation ditches, which were dug three quarters of a century ago by the pioneers who reclaimed the Great American Desert and transformed it into one of the foremost agricultural sections of the world, will soon be overgrown with willows and choked with silt deposits. The children and great-grandchildren of those home builders are to be denied the right to cultivate and to irrigate those lands under the existing theory of freedom of enterprise. Fruits, which top the nation's market; onions, the like of which no farmer ever grew before, sugar beets and all our other agricultural crops so sorely needed in the development and sustenance of life and the winning of the war, will no longer bring great incomes to thousands of now prosperous Colorado families.

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The Mississippi River near its source in Minnesota runs through a country as different from that of the delta below New Orleans as one can image. But who would attempt to average the wheat raising, industrial, snow-bound northland, with its Scandinavian people and their hard working habits, with the swampy, cotton lands of the lower river where extremes of heat and constant flood threats and an utterly different type of people have fashioned a wholly different civilization.

I am not preaching narrowminded sectionalism. These statements are neither impelled nor tainted by partisanship. The issue is broader than the question of states' rights. Regional planning, if it continues and is in any measure successful, will confront every part of the United States. True, it encroaches upon the rights of the states. And those who are responsible for the suggestion are to be credited for their ingenuity in trying to accomplish what they plan by an attack which is not directed at the states as such. By dividing the country into regions, which include parts of several states, they have avoided direct Constitutional conflicts and may accomplish their objective by indirection.

The real question is whether any group of men may determine what is best for four or five or even 130 million

freemen by forcing their ideas upon the people in such a manner as to nullify many of the rights and privileges guaranteed to the individual under the Constitution.

No, the protest which I am making is on behalf of the individual. The right of the state, while important, is incidental. The rights of individuals must be protected. It is that individual who must be maintained above every other consideration if the American theory of government is to continue and freemen are to be permitted to live their lives as they may determine, to profit from the sweat of their brows, to enjoy the fruits of their own labors.

The whole argument here is that each section should be considered by and for itself and that human beings, under God and the Constitution should be permitted to work out their own salvation and live their lives in their own way. That was the thing which first brought colonists to the Western Hemisphere and it forms the basis on which the greatest government that history records has been builded.

This regional authority constitutes the most violent attack upon the American Constitutional way of life that has ever been made and as it will grow, if unchecked, it will develop the bitterest issue which the American people have encountered since salvery.

There are those who charge that we are narrow minded when we do not accept a so-called national viewpoint. The answer is that our country is so large, its climatic differences, its geographical conditions, the nature of local resources and the make-up and the mental attitudes and customs of our people are such that no man can sit at Washington and draw a pattern to which the lives of all must be made to conform with any degree of success.

Men of the Colorado General Assembly, it is your duty as the representatives of the people of this great state to be watchful--to be vigilant. You must protect our natural resources, the most valuable of which are our water rights.

At the same time, you must see to it that no effort to infringe either upon our industrial, our social, our economic or our educaional prerogatives gain a foothold.

The federalization of education in our public schools would sound the death knell to democracy. Let us keep our public schools free from partisanship. Let's keep that institution in a position where it may train the men and women of tomorrow in the American way. Let us hold out the hope to each that only under such a government he can attain any height.

While we have moved into finer and more expensive schools with the growth of cities and our industrial and financial development, Praise God, the ideals of the little red schoolhouse still continue to guide our educational systems. The people of counties like Weld and Otero and Larimer and all the others have established school systems in Colorado second to none in the country. Those people live in homes which even royalty never dreamed of a hundred years ago. They benefit from the accomplishments of science and invention. Surely they are not to be dragged down to the level of those who are less fortunate or who live in less favored parts of the country.

We can never improve the condition of the unfortunate by reducing the circumstances of the prosperous. Let us look to the individual who needs aid and help him even by taxing his more favored brother, if necessry. But let us not drag down the others so as to establish a lower average.

In closing—aye in farewell—may I say that the people of Colorado have full confidence in your ability to meet the problems of wartime. Into the hands of a man who is fitted by education, by long years at the bar and four years service as the Lieutenant Governor of Colorado and the presiding officer of your upper House, I will deliver the reins of state government next week.

To you and to him and the others selected by the people to conduct Colorado's business in the next two years falls a task at once a privilege and an honor. To serve your people in positions such as you occupy in the greatest crisis in history is something of which you may well be proud.

You owe a duty to those sons of Colorado who have already made the supreme sacrifice. To those who have joined the armed services and to those others who will follow in the months and mayhap in the years to come, you must lend every aid and comfort and support.

So long as an enemy gun stands ready to be fired; so long as those philosophies continue which would spell destruction and defeat to the Allied cause, you must plan and toil and legislate for the good of civilization.

You have proved yourselves. Colorado and America know that our loyalty is as constant as the colors in the Stars and Stripes. To that emblem and to the things for which it stands your lives, your energies, your thoughts, have been—they must be—dedicated.

Gentlemen, on behalf of the people of Colorado, I salute you as Americans and patriots.

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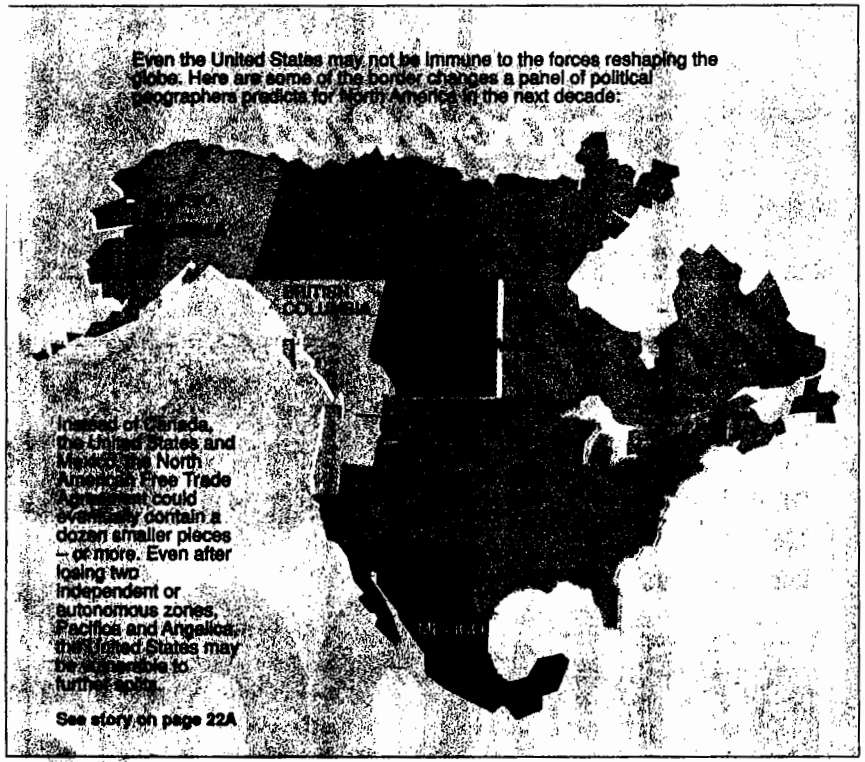
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A NEW NORTH AMERICA



The Denver Post / Bruce Gaut

As world turns: Experts foresee 300-plus countries

By Robin Wright
Los Angeles Times

WASHINGTON — Imagine a world in which Scotland gains independence from Britain and Italy divides in half. Russia and China fragment into a dizzying array of new states, while Canada disappears altogether. Along the way, a host of new states — including Samiland, Pushtunistan and Zululand — are born.

And those are only a few of the possibilities that a panel of eminent political geographers predicted for the next decade as the world map is redrawn.

The scope of coming changes in the world's frontiers will be among the most profound in history, they said. And the pace may set a record.

"What we're dealing with is the re-creation of countries," said William Wood, the State Department's chief geographer.

Over the next 25 to 30 years, the world roster may increase by 50 percent or more. "There'll be more than 300 countries," predicted Saul Cohen, past president of the Association of American Geographers.

Some of the changes these geographers foresee may seem logical probabilities while others appear outlandish conjectures.

But they are made by people whose profession is studying the relationship of physical geography and national borders to political culture, sociology and history.

Moreover, in context, their forecasts for the turn of the century are hardly out of line. Even before the Barcelona Games were over and the 172 teams that competed there headed for home, for example, Olympic planners had started preparing for more than 200 participating states at the 1996 Atlanta Games.

The political geographers do not agree on all the details of the future world map. But they do agree that recharting the globe will be the byproduct of several concurrent trends, ranging from the powerful pull of ethnicity and the spread of democracy to changes in the very concept of a modern state.

First, some borders will be altered as nations break away from traditional states, as has happened painfully in Yugoslavia over the past year and peacefully in Czechoslovakia this year.

"Borders of present countries or so-called natural boundaries will increasingly lose their importance when they do not correspond to well-recognized linguistic and territorial identities," said Fabrizio Eva, an Italian geographer.

Second, other new countries will be added as the last colonies become independent countries — the dominant trend during the second half of the 20th century and evident most recently when the Soviet empire's collapse spawned 15 new states.

"We are now in a major new phase of demands for 'self-determination' — demands which, if all are acceded to, will result in significant changes to the world's political map at both state and substate levels," said David Knight, chairman of a special Commission on the World Political Map of the International Geographical Union.

On a third and more sweeping

Please see BORDERS on 23A

SPECIAL REPORT

■ ALTERED STATES: Geographers predict many large states will break into smaller units./22A
■ GOOD SHAPE, BAD SHAPE: A country's figure can shape its fate./22A

The New World Order is the re-distribution of wealth. Are we going to let our glorious Republic turn into a 3rd world nation just to please Bob Dole, Kennedy, Gingrich, Hergee, FEINSTEIN?
WHAT Kind OF FUTURE are we giving our Children?

LA TIMES, DENVER POST 8.30.93

The Dis-United States

We may think of the U.S. borders as among the most permanent in the world, but even this country is not immune from the forces that a panel of political geographers sees reshaping the globe.

Even as the just-negotiated North American Free Trade Agreement takes shape, for example, Canada is wrangling to keep Quebec part of the country. Over time, Canada's stranded Maritimes could join the United States, while Alberta and Saskatchewan merge and go their own way, and the Indian- and Eskimo-dominated north joins a polar confederation, the geographers said.

In turn, the western United States and Canadian provinces now integrating their economies with Asia's Pacific Rim—Alaska, British Columbia, Washington and Oregon—may also be emboldened to create their own "zone," either autonomous or independent. The geographers tentatively dub the new state, stretching from the Arctic's Beaufort Sea to the sunny climes of Northern California, "Pacifica."

On the other U.S. border, the increasingly fuzzy demarcation line between the United States and Mexico could evolve into another new zone, tentatively called "Angelica" by geographers. The rest of Mexico may then fragment into three or more parts.

The overall result: Instead of three large states, NAFTA could eventually contain a dozen smaller pieces—or more.

Even after losing Pacifica and Angelica, the United States may be vulnerable to further splits. A map designed by Stanley D. Brunn, an International Geographical Union panelist from the University of Kentucky, divides America into nine other independent or autonomous zones, not necessarily coinciding with current state boundaries.

They include a Gulf Coast zone, pulling together Florida with the southern parts of Alabama, Mississippi and Louisiana, and an Industry state grouping all of Michigan and Wisconsin, northern chunks of Illinois, Indiana and Ohio, and western Pennsylvania. On Brunn's map, the southern sections of the Midwest states would join a New South zone, while eastern Pennsylvania would be grouped with a Mid-Atlantic state.

— *Robin Wright*

Map by VICTOR KOTOWITZ / Los Angeles Times
Designed by PAUL GONZALES / Los Angeles Times

21st-Century North America?

Some believe economics will help redraw the continent's boundaries, dividing America, creating a Pacific Rim zone and blurring the U.S.-Mexican border.



THE ULTIMATE GOAL OF CFR - TRI LATERAL.
NAFTA IS VITAL TO GLOBALISTS TO DESTROY OUR SOVEREIGNTY.

Don Bell Reports

Year Forty.....Number Sixteen.....August 16, 1993

NAFTA REVISITED

"Certainly not a mandate, two votes in the House and one in the Senate," commented Senate Republican leader Bob Dole as he prepared to vote against President Clinton's so-called deficit-reduction bill. Republican Senator Connie Mack of Florida said before he voted, "The people of this country feel that they have been lied to, that they have been betrayed, that they have been deceived." And holdout Democrat Senator Bob Kerry didn't like the bill, didn't want to vote for it, but did so because, "I cannot and should not cast a vote that would bring down your presidency." Still, the budget bill is not as bad as it might have been. All things considered, Tom Raum of Associated Press gave a comparatively objective analysis when he wrote: "The six-month path leading to Friday's final vote on President Clinton's deficit reduction bill was strewn with promises made and promises broken. Gone is the broad-based energy tax that Clinton once called crucial. Long gone is a 'stimulus' component filled with public works jobs. Out is an investment tax credit. Trimmed back are many of the 'investments' the president initially proposed to "grow the economy.'...In his address Tuesday night, Clinton said he hoped to 'put business-as-usual out of business.' But at least in terms of the way the final compromise was pieced together, it was pretty much business as usual on Capitol Hill."

If Clinton's narrow victory on what was left of his original budget bill is any indication, the next major projects on which he must have congressional approval are going to be very difficult to pass as presently written. That means Hillary Clinton's health care program, the remade welfare plan and, most of all in the eyes of the builders of The New World Order: the North American Free Trade Agreement. In an unusual statement Henry Kissinger wrote a special article for the Los Angeles Times Sydnicate: "Before the end of the summer, President Clinton will ask the Congress to approve the North American Free Trade Agreement (NAFTA), linking the United States with Canada and Mexico in a free trade area comprising a population of 370-million and a gross national product of $6 trillion. It will represent the most creative step toward a new world order taken by any group of countries since the end of the Cold War, and the first step toward the even larger vision of a free trade zone for the entire Western Hemisphere." Kissinger in this same article gave Clinton his orders: "President Clinton has understandably preferred not to deflect the Congress from concentrating on his economic package. But the stakes are too high to wait much longer. He must take the lead in defining the issues. But he should not be asked to fight this battle alone. It should be possible to enlist former presidents, secretaries of state and other leaders in one of the broad-based coalitions by which previous new departures in foreign policy - like the Marshall Plan - have been put before the American people. If that happens, Clinton's will be perceived as a seminal presidency whatever else transpires while he is in office."

In other words, it's okay for Clinton to promote what Kissinger calls his "economic package", but as president his first priority must be to get Congress to ratify NAFTA. He explains: "What the Congress will soon have before it is not a conventional trade agreement, but the hopeful archi-

all the conflict, overlapping, underlapping, and sidewise-lapping easily imagined.

That's what the President and the country face in asking for action. In the New England vernacular, the 579 committees gum up the sapworks.

In fact, if we don't quit babbling about a certain problem in the CONGRESSIONAL RECORD the Russians are going to find out that in this critical session the United States is unable to agree on a national flower.

While we talk about liberty the conditions essential to our liberty are seldom mentioned. One condition is not only a responsive Congress but a workable Congress. Surely, no Congress is responsive that is not highly workable.

The basic business of Congress is necessarily performed in committees. Legislation proposed is referred first to a committee. This is where the overlapping problem starts. In fact, some committees exist in order to bypass other committees known to oppose certain legislation. The 579 total represents the morass.

The chairmanship (very powerful and tied to seniority) of every House and Senate committee goes to the party that has a majority in the body, even if this majority is only one seat. Republicans have controlled Congress and thus held every chairmanship. But the problem was unsolved. The Democrats have held the same power, as they do today. A dead hand remains on the throttle, endangering the national train like Casey Jones.

Nothing important is easy. But Khrushchev flexes. Our Nation's tragic debt and enormous spending are heading us smack toward a devaluation of the American dollar unless the trend is reversed.

Other problems, complex enough to drain the wisdom of the hundred wisest men, face the President, the Congress, and all of us in a common crisis that shakes the world. In our imperiled hour is it too much to ask the Congress to put its own house in order? What are the Senators and Congressmen waiting for?

Surely, the President would help in every way he can. And, if the outnumbered Republicans are anxious to do something, why don't they show more initiative in this? The call for a better Congress is a duty; an overdue duty of Congress itself.

PEOPLE ON PUBLIC RELIEF ROLLS

Mr. CLARK. Mr. President, the presiding bishop of the Episcopal Church has spoken out, warning against general criticism of people on public relief rolls.

Opposing an attitude spread by much-publicized recent controversies over public welfare recipients, the Right Reverend Arthur C. Lichtenberger, D.D., clearly points out its dangers in a statement which appeared in the February issue of the Episcopal publication, Churchways.

I ask unanimous consent that the Reverend Lichtenberger's statement be inserted at this point in the RECORD as a part of my remarks.

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

The total welfare of people is a basic concern of the Christian religion.

By word and deed the ministry of Jesus was largely given to the personal and social needs of people in trouble. The Christian church has always developod services for the poor and the afflicted. Christians today join with others in supporting a wide range of voluntary social services.

The development of public welfare programs in the United States is a recognition of this Christian and humanitarian concern for human needs. American democracy is best served when broad social welfare programs function under both Government and voluntary auspices.

Public welfare services are matters of justice and should be available to those in need, unrestricted by residence, citizenship, or circumstances of birth. The vast public welfare programs must be under constant supervision and evaluation by public officials and representatives of the people to assure that they meet the changing needs of handicapped people. But we must take great care that the necessary evaluation of programs and their administration does not transpose itself into general criticism of the recipients—the aged, the blind, the sick, children under 18 years of age, and others who cannot defend themselves.

I hope that Episcopalians will join with all men of good will in being alert to the welfare needs of people in their communities, and in supporting the welfare services available to them. This is one way of loving thy neighbor as thyself in our present world.

DISARMAMENT

Mr. CLARK. Mr. President, I now desire to speak for a few minutes on the subject of disarmament, the climate toward disarmament in the Senate and in the country, and the prospects for disarmament in the coming conference at Geneva, which convenes on March 14 of this year.

Mr. President, the morning newspapers carry the statement that the President is about to authorize the resumption of nuclear testing in the atmosphere. If he does this, I shall support him because I am confident that he has carefully weighed, on the basis of information not available to me or to most of my colleagues, the basic facts involved in that fateful decision. I am also confident he would not and will not take this tragic step unless he is convinced it is the only wise way to maintain our national security and our freedom. If atmospheric nuclear testing is to be resumed, obviously there is merit to making the decision before the disarmament conference meets.

There are those who will say that the resumption of nuclear testing, combined with the critical condition in Berlin, in Vietnam, in Laos, and in many other parts of the world, makes this a most inopportune time for the convening of a new conference on the perennial subject of world peace, world law, and disarmament.

I am not in accord with this view. I do not believe that the uncertain political condition of the world and the resumption of nuclear testing mean that disarmament cannot be brought about as a result of intelligent diplomacy on the part of the members of the 18-nation disarmament conference.

When it is the darkest it is frequently just before the dawn. In business, in the law, and in other instances when men come together to negotiate, frequently the break or the agreement comes at a time when things seem most hopeless, at a time when both sides are of the view that no progress is possible, but each is determined to make one more effort to achieve a mutually desired result.

So, Mr. President, I suggest that we should look forward to the disarmament conference in the hope that something meaningful can come out of it.

In considering that conference, we must give some thought to what is the position of the Government of the United States. I think that position has been substantially misunderstood both in the country and in the Congress. One reason for my so thinking arises from a relatively short insertion in the RECORD made by my good friend the junior Senator from Texas [Mr. TOWER] on January 29 of this year, which appears in the RECORD at page 1043.

I ask unanimous consent, Mr. President, that my colleague's comments and a column which he introduced into the RECORD at that point, written by a man named Ken Thompson, published in a Dallas newspaper, entitled "One, Two, Three—Surrender," may be printed in the RECORD at this point in my remarks.

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

THE SURRENDER OF AMERICAN RIGHTS AND SOVEREIGNTY

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Every day more and more people share a growing concern for the preoccupation of the State Department and some people in high places with the issue of disarmament. I think we all look forward to the day when men will "beat their swords into plowshares and their spears into pruning hooks." But at a time when Western civilization is confronted by an extreme militaristic threat looking toward world conquest, I think it is naive and unrealistic to be preoccupied with the question of disarmament. We know that the Communist conspiracy has no intention of coexisting with us. We know that they are bent on domination of the whole world. I think we show weakness in the eyes of all other nations at this time in talking of disarmament.

In this connection, I ask to have printed in the RECORD a very fine editorial entitled "One, Two, Three—Surrender," by Ken Thompson, editorial staffwriter, published in the Dallas Morning News of January 23, 1962.

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

"ONE, TWO, THREE—SURRENDER

"(By Ken Thompson)

"One of the most incredible documents ever to emerge from the foggy corridors of the State Department is a bulletin entitled 'Freedom From War: The U.S. Program for General and Complete Disarmament in a Peaceful World.' As skeptical as I have always been of the measure of good sense and loyalty within the State Department, I never would have believed that these people we call our diplomats could so completely and unabashedly advocate the surrender of American rights and sovereignty until this bulletin appeared.

"What it amounts to, in effect, is the official U.S. position on the subject of disarmament. More specifically, it is the basis of proposals which have already been submitted to the United Nations by the United States.

"Although this bulletin was published last fall and is available for just 15 cents from the Government Printing Office in Washington, there has been very little attention paid to it.

"Why, I cannot tell you, for it is certainly the most fantastic, harebrained blueprint for surrender on record.

"Old Nikita himself might just as well have written it. And if more of the American people knew about this scheme there would be a nationwide uproar that would make the reaction to the Alger Hiss scandal look like another era of good feeling by comparison.

"Last September President Kennedy addressed the United Nations and spoke of the desire of the United States to reach an agreement on disarmament. His stand has been echoed by Adlai Stevenson, our chief delegate and Ambassador to the U.N.

"Where Kennedy and Stevenson spoke in general terms, the State Department bulletin deals in specifics. It supplies the term for those vague goals the administration hopes to gain through the U.N.

"What are these terms? The State Department document summarizes the proposals as a 'new program [which] provides for the progressive reduction of warmaking capabilities of nations and the simultaneous strengthening of international institutions to settle disputes and maintain the peace.' This program is broken down into three phases or parts.

"In the first phase, all nuclear weapons tests by nations would be prohibited, production of fissionable material stopped, strategic delivery systems reduced, and conventional arms and armed forces would be cut.

"In the second phase, present stocks of nuclear weapons would be reduced, further cuts would be made in armed forces, armaments, and delivery systems, and military bases and facilities would be dismantled. At the same time, a peace force would be established for the United Nations.

"In the third and final phase, all nations would possess only those forces, nonnuclear armaments, and establishments required for the purpose of maintaining internal order; they would also support and provide agreed manpower for a U.N. peace force.

"This force would be fully functioning, and would be sufficiently strong to overpower any individual nation or combination of nations resisting its will.

"There you have it. One, two, three, bingo. The U.N. rules the world.

"And who rules the U.N.? That is the question. If for one moment old Nikita thinks he isn't going to rule the U.N., you can bet your last kopek he's not going to fall for a trap like this.

"As soon as he and Mr. Nehru, Mr. Nkrumah, Mr. Sukarno, and a few other scoundrels count enough votes to come up with a winning combination, such a proposal will be natural for them, and there won't be any more kopeks left for us to count. That's the beauty of the system—from Mr. Khrushchev's point of view, of course. It's heads he wins, tails we lose.

"And speaking of votes, one of the most interesting—if most frightening—aspects of this proposal is the lineup on an 18-nation negotiating body in the U.N. which soon will be considering this disarmament scheme.

"Originally, this committee was composed of five Western nations (Britain, Canada, France, Italy, and the United States) and five Soviet bloc nations (Bulgaria, Czechoslovakia, Poland, Rumania, and the U.S.S.R.). But the sharp division of these two factions resulted in a complete deadlock, and on June 27, 1960, the Soviets walked out.

"Then somebody came up with the bright idea of adding eight independent nations to the committee as a compromise—two Asian, two African, two Latin American, one Middle Western, and one European.

"The future of this country—and of the free world may very well depend upon how those eight nations line up.

"At the moment the future is looking very dark. For from Asia, they picked Burma and India; from Africa, Nigeria and Ethiopia; from Latin America, Mexico and Brazil; Egypt from the Middle East, and Sweden from Europe.

"Five of these nations—a clear majority—recently voted in favor of seating Red China in the U.N. and kicking Chiang out. These five nations are Burma, Egypt, Ethiopia, India, and Sweden.

"Moreover, Mexico was the only Latin American nation (other than Cuba, of course) to oppose flatly a resolution by the Organization of American States calling for a Foreign Ministers' Conference on the Cuban threat of Communist invasion of the hemisphere.

"Brazil, which refused to support this same measure by abstaining on the vote, has already proclaimed its disapproval of any measures which the Foreign Ministers might take to deal with Castro. The Brazilian Government has officially called upon the United States and other hemisphere nations to coexist with Cuban communism.

"How many friends does this leave the United States on the all-important U.N. Disarmament Committee? You count 'em. I'm sick."

Mr. CLARK. Readers of the RECORD will note that my distinguished colleague made certain statements to which I take strong dissent.

First, he said:

Every day more and more people share a growing concern for the preoccupation of the State Department and some people in high places with the issue of disarmament.

Second, he said:

I think it is naive and unrealistic to be preoccupied with the question of disarmament.

Third, he said:

We know that the Communist conspiracy has no intention of coexisting with us.

Mr. President, I take strong exception to each of those three statements.

In the column which the junior Senator from Texas inserted in the RECORD, its author, Mr. Ken Thompson, referred to what he calls—as stated in the article:

One of the most incredible documents ever to emerge from the foggy corridors of the State Department is a bulletin entitled "Freedom From War: The U.S. Program for General and Complete Disarmament in a Peaceful World."

I continue to quote from Mr. Thompson:

As skeptical as I have always been of the measure of good sense and loyalty within the State Department, I never would have believed that these people we call our diplomats could so completely and unabashedly advocate the surrender of American rights and sovereignty until this bulletin appeared.

Mr. President, I submit that both the junior Senator from Texas and Mr. Thompson are pretty far off base in the comments which I have noted.

In the first place, the program entitled, "Freedom From War: The U.S. Program for General and Complete Disarmament in a Peaceful World," is not some pamphlet dreamed up in what is referred to as the "foggy corridors of the State Department." It is the fixed, determined, and approved policy of the Government of the United States of America. It was laid down by the President of the United States, John Fitzgerald Kennedy, in a speech he made before the United Nations on September 25 of last year—a speech which I think will ring down through the corridors of history.

That program, when it was submitted by the President of the United States, had the approval not only of the State Department but also of the President's then disarmament adviser, Mr. McCloy, who was its principal author; of the Department of Defense; and of the Atomic Energy Commission. It represents the fixed and determined policy of the executive arm of the U.S. Government.

If individuals, whether on or off this floor, desire to criticize that program, they should turn their criticism not against some subordinates in the State Department but against the Commander in Chief of the Armed Forces of the United States of America, the President of the United States.

I recall to Members the dramatic statement made by the President in that splendid address before the United Nations, to the effect that he challenged the Soviet Union to a race for peace, not a race for war. In that connection I suggest that the program presented by our President at that time has, by implication at least, the full support of the Congress of the United States.

Mr. President, in my view the President's program for total and permanent disarmament under enforceable world law is not only that of his administration but is also the kind of program which Congress envisioned when, last summer, it passed the statute creating the U.S. Arms Control and Disarmament Agency. That bill was passed on September 8 by the Senate by a vote of 73 to 14 only approximately 2 weeks before the President made his historic appearance before the United Nations. The bill was passed a few days later by the House of Representatives, by a vote of 280 to 54.

As expressed in the first annual report of the U.S. Arms Control and Disarmament Agency:

Successful arms control and disarmament negotiations are, of course, the chief purpose of the Agency's existence, and the goal to which its energies are directed.

Therefore, Mr. President, I submit that the executive and the legislative branches of our Government are substantially in accord in supporting the President's program for total and complete disarmament under enforceable world law, and I suggest that it is neither naive nor unrealistic—as was suggested by the junior Senator from Texas—for the Congress of the United States and the people of the United States to take an active, keen, and present interest in the subject of disarmament.

Far from its being naive to be preoccupied with this subject, I suggest that disarmament, world peace, and world law not only should be, but are, the constant preoccupation of all intelligent and educated men and women who desire to survive in freedom.

Mr. President, I am not one who believes in a theory of either national or international relationships by which we engage in a kind of international game

(112)

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missionerships, and that they were not the present holders of those places.

There was a report also that Samuel S. Koenig, Chairman of the Republican County Committee, had asked Mr. Mitchel to appoint a Republican as Commissioner of Accounts. There are several applicants for the job. The Republican organization is also anxious to obtain the appointment to the office of Corporation Counsel, but it is known that Mr. Mitchel feels that this is a personal appointment, and that he should be free to select any person he desires for the place.

Mr. Mitchel intends to be sworn in today as Mayor. Arrangements have been made with Supreme Court Justice Goff to perform that function.

It was said yesterday that Mr. Mitchel would make a speech on Jan. 1 and tell the public just what his Commissioners are expected to do. After the speech-making is over the public will be allowed to file past the new Mayor and shake his hand. The ceremony will be held in the reception room of the City Hall at the same time that the new Board of Aldermen is holding its reception in the Aldermanic Chamber upstairs.

CRASS HAS SON LOCKED UP.

Boy's Business Ventures with Former Teacher Disturb Father.

Benjamin Crass, Vice President of the Domestic Sewing Machine Company of 3 West Fourteenth Street, had his son, Milton, 18 years old, arrested and locked up in the West Seventeenth Street Police Station yesterday on a charge of disorderly conduct. He told the police that when he upbraided his son the boy invited him take off his glasses and fight.

Mr. Crass said that he returned three weeks ago from a six months' business trip to Europe to find that Milton, who is one of a family of five boys and six girls, had left the De Witt Clinton High School. Milton, he said, with a former teacher at the school, was interested in a number of small business enterprises of which he did not approve. At the present time, he said, the boy was trying to arrange a lease for an office for one of the enterprises he had planned.

Milton Crass told the police that he was a general manager of the Efficiency Circulation and Subscription Company. He gave no address for the concern. He lived, he said, with his father at 8 West 131st Street. Young Crass was arraigned last night before Magistrate Marsh in the Men's Night Court. The Magistrate, after hearing the father's story, discharged the boy and told him to go home with his father and behave himself in the future.

"Your father," said the Magistrate, "has your best interest at heart, and if you are wise you will take his advice."

Mr. Crass left the court with his son.

No Xmas or New Year's dinner complete without Augustus Bisson Delicious appetizer.—Adv.

signing of the Tariff act by [illegible] in the same room, the spectators were much more enthusiastic and seized every occasion to applaud. It was a happy group, but happiness was most apparent in the face of the President's wife. Mrs. Wilson and her daughters and Miss Bones were attired in street costume. Miss Eleanor Wilson removed her hat in order to give a better opportunity for witnessing the signing to Edward T. Brown of Atlanta, Ga., her mother's cousin, who stood directly behind her with his hands resting affectionately on Miss Eleanor's shoulders.

When the company had all assembled, the President sat down at the big mahogany flat-top desk, while Rudolph Forster, the executive clerk of the White House, placed before him the engrossed copy of the bill, printed on parchment, with the last page folded over for his signature. In addition to three plain gold pens purchased by the President with which to attach his signature, Senator Chilton of West Virginia had presented another gold pen, which he asked the President also to use.

With Senator Chilton's pen President Wilson wrote the words "Approved, 23, December, 1913," remarking as he did so: "I'll do the deed first, and then I'll have something to say." Then he took up one of the plain gold pens and wrote his first name, "Woodrow," with it. With the second of the plain gold pens he wrote the first syllable of his last name, and finished his signature with the other pen. "I'm using a series of pens," explained the President to the gathering. In response came the deep voice of Senator James Hamilton Lewis of Illinois: "The bill came forth in installments."

Everybody laughed at this, of course, and there was another laugh when the President, as he reached for the fourth pen, remarked: "I'm drawing on the gold reserve."

Pens to Glass, Owen, and McAdoo.

The signing completed, the President rose, and, while the company surrounding him applauded with vigor, he handed one of his own gold pens to Representative Glass, another to Senator Owen, and the third to Secretary McAdoo, these three comprising the group

POLAND WATER IS PREFERRED for the table wherever the Best is sought.—Adv.

Lily Drinking Cups are ideal for office use. They are made by the Public Service Cup Co., N'klyn.—Adv.

voted for the bill on Friday, was not in town to-day. The moral effect of these losses was somewhat offset by the announcement that Mr. Falt of Arizona, a Republican, would have voted for the report had he been present. The Republicans who did so were Mr. Weeks of Massachusetts, Mr. Norris of Nebraska, and Mr. Jones of Washington. The one Progressive was Mr. Poindexter of Washington. Mr. Ashurst of Arizona and Mr. Thomas of Colorado—both Democrats—criticised the elimination of deposit insurance, but finally voted for the report.

The vote on the adoption of the bill was as follows:

FOR ADOPTION.

DEMOCRATS.	DEMOCRATS.
Ashurst,	Randell,
Bacon,	Reed,
Bankhead,	Robinson,
Bryan,	Shafroth,
Chamberlain,	Sheppard,
Chilton,	Shively,
Gore,	Simmons,
Hitchcock,	Smith of Arizona,
Hollis,	Smith of Georgia,
James,	Smith of So. Carolina,
Johnson,	Swanson,
Kern,	Thomas,
Lane,	Thompson,
Lea,	Vardaman,
Lewis,	Williams.
Martin,	Total—30.
Martine,	REPUBLICANS.
Newlands,	Jones,
Norris,	Norris,
O'Gorman,	Weeks,
Overman,	Total—3.
Owen,	PROGRESSIVE.
Pittman,	Poindexter.
Pomerene,	Total—1.

AGAINST ADOPTION.

REPUBLICANS.	
Borah,	La Follette,
Bradley,	McCumber,
Brady,	Nelson,
Brandegee,	Page,
Bristow,	Perkins,
Burton,	Root,
Catron,	Sherman,
Clapp,	Smoot,
Dillingham,	Sutherland,
Gallinger,	Townsend,
Gallagher,	Warren,
Gronna,	Works.
Kenyon,	Total—23.

The debate was largely made up of attacks from Republican Senators on the exclusion of Republican conferees from working sessions of the Conference Committee. Mr. Weeks, however, though he finally supported the conference report, assailed its provisions regarding the make-up of the organization committee of the proposed new system and the elimination of the profits of country banks arising from the collection of out-of-town checks.

Mr. Weeks denounced the Organization Committee's personnel as the worst piece of partisan legislation of many years. While both sides had disclaimed any intention of making political gains out of the system, he said, the Organization

Continued on Page 2.

THE POOR MAN, HE HAS SIMPLE JOYS:
The rich have few, if any—
Their pleasure, while they taste it, clays;
Be glad—without a penny!
Pooch holds pipe and tobacco. At Schulte's.—Adv.

Government are of necessity party measures, for the party of the majority is responsible for their origination and their passage, but this cannot be called a partisan measure. It has been relieved of all intimation of that sort by the cordial co-operation of men on the other side of the two houses, who have acted with us and have given very substantial reasons and very intelligent reasons for acting with us. So that I think we can go home with the feeling that we are in better spirits for public service than we were even when we convened in April.

First Constructive Measure.

"As for the bill itself, I feel that we can say that it is the first of a series of constructive measures by which the Democratic Party will show that it knows how to serve the country.

"In calling it the first of a series of constructive measures, I need not say that I am not casting any reflections on the great Tariff bill which preceded it. The Tariff bill was meant to remove those impediments to American industry and prosperity which had so long stood in their way. It was a great piece of preparation for the achievements of American commerce and American industry which are certainly to follow.

"Then there came upon the heels of it this bill, which furnishes the machinery for free and elastic and uncontrolled credits, put at the disposal of the merchants and manufacturers of this country for the first time in fifty years.

"I was refreshing my memory on the passage of the National Bank act, which came in two pieces, as you know, in February of 1863 and in June of 1864; it is just fifty years ago since that measure, suitable for that time, was passed, and it has taken us more than a generation and a half to come to an understanding as to the readjustments which were necessary for our own time. But we have reached those readjustments.

"I, myself, have always felt when the Democratic Party was criticised as not knowing how to serve the business interests of the country, that there was no use of replying to that in words. The only satisfactory reply was in action. We have written the first chapter of that reply.

To Organize Our Peace.

"We are greatly favored by the circumstances of our time. We come at the end of a day of contest, at the end of a day when we have been scrutinizing the processes of our business, scrutiniz-

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From : PRO-SET TILE, INC. PHONE No. : 1 215 539 8616 Feb. 15 1995 10:23PM P04

said to have had some effect with Mr. Mitchel.

Mr. Mitchel would make no comment yesterday upon his slate. He said that he had gone over the names that had been submitted for Commissioners carefully and that he would announce his appointments by Dec. 31. He said that he would not be able to talk with any more applicants for positions, as he had spent a week or two with individuals who wanted appointments and that he had arrived at no conclusion as to whom he would appoint.

"I want to say," said Mr. Mitchel yesterday, "that I have been busy during the past week or two considering applications. There have been so many that I have been unable to see all the applicants. From now on I intend to confine myself to those whom I have picked out for consideration and want to talk to personally. In other words, I intend to make my own selections and from now on I will only have time to consider those whom I have made appointments with."

Among those who were at Mr. Mitchel's office yesterday were Oscar S. Straus and John D. Rockefeller, Jr. Both waited in an ante room for more than half an hour before Mr. Mitchel could see them. When they came out they said that they had not seen Mr. Mitchel regarding appointments, but on personal business.

"I appreciate," said Mr. Rockefeller, "that Mr. Mitchel is very busy with his appointees, but I am one who did not come to see him about a job. I came to see him only on personal matters."

Mr. Straus said the same and Mr. Mitchel, later, said that he had talked with both Mr. Rockefeller and Mr. Straus on personal matters. Others who saw Mr. Mitchel during the afternoon were Raymond B. Fosdick, ex-Commissioner of Accounts, and R. A. C. Smith, Dock Commissioner. Mr. Fosdick has been mentioned for Police Commissioner, but he said most emphatically, a few days ago, that he would not take the job. Commissioner Smith is to be retained in his present position.

It was said yesterday that Mr. Mitchel had asked certain individuals to accept Fire, Health, and Street Cleaning Commissionerships, and that they were not the present holders of those places.

There was a report also that Samuel S. Koenig, Chairman of the Republican County Committee, had asked Mr. Mitchel to appoint a Republican as Commissioner of Accounts. There are several applicants for the job. The Republican organization is also anxious to obtain the appointment to the office of Corporation Counsel, but it is known that Mr. Mitchel feels that this is a personal appointment, and that he should be free to select any person he desires for the place.

Mr. Mitchel intends to be sworn in to-[illegible] have been made resting affec-

o'clock this evening, following the passage of the conference report by the Senate in the afternoon by a vote of 43 to 25, and the House's approval of that report last night.

Afterward the President took occasion to make a ten-minute speech couched in a conciliatory vein, evidently intended to assure business interests of his confidence that with the enactment of the measure conditions would improve throughout the country.

The signing of the bill, which was attended with considerable ceremony, took place in the President's oval-shaped room in the Executive office building. The President was surrounded by members of his family, most of his Cabinet officers, members of the Banking and Currency Committees of both houses, other Senators and Representatives, prominent officers of the Government, and newspaper men.

To the right of the President's desk stood Mrs. Wilson, Miss Margaret Wilson, and Miss Eleanor Wilson, and with them Miss Bones, a cousin of Mrs. Wilson and her personal secretary, while nearby were Miss Jeffries, the housekeeper of the White House, and Miss McAdoo, the daughter of the Secretary of the Treasury. Grouped behind the President were the Secretaries of the Treasury, War, the Navy, the Interior, Agriculture, Commerce, and Labor, and the Postmaster General, as well as Speaker Clark, Senator Robert W. Owen, Chairman of the Senate Committee on Banking and Currency; Representative Carter Glass, Chairman of the House Committee on Banking and Currency, and Representative Oscar W. Underwood, leader of the House.

Christmas Spirit Prevails.

The Christmas spirit pervaded the gathering. While the ceremony was a little less impressive than that of the signing of the Tariff act on Oct. 3 last in the same room, the spectators were much more enthusiastic and seized every occasion to applaud. It was a happy group, but happiness was most apparent in the face of the President's wife. Mrs. Wilson and her daughters and Miss Bones were attired in street costume. Miss Eleanor Wilson removed her hat in order to give a better opportunity for witnessing the signing to Edward T. Brown of Atlanta, Ga., her mother's cousin, who stood directly be-

[illegible] ator Gore; Representatives Townsend, McCoy and Walsh of New Jersey, Heflin of Alabama, Korbly of Indiana, Phelan of Massachusetts, and Logue of Pennsylvania, and Byron O. Newton and Charles S. Hamlin, Assistant Secretaries of the Treasury.

Tributes to Authors of Bill.

The President sent the following letters to Chairman Glass and Chairman Owen of the House and the Senate Banking and Currency Committees:

The White House, Washington,
Dec. 23, 1913.

My Dear Mr. Glass:

May I not express my admiration for the way in which you have carried the fight for the Currency bill to an extraordinarily successful issue?

I hope and believe that the whole country appreciates the work you have done at something like its real value, and I rejoice that you have so established yourself in its confidence.

With sincere admiration,

Cordially yours,
WOODROW WILSON.

The Hon. Carter Glass, House of Representatives.

The White House, Washington,
Dec. 23, 1913.

My Dear Senator:

Now, that the fight has come to a successful issue, may I not extend to you my most sincere and heartfelt congratulations and also tell you how sincerely I admire the way in which you have conducted a very difficult and trying piece of business?

The whole country owes you a debt of gratitude and admiration. It has been a pleasure to be associated with you in so great a piece of constructive legislation.

Cordially and sincerely yours,
WOODROW WILSON.

The Hon. Robert L. Owen, United States Senate.

Senate Adopts Bill 43 to 25.

After debate that began at 10 o'clock and lasted until 2:30 the Senate adopted the conference report by a vote of 43 to 25. All Democrats present, three Republicans and the only Progressive in the Senate voted for the report.

Mr. Perkins of California, and Mr. Gronna of North Dakota, both Republicans, who had voted for the final passage of the bill on Friday, voted against the report to-day, presumably because of the elimination of the insurance of bank deposits. Mr. Crawford of South Dakota, a Republican, of the Banking and Currency Committee, who voted for the bill on Friday, was not in town to-day. The moral effect of these losses was somewhat offset by the announcement that Mr. Fall of Arizona, a Republican, would have voted for the report had he been present. The Republicans who did so were Mr. Weeks of Massachusetts, Mr. Norris of Nebraska, and Mr. Jones of Washington. The one Progressive was Mr. Poindexter of Washington. Mr. Ashurst of Arizona and Mr. Thomas of Colorado—both Democrats—criticised the elimination of deposit insurance, but finally voted for the report.

The vote on the adoption of the bill [illegible] the Currency bill [illegible]

Wilson made a short speech to the little company that witnessed the ceremony.

In this address he made the expected reference to the Administration's attitude toward big business, his most tangible and decisive statement being that the new law, instead of being hostile to business interests as some of the critics had said, was "friendly and serviceable, exactly what we intended it to be and what we shall intend all our legislation to be."

His speech in full was as follows:

"Gentlemen, I need not tell you that I feel a very deep gratification at being able to sign this bill, and I feel that I ought to express very heartily the admiration I have for the men who have made it possible for me to sign this bill. There have been currents and counter-currents, but the stream has moved forward.

"I think that we owe special admiration to the patience and the leadership and the skill and the force of the Chairmen of the two committees, and behind them have stood the committees themselves, exercising a degree of scrutiny and of careful thought in this matter which undoubtedly has redounded to the benefit of the bill itself.

"Then there has grown, as we have advanced with this business and the great piece of business which preceded it, evidences of team work that to my mind have been very notable indeed. Only constructive action, only the action which accomplishes something, fills men with the enthusiasm of co-operation, and I think that at this session of Congress we have witnessed an accumulating pleasure and enthusiasm on the part of membership of both houses in seeing substantial and lasting things accomplished.

"It is a matter of real gratification to me that in the case of this bill there should have been so considerable a number of Republican votes cast for it. All great measures under our system of Government are of necessity party measures, for the party of the majority is responsible for their origination and their passage, but this cannot be called a partisan measure. It has been relieved of all intimation of that sort by the cordial co-operation of men on the other side of the two houses, who have acted with us and have given very substantial reasons and very intelligent reasons for acting with us. So that I think we can go home with the feeling that we are in better spirits for public service than we were even when we convened

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ng of New Year's Customs.
n the first of January was a day of much us celebration.
rtesy Costly to Business.
College Student a Joke?
you should read
NEXT SUNDAY'S TIMES.

WILSON SIGNS THE CURRENCY BILL; PROMISES FRIENDLY AID TO BUSINES

Affixes His Signature at 6:02 P.M., Using Four Gold Pens.

LAUDS GLASS AND OWEN

President Writes to Leaders Congratulating Them on Their Achievement.

SENATE ADOPTS MEASURE

By Vote of 43 to 25, Majority Including Three Republicans and One Progressive.

BRISTOW ACCUSES OWEN

Charges That Bill Will Benefit Leader as Banker, Which Owen Denies.

Special to The New York Times.

WASHINGTON, Dec. 23.—President that had drafted the currency measure in its original shape at the instance of the President.

Senator Owen had made arrangements for another souvenir of this important occasion. He had obtained a fac-simile of the engrossed copy of the bill printed on parchment, and before the President left the room he accommodatingly attached his signature to this document. So that Senator Owen has what to all intents and purposes appears to be the official draft of the currency act as enacted by Congress and approved by the President.

Turning to the men and women grouped around him, President Wilson began to speak slowly and distinctly in a conversational tone, with just a trace of hesitancy, suggesting diffidence. The President wore a gray business suit. In spite of his recent attack of the grip, he looked well, and it was plain to the spectators that the enactment of the currency law had buoyed up his spirits wonderfully.

There was frequent applause to punctuate what the President had to say in the course of his ten minu' speech. Secretary McAdoo, who stood just behind the President, frequently nodded his head in approval. Chairman Owen looked grave, but Mr. Glass and Mr. Underwood fairly beamed.

After the speech nearly all those present shook hands with the President, congratulated him on the accomplishment of his currency legislation, and wished him a Merry Christmas.

In addition to those named, the company that witnessed the ceremony included Joseph P. Tumulty, Secretary to the President; Senator Kern, floor leader of the Senate; Senators Pomerene, Shafroth and James; John Skelton Williams, Assistant Secretary of the Treasury, who is regarded as slated for the important post of Controller of the Currency; Thomas P. Kane, Deputy and

New Legislation Air to "Organize Our Peace," He Says.

PROSPERITY TO BE FI

Through Machinery for trammeled Credits for M chants and Manufacturer

NOT A PARTISAN MEAS

But a Step Toward Those E ness Readjustments Wh the Country Has Decree

WILL HELP EVERY CL

And Be Serviceable to All the ple, as the Party Intends Legislation Shall Be.

Special to The New York Time

WASHINGTON, Dec. 23.—Afte

ERICAN THRONE

rmerly Mrs. nted to be Says Coan.

ork Times.

23.—Asserting to help place formerly Mrs. a famous hat ne of Portugal oan, chief in- Senate White former Philas- has brought tcalson, son of alleged to be the "cause." caused a sum- y against Mr.

r his home in he story of his s. He said he to sound the the Senate as an American throne of Por- stful revolution. he interviewed he declined to

MAY RETAIN WALDO; FEW WANT HIS PLACE

Mayor Mitchel Likely to Keep the Police Commissioner for a Time, Anyway.

Police Commissioner Waldo is to retain his office, at least for a month or two, according to the report that was current about the City Hall yesterday. It is well known that Mayor-elect Mitchel has had great difficulty in selecting a man to succeed Mr. Waldo. It was said yesterday that Mr. Mitchel had not been able to make up his mind on a Police Commissioner, and that in the meantime he was willing to allow Commissioner Waldo to serve.

The Police Commissionership has been a thorn to Mr. Mitchel ever since he has been considering his Cabinet, and the fact that there has been a dearth of applicants has given him considerable concern. During the last two weeks a number of prominent citizens have asked Mr. Mitchel to retain Commissioner Waldo.

The fact that Commissioner Waldo had a conference with Mr. Mitchel yesterday, and that several prominent citizens, including Jacob H. Schiff, argued

to be included in the national organizations, which have indicated interest in the proposed music center.

Respectfully yours,

AMERICAN GUILD OF ORGANISTS,
S. LEWIS ELMER,
National President.

Indebtedness of Italy to the United States

EXTENSION OF REMARKS
OF
HON. LAWRENCE H. SMITH
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1954

Mr. SMITH of Wisconsin. Mr. Speaker, under leave to extend my remarks, I am herewith inserting into the CONGRESSIONAL RECORD an itemized report on the indebtedness of Italy to the United States, prepared for me by the Library of Congress:

What Italy owes the United States

World War I indebtedness (as of July 1, 1953):	
Principal	$1,618,400,000.00
Due and unpaid	386,500,000.00
Interest	102,112,659.34
Total	2,107,012,659.34
Repayments:	
Principal, funded debts	37,100,000.00
Principal, unfunded debts	364,319.28
Interest, funded debts	5,766,708.26
Interest, unfunded debts	57,598,852.62
Total	100,829,880.16
Indebtedness	2,107,012,659.34
Repayments	100,829,880.16
Balance	2,006,182,779.18
Lend-lease aid (cumulatively, Mar. 11, 1941–Mar. 31, 1951):[1]	
Tanks and vehicles	1,811,662.37
Vessels and other watercraft	51,200,389.05
Miscellaneous military equipment	182,038.75
Agricultural, industrial, and other commodities	132,510,223.06
Services and expenses	667,365.64
Total	186,371,678.87
Foreign grants and credits (period July 1, 1940, through June 30, 1953):	
Grants:[2]	
American Red Cross	3,183,000.00
Army (civilian supplies)	410,107,000.00
Interim aid	176,006,000.00
Mutual security:	
Economic assistance	1,326,325,000.00
Military aid	18,745,000.00
Technical assistance	1,170,000.00
UNRRA	416,769,000.00
Post-UNRRA	117,414,000.00
Treasury (civilian goods)	134,487,000.00
Total	2,604,205,000.00

[1] No reverse lend-lease aid was received from Italy.
[2] No payments requested on grants.

Credits	Net authorizations	Balance owing
Export-Import Bank loans	$147,865,000	$52,210,000
Defense materials procurement	3,342,000	2,912,000
Mutual Security loans	95,600,000	95,600,000
Maritime Administration (ships)	65,222,000	40,435,000
Surplus property	144,072,000	123,673,000
Total	450,101,000	314,829,000
Balance outstanding on July 1, 1953	$314,829,000.00	
Principal repaid by July 1, 1953	141,272,000.00	
Total loans and credits	456,101,000.00	

Recapitulation (status as of July 1, 1953):	
World War I aid	$2,006,182,779.18
Lend-lease	186,371,678.87
Grants	2,604,205,000.00
Loans	314,829,000.00
Total	5,111,588,458.05

★ Lethal Genocide Convention Destroys Individual Rights

EXTENSION OF REMARKS
OF
HON. USHER L. BURDICK
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1954

Mr. BURDICK. Mr. Speaker, the Genocide Convention passed by the United Nations is a fine-sounding document, but like other conventions adopted by that organization, it has an ulterior purpose.

The dictionary defines genocide as the systematic destruction of a racial, political, or cultural group of people. Very few people in this world can be found who would not be in favor of putting a stop to this barbarous practice, but in framing this convention the United Nations used this great appeal as an instrument to shield its real purpose.

In defining genocide the United Nations has gone beyond all past understanding of its meaning, and under the terms as this organization interprets it, if anyone, anywhere, even makes a statement reflecting upon any group or a member of any group which has the effect of injuring their feelings, then a crime has been committed, and the persons or persons making the statement are ipso facto guilty of the crime of genocide. Knowing full well that such a law could not be enforced in the United States, the United Nations has made elaborate preparations to implement it.

First of all, the interpretation of this law, and trials conducted under it, are not entrusted to the courts of this or any other country, but come under the jurisdiction of a court of its own which the United Nations has set up—an International Court of Justice which has civil and criminal jurisdiction.

For several years now, lawyers have been working on the construction of this code, and under it a person charged with the offense of genocide is tried wherever the United Nations may decide. The alleged offender can be taken out of this country, if here is where he uttered the statements that hurt the feeling of some group or a member of a group, and sent to any country the United Nations deems proper, for trial.

When he is tried—and it may be for his life—he does not have the protection of the Constitution and the laws of the United States, but he is subject to the United Nations code of law and its constitution.

In order to get around the provisions of our Constitution in regard to free speech, a free press, and free religion, and deny the citizens of this country that protection, the Genocide Convention and the Covenant of Human Rights boldly attempt to redefine these landmarks of liberty, and a new definition of free speech, a free press, and free religion appear. It flatly denies the terms of our Constitution which guarantee these fundamental rights to the people of this country, and sets up conditions that were not even thought of or discussed in our Constitutional Convention. The effect of this new definition of these three basic rights actually is to set aside the provisions of our own Constitution.

Why is it necessary to abrogate our own Constitution in any particular if the only purpose of the convention is to put a stop to the crime of genocide? Does any provision of our Constitution favor this crime? No, sir; not a single provision.

Why cannot our own courts be trusted to handle the crime of genocide? No, sir; they cannot be trusted; hence the United Nations builds a court of its own, in defiance of the protection given by United States courts to every person charged with crime.

Every move made by the United Nations in framing its various conventions are of the same character as this genocide convention. The covenant of human rights is another example. It sounds well, on the face of it, but immediately it attacks the Constitution of the United States. The very charter of the United Nations does the same thing. The United Nations is not an organization to preserve peace, but a sinister attempt to form a world government, with a house and senate, a judicial system, a tax system and a police system.

UNESCO is another attempt to destroy the United States. In that agency patriotism is attacked, and instead of building love of country, the United Nations Educational, Scientific, and Cultural Organization directly attempts to eradicate it. Children are taught that reverence for the great men of our past tends to build a strong national spirit and that conflicts with the United Nations design to build a strong reverence for a world government.

Nothing the United Nations has yet proposed in any field seems willing to accept our Constitution and way of life as it is and to proceed constitutionally. Every move made is a move to abrogate, or redefine, or amend our Constitution. The purpose behind this drive is to prepare the United States for entry into a world government—and under our Constitution this cannot be done. The sovereignty of the United States is squarely

(115)

and firmly based upon the Constitution, and unless it can be abrogated our great Republic cannot be taken into this spurious world government.

Ours is the only Government in the world that unqualifiedly exists for the people. The people built it. It was done by them. It was done for them. Most foreign countries have the opposite view. There the people exist for the government. How in the world can true, loyal Americans believe that a Government like ours could mix with governments of opposite views, and present a mongrel world government that does not believe in our Constitution?

The avowed purpose of the United Nations was to bring peace to the world. It had a great appeal to all classes, because in this country the people do not want war. But time has revealed the fact that the United Nations is more concerned with changing the Constitution of the United States than it is with world peace. We would need no organization of this character to obtain peace if it were not for Russia. Russia and her satellites are the only ones indulging in aggression, yet Russia is a member of the organization which professes peace, but is actually spreading war. Russia holds a powerful position in the United Nations, for the military head of that organization has always been a Russian citizen, and always will be, for a secret agreement made in London between Molotov and Alger Hiss provides that the Russians should hold that office permanently. Russia is recognized by this country and maintains a cesspool of Communists right here in this great Capital City. She can speak her ism with impunity. She gets all the privileges of the United Nations, yet her daily action is absolutely against what the United Nations was avowedly organized for.

Under the United Nations and under the recognition of our Government, Russia has a powerful position of advantage from which to carry on her cold war and cause us to expend ourselves until we are resourceless. That is the doctrine put forward by Karl Marx, and the Russians follow that course not only gladly, but thoroughly and consistently.

Russia's only hope to overrun the United States is to do it by intrigue and the spread of communism among our own people, and through our recognition of her and her position in the United Nations this process is going forward, to the everlasting satisfaction of the Soviets.

How long it will take the American people to rise up in their might and demand our withdrawal from this communistic enterprise I do not know. But they are becoming more enlightened as the days pass.

Our only fear for the security of the future is the fear that our own people will fall victims to this Russian world propaganda.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 13, 1954

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou God of all majesty and mercy, daily during this Holy Week, we are reminded of those events and scenes in the life of our blessed Lord whose sacred significance our finite minds cannot comprehend.

Give us the humble spirit and the contrite heart as we follow, in thought, the King of Kings who, on Palm Sunday, proclaimed His sovereignty and the High Priest who, on Good Friday, laid upon the altar the acceptable sacrifice of His own life for the sins of the world.

We penitently confess that we cannot fathom the mystery of His sufferings and death but may we find in it all the supreme revelation of a love that seeks our redemption and will never let us go.

May the days of this Passion Week evoke within us the faith and hope that the time is coming when the whole world shall be lifted by the spirit of the crucified Saviour and risen Lord out of its tragedies and tribulations, its chaos and confusion, into the glorious orbit of justice and righteousness, peace, and good will.

In His name we offer our prayer. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL ORDER GRANTED

Mr. BAILEY asked and was given permission to address the House for 30 minutes on Wednesday next, following any special orders heretofore entered.

STAND FIRM, MR. DULLES

Mr. BYRD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BYRD. Mr. Speaker, recently Mr. Harold Stassen, Director of Foreign Aid Operations, went to London to confer on the easing of restrictions on East-West trade, and the United States sustained a diplomatic defeat. The British-French view obtained, not only to the extent of encouraging more East-West trade but also in the agreement to revise thoroughly the definition of what constitutes strategic goods.

One of the primary conflicts between Red totalitarian philosophy and economic democracy is the unending contest to demonstrate the superiority of the respective system. Clearly, the economic philosophy of Western democracy has proved its superiority; so, with the cold war in full force, with Moscow's campaign of hate America unabated, with the West pledged to bring the opportunities of self-determination to captive peoples, what do we do? We surrender at one fell swoop the economic advantages we have won in the struggle against communism.

Moreover, the press today, Mr. Speaker, brings us the disquieting news that Anthony Eden, British Foreign Minister, is presently endeavoring to persuade Secretary of State Dulles to refrain from seeking a unified warning from the West to the Communist bloc against any possible aggression in Southeast Asia. Mr. Dulles flew to London in an effort to get the Western Powers to present a united front on this crucial issue. But I am sad to say he has been met apparently with the old ostrich-like pre-Munich appeasement blindness. This kind of weak, indecisive, vacillating policy, Mr. Speaker, never protects the peace; it only invites war.

Now, as never before, is the time for constant vigilance. The administration and the Congress need to be ever alert to new and subtle forms of appeasement. Peace through strength must be our policy, and it should be implemented in all of its varied forms and ramifications. Stand firm, Mr. Dulles, stand firm.

THE LATE JOSEPH P. TUMULTY

The SPEAKER. The Chair recognizes the gentleman from New Jersey [Mr. HART].

Mr. HART. Mr. Speaker, on last Thursday morning I was profoundly shocked and saddened by the receipt of news that Joseph P. Tumulty, who had been confidential secretary to Woodrow Wilson as Governor of New Jersey and as President of the United States, was dead. The leading newspapers of the Nation and the radio informed readers and listeners of this tragic event. But their accounts dealt almost altogether with the achievements and influence of Mr. Tumulty after his arrival upon the national scene. The fullest and most moving of these reports and the best that has come to my attention is that which David Lawrence wrote in his syndicated column for April 12, which I shall insert in the RECORD immediately after my remarks. Mr. Lawrence, highly talented observer of public affairs, was well acquainted with both Woodrow Wilson and Mr. Tumulty before their advent to Washington. In fact, he had been a student of Woodrow Wilson while in attendance at Princeton University. But, the sad intelligence of Mr. Tumulty's death set me to indulging in recollections, recollections of days long, long ago, and of fine men associated with them, nearly all of whom have passed to their reward. I have been thinking of the Persian poet, and of the cruel finger which having writ moves relentlessly on. I have been thinking back four decades and more, almost to the turn of the century. After a long period of complacency, democracy was stirring again. It was coming alive to the realization that it was being throttled by overpowering forces, that devices conceived by cunning groups of men were frustrating its larger purposes, and that it must bestir it-

and firmly based upon the Constitution, and unless it can be abrogated our great Republic cannot be taken into this spurious world government.

Ours is the only Government in the world that unqualifiedly exists for the people. The people built it. It was done by them. It was done for them. Most foreign countries have the opposite view. There the people exist for the government. How in the world can true, loyal Americans believe that a Government like ours could mix with governments of opposite views, and present a mongrel world government that does not believe in our Constitution?

The avowed purpose of the United Nations was to bring peace to the world. It had a great appeal to all classes, because in this country the people do not want war. But time has revealed the fact that the United Nations is more concerned with changing the Constitution of the United States than it is with world peace. We would need no organization of this character to obtain peace if it were not for Russia. Russia and her satellites are the only ones indulging in aggression, yet Russia is a member of the organization which professes peace, but is actually spreading war. Russia holds a powerful position in the United Nations, for the military head of that organization has always been a Russian citizen, and always will be, for a secret agreement made in London between Molotov and Alger Hiss provides that the Russians should hold that office permanently. Russia is recognized by this country and maintains a cesspool of Communists right here in this great Capital City. She can speak her ism with impunity. She gets all the privileges of the United Nations, yet her daily action is absolutely against what the United Nations was avowedly organized for.

Under the United Nations and under the recognition of our Government, Russia has a powerful position of advantage from which to carry on her cold war and cause us to expend ourselves until we are resourceless. That is the doctrine put forward by Karl Marx, and the Russians follow that course not only gladly, but thoroughly and consistently.

Russia's only hope to overrun the United States is to do it by intrigue and the spread of communism among our own people, and through our recognition of her and her position in the United Nations this process is going forward, to the everlasting satisfaction of the Soviets.

How long it will take the American people to rise up in their might and demand our withdrawal from this communistic enterprise I do not know. But they are becoming more enlightened as the days pass.

Our only fear for the security of the future is the fear that our own people will fall victims to this Russian world propaganda.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 13, 1954

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou God of all majesty and mercy, daily during this Holy Week, we are reminded of those events and scenes in the life of our blessed Lord whose sacred significance our finite minds cannot comprehend.

Give us the humble spirit and the contrite heart as we follow, in thought, the King of Kings who, on Palm Sunday, proclaimed His sovereignty and the High Priest who, on Good Friday, laid upon the altar the acceptable sacrifice of His own life for the sins of the world.

We penitently confess that we cannot fathom the mystery of His sufferings and death but may we find in it all the supreme revelation of a love that seeks our redemption and will never let us go.

May the days of this Passion Week evoke within us the faith and hope that the time is coming when the whole world shall be lifted by the spirit of the crucified Saviour and risen Lord out of its tragedies and tribulations, its chaos and confusion, into the glorious orbit of justice and righteousness, peace, and good will.

In His name we offer our prayer. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL ORDER GRANTED

Mr. BAILEY asked and was given permission to address the House for 30 minutes on Wednesday next, following any special orders heretofore entered.

STAND FIRM, MR. DULLES

Mr. BYRD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BYRD. Mr. Speaker, recently Mr. Harold Stassen, Director of Foreign Aid Operations, went to London to confer on the easing of restrictions on East-West trade, and the United States sustained a diplomatic defeat. The British-French view obtained, not only to the extent of encouraging more East-West trade but also in the agreement to revise thoroughly the definition of what constitutes strategic goods.

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with my fingers crossed. Looking into the crystal ball reminds me of those distorted mirrors in a fun palace at the beach. In one you look skinny; in another you look fat; but it's the same you all the time that appears to assume several different shapes. You cannot help but laugh at these lopsided reflections of your true self.

When we turn from recreation to the more serious matters of life, we know that something of the same process is still at work. Sometimes we see only what we want to see in a given situation, ignoring other details. Trying to peer into the future is more difficult as we try to see with the mind's eye. But this we must do to prepare ourselves for the unknown, even though this combination of foreknowledge and guesswork turns out right only 80 percent of the time. That's a good batting average in any league.

In looking back to the beginning of 1952, I checked the predictions of one service that tried to gage the issues. Under the heading of personalities, or the names of those who would be most prominent in the political news, it mentioned Acheson, Boyle, Truman, McCarthy, MacArthur, and Gabrielson.

Some are still controversial right up to the closing days of this year. A couple fell by the wayside and we have a hard time trying to remember who they were. Others, unmentioned in January of 1952, are now in the news almost every day.

So as we look into the crystal ball for 1953 we know that some names and some issues that cannot be seen there will come into the picture as the year's story develops.

Confining myself to the probable factors, here's how the first session of the new Congress shapes up.

The nominal Republicans are in control by a small margin. Allied with conservative southern Democrats, they will have a much larger majority to work with. There is always a honeymoon period when a new President enters the White House. Congress is disposed to listen to him for a while. In Eisenhower's case, this harmony may continue much longer, because he will not insist on extreme measures.

From his Cabinet selections, we anticipate a businessman's approach to the problems of government. His appointment of an active union leader to the post of Secretary of Labor, on the other hand, shows that he will try to pour oil on the troubled waters of management-labor relations. Ike leans toward a stronger Mediation Service. He believes that there should be more real collective bargaining between the parties and less interference by the White House. How this works out will depend somewhat on the economic climate during his administration.

Some Congressmen, especially Democrats from industrial districts, believe that the Taft-Hartley Act should be repealed. Revision is all that can be hoped for under the new line-up.

On farm aid, the chances are that Congress will have more influence than the White House. Price supports will be maintained at 90 percent of parity as a floor. Rural electrification will continue. The farmers themselves will have more to say on the soil-conservation program. Both parties have a healthy respect for agriculture.

There will be talk from time to time on the issue of civil rights, but I fear that there will not be much progress.

Social security will go on as is. There may be some extension in coverage but no sizable increase in benefits will be approved by the conservative coalition.

An effort will be made to cut taxes, but this won't be easy. As long as Korea and the cold war continue, we cannot afford to penny-pinch our defenses. There will be some overhaul in the tax structure in an attempt to bring some order out of this chaos. Right now, it's like a cross-word puzzle that nobody can solve.

With others, I have been personally interested in securing statehood for Alaska and Hawaii. Conservatives, especially in the Senate, have heretofore blocked the recognition which these Territories deserve. The prospect, with a larger number of conservatives now on hand, is somewhat less than promising.

In the absence of any change in the international field, the draft will go on. As a law it will be effective until June 30, 1955. In my opinion it should be revised because it presently favors certain groups and discriminates against others. There is not enough opposition in sight to force a change in the selective-service law.

Universal military training will be sidestepped. This is not a popular idea.

Only the most necessary public works will be approved. A backlog will be kept in mind, ready for construction at the first sign of any drop in employment.

Controls over prices and materials are on their last legs. Controls over wages don't mean much even now.

Aid to education is a thorny issue. No one doubts the need for it, but where it should begin and where it should stop is a problem that can become very emotional. Congress will go slow on this, perhaps providing Federal construction subsidies only for certain areas in backward States.

Public housing programs will not command much attention. Present plans will continue with some minor revisions, but the need is not as urgent as it was in the postwar years. Slum clearance is always a problem but separate from the over-all housing shortage that has eased considerably.

There will be a slowdown in tariff cutting. We know that foreign trade can never be a one-way street. If we are ever to cut down on the money we give to other free nations in order to keep them going, then we must give them an opportunity to sell some of their products here. But not at the cost of throwing Americans out of work. After all, we cannot be expected to give away our money and our jobs at the same time. Federal policies have hurt some New England industries, without providing any compensatory help. This trend will be stopped.

No TVA's or Federal power-distribution networks are in the cards for New England. This area will be bypassed again, even though appropriations for projects in the West will be approved. Republican leaders from New England will have much influence in the new administration, but what they can and will do for us remains to be seen. In time they will be judged for their success or their neglect. We hope that they will not forget New England.

We thought we had enough investigations during the past year to provide daily copy for our newspapers, but the Republicans will make them look elementary. The Justice Department and the State Department are due for the Sherlock Holmes treatment. No files will be hidden from Congress.

Isolationism will not get far. Most Congressmen know that we must have allies and that we must help them. Foreign aid will continue, but not on a Santa Claus basis with no strings attached. The American people will insist that the aid given be used to the best advantage. Foreign nations will have to learn that they cannot lean on us forever without doing something to help themselves. What we do ask is that they live up to their promises. Foreign aid may be cut a bit just to show them that we mean business.

Likewise no agency of the United States Government will get what it asks on its own say-so. When appropriations are requested a lot of why's will be asked. Military spending will come in for a close look. There is waste here that can be cut out without weakening our build-up. "Show me the real need for it" will be the attitude of the administration and the Congress toward every item in the first budget which, strangely enough, will be submitted by President Truman early in 1953.

Government has gone so far and so fast during the past 20 years that it's time we took stock as to our position. On the domestic scene there will be few experiments. Moderation will be the cue.

In foreign policy there will be some changes. The State Department is up for an overhaul job. Instead of sitting back waiting for the Communists to make a move and then trying to counter it, our Government will now take the initiative. We will begin to make the first moves and let the Communists do a little worrying for a change.

The Voice of America will stop whispering. We won't be afraid to beam the truth to all the dark places behind the iron curtain. The United States will become stronger militarily, and it will speak out clearly from this position of strength. Arms aid will begin to flow to our allies, beefing them up and giving them more courage. Moscow will have to pull in its horns or risk real trouble. The new administration will not be pushed around by the Communists.

Christmas, the most hopeful season of the year, is just around the corner.

There are many gifts that we could ask for our Government, and not material ones because it seems to be getting all the money and things that it needs. We would ask in all sincerity that it be given character and ability. For the Government of the United States is such a big responsibility that it needs the very best men it can get.

Urgent as that need is, we will not put it first on our list, because there is something else that is much closer to our hearts.

There is one gift above all that we want—one that mankind has been seeking ever since that blessed night 1,953 years ago.

It is peace on earth, good will among men.

Although it is not possible to have our men home from Korea and with us on this Christmas, there is reason to hope that the end of that treadmill war is not too many months away.

The men in Korea are not forgotten. We want them to know that.

Perhaps we were tricked into so-called truce negotiations by an enemy who scorns good will and only uses it to gain an advantage. But at least we gave that enemy a chance to cooperate for peace. That he has betrayed it is another crime added to his aggression.

The first thing that our President-elect did was to go to Korea and size up the situation first-hand.

That is the tip-off to the future.

We will not appease, and we will not go on feeding our men into an endless war.

From now on there will be stepped-up pressure against communism everywhere.

The new Congress, backed by public opinion, will work with the administration to make this Nation stronger in every way.

That is the only road to peace.

Our Liberty Must Be Guarded

EXTENSION OF REMARKS

OF

HON. JOHN W. BRICKER

OF OHIO

IN THE SENATE OF THE UNITED STATES

Friday, January 9, 1953

Mr. BRICKER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD an editorial entitled "Our Liberty Must Be Guarded," published in the Ohio State Journal of December 19, 1952. It deals with Senate

Resolution 1, which I submitted on Wednesday.

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

OUR LIBERTY MUST BE GUARDED

To Americans their freedom seems indestructible—because they have not known a national life without it. They rely upon the Constitution and the Bill of Rights to protect them. Because the Declaration of Independence speaks of their unalienable rights they are prone to think their liberty cannot be taken away.

Today there is a very real and present threat to the freedom guaranteed to us by our Constitution and its Bill of Rights. It is in the proposed United Nations Covenant on Human Rights which is favored by the State Department under the Truman administration and which, in its final form, will come before the United States Senate for ratification as a treaty.

The danger to the freedom of the American people is the danger which confronts our Constitution in general, stemming from a loophole in the Constitution by which the United Nations Charter, having been ratified by the Senate as a treaty, may be held to supersede the Constitution.

In order to limit the scope of treaties in the future and to forestall a loss of American liberty through United Nations covenants and other treaties, Senator JOHN W. BRICKER, of Ohio, several months ago, proposed an amendment to the Constitution of the United States. The Bricker amendment will be one of the most important pieces of business before the new Congress convening in January.

If submitted by Congress and ratified by three-fourths of the States, the Bricker amendment may take its place as one of the great charters of American freedom.

Unless it is adopted, the clock of American freedom may be turned back 176 years and liberty, as we have known it, be lost to us forever.

Senator BRICKER does not propose that the United States withdraw from the United Nations. He believes it would be a mistake to do so. But he believes that this country must bulwark itself against the loss of liberty through treaties and, further, through executive agreements by which the past two administrations have been circumventing the treaty ratification powers vested in the Senate by the Constitution.

His proposed amendment would provide that "no treaty or executive agreement shall be made respecting the rights of citizens of the United States protected by this Constitution, or abridging or prohibiting the free exercise thereof."

At the time the Constitution of the United States was written, treaties dealt only with relations between nations. They did not attempt to regulate domestic affairs and to define the rights of individuals in various nations. Rights of individuals were fixed by the various governments. The Constitution of the United States was the first written constitution guaranteeing the rights of the people of a nation and it was a great step forward in the history of man.

Therefore, Senator BRICKER points out, there was no reason at the time the Constitution was written to limit the treaty-making powers so as not to affect the freedom of American citizens. It was not conceived that the treaty-making powers would ever touch those freedoms.

But nowadays there is a "new fashion in international law" Senator BRICKER says, which is to the effect that "the relationship among citizens of the same government and between the individual and his government are appropriate subjects for negotiation, definition, and enforcement by multilateral treaties." Under such a theory of the function of international law, no economic or political rights are beyond the reach of the treaty-making power as it now resides in our Government under the Constitution.

"Our State Department," Senator BRICKER has said, "is promoting this revolutionary legal theory by statements that the distinction between foreign and domestic affairs is virtually nonexistent."

At the time the Constitution was submitted to the States for ratification in 1787–88, there was a widespread feeling that it did not give sufficient guarantees of liberty to individual citizens and it was necessary for the sponsors to promise early submission of a Bill of Rights to the people in order to get the Constitution ratified. Such a Bill of Rights was promptly submitted and joined to the Constitution.

The Bill of Rights in our Constitution protects the people against any abridgment of freedom of speech, freedom of the press and freedom of religion. It guarantees them trial by jury, protects their property from seizure without due process of law and shields them from cruel and inhuman punishments.

Let us look at a few examples of how the Bill of Rights and the proposed U. N. Covenant on Human Rights would be in conflict.

The Bill of Rights says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

But if the U. N. Covenant were to become our "supreme law" by treaty, here is what freedom of religion would mean to the more than 250 faiths in America today:

"Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect public safety, order, morals, or the fundamental rights of others."

Under such a broad clause, religion could be suppressed on the grounds that public safety was threatened—and thus a Communist or Fascist war on religion could be rationalized.

Our Bill of Rights says: "Congress shall make no law * * * abridging the freedom of speech, or of the press."

But the U. N. Covenant reads: "The right to seek, receive, and impart information and ideas carries with it special duties and responsibilities, and may therefore be subject to certain penalties, liabilities, and restrictions, but these shall be such only as are provided by law and necessary for the protection of national security, public order, safety, health, or morals, or of the rights, freedoms, and reputation of others."

Hitler could have hailed such a clause, and Peron would cheer it. Senator BRICKER points out that this provision would "stamp the approval of a United Nations treaty on the trial and imprisonment of William Oatis," the Associated Press correspondent now imprisoned in Czechoslovakia in one of the most disgraceful episodes in our international relationship through the years.

Fifty-eight Senators joined Senator BRICKER in sponsoring his proposed amendment to the Constitution which would prevent the abridgement of American freedoms through treaties under "the new fashion in international law."

There is not much chance of the U. N. Covenant of Human Rights being ratified by the Senate in the new Congress. The Eisenhower administration certainly will not stand for ratification. John Foster Dulles, who will be Secretary of State in the new administration, is on record against ratification of the covenant.

But the Constitution should be amended now to forestall a loss of freedom to our children and to oncoming generations through the power of treaties and Executive agreements designed to circumvent the Constitution.

We should be at least as concerned about the freedom of our posterity as were our forefathers who insisted on a Bill of Rights.

We should not hesitate to amend the Constitution now to guarantee that freedom any more than did our forebears when they amended it with the first 10 amendments, the Bill of Rights.

Statement of Policy by Joseph H. Freehill, Director of Price Stabilization

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EXTENSION OF REMARKS

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Friday, January 9, 1953

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be printed in the Appendix of the RECORD a statement issued by Joseph H. Freehill, newly appointed Director of Price Stabilization, with reference to the policy which that office will follow.

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

We constantly hear and read claims that inflation is no longer a fact or a danger in this country, and that the price stabilization program has served its usefulness.

These statements, in my honest opinion, just aren't true, and I, for one, am certainly not planning to direct the operations of the Office of Price Stabilization as though they were.

First, I want to make it clear that we are still very much in business. About 72 percent of all items on the BLS wholesale price index as of November 26, were under price controls.

Moreover, practically every major statistic shows that prices are high, that pressures to force them even higher still exist strongly and that all the underlying factors that could make for a new and very serious round of both consumer and industrial price spirals are present.

Thus, the Consumer Price Index, which measures what each household must pay for the normal items of everyday living, stood at 190.9 on October 15, up 0.1 percent from September 15, and indications are that it hit a new peak again by November 15. Some 50 percent of all items on the wholesale price index are within 2 percent of their 2-year peaks. With prices at these levels, with accumulated savings and expenditures at record high, with the tense international situation, we cannot afford to be complacent about inflation or to weaken our price control efforts.

Certainly, were we to do so, prices would increase substantially in many major areas.

I am particularly concerned by the great number of applications for price ceiling increases and decontrol which hit the OPS every week.

Through October OPS had received more than 18,000 applications for individual price adjustments, some 3,000 of which are still outstanding.

In addition, since September, we have had applications by 35 entire industries for surveys to determine if every company within the industry should receive ceiling increases under the industry earnings standards. Industry advisory committees representing some 35 other industries have met with OPS since September 1, and almost without exception have requested pass-throughs on

Resolution 1, which I submitted on Wednesday.

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

OUR LIBERTY MUST BE GUARDED

To Americans their freedom seems indestructible—because they have not known a national life without it. They rely upon the Constitution and the Bill of Rights to protect them. Because the Declaration of Independence speaks of their unalienable rights they are prone to think their liberty cannot be taken away.

Today there is a very real and present threat to the freedom guaranteed to us by our Constitution and its Bill of Rights. It is in the proposed United Nations Covenant on Human Rights which is favored by the State Department under the Truman administration and which, in its final form, will come before the United States Senate for ratification as a treaty.

The danger to the freedom of the American people is the danger which confronts our Constitution in general, stemming from a loophole in the Constitution by which the United Nations Charter, having been ratified by the Senate as a treaty, may be held to supersede the Constitution.

In order to limit the scope of treaties in the future and to forestall a loss of American liberty through United Nations covenants and other treaties, Senator JOHN W. BRICKER, of Ohio, several months ago, proposed an amendment to the Constitution of the United States. The Bricker amendment will be one of the most important pieces of business before the new Congress convening in January.

If submitted by Congress and ratified by three-fourths of the States, the Bricker amendment may take its place as one of the great charters of American freedom.

Unless it is adopted, the clock of American freedom may be turned back 176 years and liberty, as we have known it, be lost to us forever.

Senator BRICKER does not propose that the United States withdraw from the United Nations. He believes it would be a mistake to do so. But he believes that this country must bulwark itself against the loss of liberty through treaties and, further, through executive agreements by which the past two administrations have been circumventing the treaty ratification powers vested in the Senate by the Constitution.

His proposed amendment would provide that "no treaty or executive agreement shall be made respecting the rights of citizens of the United States protected by this Constitution, or abridging or prohibiting the free exercise thereof."

At the time the Constitution of the United States was written, treaties dealt only with relations between nations. They did not attempt to regulate domestic affairs and to define the rights of individuals in various nations. Rights of individuals were fixed by the various governments. The Constitution of the United States was the first written constitution guaranteeing the rights of the people of a nation and it was a great step forward in the history of man.

Therefore, Senator BRICKER points out, there was no reason at the time the Constitution was written to limit the treaty-making powers so as not to affect the freedom of American citizens. It was not conceived that the treaty-making powers would ever touch those freedoms.

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"Our State Department," Senator BRICKER has said, "is promoting this revolutionary legal theory by statements that the distinction between foreign and domestic affairs is virtually nonexistent."

At the time the Constitution was submitted to the States for ratification in 1787–88, there was a widespread feeling that it did not give sufficient guarantees of liberty to individual citizens and it was necessary for the sponsors to promise early submission of a Bill of Rights to the people in order to get the Constitution ratified. Such a Bill of Rights was promptly submitted and joined to the Constitution.

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"Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect public safety, order, morals, or the fundamental rights of others."

Under such a broad clause, religion could be suppressed on the grounds that public safety was threatened—and thus a Communist or Fascist war on religion could be rationalized.

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But the U. N. Covenant reads: "The right to seek, receive, and impart information and ideas carries with it special duties and responsibilities, and may therefore be subject to certain penalties, liabilities, and restrictions, but these shall be such only as are provided by law and necessary for the protection of national security, public order, safety, health, or morals, or of the rights, freedoms, and reputation of others."

Hitler could have hailed such a clause, and Peron would cheer it. Senator BRICKER points out that this provision would "stamp the approval of a United Nations treaty on the trial and imprisonment of William Oatis," the Associated Press correspondent now imprisoned in Czechoslovakia in one of the most disgraceful episodes in our international relationship through the years.

Fifty-eight Senators joined Senator BRICKER in sponsoring his proposed amendment to the Constitution which would prevent the abridgement of American freedoms through treaties under "the new fashion in international law."

There is not much chance of the U. N. Covenant of Human Rights being ratified by the Senate in the new Congress. The Eisenhower administration certainly will not stand for ratification. John Foster Dulles, who will be Secretary of State in the new administration, is on record against ratification of the covenant.

But the Constitution should be amended now to forestall a loss of freedom to our children and to oncoming generations through the power of treaties and Executive agreements designed to circumvent the Constitution.

We should be at least as concerned about the freedom of our posterity as were our forefathers who insisted on a Bill of Rights.

We should not hesitate to amend the Constitution now to guarantee that freedom any more than did our forebears when they amended it with the first 10 amendments, the Bill of Rights.

Statement of Policy by Joseph H. Freehill, Director of Price Stabilization

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EXTENSION OF REMARKS

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Friday, January 9, 1953

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be printed in the Appendix of the RECORD a statement issued by Joseph H. Freehill, newly appointed Director of Price Stabilization, with reference to the policy which that office will follow.

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

We constantly hear and read claims that inflation is no longer a fact or a danger in this country, and that the price stabilization program has served its usefulness.

These statements, in my honest opinion, just aren't true, and I, for one, am certainly not planning to direct the operations of the Office of Price Stabilization as though they were.

First, I want to make it clear that we are still very much in business. About 72 percent of all items on the BLS wholesale price index as of November 26, were under price controls.

Moreover, practically every major statistic shows that prices are high, that pressures to force them even higher still exist strongly and that all the underlying factors that could make for a new and very serious round of both consumer and industrial price spirals are present.

Thus, the Consumer Price Index, which measures what each household must pay for the normal items of everyday living, stood at 190.9 on October 15, up 0.1 percent from September 15, and indications are that it hit a new peak again by November 15. Some 50 percent of all items on the wholesale price index are within 2 percent of their 2-year peaks. With prices at these levels, with accumulated savings and expenditures at record high, with the tense international situation, we cannot afford to be complacent about inflation or to weaken our price control efforts.

Certainly, were we to do so, prices would increase substantially in many major areas.

I am particularly concerned by the great number of applications for price ceiling increases and decontrol which hit the OPS every week.

Through October OPS had received more than 18,000 applications for individual price adjustments, some 3,000 of which are still outstanding.

In addition, since September, we have had applications by 35 entire industries for surveys to determine if every company within the industry should receive ceiling increases under the industry earnings standards. Industry advisory committees representing some 35 other industries have met with OPS since September 1, and almost without exception have requested pass-throughs on

tor private retirement plans would be free to take sufficient private sector employment to qualify them for Social Security upon retirement at 62 or 65, thereby enriching themselves at the expense of people who have spent their working lives entirely in the system.

The entirely legal but otherwise questionable practice by which Federal employees take early retirements and then enter private sector employment so as to qualify for SS pensions has stirred acrimonious controversy recently.

Less attention has been paid to a parallel practice by state and local employees covered by public pension plans separate from Social Security. This advantage, of course, is not enjoyed by public employees who have elected the SS option. It furnished them with a powerful motive to opt out.

That this amounts to a profound inequity, subjecting one class of citizens—private sector employees—to a tax from which public sector employees are exempt, is an inescapable conclusion.

Indeed, the injustice of the situation is so glaring as to suggest the merits of a class action suit on behalf of private sector workers. Such a suit might argue that petitioners were victims of discrimination, denied the equal protection of the laws guaranteed by the 14th Amendment.

The way the personal income tax laws operate in this area tends to compound the injustice.

Social Security taxpayers get no personal income tax deduction for the money diverted from their pay to the payroll tax. On the contrary, their income tax liability is calculated on their income prior to extraction of SS tax.

However, employer payments to a private retirement plan are not subject to personal income tax. They are an exempt fringe benefit. The money is sequestered. So are its earnings. The Internal Revenue Service does not get at these funds until employees retire and begin to receive them.

Private sector workers have no escape from the SS tax. And, of course, their income taxes must support the advantage the government extends to participants in employer-funded private retirement plans.

A not unreasonable and certainly equitable approach to rectifying these injustices would be to oblige all workers, without exception, to participate in a Social Security system relieved of the welfarist burdens it presently bears.

Instead, public employees are dropping out, many with the intention of reinstatement, or qualification by "moonlighting." If the trend continues, the consequences for the system could be disastrous.

(Chairman Al Ullman, Democrat, of Oregon, committee on Ways and Means, U.S. House of Representatives, and Chairman James A. Burke, Democrat of Massachusetts, Subcommittee on Social Security of Ways and Means Committee, announce public hearings on New York City's request to terminate social security coverage for its employees.)

The Honorable Al Ullman (D., Oregon), Chairman of the Committee on Ways and Means, U.S. House of Representatives, and Honorable James A. Burke (D., Mass)., Chairman of the Subcommittee on Social Security of the House Committee on Ways and Means, stated that they deplored the action initiated yesterday by New York City in taking the first step in depriving its City employees of vital retirement, survivor, disability, and health insurance protection under the social security program.

The Social Security Act provides that two years notice of a proposed termination must be given, but such a request can be withdrawn at any time during this period. Once the termination is effective, however, it is irrevocable.

Mr. Burke announced that at the request of Congressman Charles B. Rangel (D., N.Y.), the Social Security Subcommittee will hold public hearings on this development as soon as can be arranged, considering the schedule of the full Committee and the Subcommittee. The exact dates and details of the hearing will be announced at a later date.

A DECLARATION OF INTERDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, a major event in this Bicentennial Year has been the formulation of a Declaration of Interdependence, written by Henry Steele Commager and endorsed by 30 Senators and almost 100 Congressmen. It was my honor to go to Philadelphia on January 31 and sign this important document, along with a number of my colleagues. A further signing ceremony here in Washington is planned for May 12.

The declaration has become the target of violent attacks by various American rightwing groups, attacks which seem to bear no relation to the declaration itself. The best response to these attacks is the text itself, and I herewith include it in the RECORD, along with a set of questions and answers about it:

A DECLARATION OF INTERDEPENDENCE

(By Henry Steele Commager)

When in the course of history the threat of extinction confronts mankind, it is necessary for the people of The United States to declare their interdependence with the people of all nations and to embrace those principles and build those institutions which will enable mankind to survive and civilization to flourish.

Two centuries ago our forefathers brought forth a new nation; now we must join with others to bring forth a new world order. On this historic occasion it is proper that the American people should reaffirm those principles on which the United States of America was founded, acknowledge the new crises which confront them, accept the new obligations which history imposes upon them, and set forth the cause which impel them to affirm before all peoples their commitment to a Declaration of Interdependence.

We hold these truths to be self-evident: that all men are created equal; that the inequalities and injustices which afflict so much of the human race are the product of history and society, not of God or nature; that people everywhere are entitled to the blessings of life and liberty, peace and security and realization of their full potential; that they have an inescapable moral obligation to preserve those rights for posterity; and that to achieve these ends all the peoples and nations of the globe should acknowledge their interdependence and join together to dedicate their minds and their hearts to the solution of those problems which threaten their survival.

To establish a new world order of compassion, peace, justice and security, it is essential that mankind free itself from the limitations of national prejudice, and acknowledge that the forces that unite it are incomparably deeper than those that divide it—that all people are part of one global community, dependent on one body of resources, bound together by the ties of a common humanity and associated in a common adventure on the planet Earth.

Let us then join together to vindicate and realize this great truth that mankind is one, and as one will nobly save or irreparably lose the heritage of thousands of years of civilization. And let us set forth the principles which should animate and inspire us if our civilization is to survive.

We affirm that the resources of the globe are finite, not infinite, that they are the heritage of no one nation or generation, but of all peoples, nations and of posterity, and that our deepest obligation is to transmit to that posterity a planet richer in material bounty, in beauty and in delight than we found it. Narrow notions of national sovereignty must not be permitted to curtail that obligation.

We affirm that the exploitation of the poor by the rich, and the weak by the strong violates our common humanity and denies to large segments of society the blessings of life, liberty and happiness. We recognize a moral obligation to strive for a more prudent and more equitable sharing of the resources of the earth in order to ameliorate poverty, hunger and disease.

We affirm that the resources of nature are sufficient to nourish and sustain all the present inhabitants of the globe and that there is an obligation on every society to distribute those resources equitably, along with a corollary obligation upon every society to assure that its population does not place upon Nature a burden heavier than it can bear.

We affirm our responsibility to help create conditions which will make for peace and security and to build more effective machinery for keeping peace among the nations. Because the insensate accumulation of nuclear, chemical and biological weapons threatens the survival of Mankind we call for the immediate reduction and eventual elimination of these weapons under international supervision. We deplore the reliance on force to settle disputes between nation states and between rival groups within such states.

We affirm that the oceans are the common property of mankind whose dependence on their incomparable resources of nourishment and strength will, in the next century, become crucial for human survival, and that their exploitation should be so regulated as to serve the interests of the entire globe, and of future generations.

We affirm that pollution flows with the waters and flies with the winds, that it recognizes no boundary lines and penetrates all defenses, that it works irreparable damage alike to Nature and to Mankind—threatening with extinction the life of the seas, the flora and fauna of the earth, the health of the people in cities and the countryside alike—and that it can be adequately controlled only through international cooperation.

We affirm that the exploration and utilization of outer space is a matter equally important to all the nations of the globe and that no nation can be permitted to exploit or develop the potentialities of the planetary system exclusively for its own benefit.

We affirm that the economy of all nations is a seamless web, and that no one nation can any longer effectively maintain its processes of production and monetary systems without recognizing the necessity for collaborative regulation by international authorities.

We affirm that in a civilized society, the institutions of science and the arts are never at war and call upon all nations to exempt these institutions from the claims of chauvinistic nationalism and to foster that great community of learning and creativity whose benign function it is to advance civilization and the health and happiness of mankind.

We affirm that a world without law is a world without order, and we call upon all nations to strengthen and to sustain the United Nations and its specialized agencies and other institutions of world order, and to broaden the jurisdiction of the World Court that these may preside over a reign of law

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will only end wars but end as well that mindless violence which terrorizes our society even in times of peace.

We can no longer afford to make little forces allow ourselves to be the captives of events and forces over which we have no control, consult our fears rather than our hopes. We call upon the American people, on the threshold of the third century of their national existence, to display once again that boldness, enterprise, magnanimity and vision which enabled the founders of our Republic to bring forth a new nation and inaugurate a new era in human history. The fate of humanity hangs in the balance. Throughout the globe hearts and hopes wait upon us. We summon all Mankind to unite to meet the great challenge.

QUESTIONS AND ANSWERS

What is "A Declaration of Interdependence"?

A Declaration of Interdependence" is both (1) a statement of a global view authored for the World Affairs Council of Philadelphia by Henry Steele Commager and (2) a 13-year, Bicentennial Era educational program of discussion, debate and study by professional leaders, citizen groups and students designed to produce American initiatives which respond to new global interdependencies.

Where did the Concept of "Interdependence" Originate?

The recognition of the inescapable fact that many of mankind's problems—and opportunities—extend beyond national borders has been developing rapidly through this century. Both Presidents Kennedy and Ford have called for "Declarations of Interdependence" in speeches delivered in Philadelphia. Many groups have issued interdependence statements, and the term has become increasingly used to describe the contemporary interrelationships of peoples and nations. The World Affairs Council accordingly calls the Commager document "A Declaration of Interdependence."

Why an "American Response"?

The World Affairs Council recognizes that solutions to global problems depend ultimately on the cooperation of many nations. However, it seemed appropriate during this Bicentennial period for Americans to take stock of their role in the world and to redefine their manifest destiny in contemporary times.

Is the New Declaration a Substitute for the Old?

Of course not! The Declaration of Independence remains one of the most powerful and relevant statements ever produced by any people. It clearly serves as an inspiration to those who now wish to challenge such tyrannies of our age as global inflation, escalating armament, international terrorism, intercontinental pollution, and disastrous imbalances of food and population.

Does "A Declaration of Interdependence" Call for Specific Political Action?

No. It asserts that we are economically, environmentally, culturally and in other fundamental respects interdependent. Consequently, if we seek to solve a problem which is global as if it were purely domestic, we will achieve at best only a short term solution. The Declaration challenges Americans to understand today's world and to devise ways to cope with interdependence. What these ways are to be must be decided by Americans through the various political processes of our democratic system.

Does the Declaration look toward a World Constitution and/or Government?

No. Without debating the pros and cons of world government, it is not an objective of "A Declaration of Interdependence." World order and harmony do not depend on a single world government or constitution, but they do depend on various international agreements and authorities which nations choose to establish for their common benefit. The absence of effective agreements in many areas today constitutes a major threat to world stability and progress.

Why Philadelphia as a Center for Interdependence Activity?

Philadelphia is not only an historic shrine and symbol of a people's genius in creating a new nation, but increasingly a world center for international conferences, study and institution-building. Its heritage, educational and research institutions, its geography and cultural character have combined to make it a major center of Interdependence investigation and initiative.

How can Citizens and their Organizations "Respond" to Interdependence?

They can identify one or more of the global problems; then study, discuss and debate them as fully as possible. They can then communicate their thinking to governmental representatives and non-governmental organizations in the field.

What is the Objective of "A Declaration of Interdependence"?

The World Affairs Council hopes that its program will (1) contribute to increased understanding of global problems and (2) stimulate efforts to strengthen existing international institutions or initiatives to create new institutions capable of dealing effectively with those problems.

URUGUAY: TORTURE CHAMBER OF LATIN AMERICA

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

Mr. KOCH. Mr. Speaker, Uruguay, which used to be the Switzerland of Latin America, has become its cesspool. The appended report of Amnesty International tells you why. What the report does not tell you is how much aid, military and economic, we are giving that dictatorship. In 1975 we spent roughly $10 million in military assistance to Uruguay, and an additional $7.7 million of economic assistance in our AID program.

The blood of these tortured prisoners is on our collective hands. The report follows:

TORTURED TO DEATH IN URUGUAY: 22 CASES

Uruguay was once known as a democratic island in Latin America. This small country of 2,500,000 people had maintained a constitutional tradition, political stability, and a high level of education and culture. All of this has changed.

Beginning in the 1970's the military shattered the established traditions. Their persistent involvement in the political life of the country over a period of two years led inexorably to their assumption of absolute control over the executive. The elected civilian President, Juan Maria Bordaberry, willingly yielded his effective power to the Armed Forces. The name for what has happened is the autogolpe—the "self-coup." Compared with the immediate military takeovers in other countries, the autogolpe was gradual. The autogolpe was the first coup in Uruguay during this century.

The total number of political prisoners in Uruguay has been estimated at between 3,000 (by Newsweek, June 2, 1975) and 6,000 (by Uruguayan exile groups). Amnesty International believes that there are approximately 5,000 political prisoners in the country. What that means in a country the size of Uruguay is startling: as of December 1975, one out of every 500 citizens was a detainee on political charges.

Uruguay has the highest concentration per capita of political prisoners in the world. Approximately one out of every 50 citizens sometime in the past suffered from interrogation, temporary arrest or imprisonment. And what is the ratio between persecuted and persecutors? One out of every 50 Uruguayans is a member of the Armed Forces or the police. Due to the political and economic situation, 300,000 persons, 12% of the population, have left the country since the *autogolpe*.

Amnesty International is concerned with the terrible, consistent violations of human rights in Uruguay. Under the pretext of combatting armed subversion, ever wider circles of peaceful dissent are subjected to oppression and persecution. Widespread and systematic torture is one of the more prominent features of this tragic situation.

The information presented here has been carefully gathered and authenticated. Amnesty International is independent and nonpartisan. A major portion of its continuing work to safeguard human rights is directed toward the abolition of torture—everywhere, unconditionally, without exception.

These four pages are not easy reading. The themes are torture, death, barbarism, injustice and illegality. Husbands, mothers, wives, fathers, sons and daughters subjected to the most brutal treatment. Up to this time, the use of torture in Uruguay has received too little attention. These barbarous practices must be exposed. As part of its ongoing Campaign for the Abolition of Torture, Amnesty International is organizing a concerted international effort to raise awareness of this appalling situation.

Some of these victims of torture were known members of the National Liberation Movement—MLN, the Communist Revolutionary Party, the Communist Union, the Communist Party, and the Broad Front. Others were people with no known political affiliation or activities. Amnesty International believes that governmentally sanctioned torture, whether to extract information, intimidate the opposition and general public, or out of the petty sadism of police and military forces, is morally unacceptable in the third quarter of the twentieth century.

After the public scandal of the officially corroborated death under torture of Luis Carlos Batalla in 1972, the authorities have taken steps to prevent other cases from reaching public knowledge. Arrests have been denied, investigations stopped, relatives and doctors threatened and intimidated, requests for autopsies refused, bodies shot or thrown out of windows to simulate suicide or armed confrontation. In spite of all this, reliable reports supported by circumstantial evidence and numerous testimonies have made it possible to identify some of the people who have lost their lives at the hands of Uruguay's torturers.

We present here twenty-two verified cases of death by torture. There is no help for these victims. But their families, friends, neighbors, co-workers, teachers and students desperately need the help of the outside world.

This information comes from sources which Amnesty International considers trustworthy and reliable. In December the list was sent to President Bordaberry with the request for an impartial on site investigation. No reply has been received to date.

LUIS CARLOS BATALLA, MAY 25, 1972

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SENATE CONCURRENT RESOLUTION

Serial No. 115. (Not printed). Legislative Journal page 711.

By Messrs. FARRELL, CARR and WOODRING.

PROVIDING FOR A DECLARATION OF THE FEDERATION OF THE WORLD

In the Senate, March 9, 1943.

WHEREAS, it is necessary at the present juncture of human affairs to enlarge the bases of organized society by establishing a government for the community of nations, in order to preserve civilization and enable mankind to live in peace and be free, the following principles and objectives are hereby enunciated in

THE DECLARATION OF THE FEDERATION OF THE WORLD

Man, the source of all political authority, is a manifold political being. He is a citizen of several communities: the city, the state, the nation and the world. To each of these communities he owes inalienable obligations and from each he receives enduring benefits.

Communities may exist for a time without being incorporated but, under the stress of adversity, they disintegrate unless legally organized. Slowly but purposefully through the centuries, civilization has united the world, integrating its diverse local interests and creating an international community that now embraces every region and every person on the globe. This community has no government, and communities without governments perish. Either this community must succumb to anarchy or submit to the restraints of law and order.

Governments can only be established through the deliberate efforts of men. At this hour two elemental forces are struggling to organize the international community: totalitarianism and democracy. The former, a recent version of repudiated militarism and tyranny, is predicated upon the principle of compulsion, rules throuh dictatorship and enslaves men; the latter, a proved bulwark of the rights of man as a human being and as a citizen, derives its authority from the consent of the governed, embodies the will of free men and renders their collective judgments supreme in human affairs. The corner stone of totalitarianism is the ethnographic state, whose restricted interests define the scope of its favors; the foundation of democracy is man whose integrity is inviolable and whose welfare is its primary concern. The motivating power of the former is violence; of the latter freedom. One feeds upon unscrupulous ambition; the other upon an enlightened sense of obligation.

One or the other of these forces will now triumph and govern mankind. The present conflict is irrepressible and decisive. It is the challenge of the ages to the generation of today, and represents those spiritually cosmic forces which visit the world at critical periods in human history to shape the destinies of men. This world cannot remain half-slave, half-free; half-totalitarian, half-democratic. The laws of civilized society prevent intercourse between slaves and free men from being either congenial or profitable. If totalitarianism wins this conflict, the world will be ruled by tyrants, and individuals will be slaves. If democracy wins, the nations of the earth will be united in a commonwealth of free peoples, and individuals, wherever found, will be the sovereign units of the new world order.

Man has struggled from time immemorial to endow the individual with certain fundamental rights whose very existence is now imperiled. Among those rights is man's freedom to worship, speak, write, assemble and vote without arbitrary interference. To safeguard these liberties as a heritage for the human race, governments were instituted among men, with constitutional guarantees against the despotic exercise of political authority, such as are provided by elected parliaments, trial by jury, habeas corpus and due process of law. Man must now either consolidate his historic rights or lose them for generations to come.

The ceaseless changes wrought in human society by science, industry, and economics, as well as by the spiritual, social and intellectual forces which impregnate all cultures, make political and geographical isolation of nations hereafter impossible. The organic life of the human race is at last indissolubly unified and can never be severed, but it must be politically ordained and made subject to law. Only a government capable of discharging all the functions of sovereignty in the executive, legislative and judicial spheres can accomplish such a task. Civilization now requires laws, in the place of treaties, as instruments to regulate commerce between peoples. The intricate conditions of modern life have rendered treaties ineffectual and obsolete, and made laws essential and inevitable. The age of treaties is dead; the age of laws is here.

Governments, limited in their jurisdiction to local geographical areas, can no longer satisfy the needs or fulfill the obligations of the human race. Just as feudalism served its purpose in human history and was superseded by nationalism, so has nationalism reached its apogee in this generation and yielded its hegemony in the body politic to internationalism. The first duty of government is to protect life and property, and when governments cease to perform this function, they capitulate on the fundamental principle of their raison d'etre. Nationalism, moreover, is no longer able to preserve the political independence or the territorial integrity of nations, as recent history so tragically confirms. Sovereignty is an ideological concept without geographical barriers. It is better for the world to be ruled by an international soverignty of reason, social justice and peace than by diverse national sovereignties organically incapable of preventing their own dissolution by conquest. Mankind must pool its resources of defense if civilization is to endure.

History has revealed but one principle by which free peoples, inhabiting extensive territories, can unite under one government without impairing their local autonomy. That principle is federation, whose virtue preserves the whole without destroying its parts and strengthens its parts without jeopardizing the whole. Federation vitalizes all nations by endowing them with security and freedom to develop their respective cultures without menace of foreign domination. It regards as sacrosanct man's personality, his rights as an individual and as a citizen and his role as a partner with all other men in the common enterprise of building civilization for the benefit of mankind. It suppresses the crime of war by reducing to the ultimate minimum the possibility of its occurrence. It renders unnecessary the further paralyzing expenditure of wealth for belligerent activity, and cancels through the ages the mortgages of war against the fortunes and services of men. It releases the full energies, intelligence and assets of society for creative, ameliorative and redemptive work on behalf of humanity. It recognizes man's morning vision of his destiny as an authentic potentiality. It apprehends the entire human race as one family, human beings everywhere as brothers and all nations as component parts of an indivisible community.

There is no alternative to the federation of all nations except endless war. No substitute for The Federation of the World can organize the international community on the basis of freedom and permanent peace. Even if continental, regional or ideological federations were attempted, the governments of these federations, in an effort to make impregnable their separate defenses, would be obliged to maintain stupendously competitive armies and navies, thereby condemning humanity indefinitely to exhaustive taxation, compulsory military service and ultimate carnage, which history reveals to be not only criminally futile but positively avoidable through judicious foresight in federating all nations. No nation should be excluded from membership in The Federation of the World that is willing to suppress its military, naval and air forces, retaining only a constabulary sufficient to police its territory and to maintain order within its jurisdiction, provided that the eligible voters of that nation are permitted the free expression of their opinions at the polls.

It Being Our Profound Conviction:

That man should be forever free and that his historic rights as an individual and as a citizen should be protected by all the safeguards sanctioned by political wisdom and experience.

That governments are essential to the existence of communities and that the absence of government is anarchy.

That there exists an international community, encompassing the entire world, which has no government and which is destined, as a consequence of the present war, either to be ruthlessly dominated and exploited by totalitarianism or to be federated by democracy upon the principle of freedom for all nations and individuals.

That all human beings are citizens of this world community, which requires laws and not treaties for its government.

That the present conflict will determine the survival of free institutions throughout the world, and that it is morally in-

cumbent upon this generation, as one of the declared objectives of the current war, to federate the nations, in order to make secure, and hereafter unchallenged, freedom for all peoples everywhere, and in order to impart to those who are called to give their lives and fortunes for the triumph of democracy the positive assurance of the incorruptible utility of their sacrifice.

That World Federation is the keystone in the arch of civilization, humanity's charter of liberty for all peoples and the signet authenticating at last the union of the nations in freedom and peace.

That the universal ordeal, through which mankind is now passing, marks the birth of a new epoch that will affirm for all time the indestructible solidarity of civilization and the abiding unity of the human race.

That there are supreme moments in history when nations are summoned, as trustees of civilization, to defend the heritage of the ages and to create institutions essential for human progress. In the Providence of God, such a crisis is this hour, compelling in duty and unprecedented in responsibility—a fateful moment when men meet destiny for the fulfillment of historic tasks.

Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the General Assembly of Pennsylvania does hereby solemnly declare that all peoples of the earth should now be united in a commonwealth of nations to be known as The Federation of the World, and to that end it hereby endorses. The Declaration of the World as is specifically set forth in the preamble hereof, and makes said Declaration a part of this Resolution in the same manner as if same were recited herein, and requests the Senators and Members of the House of Representatives in Congress from the Commonwealth of Pennsylvania to support and vote for a Resolution in the Congress of the United States, approving the principle of World Federation and requesting the President of the United States to initiate the procedure necessary to formulate a Constitution for The Federation of the World, which shall be submitted to each nation for its ratification.

SECTION 2. That a copy of this Resolution be sent to each of the Senators and Members of the House of Representatives in Congress from the Commonwealth of Pennsylvania.

SECTION 3. That this Resolution shall be in full force and effect from and after its ratification.

Referred to Committee on Federal Relations, March 9.

SENATE CONCURRENT RESOLUTION

Serial No. 114. (Not printed). Legislative Journal page 759.

By Mr. KEPHART.

MEMORIALIZING PRESIDENT AND CONGRESS TO DEFER ACTION INVOLVING SOVEREIGNTY OF UNITED STATES UNTIL RETURN OF ARMED FORCES

In the Senate, March 10, 1943.

Whereas, A strong and wholly commendable sentiment exists throughout the Nation in favor of the development of a plan or plans for international organization, or at least cooperation, to the end that any nation or combination of nations may hereafter be prevented from imposing its will by force and in violation of law, right, and justice upon any other nation or group of nations; and

Whereas, The participation of the United States in any such plan, if such plan is to be effective, will necessarily involve a modification or impairment of our national sovereignty and independence; and

Whereas, Any such modification or impairment of our national sovereignty and independence must be accomplished only by the President of the United States by and with the advice and consent of two-thirds of the Senate, as provided by Article II, Section two of the Constitution of the United States; and

Whereas, Approximately one-fourth of the voting constituents of the aforesaid President and of the members of the Senate are now, or shortly will be, engaged in serving their country in the armed forces, and therefore prevented from expressing any views or exerting any influence of a political nature concerning the interests of both themselves and the Nation for which they are fighting; therefore be it

Resolved, (if the House of Representative concurs) That the General Assembly of the Commonwealth of Pennsylvania, through its duly constituted officers, hereby memorializes the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the members of Congress from Pennsylvania that the participation of the United States in any plan, conference, treaty, or other action involving any modification or impairment of the national sovereignty or independence of the United States shall be deferred and postponed until such time as at least two-thirds of the citizens of the United States serving in its armed forces at the conclusion of the current hostilities shall have been returned to their homes, released from such service, and restored to a position to assert their proper voice and influence in the political affairs of their country.

Referred to Committee on Federal Relations, March 10

cumbent upon this generation, as one of the declared objectives of the current war, to federate the nations, in order to make secure, and hereafter unchallenged, freedom for all peoples everywhere, and in order to impart to those who are called to give their lives and fortunes for the triumph of democracy the positive assurance of the incorruptible utility of their sacrifice.

That World Federation is the keystone in the arch of civilization, humanity's charter of liberty for all peoples and the signet authenticating at last the union of the nations in freedom and peace.

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That there are supreme moments in history when nations are summoned, as trustees of civilization, to defend the heritage of the ages and to create institutions essential for human progress. In the Providence of God, such a crisis is this hour, compelling in duty and unprecedented in responsibility—a fateful moment when men meet destiny for the fulfillment of historic tasks.

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Whereas, Approximately one-fourth of the voting constituents of the aforesaid President and of the members of the Senate are now, or shortly will be, engaged in serving their country in the armed forces, and therefore prevented from expressing any views or exerting any influence of a political nature concerning the interests of both themselves and the Nation for which they are fighting; therefore be it

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Referred to Committee on Federal Relations, March 10

Seismograms Possibly Associated With The OKC Explosion

By Raymon L. Brown
Oklahoma Geological Survey
Tuesday, May 09, 1995

Two instruments near the explosion in Oklahoma City (OKC) recorded signals which appear to be related to the blast.

Station FNO - near Norman, Oklahoma - SE of Blast

The station near Norman, Oklahoma received three signals after 9:02 AM which could have possibly been associated with the blast. The first of these signals has a high frequency character very much like traffic noise that is frequently observed on these instruments. This event could potentially be related to the direct P-wave arrival from the event, but the relative amplitude compared to the later arriving Rayleigh (or Lg) waves makes this interpretation unlikely. The second two events have a low frequency character very much like the signals associated with quarry blasts around the state.

Omniplex Museum - NE of Blast

The Omniplex museum has a seismometer on display which records at reduced gain from that used at the Norman station (to reduce the noise from the city). Admittedly, having a seismometer in a noisy environment may not sound like a good idea, but the instrument was placed there so that the general public could see seismic wave trains recorded from large earthquakes.

Two strong seismic signals arrive at the instrument at about the time the operator of the seismometer felt the blast. This is fortunate since the clock for this instrument was out of sync. because of a power failure. However, the recorded signal and the relative timing appear to be in good shape.

In spite of the reduced gain at the Omniplex, the signal amplitude was large enough to cause the loss of the high amplitude portions of the signal. The heat-sensitive pens were moving so fast that the details of the signal were lost during the highest levels of ground movement. The two large events on the Omniplex recording are represented by the white portions of the record where the signal trace disappears because of the pen movement. The total signal duration at the Omniplex Museum is approximately one minute.

Initial Interpretation:

Determining the location and origin time of an event, i.e. a source for seismic signals, requires at least four recording stations. The two stations mentioned above do not allow a unique assignment of the seismic signals to the blast. However, the signals are recorded at about the time of the blast. Thus, even though the exact origin time of the OKC disaster is uncertain at the level of accuracy required for seismic studies, these seismic signals can best be explained as being related to the explosion or explosions responsible for the blast.

Interpretation of Two Signals

Each of the seismograms has two distinct signals. The simplest explanation of the two signals is the occurrence of two events at the site. Other possible explanations include:

1. the second event represents the collapse of the building

2. dispersion acted to cause the Rayleigh wave to split into a low frequency early phase and a later arriving Airy phase

3. air wave

4. air-coupled Rayleigh wave

(1) The collapse of the building is not a likely to cause a shorter duration pulse (observed on the seismogram at the Omniplex) than the direct signal from the explosion.

(2) The difference in frequency between the two signals observed at the station near Norman is not large enough. Dispersion is not the likely explanation of the two signals observed near Norman.

(3) The air wave (a direct wave traveling through the air) is a possible explanation for the second event at the Omniplex. However, it is difficult to describe the second event at the Norman station as an air wave because the speed of travel would far exceed the speed of sound in air (1100 feet/second). Admittedly, the velocity of the air wave must be supersonic for a certain distance away from the explosion. This possibility should be considered in future studies of the blast. Based upon the information

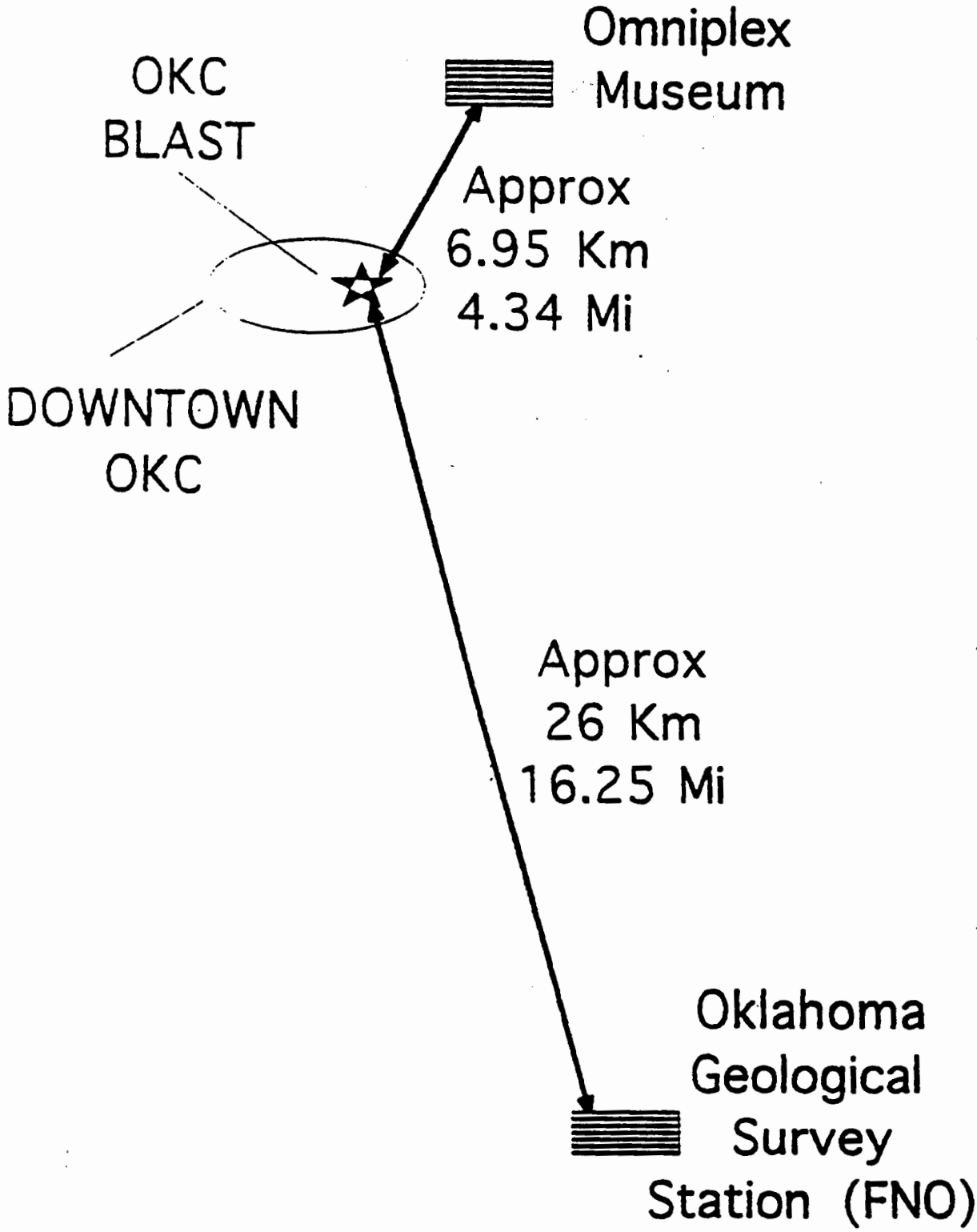
at hand, it is unlikely the air wave travels at a velocity much different than the speed of sound in air.

(4) The air-coupled Rayleigh wave is a seismic wave excited in the earth by a large explosion above the surface of the earth. The resultant Rayleigh waves then travel through the earth and appear to have been created by the explosion. These waves travel at the speed of Rayleigh waves (because they are Rayleigh waves) but their arrival time depends upon the nature and distribution of the air wave associated with the explosion. Most of the felt accounts of the explosion were to the north, east and west of the blast. Few, if any, reports of the blast being felt to the south were recorded. The destruction of the city away from the explosion was also predominantly to the north, east and west too. Thus, the air wave associated with the blast probably had a south-to-north propagation. This means that the air-coupled Rayleigh waves generated from the air wave would be propagating to the north. Thus, the second signal at the Norman site is not a likely air-coupled Rayleigh wave.

Admittedly, the study of the signals requires more thought. However, at this point in time, the simplest explanation of the seismic signals recorded at the two stations is the occurrence of two events. The Omniplex signal is a near-field measurement in which many different seismic phases (separate signals) are likely to be arriving. The onset of the large events recorded in the nearfield at the Omniplex are not likely to be representative of the difference in arrival times of the Rayleigh waves observed at the station in Norman. The differences in the relative timing of the two

events observed at the Omniplex (approx. 16 secs between events) and the two signals recorded at Norman (approx. 12 secs) can simply be an artifact of the number of waveforms arriving. Since the Norman station is thought to have simple surface waves (Rayleigh waves), the difference in time of approximately 12 seconds is the best estimate of the time difference between the two events. The time between the two large events recorded at the Omniplex is probably complicated by the arrival of many different phases and the relative timing is difficult under these circumstances.

In summary, the two seismic signals observed can be explained by a number of different wave phenomena and/or secondary events. The simplest explanation at this time appears to be the occurrence of two events.


Omniplex
Museum
OKC
BLAST
Approx
6.95 Km
4.34 Mi
DOWNTOWN
OKC
Approx
26 Km
16.25 Mi
Oklahoma
Geological
Survey
Station (FNO)

April 26, 1995

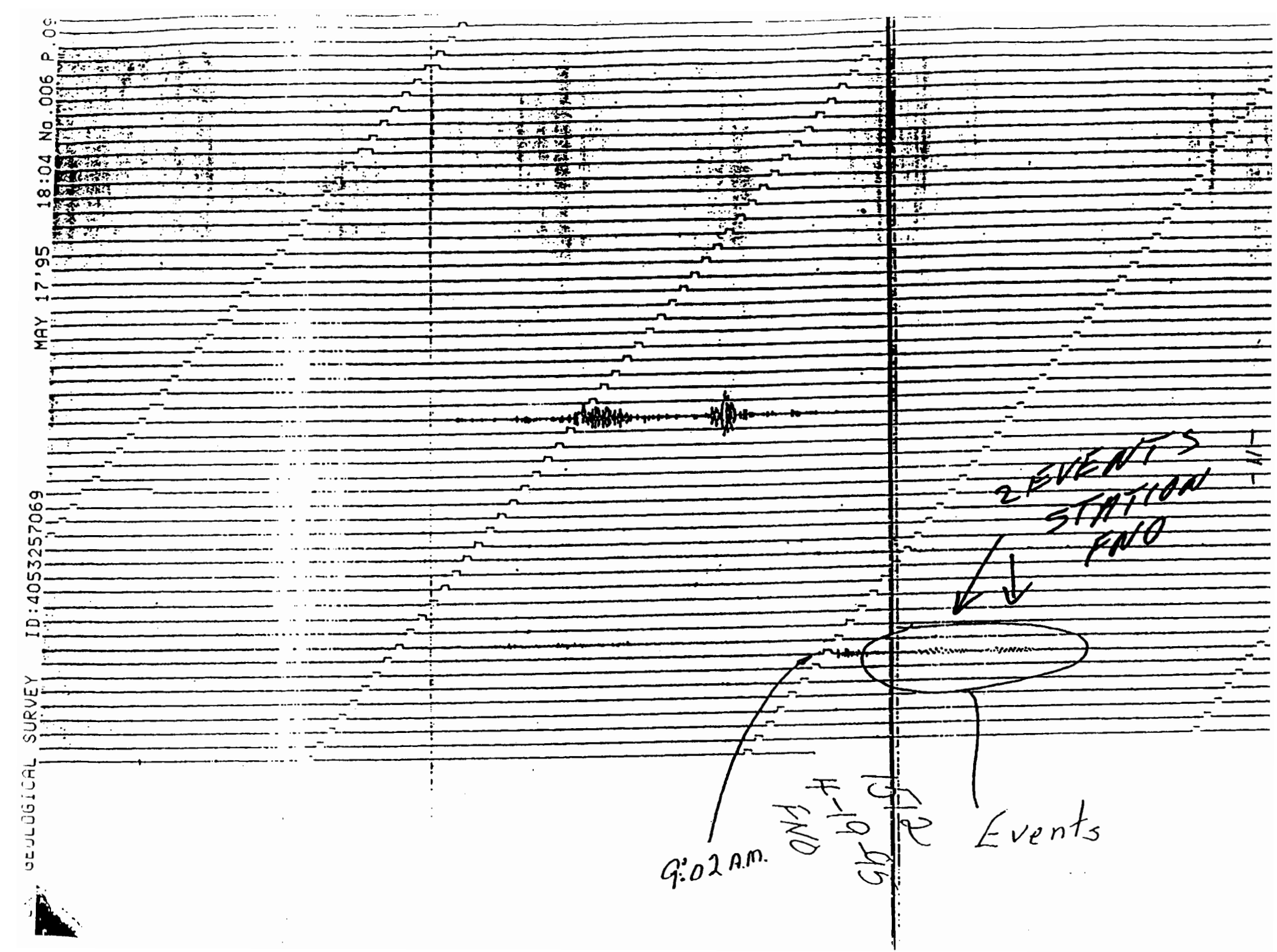
On April 19, 1995, The Oklahoma Geological Survey's seismograph station in Norman, Oklahoma, recorded a Lg surface-wave "train" at 9:02 and 13 seconds a.m. (140213 UTC) shortly after the explosion at the Murrah Federal Building in Oklahoma City, Oklahoma. The seismometer is located approximately 4 miles north of Norman and 16 miles from downtown Oklahoma City. A second Lg surface-wave was recorded at 9:02 and 23 seconds a.m. (140223). The location and source of the second surface-wave recording is unknown. Detailed investigations at the building site may offer an explanation as to the cause and origin of the second event.

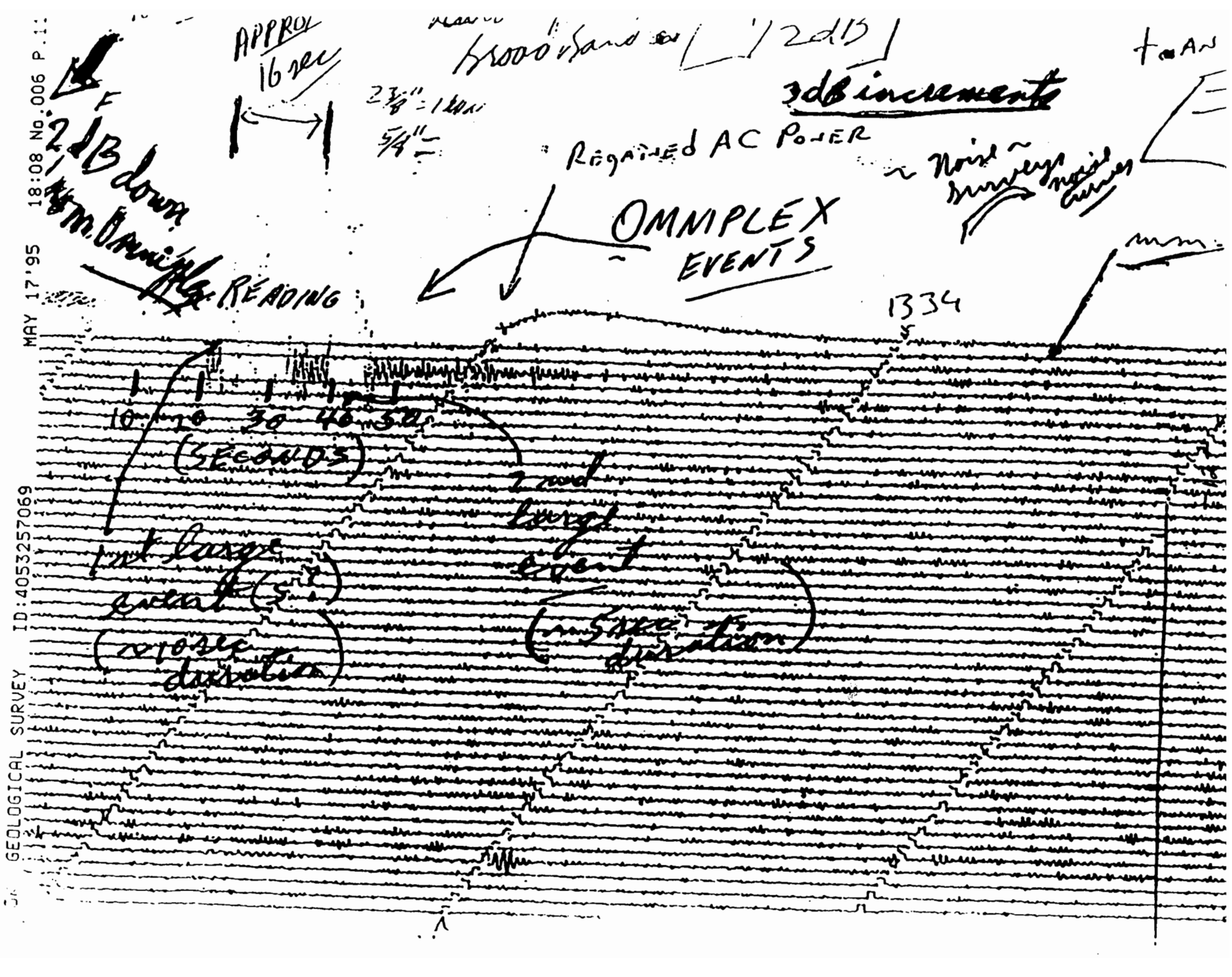
The record is read from top to bottom and from left to right. The small vertical offsets of the horizontal lines are minute marks. Hour marks are twice as long as the minute marks. Date and time is UTC which refers to Coordinated Universal Time, formerly Greenwich Mean Time.

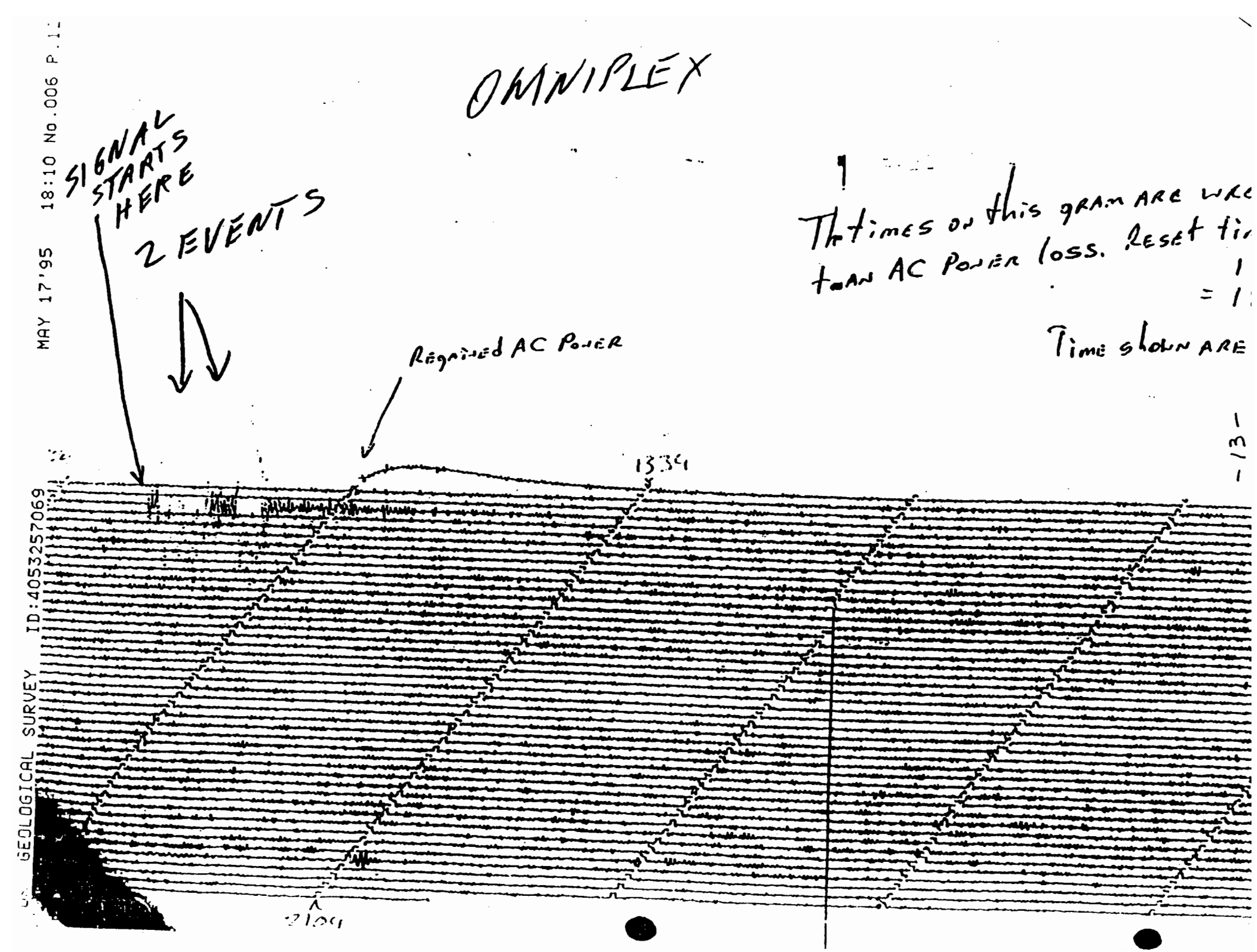
The Richter Magnitude can not be defined for surface and/or near surface explosions. Therefore, none is reported.

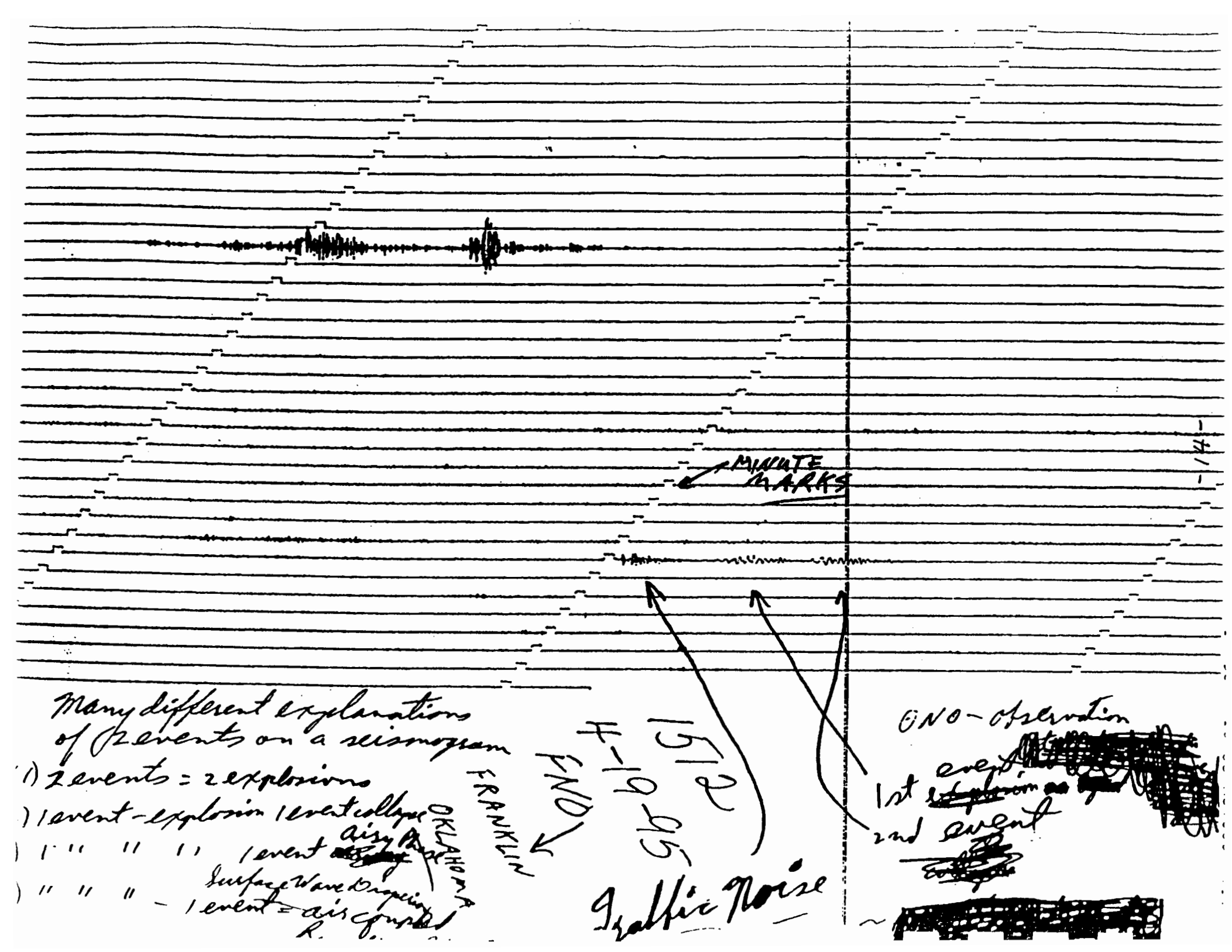
A copy of this record can be obtained by writing the Oklahoma Geological Survey.

Oklahoma Geological Survey
100 East Boyd
Norman, OK 73019-0628


GEOLOGICAL SURVEY ID:405325706 9
MAY 17'95 18:04 No.006 P.0
2 EVENTS STARTED
6:02 A.M.
Events


APPROX
16 sec
23/8" = 1 min
5/4" =
2dB down
3dB increment
REGAINED AC POWER
OMNIPLEX
EVENTS
READING
1334
10
10
30
40
30
(seconds)
2nd largest event
(5 sec duration)
1st largest event (5 sec duration)
MAY 17'95 18:08 No.006 P.1
ID:4053257069
GEOLOGICAL SURVEY


OMNIPLEX
SIGNAL STARTS HERE
2 EVENTS
Regained AC Power
1334
MAY 17'95 18:10 No.006 P.1
ID:4053257069
GEOLOGICAL SURVEY
The times on this gram are
from AC Power loss. Reset
Time shown are
-13-


MINUTE MARKS
FRANKLIN
END
Traffic Noise
ONO - observation
1st event
2nd event
Many different explanations of 2 events on a seismogram
1) 2 events = 2 explosions
) 1 event - explosion 1 event collapse
) 1 " " " 1 event air blast
) " " " - 1 event = surface wave Rayleigh
OKLAHOMA

It is noted that the FBI, after insisting for several days after the bombing that it had occurred at 9:04 am, had now changed the official time to 9:02, which conforms to the seismographic record from the University of Oklahoma.

MICHAEL RICONOSCIUTO

Gunderson, realizing that the official word being released by the government sources was that a fertilizer bomb was used to destroy the building and that there would only have been one detonation with this type of bomb, thus contacted his experts and furnished them the results of the University of Oklahoma seismogram. (This included two persons -one does not wish to be identified).

Michael Riconosciuto stated that based on the briefing given him by Gunderson and the unidentified expert, he is convinced that the bomb used in the Oklahoma City bombing was initially developed by himself. He described it as an ELECTRO - HYDRODYNAMIC GASEOUS FUEL DEVICE. (**see exhibit A**). Since Mike Riconosciuto is the original developer of this device it would be helpful to describe his background and the events which may have led to the dissemination of the information necessary for someone to have built this type of bomb.

Mike Riconosciuto is the son of Marshall Riconosciuto, who was a powerful municipal leader and politician with numerous major west coast political connections. When Mike Riconosciuto was young, he was surrounded by relatives and business associates working with the Office of Strategic Services (OSS) and later the Central Intelligence Agency (CIA). Marshall Riconosciuto, his father, owned and operated a "public relations" firm which included long-time friend and colleague "Fred Crispen" an OSS psychological warfare specialist working against the German effort to secure the atomic bomb. It is still rumored today that Marshall Riconosciuto held a powerful position within the intelligence community. His son Michael, was born and raised into this secret lifestyle. From an early age, Mike was a technological child prodigy.(**see Exhibit B**) At the age of ten, he was experimenting with radios, television, sound amplifiers, and remarkably enough he was one of the first persons to discover the biological reactions in plant life that are stimulated by external sound.

Mike Riconosciuto grew up in Berkeley during the early sixties and was already making a name for himself as a world class scientific genius. While at Stanford University he developed a method of extracting nuclear isotopes using a laser(**see Exibit C**), something which has only recently been perfected. Because of his family connections to the intelligence community, Mike was a perfect insider for the CIA to use during their experimentation with LSD.

with the workers or they took the vaguest of half measures against them. Official sources eventually listed some 48 killed and 270 wounded.

Mr. Speaker, on this commemorative day, I want to take the opportunity to salute our American citizens of Polish descent and pray that the courage of their brothers and sisters across the seas will soon be rewarded with freedom and true self-determination.

CLEAN AIR DEBATE

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1976

Mr. McCOLLISTER. Mr. Speaker, the House will have before it within a month, the long-awaited Clean Air Act amendments. There are many serious and significant policy questions which this bill must resolve.

One of the most serious, but relatively unpublicized, is the question of preventing the anticipated anticompetitive and anticonsumer impact of the performance warranty provided in the 1970 act but never implemented.

Our House Small Business Committee, in 1974, recommended reducing the length of this warranty from 5 years to 1 year. The Interstate and Foreign Commerce Committee unanimously accepted an 18-month warranty—the compromise worked out in the subcommittee.

Two experienced and thoughtful reporters of events in our Capital City, Jerald terHorst and Darwin Olofson, have made the performance warranty question the topic of recent news stories. Because they provide a useful insight in understanding this problem, I am including them in the RECORD at this point:

[From the Sunday News, May 30, 1976]

NADER STAND HIT ON "CLEAN AIR" DEBATE

(By J. F. terHorst)

WASHINGTON.—While public attention is being diverted by the political smog over the presidential primaries, the U.S. Senate is about to begin floor debate on the long-awaited "Clean Air Amendments of 1976."

That could have more effect on the air we breathe, the places we work and the money we spend than almost anything else the Senate and the White House candidates have said and done all year.

It's a pity the existing Clean Air Act of 1970 has not curbed the noxious emissions along the campaign trail. And, to turn serious, it is a pity that no presidential aspirant is making a big issue of the proposed changes in the six-year-old law that was adopted as the means for cleaning up the nation's air by the end of the decade.

Nearly a year has gone into the shaping of the amendments that will be offered by the Senate Public Works Committee. As Congressional Quarterly observed, every step along the way has been monitored by a small army of lobbyists representing environmentalists, consumer groups, the electric utilities, the oil, steel and chemical industries, Detroit's auto makers and local and state governments.

Two major controversies will be up for judgment. One involves what ought to be done to preserve unspoiled parts of the country against industrial smoke and gases. Another battle will be fought over the auto companies' efforts to lower the standards for vehicle emissions. Both of these struggles find environmental and consumer organizations on one side and the business communities on the other.

Yet one facet of the auto-emission controversy strikes me as intriguing because the battle lineup is different, even unusual. There are consumer champions in opposition to each other, the auto makers are essentially neutral and some very potent business groups actually are promoting the cause of "the little guy," along with their own.

I am referring to the amendment to be offered by Sen. Lloyd Bentsen, D-Tex., to reduce the performance warranty on pollution-control systems on new cars from five years and 50,000 miles to 18 months and 18,000 miles.

On the surface, that idea sounds like an anti-consumer move by a probusiness senator. And that is what Ralph Nader and the National Clean Air Coalition of assorted environmental and consumer organizations thinks about it.

But then you find a proconsumer liberal like Sen. Philip A. Hart, D-Mich., and others listed as co-sponsors of the Bentsen plan. And you find it has staunch support from the independent auto-parts companies, the corner gas station owner and the big Automotive Service Industry Association. And suddenly it is no longer easy to distinguish the good guys from the bad guys.

Independent garage mechanics and parts manufacturers contend that the "5–50" warranty now on the books will, if put into effect by the Environment Protection Agency, prevent them from repairing cars and trucks until they are five years old or have 50,000 miles on them. The American Automobile Association argues the existing law would practically force car owners to have all repairs and maintenance done by new car dealers or risk voiding their warranties.

That strikes Bentsen and Hart as anti-consumer. It limits a motorist's ability to choose a repairman of his own. It offers the Detroit auto makers a competitive edge over the whole auto repair market and that threatens the future existence of the 400,000 independent garages, service stations and others who now perform about 80 percent of the repairs to America's 125 million cars and trucks.

Nader and the consumer-environmental coalition contend this fear is unjustified. Their own fear is that any tampering with the "5–50" warranty would ease the pressure on car makers for quality emission controls. Not so, counter the proponents of the "18–18" warranty amendment, since Detroit still will have to build emission devices to a "5–50" standard provided in the production warranty and not affected by changing the performance warranty.

My feeling on this upcoming Senate battle is that Nader ought to lose and your corner repairman should win. Forty million cars and trucks have been built since the Clean Air Act went into effect in 1970. At the rate of nine million vehicles a year, those covered by the act soon will comprise most cars and trucks on the road.

There is no good reason why the auto makers should be given a prospective monopoly over the auto parts and repair business. And it is not physically possible for the 25,000 new-car dealers to handle all the service and maintenance work.

Moreover, if the car buyer is going to have to pay an extra $200 or more on a new car for the manufacturer's "free" "5–50" warranty, the roar from American motorists may even shake up those presidential candidates who cannot seem to find specific issues to talk about. And it should.

[From the Omaha (Nebr.) Morning World-Herald, June 7, 1976]

MCCOLLISTER "FRUSTRATED" BY AUTO LAW OPPOSITION

WASHINGTON.—Persuading colleagues that consumers would benefit from his amendment to reduce the warranty on pollution control systems on new cars has been "a most frustrating experience," according to Rep. John McCollister.

But his amendment, which has been approved by a House committee, is now being pushed by a group of senators, including Lloyd Bentsen, D-Tex., and Philip Hart, D-Mich.

It would lower the emission control system warranty from five years and 50,000 miles to 18 months and 18,000 miles.

Ralph Nader and a coalition of environmental and consumer organizations view it as anti-consumer legislation that would ease pressure on car makers.

His amendment has been hard to sell, McCollister said, "because it gives the impression of taking something away from the consumer.

"It has been a most frustrating experience trying to explain that it isn't taking something away, just the reverse," he said.

"This body deals so much with appearances and so little with substance," he added.

McCollister said under the five-year, 50,000-mile warranty; car owners would be forced to have repairs done by dealers to protect their warranties.

Not only would that have an anticompetitive effect on independent repairmen and service stations, he said, but it would leave the car owner with no freedom of choice.

"We're preventing the consumer from being placed in the difficult position of not being able to take his auto where he wants to have it fixed."

To protect their five-year warranty, he said, car owners would be reluctant to go to an independent repairman for almost any repairs.

THE MINNESOTA ENDORSEMENT OF THE DECLARATION OF INTERDEPENDENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1976

Mr. FRASER. Mr. Speaker, largely through the efforts of Mr. Lynn M. Elling, the Minnesota Endorsement of the Declaration of Interdependence is a reality.

Enough publicity has attended Henry Steele Commager's effort so that it is unnecessary for me to further identify the Declaration of Interdependence. However, I would like to introduce the text of the declaration into the RECORD at this point:

A DECLARATION OF INTERDEPENDENCE

(By Henry Steele Commager)

When in the course of history the threat of extinction confronts mankind, it is necessary for the people of The United States to declare their interdependence with the people of all nations and to embrace those principles and build those institutions which will enable mankind to survive and civilization to flourish.

Two centuries ago our forefathers brought forth a new nation; now we must join with others to bring forth a new world order. On this historic occasion it is proper that the American people should reaffirm those principles on which the United States of Amer-

TREASON HAS BEEN AFOOT FOR many years NOW.

over

(295)

NO! WE WANT OUR SOVEREIGN REPUBLIC!

ica was founded, acknowledge the new crises which confront them, accept the new obligations which history imposes upon them, and set forth the causes which impel them to affirm before all peoples their commitment to a Declaration of Interdependence.

We hold these truths to be self-evident: that all men are created equal; that the inequalities and injustices which afflict so much of the human race are the product of history and society, not of God or nature: that people everywhere are entitled to the blessings of life and liberty, peace and security and the realization of their full potential; that they have an inescapable moral obligation to preserve those rights for posterity; and that to achieve these ends all the people and nations of the globe should acknowledge their interdependence and join together to dedicate their minds and their hearts to the solution of those problems which threaten their survival.

To establish a new world order of compassion, peace, justice and security, it is essential that mankind free itself from the limitations of national prejudice, and acknowledge that the forces that unite it are incomparably deeper than those that divide it—that all people are part of one global community, dependent on one body of resources, bound together by the ties of a common humanity and associated in a common adventure on the planet Earth.

Let us then join together to vindicate and realize this great truth that mankind is one, and as one will nobly save or irreparably lose the heritage of thousands of years of civilization. And let us set forth the principles which should animate and inspire us if our civilization is to survive.

We affirm that the resources of the globe are finite, not infinite, that they are the heritage of no one nation or generation, but of all peoples, nations and of posterity, and that our deepest obligation is to transmit to that posterity a planet richer in material bounty, in beauty and in delight than we found it. Narrow notions of national sovereignty must not be permitted to curtail that obligation.

We affirm that the exploitation of the poor by the rich, and the weak by the strong violates our common humanity and denies to large segments of society the blessings of life, liberty and happiness. We recognize a moral obligation to strive for a more prudent and more equitable sharing of the resources of the earth in order to ameliorate poverty, hunger and disease.

We affirm that the resources of nature are sufficient to nourish and sustain all the present inhabitants of the globe and that there is an obligation on every society to distribute those resources equitably, along with a corollary obligation upon every society to assure that its population does not place upon Nature a burden heavier than it can bear.

We affirm our responsibility to help create conditions which will make for peace and security and to build more effective machinery for keeping peace among the nations. Because the insensate accumulation of nuclear, chemical and biological weapons threatens the survival of Mankind we call for the immediate reduction and eventual elimination of these weapons under international supervision. We deplore the reliance on force to settle disputes between nation states and between rival groups within such states.

We affirm that the oceans are the common property of mankind whose dependence on their incomparable resources of nourishment and strength will, in the next century, become crucial for human survival, and that their exploitation should be so regulated as to serve the interests of the entire globe, and of future generations.

We affirm that pollution flows with the waters and flies with the winds, that it recognizes no boundary lines and penetrates all defenses, that it works irreparable damage alike to Nature and to Mankind—threatening with extinction the life of the seas, the flora and fauna of the earth, the health of the people in cities and the countryside alike—and that it can be adequately controlled only through international cooperation.

We affirm that the exploration and utilization of outer space is a matter equally important to all the nations of the globe and that no nation can be permitted to exploit or develop the potentialities of the planetary system exclusively for its own benefit.

We affirm that the economy of all nations is a seamless web, and that no one nation can any longer effectively maintain its processes of production and monetary systems without recognizing the necessity for collaborative regulation by international authorities.

We affirm that in a civilized society, the institutions of science and the arts are never at war and call upon all nations to exempt these institutions from the claims of chauvinistic nationalism and to foster that great community of learning and creativity whose benign function it is to advance civilization and the health and happiness of mankind.

We affirm that a world without law is a world without order, and we call upon all nations to strengthen and to sustain the United Nations and its specialized agencies, and other institutions of world order, and to broaden the jurisdiction of the World Court, that these may preside over a reign of law that will not only end wars but end as well that mindless violence which terrorizes our society even in times of peace.

We can no longer afford to make little plans, allow ourselves to be the captives of events and forces over which we have no control, consult our fears rather than our hopes. We call upon the American people, on the threshold of the third century of their national existence, to display once again that boldness, enterprise, magnanimity and vision which enabled the founders of our Republic to bring forth a new nation and inaugurate a new era in human history. The fate of humanity hangs in the balance. Throughout the globe, hearts and hopes wait upon us. We summon all Mankind to unite to meet the great challenge.

The Minnesota endorsement is simply that—strong support and endorsement of the Declaration of Interdependence by the political leaders of the State: the Governor and Lieutenant Governor, the majority, and minority leaders of both Houses of the State legislature and the constitutional officers of the State.

In addition, a group of Minnesotans including the chief justice of the Minnesota Supreme Court, both U.S. Senators, the leaders of both major political parties and other important citizens, commended, in a further endorsement, the State officials for lending their names to the project.

Mr. Elling has done a magnificent job. In this 200th year of our independence, the Declaration of Interdependence is an appropriate Bicentennial document, affirming, among other things, those principles upon which the United States was founded and recognizing the new crises that confront us.

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Recognizing the urgent need to move ahead with this Bicentennial Project, and

Further recognizing Minnesota's leadership role in promoting World Citizenship with the first State Declaration,

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Be it further resolved that as a symbol of our support for this Declaration, we continue to proudly display the United Nations flag with the United States flag at the State Capitol,

Finally, we urge the leadership of all other states to take similar action.

Effective Law Day, May 1, 1976.

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Nicholas D. Coleman, Senate Majority Leader.

Robert O. Ashbach, Senate Minority Leader.

Jim Lord, State Treasurer.

Rudy Perpich, Lt. Governor.

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Warren Spannaus, Attorney General.

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Henry J. Savelkoul, House Minority Leader.

Robert W. Mattson, State Auditor.

We, the undersigned, commend the State Officials for this endorsement of The Declaration of Interdependence. We urge other states, our nation and other nations to follow this example, which is a valuable step in building a World Community of Peace Under Just Law:

Don Fraser, Member of Congress.

Charles H. Slocum, Chairman, Independent-Republicans of Minn.

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The Deputies of this Colony, attending in Congress, or a Majority of them or of any three or more of them, (are authorized and empowered to concur with the other United Colonies, or a Majority of them, in declaring the United Colonies free and independent States . . ."

During the same debate, the New York delegation read a letter from its colony

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During the same debate, the New York delegation read a letter from its colony

Community Rejection of Fluoridation, since 1990.

White Salmon, Washington.....8/15/01
Woods Cross, Utah.....8/7/01
Bishopville, South Carolina.....6/30/01 quit
Eureka Springs, Arkansas.....6/01
Harper, Kansas.....5/30/01
Brewster, Massachusetts.....5/15/01
McPherson, Kansas.....4/3/01
Norridgewock, Maine.....3/5/01
Blue River, Wisconsin.....2/01
Willamina, Oregon.....1/01
Ithaca, New York.....11/7/00
Spokane, Washington.....11/7/00
Brattleboro, Vermont.....11/7/00
Wenatchee, Washington.....11/7/00
Shawano, Wisconsin.....11/7/00
Nibly City, Utah.....11/7/00
Hyrum City, Utah.....11/7/00
Providence City, Utah.....11/7/00
Smithfield City, Utah.....11/7/00
Logan City, Utah.....11/7/00
River Heights, Utah.....11/7/00
Pequannock, New Jersey.....11/7/00
Ozark, Missouri.....11/7/00
Wooster, Ohio.....11/7/00 (4th rejection)
Squamish, British Columbia.....10/16/00
Woodside, California.....9/00
Ste. Genevieve, Missouri.....8/8/00
Winfield, Kansas.....3/6/00
Wilmington, Massachusetts.....2/15/00
Santa Barbara, California.....11/23/99
Johnstown, New York.....11/19/99
Tooele, Utah.....11/2/99
Wichita, Kansas.....10/26/99
El Cajon, California.....4/27/99
Helix Water District, California.....4/7/99
Lakeside Water District, California.....4/6/99
Hutchinson, Kansas.....3/30/99
Riverview Water District, California.....3/24/99
Wenatchee, Washington.....3/8/99
La Mesa, California.....3/9/99
Santa Cruz, California.....3/4/99 ...banned
Bremerton, Washington.....2/2/99
Olympia, Washington.....12/15/99
Seward, Nebraska.....11/3/98
Whitehorse, Yukon Territory, Canada.....7/28/98...quit after 30 years
Ste. Genevieve, Missouri.....7/1/98...quit after 13 years
Grand Island, Nebraska.....5/13/98...quit

(over)

Norfolk, Nebraska.....5/13/98
North Platte, Nebraska.....5/13/98
Washington, Missouri.....4/7/98
Kitimat, British Columbia, Canada.....3/98...quit
Hot Springs, Arkansas.....2/98
Ridgefield, Oregon.....12/22/97
Methuen, Massachusetts.....11/04/97
Brisbane, Australia.....10/01/97
Spokane, Washington..... .....8/25/97
Largo, Florida.....7/15/97
Clearwater, Florida.....7/15/97
North Redington Beach, Florida.....7/15/97
Amsterdam, New York.....5/21/97
Suisun City, California.....5/1/97
Yardly, Pennsylvannia.....4/16/97
Erie, Pennsylvannia.....3/21/97
Village of Orfordville, Wisconsin.....12/9/96
Western Nassau County, New York.....11/21/96...quit after 23 years
Kelowna, British Columbia, Canada.....11/16/96...quit after 42 years
Gothenberg, Nebraska.....11/96
Worcestor, Massachusetts 11/6/96
Bloomer, Wisconsin 11/6/96
Kodiak, Alaska.....7/12/96
Carle Place, New York.....2/1/96...quit
Winter Springs, Florida.....1/10/96
Pasco, Florida.....12/14/95
York, Pennsylvania.....7/29/95
Thurmont, Maryland.....2/3/94
Albany, New York.....12/8/94
Middletown, Maryland.....11/93...quit
Sarnia, Ontario, Canada.....1/30/93
Barnstable, (Cape Cod) Massachusetts.....11/4/93
Wagoner, Oklahoma.....6/17/93
Redwood Valley, California.....2/6/93
Los Altos Hills (Purissima) California...../93
Campbell River, British Columbia, Canada.....4/93...quit after 33 years
Port Hardy, British Columbia, Canada.....11/93...quit after 19 years
Squamish, British Columbia, Canada.....11/93...quit after 20 years
Fort Smith, Arkansas.....11/3/92
Milltown, Wisconsin.....10/17/92
Bellingham, Washington.....5/19/92
Washoe County, Nevada.....7/15/92
Comox/Courtenay, British Columbia, Canada.....2/92
Palm Beach County, Florida.....10/22/91
Ketchikan, Alaska.....10/2/91
Suffolk County, New York.....8/15/91
Davis, California.....12/14/90...5th rejection
Morgan Hill, California.....3/7/90...quit

Compiled by Maureen Jones. (408) 297-8487 (maureenj@pacbell.net)

(7) **Effect of Co-administration of Fluoride and Methylxanthine-containing Beverages on Plasma Fluoride Levels in Rats.** J.T. CHAN*, C. QIU, G.M. WHITFORD, and L.E. WYBORNY (University of Texas Dental Branch at Houston, VAMC-Houston, and Medical College of Georgia, Augusta, GA).

We have previously reported that concomitant intake of fluoride and coffee resulted in a greater plasma fluoride level than intake of the same amount of fluoride in water (*J Dent Res* 67:188, 1988). This study was designed to determine whether tea and Coca-Cola exhibited the same influence. Female Sprague-Dawley rats (250 ± 10 g) were maintained on tap water and Rodent Blox *ad libitum*. Under general anesthesia, a silastic cannula was inserted into the jugular vein to facilitate blood collections. After 24 hours, the rats were weighed and randomly assigned to groups of six rats each:

a. 0.5 mg F/mL tea/250 g b.w.;
b. 0.5 mg F/mL decaffeinated tea/250 g b.w.;
c. 0.5 mg F/mL Classic Coca-Cola/250 g b.w.;
d. 0.5 mg F/mL decaffeinated Coca-Cola/250 g b.w.

Blood samples (0.2 mL) were collected at frequent intervals after ig dosing. Plasma was analyzed with a fluoride electrode after HMDS-facilitated diffusion.

Time(min)	0	20	40	60	90	120	180	240
F:tea	2.1 ± 0.2	36.2 ± 2.1	35.0 ± 3.8	31.6 ± 3.8	24.8 ± 3.0	21.9 ± 4.1	15.8 ± 1.6	9.8 ± 0.8
F:d-tea	2.2 ± 0.1	32.4 ± 2.5	27.8 ± 1.9	20.4 ± 2.5	13.9 ± 1.7	11.0 ± 1.3	9.1 ± 0.8	6.8 ± 0.9
F:Coke	2.1 ± 0.2	34.8 ± 3.9	38.5 ± 5.4	33.4 ± 4.3	24.6 ± 3.1	17.2 ± 2.8	9.3 ± 1.2	5.6 ± 0.6
F:d-Coke	1.8 ± 0.1	23.7 ± 2.3	15.9 ± 2.1	12.4 ± 2.0	7.9 ± 1.4	6.6 ± 0.9	4.0 ± 0.6	4.5 ± 0.7

Co-administration of fluoride and tea or Coca-Cola resulted in a significantly higher plasma fluoride level than intake of the same amount of fluoride in decaffeinated beverages. Approximately a two-fold difference in bioavailability was demonstrated by comparison of the total areas under the curves.

Supported by NIDR Grant DE08993.

(8) **Plasma F Levels Following Intake of NaF in Combination with Sodium Lauryl Sulphate.** P. BARKVOLL (University of Oslo, Norway).

Sodium lauryl sulphate (SLS) is one of the most widely used detergents in toothpastes, and it is known that it increases the permeability of rat oral mucosa. The aim of the present study was to investigate the plasma F^- concentrations in humans after intake of NaF with and without addition of SLS. In the first experiment, five subjects received an aqueous solution of 3 mg F^- as NaF in a 30-mL solution immediately followed by intake of 30 mL of distilled water. In the second experiment, the subjects received an aqueous solution of 3 mg F^- as described above, followed by an aqueous solution of 30 mg SLS dissolved in 30 mL of distilled water. All the solutions were freshly prepared. Capillary blood samples were collected and the relative fluoride concentration in plasma determined. Sampling was performed before and 0.25, 0.5, 0.75, 1, 1.5, 2, 3, 5, and 6.5 hours after the administration. All the subjects had a higher relative fluoride concentration in blood plasma after intake of fluoride in combination with SLS than of fluoride alone ($p < 0.05$). The mean increase was nearly 9%. This effect by SLS may be a point to be considered when absorption of fluoride from swallowed toothpaste is evaluated.

(9) **The Tissue Reaction of Gastric Mucosa after Fluoride Gel Ingestion.** C.-J. SPAK[1]*, S. SJÖSTEDT[2], L. ELEBORG[3], B. VERESS[4], L. PERBECK[2], and J. EKSTRAND[5] ([1]Departments of Cariology, [2]Surgery, [3]Anesthesiology, and [4]Pathology, Karolinska Institutet, Huddinge, Sweden; [5]Specialized Caries Research Center, The University of Iowa, Iowa City, IA).

The ingestion of large doses of fluoride as a result of fluoride gel treatment is not uncommon, and there are some reports of gastric distress associated with this treatment. We recently reported that the ingestion of 20 mg F as a 1000-ppm-F solution resulted in damage to the gastric mucosa in all of the 10 subjects investigated. The purpose of the present investigation was to study whether a conventional dental prophylactic treatment with 0.42% F gel could affect the gastric mucosa. Ten adult subjects underwent a control gastroscopy, and two weeks later a second gastroscopy was performed two h after a F gel treatment. In addition, two biopsies from the antrum and two from the corpus of the stomach were collected and evaluated histologically. The mean amount of F retained and ingested after the application was 5.1 ± 2.1 mg, which was about 40% of the applied amount of F. During the gastroscopy, the mucosa was examined and graded according to an arbitrary scale from 0 to 4, where 0 represents no petechiae or erosions, and 4 represents more than 10 such lesions. The ingestion of the F gel resulted in a score of 3 or 4 in the corpus region in five of the subjects. The histopathological evaluation

interpreted the Constitution in the articles known as the "Federalist."

I ask, if to-day under the present taxing clause of the Constitution we can tax all property of whatever species, from whatever source derived, what inhibition is there against our taxing every state bond of the State of New York, and the municipal bonds of New York, at the present time, so far as the provision of the Constitution is concerned? Certainly no one will contend that the present taxing clause is not full enough to cover all property, of whatever kind and from whatever source derived. It has always been so construed. If it were to be construed alone, it would undoubtedly be sufficient to enable us to tax state bonds. But it can not be construed standing alone; neither could this amendment. The rules of construction which control this present unlimited taxing clause would control in the same way and for precisely the same reasons the proposed amendment.

In the late case of Nichol *v.* Ames (173 U. S., 515) the Supreme Court said:

It (Congress) has power from that instrument (the Constitution) to lay and collect taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and general welfare, and the only constitutional restraint upon the power is that all duties, imposts, and excises shall be uniform throughout the United States, and that no capitation or other direct tax shall be laid unless in proportion to the census or enumeration directed to be taken, and no tax or duty can be laid on articles exported from any State. Thus guarded, the whole power of taxation rests with Congress.

Again, in Bank *v.* Billings (4 Pet., 514) Chief Justice Marshall said:

The power of legislation and, consequently, of taxation operates on all persons and property belonging to the body politic.

Mr. Hamilton, in his Report on Manufactures, said:

The National Legislature has express authority to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare, with no other qualifications than that all duties, imposts, and excises shall be uniform throughout the United States; that no capitation or other direct tax shall be laid unless in proportion to numbers ascertained by a census or enumeration taken on the principle prescribed in the Constitution; and that no tax or duty shall be laid on articles exported from any State. These three qualifications excepted, the power to raise money is *plenary* and *indefinite*.

Thus the whole power of taxation rests with Congress. When you exclude exports from States and conform to the rule of uniformity and of apportionment, there is no limitation upon the taxing power of the National Government as it exists at the present time. I submit that it would be difficult to find language which would convey more than the full and complete power which is now conferred by the Constitution.

I say, therefore, that already Congress is given absolute power; and if the reasoning of the distinguished governor were correct, the language being full and complete, conveying all power, we could tax state bonds and municipal securities and state salaries at the present time.

But there is another controlling reason why we can not do so, which reason is omitted in the message and which is not affected by this amendment in any manner. The first time the question arose as to power of one sovereignty to tax the means or instrumentalities of another sovereignty was in the case of McCulloch *v.* Maryland. In that case, as all lawyers well remember, there was an attempt on the part of the State of Maryland to tax the stock of the United States Bank. The United States Bank having been organized as an instrumentality of the National Government to carry out certain functions of granted power, it was held that it was not a taxable article. In that case Chief Justice Marshall considered this question and gave us the basis upon which has been built the entire structure of law which prevents one nationality from taxing the instrumentalities and means of another.

In the first place, it was admitted by the Chief Justice that there was no provision of the Constitution which controlled the subject-matter. It was stated by the Chief Justice that there was neither any limitation nor grant of power which prevented the States from taxing the instrumentalities of the National Government, and he stated in his decision that, therefore, the taxing power of the National Government being complete, the inhibition had to be found somewhere other than that of the taxing clause itself. He said, in McCulloch *v.* Maryland (4 Wheat.):

There is no express provision (of the Constitution) for the case, but the claim—

That is, the exemption from taxation—

has been sustained on a principle which so entirely pervades the Constitution, is so intermixed with the materials which compose it, so interwoven with its web, so blended with its texture as to be incapable of being separated from it without rending it into shreds.

Upon what principle, stated a little more fully, but never more comprehensively, did the Chief Justice argue that you could not tax the instrumentalities of Government? Upon the theory that the Constitution as a whole created two separate and distinct sovereignties independent of each other in their specific and reserved powers, and that however full the grant of power of taxation might be in the Constitution, there must always be subtracted from that power the right of the different sovereignties to perform their functions as such. In other words, said the Chief Justice, to construe it otherwise would be to rend the whole fabric into shreds.

It was not, therefore, because of the fact that the taxing clause of the Constitution had any limitations either express or implied in its language, it was not because the language failed to convey all the power of the National Government to tax, but because of the universal rule that every component part of the Constitution must be construed in the light of every other part of it; and that it all must be construed as a whole in the light of the designs and purposes and objects to be accomplished when the instrument was written. Those designs and purposes were to create a national government in its own sphere, independent and separate and distinct from the state governments, and to create the state sovereignties, which in their reserved powers are separate, distinct, and independent of the National Government.

There is one thing that we overlook in arguing this question, and it seems to me to be the vice of the distinguished governor's argument. It is that the state governments, in their separate and independent sovereignties, in their reserved powers, are just as much beyond the jurisdiction and control of the National Government as the National Government in its sovereignty is beyond the control and jurisdiction of the state governments.

In a later case, in Railroad Company *v.* Peniston (18 Wall., 31), the Supreme Court said:

The States are, and they must ever be, coexistent with the National Government. Neither may destroy the other. Hence the Federal Constitution must receive a practical construction. Its limitations and its implied prohibitions must not be extended so far as to destroy the necessary powers of the State or prevent their efficient exercise.

Again, the court in United States *v.* Railway Company (17 Wall., 327) said:

The right of the States to administer their own affairs, through their legislative, executive, and judicial departments, in their own manner, through their own agencies, is conceded by the uniform decisions of this court and by the practice of the Federal Government from its organization. This carries with it an exemption of those agencies and instruments from the taxing power of the Federal Government.

I call attention also to the following citations and authorities, all bearing out the same line of reasoning:

The taxing power of the United States is subject to an implied restraint arising from the existence of the powers in the State which are obviously intended to be beyond the control of the General Government. (Hare on the Constitution, vol. 1, p. 265.)

This clause with reference to taxation is without any express restriction except that already referred to and explained—uniformity and apportionment and exports in the State. Despite this, it has been decided that the United States can not tax the salary of a state officer or a state municipal corporation or process of state courts or a railroad owned by a State. This decision rests upon the strong ground that the power of Congress—even under this full grant as contained in the language of the Constitution—to pass a tax law is restricted to a law which is necessary and proper to carry its taxing power into effect, and as taxation of a state franchise by the Federal Government is an infringement upon the reserve power and autonomy of the State, and as the power to tax without limitation is the power to destroy, execution by the United States of a power which involves the total destruction of state functions was not only not proper, but radically improper. (Tucker.)

The revenue act of 1898 (United States *v.* Owen, 100 Fed. Rep., 70) provided that a stamp tax of 50 cents should be imposed upon "all bonds of any description except such as may be required in legal proceedings not otherwise provided for in this section." It was held that a tax could not be required upon a saloon keeper's bond required by the statutes of the State, notwithstanding this law. The court said:

These cases establish the principle that the great law of self-preservation, the inherent attribute of sovereignty, exempts any and all means and instrumentalities of state government from federal taxation.

Rules of Construction, from Mr. Story:

1. The first and fundamental rule in the interpretation of all instruments is to construe them according to the sense of the instrument and the intention of the parties.

2. There may be obscurity as to the meaning from the doubtful character of the words used, from other clauses in the same instrument, or from inaccuracy or repugnancy between the words and the apparent intention derived from the whole structure of the instrument or its avowed object.

3. In construing the Constitution of the United States, we are in the first instance to consider what are its nature and object, its scope and design as apparent from the structure of the instrument viewed as a whole and also viewed in its component parts.

I desire especially to call attention to the language in the case of Collector *v.* Day. This is the case where the question first arose as to the power of the National Government to tax the instrumentalities of the State. The case of McCulloch was a case where the State was undertaking to tax the national instrumentalities. This was where the National Government undertook to tax the state instrumentalities; and the argument upon which the court rests its conclusion controls this proposition clearly and distinctly in the face of any language contained in this amendment. The court said in Collector *v.* Day (11 Wall.):

Such being the separate and independent condition of the States in our complex system as recognized by the Constitution, and the existence of which is so indispensable that without them the General Government itself would depart from the family of nations, it would seem to follow as a reasonable if not a necessary consequence that the means and instrumentalities employed for carrying on the operations of their government, for preserving their existence and fulfilling the high and responsible positions assigned to them in the Constitution should be left free and unimpaired, should not be liable to be crippled by the taxing power of another government, which power acknowledges no limits but the will of the legislative body imposing the tax. * * * In respect to the reserve powers the State is as sovereign and independent as the General Government.

We are discussing now the question of taxing the state means.

It is admitted there is no express provision in the Constitution that prohibits the General Government from taxing the means and instrumentalities of a State, nor is there any prohibiting the State from taxing the means and instrumentalities of the Government. In both cases the exemption rests upon necessary implication and is upheld by the great law of self-preservation, as any government whose means employed in conducting its operations, if subject to the control of another and distinct government, can exist only at the mercy of that government.

What were the conditions under which this decision was rendered, and what were the facts? In the first place, Congress had passed a statute specifically covering the salaries of all officers. Congress had passed the act under a power in the Constitution which had been held, and was held in that case, to be without limitation.

We have, therefore, the lawmaking body of the Government exercising the power conferred upon it by the Constitution to tax property of all kinds and from whatever sources, specifically taxing, in so many words, the property which was exempted by the decision of the court, and not exempted because the language of the Constitution failed to cover the property, not exempted because the court found somewhere in the language a lack of power to put a tax upon this particular kind of property, but exempted for the reason, as said by the court in practically so many words, that there must be subtracted from this unlimited power the right of the state government to exist and perform its functions.

That being true, when we should have this amendment adopted what would we have? We would have the unlimited power of the National Government to tax still unimpaired. We will assume that it does convey all the power to the Government that could be conveyed for the purpose of taxing, nevertheless we would fall back upon the principle enunciated in the McCulloch case and in Collector *v.* Day, upon the principle that it is not within the jurisdiction of the National Government to exercise control over the state functions or the functions of a separate and individual sovereignty; that unlimited power to tax covering property or incomes from whatever source derived will never be construed, so long as we have an indestructible union of indestructible States, so as to embarrass or destroy each other. The fullest taxing power must be construed in the light of the objects, designs, purposes, and schemes of the Constitution as a whole.

But it seems to me that this question has been even more definitely determined and decided. The income-tax law of 1864 specifically provided for the laying of a tax upon salaries, also to tax incomes derived from any kind of property. The language was quite as broad and comprehensive as the language of the proposed amendment in which we are at present interested. The Supreme Court held unanimously that this income tax of 1864 was constitutional, and it said over and over again that there was positively no limitation upon the power of the National Government to tax; that all property was subject to taxation. So under this constitutional power to tax everything Congress passes an act specifically taxing salaries and property from whatever source derived. Now, if the constitutional provision was unfettered, and Congress, under this unfettered power, specifically laid a tax upon salaries and incomes from whatever source derived, were they not in as strong a position to assert the right to tax state officers' salaries as they would be were this amendment passed? Yet, notwithstanding this express provision of Congress under this full taxing power of the Constitution, it was held that you could not tax the state instrumentalities. In other words, that while the language was unequivocal and unambiguous and the power was unquestioned, so far as the taxing provision alone was concerned, such provision and such act of Congress must be construed in the light of the fact that we are a dual Government.

The internal-revenue act of 1864 also provided that no instrument or document should be admitted into any court until the requisite stamps should be affixed. The term "any court" covered all courts, and it was quite clear that the lawmakers intended it to apply to all courts. Notwithstanding the language of the statute, notwithstanding its broad and comprehensive language, it was construed in the light of relationship between the State and the National Government and it was held this could not apply to state courts. (Carpenter *v.* Snelling, 97 Mass., 457; Green *v.* Holway, 101 Mass., 243; Barber *v.* Gale, 43 N. Y., 40; Bank *v.* Hill, 43 Tenn., 325.)

But, Mr. President, it seems to me that the question has been brought nearer to the present hour and more definitely presented in the famous Pollock case itself. We remember that in the Pollock case the income-tax law of 1894 was involved. The statute of 1894 had incorporated in it almost the identical language which is found in this amendment, covering property of whatever kind and incomes from property of whatever kind.

That law was passed upon in the light of the general taxing power of Congress. It was brought to the attention of the court that included in some of the incomes was income from state bonds. There were two things upon which the court in that case were not divided. The first was that there was no limitation upon the power of Congress, as contained in the clause of the Constitution, as to what kind of property should be taxed and what should not.

On the first proposition it was held that the power was unlimied. The second proposition was that, notwithstanding that fact, Congress could not pass an act which would cover the incomes derived from state bonds or salaries of state officers. I desire to read a quotation from both the affirmative and the dissenting opinion. Mr. Fuller, Chief Justice, said in the Pollock case:

The power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject and may be exercised at discretion.

Mr. Justice White said:

The words "duties, imposts, and excises," in conjunction with the reference to direct taxes, adequately convey the power of taxation to the Federal Government. * * * It is unquestioned that the provisions of the Constitution vest in the United States plenary powers of taxation; that is, all powers which belong to the Government as such, except that of taxing exports. * * * In deciding, then, the question of whether the income tax violates the Constitution, we have to determine not the existence of a power, but whether an admittedly unlimited power to tax—the income tax not being a tax on exports—has been used according to the instruction as to method. Not power, it must be borne in mind, but the manner of its use is the only issue presented in this case.

The basis of the court's opinion rested upon the proposition that there was an admittedly unlimited power, and under this unlimited power Congress had passed an act covering this specific kind of property. It would be interesting to go back and read the act of 1894 to observe with what fullness the statute covers the same kind of property which we are seeking here to tax; and yet, notwithstanding the fact that the court started in on its reasoning upon the basis that there was no limit in Congress to tax, and that Congress had under its full power exercised its privilege to tax, it fell back to the case of Collector *v.* Day, and argued that you could not construe a component part of the Constitution in disregard of the instrument as a whole. Without repeating here what I have said, the court adopted and accepted to its full extent the reasoning in the case of Collector *v.* Day, and again announced that the doctrine must prevail that one sovereignty could not interfere with the instrumentalities of another.

In other words, Mr. President, when this amendment says "from whatever source derived," that must be a source within the jurisdiction and taxing power of the nationality which lays the tax.

I undertake to say, without fear of successful contradiction from the authorities, that the National Government has no more jurisdiction as a governmental fact over the functions of a state government than it has over the property across the line in Canada as a territorial fact. They are not within its power or control. Until we revise the Constitution as a whole, take the instrument up and revise it and definitely announce that these separate and independent sovereignties are no longer to be so, no court will ever hold that you can interpret the taxing

JURY DECLARES MONEY CREATION VOID!

In Credit River, Minnesota on December 7, 1968 there was a court case involving the First National Bank of Montgomery vs. Jerome Daly.

In 1964, Mr. Daly approached the bank and obtained a "loan" for $14,000 to buy a house in Scott County, Minnesota, signing a mortgage on the house to the bank. Mr. Daly paid on the "loan" for about three years then quit paying and the mortgage went into default. The house was sold at a sheriff's sale on June 26, 1967 and the bank instituted this action in court to get possession of the property.

The jury trial started at 10 a.m. on the morning of December 7, 1968, the 27th anniversary of Pearl Harbor, and deliberations lasted about two hours and fifteen minutes.

On the witness stand, Mr. L. V. Morgan, the bank president, admitted that all of the money or credit which was used as a consideration for the note and mortgage WAS CREATED on the bank's books. He explained that this was standard banking procedure and was exercised in combination with the Federal Reserve Bank of Minneapolis, which is, of course, another private bank. He further admitted that he knew of no United States statutes or laws that gave him or the bank the authority to do this. Mr. Morgan argued that Mr. Daly waived his right to complain about the consideration by using the "credit entry" and paying on the "loan" for three years.

It was then up to the jury to decide whether the "credit entry" was a lawful consideration and if Mr. Daly had in fact waived his right to complain. It didn't take them long to bring back the verdict in Jerome Daly's favor. The bank had given nothing therefore nothing was all they were entitled to get back.

The following is a memorandum written by Justice of the Peace Martin V. Mahoney, who presided at the trial.

In the memorandum and the following brief, Justice Mahoney says just about all that needs saying. Let your friends, relatives and co-workers read this if they still need "convincing."

MEMORANDUM

The issues in this case were simple. There was no material dispute on the facts for the Jury to resolve.

Plaintiff admitted that, in combination with the Federal Reserve Bank of Minneapolis, which are for all practical purposes, because of their interlocking activity and practices, and both being Banking Institutions Incorporated under the Laws of the United States, are in the Law to be treated as one and the same Bank, did create the entire $14,000.00 in money or credit upon its own books by bookkeeping entry. That this was the Consideration used to support the Note dated May 8, 1964 and the Mortgage of the same date. The money and credit first came into existence when they created it. Mr. Morgan admitted that no United States Law or Statute existed which gave him the right to do this. A lawful consideration must exist and be tendered to support the Note. See Anheuser-Busch Brewing Co. v. Emma Mason, 44 Minn. 318, 46 N.W. 558. The Jury found there was no lawful consideration and I agree. Only God can create something of value out of nothing.

Even if Defendant could be charged with waiver or estoppel as a matter of Law this is no defense to the Plaintiff. The Law leaves wrongdoers where it find them. See actions 50, 51 and 52 of Am Jur 2d "Actions" on page 584 — "no action will lie to recover on a claim based upon, or in any manner depending upon a fraudulent, illegal, or immoral transaction or contract to which Plaintiff was a party.

Plaintiff's act of creating credit is not authorized by the Constitution and Laws of the United States, is unconstitutional and void, and is not a lawful consideration in the eyes of the Law to support any thing or upon which any lawful rights can be built.

Nothing in the Constitution of the United States limits the Jurisdiction of this Court, which is one of original Jurisdiction with right of trial by Jury guaranteed. This a Common Law Action. Minnesota cannot limit or impair the power of this Court to render Complete Justice between the parties. Any provisions in the Constitution and laws of Minnesota which attempt to do so is repugnant to the Constitution of the United States and void. No question as to the Jurisdiction of this Court was raised by either party at the trial. Both parties were given complete liberty to submit any and all facts and law to the Jury, at least in so far as they saw fit.

No complaint was made by Plaintiff that Plaintiff did not receive a fair trial. From the admissions made by Mr. Morgan and the path of duty was made direct and clear for the Jury. Their Verdict could not reasonably have been otherwise. Justice was rendered completely and without denial, promptly and without delay, freely and without purchase, conformable to the laws in this Court on December 7, 1968.

December 9, 1968

BY THE COURT
MARTIN V. MAHONEY
Justice of the Peace
Credit River Township
Scott County, Minnesota

Note: It has never been doubted that a Note given on a Consideration which is prohibited by law is

void. It has been determined, independent of Acts of Congress, that sailing under the license of an enemy is illegal. The emission of Bills of Credit upon the books of these private Corporations for the purposes of private gain is not warranted by the Constitution of the United States and is unlawful. See Craig v. Mo. 4 Peters Reports 912. This Court can tread only that path which is marked out by duty. M.V.M.

FEDERAL RESERVE NOTES DECLARED UNCONSTITUTIONAL NULL AND VOID

On January 6, 1969, this Court filed a Notice of Refusal to Allow Appeal with the Clerk of the District Court, Hugo L. Hentges, for the County of Scott and State of Minnesota, which is as follows:

NOTICE OF REFUSAL TO ALLOW APPEAL

TO: Hugo L. Hentges, Clerk of District Court, Plaintiff, First National Bank of Montgomery and defendant Jerome Daly:

You will Please take Notice that the undersigned Justice of the Peace, Martin V. Mahoney, hereby, pursuant to law, refuses to allow the Appeal in the above entitled action, and refused to make an entry of such allowance in the undersigned's Docket. The undersigned also refuses to file in the office of the clerk of the District Court in and for Scott County, Minnesota, a transcript of all the entries made in my Docket, together with all process and other papers relating to the action and filed with me as Justice of the Peace.

The undersigned concludes and determines that M.S.A. 532.38 was not complied with within 10 days after entry of Judgment in my Justice of the Peace Court Subdivision 4 thereof requires that $2.00 shall be paid within 10 days to the Clerk of the District Court, for the use of the Justice before whom the cause was tried.

Two so-called "One Dollar" Federal Reserve Notes issued by the Federal Reserve Bank of San Francisco L1278283C and Federal Reserve Bank of Minneapolis Serial No. 180410697A were deposited with the Clerk of the District Court to be tendered to me.

These Federal Reserve Notes are not lawful money within the contemplation of the Constitution of the United States and are null and void. Further the Notes on their face are not redeemable in Gold or Silver Coin nor is there a fund set aside anywhere for the redemption of said Notes.

However, this is a determination of a question of Law and Fact by the undersigned pursuant to the authority vested in me by the Constitution of the United States and the Constitution of the State of Minnesota. Plaintiff is entitled to be accorded full due process of Law before the Court in this present determination not to allow the Appeal.

If Plaintiff will file a brief on the Law and the Facts with this Court within 10 days, or if Plaintiff will file an application for a full and complete hearing before this Court on the determination, a prompt hearing will be set and if plaintiff can satisfy this court that said Notes are lawful money issued in pursuance of and under the authority of the Constitution of the United States of America the undersigned will stand ready and willing to reverse himself in this determination.

TAKE NOTICE AND GOVERN YOURSELVES ACCORDINGLY.

BY THE COURT
/s/ Martin V. Mahoney
MARTIN V. MAHONEY
JUSTICE OF THE PEACE
CREDIT RIVER TOWNSHIP
SCOTT COUNTY, MINNESOTA
Dated January 6, 1969

(Reprinted From "Your Heritage News" Dec., 1981)

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From: **Patriots Information Network**
P.O. Box 272
Hales Corners, WI 53130

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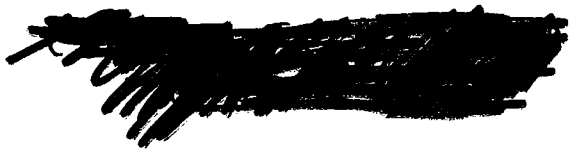
BY THE COURT
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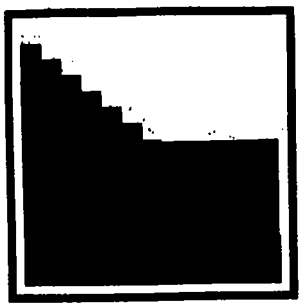
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Hales Corners, WI 53130





HUMAN DEVELOPMENT REPORT 1994

VERY IMPORTANT READ

Published
for the United Nations
Development Programme
(UNDP)

New York Oxford
Oxford University Press
1994



Foreword

Behind the blaring headlines of the world's many conflicts and emergencies, there lies a silent crisis—a crisis of underdevelopment, of global poverty, of ever-mounting population pressures, of thoughtless degradation of environment. This is not a crisis that will respond to emergency relief. Or to fitful policy interventions. It requires a long, quiet process of sustainable human development.

Sustainable human development is development that not only generates economic growth but distributes its benefits equitably; that regenerates the environment rather than destroying it; that empowers people rather than marginalizing them. It is development that gives priority to the poor, enlarging their choices and opportunities and providing for their participation in decisions that affect their lives. It is development that is pro-people, pro-nature, pro-jobs and pro-women.

It is a great contribution of the *Human Development Reports* that they have stimulated international dialogue on such models of development. The 1994 Report continues this tradition and takes it a step further. It explores the new frontiers of human security in the daily lives of the people. It attempts to discover early warning signals that can spur preventive diplomacy and preventive development in order to save a society from reaching a crisis point. It outlines a new design for development cooperation in the post–cold war era. And it suggests a concrete agenda for the consideration of the World Summit for Social Development that is to meet in Copenhagen in March 1995.

The forthcoming Social Summit offers us a unique opportunity to redefine humanity's development agenda. The Summit will be a time to respond to the new compulsions of human security. It will be a time to reiterate very clearly that without the promotion of people-centred development none of our key objectives can be met—not peace, not human rights, not environmental protection, not reduced population growth, not social integration. It will be a time for all nations to recognize that it is far cheaper and far more humane to act early and to act upstream than to pick up the pieces downstream, to address the root causes of human insecurity rather than its tragic consequences.

From such a diagnosis, it follows that the role of the United Nations must be strengthened significantly in the development field. The peace agenda and the development agenda must finally be integrated. Without peace, there may be no development. But without development, peace is threatened.

There is an urgent need today to establish a more integrated, effective and efficient UN development system to promote the worldwide movement towards sustainable human development. For this purpose the UN system requires a clearer mandate, integrated policy frameworks and additional resources.

It is our principal goal to restructure and strengthen UNDP so that it can make a critical contribution to these new imperatives of sustainable human development—from assisting countries in the formulation of their own development strategies, to helping donor nations reflect this new development perspective in their aid allocations, to launching global policy initiatives for new designs of development cooperation, to working closely with other UN development programmes and agencies in identifying common missions and complementary approaches so as to help our member countries realize their sustainable human development goals. In other words, we are now poised in UNDP to move from the basic messages of the *Human Development Reports* to their concrete operationalization.

It is in this spirit that I present the *Human Development Report 1994* to the international community. As always, the views set forth in this Report have emerged from the candid, professional analysis of an eminent team working under the able guidance of Mahbub ul Haq, my Special Adviser and the Report's chief architect. They do not necessarily reflect the views of UNDP, its Executive Board or other member governments of UNDP. We have always respected the intellectual independence and professional integrity of these Reports. But there is no question in my mind that the Report will exercise a profound influence on global policy dialogue and on UNDP's future operations.

James Gustave Speth

New York
March 16, 1994

Team for the preparation of
Human Development Report 1994

Special Adviser
Mahbub ul Haq

UNDP Team
Director: Inge Kaul
Members: Saraswathi Menon and Selim Jahan assisted by Babafemi Badejo, Moez Doraid Yusuf, Beth Ebel, Terry McKinley, Melanie Beth Oliviero, Peter Stalker (editing) and Leo Goldstone, World Statistics Ltd., for the statistics, with the assistance of Laura Mourino

Panel of consultants
Sudhir Anand, Meghnad Desai, Keith Griffin, Stephany Griffith-Jones, Edward Laurance, Amartya Sen, Hans Singer, Paul Streeten and Herbert Wulf

One significant gap in NGO activity at the national and international level has been in the area of corruption, which is spreading like a cancer all over the world—in government bureaucracies, among political leaders, in military procurement, in transnational corporations, in international banking. *Human Development Report 1992* proposed setting up Honesty International, similar to Amnesty International, to research and publicize cases of corruption. A new NGO, Transparency International, has since been set up on these lines, though it is too soon to judge how effective it is likely to be.

This chapter has included just a few of the institutions that the world is likely to need in the 21st century. Some people may consider them overly ambitious, but others may consider them timid. Jan Tinbergen, the first Nobel Prize winner in economics, believes that we need nothing less than a world government (special contribution, this page). This may appear to be totally utopian today. But he points out: "The idealists of today often turn out to be the realists of tomorrow."

A pragmatic approach would be to take some practical steps now and to initiate further reviews of some of the longer-term

SPECIAL CONTRIBUTION

Global governance for the 21st century

Mankind's problems can no longer be solved by national governments. What is needed is a World Government.

This can best be achieved by strengthening the United Nations system. In some cases, this would mean changing the role of UN agencies from advice-giving to implementation. Thus, the FAO would become the World Ministry of Agriculture, UNIDO would become the World Ministry of Industry, and the ILO the World Ministry of Social Affairs.

In other cases, completely new institutions would be needed. These could include, for example, a permanent World Police which would have the power to subpoena nations to appear before the International Court of Justice or before other specially created courts. If nations do not abide by the Court's judgement, it should be possible to apply sanctions, both non-military and military.

Other institutions could include an Ocean Authority (based on the new Law of the Seas), and an analogous Outer Space Authority, to deal with matters such as outer space, aviation and information satellites.

But some of the most important new institutions would be financial—a World Treasury and a World Central Bank. The World Treasury would serve as a world ministry of finance. Its main task would be to collect the resources needed by the other world ministries through one or more systems of global automatic taxation. If there were any delay in contributions from member governments, it would have to make funds available where they are most urgently needed. In addition, there should be a World Central Bank based on a reformed IMF to deal, among other things, with monetary, banking and stock exchange policies.

Just as each nation has a system of income redistribution, so there should be a corresponding "world financial policy" to be implemented by the World Bank and the World Central Bank. Redistribution is the core political issue of the 20th century. Here it is useful to make a comparison with well-governed nations. The proportion of GDP distributed through social security benefits varies greatly from one country to another. It is typically lower in developing countries: 0.3% in Rwanda, 2.1% in Bangladesh, 2.3% in Bolivia. In industrial countries, it is generally higher but does vary considerably: 6.0% in Japan, 12.6% in the United States, 33.7% in Sweden. Two main factors explain the difference: the level of development and the socio-political policy of the country. The low level in developing countries reflects their underdeveloped condition and the fact that many are living in a feudal state: the rich are accustomed to ruling the people, and also feel poor in relation to the rich in the high-income countries. But this is no justification for the present callous neglect: there is a strong case for much more redistribution within developing countries.

But there should also be redistribution at the international level through development cooperation. How much should the industrial nations make available to the developing countries? In 1970, the UN General Assembly decided that 0.7% was needed. By 1991, the actual average for the OECD countries was only 0.33%. But the UN target figure is itself too low. In the 1970s and 1980s, the gap between the developing and industrial countries widened. To have prevented this would have required aid equivalent to 1.3% of GDP. As the world economy becomes increasingly integrated, so the redistribution of world income should become similar to that within well-governed nations.

Some of these proposals are, no doubt, far-fetched and beyond the horizon of today's political possibilities. But the idealists of today often turn out to be the realists of tomorrow.

J. Tinbergen

Jan Tinbergen, winner of the 1969 Nobel Prize for Economics

recipients. But there can be little doubt that, without this transfer of financial resources, technology, expertise and equipment, development in the poorer nations would have been slower.

Aid is not a very popular theme in either donor or recipient countries. The public in donor countries is questioning aid even more persistently now that the industrial countries are experiencing recession and

SPECIAL CONTRIBUTION

A tax on international currency transactions

Capital moves ever more freely across national borders, both by direct business investments and by purchases and sales of financial assets. Capital movements certainly can benefit the nations directly involved and the world economy as a whole, by directing world savings to high-productivity projects, wherever they may be. Savers in a capital-intensive economy often find more profitable investment opportunities in capital-poor areas.

However, the capital flows needed to achieve efficient allocation of world savings are today a minuscule fraction of world-wide transactions in currency markets, which are estimated to run at $1 trillion a day. Thanks to modern communications and computers, these deals are easy and cheap. The sun never sets on financial markets, from Hong Kong, to Frankfurt, to London, to New York, to Tokyo. Advanced industrial countries long ago abandoned exchange controls, and many developing countries are relaxing their regulations.

Here, as in so many other dimensions of human life on this globe, technologies have outrun political and social institutions. The bulk of those trillions of currency exchanges are speculations and arbitrages, seeking to make quick money on exchange rate fluctuations and on international interest rate differentials. They contribute little to rational long-term investment allocations. Exchange rates are at the mercy of the opinions of private speculators commanding vast sums. Their activities distort the signals exchange markets give for long-range investments and for trade. Interest rate arbitrages make it difficult for national central banks to follow monetary policies independent of those of major foreign central banks.

The mobility of financial capital across currencies is a problem whether exchange rates float freely in markets or are pegged by agreements among governments. The travails of the world economy since 1973 have inspired nostalgic longings for Bretton Woods, or for an older and purer gold standard. But no system in which parities can be adjusted on occasion eliminates opportunities for speculation or inhibitions on national monetary policies. But the recent crises of the European exchange rate mechanism demonstrated that neither individually nor collectively do central banks have sufficient reserves to withstand concerted pressures from speculators betting on the devaluation of weaker currencies.

A permanent single currency as among the 50 states of the American union, would escape all this turbulence. The United States example shows that a currency union works to great advantage when sustained not only by centralized monetary authorities but also by other common institutions. In the absence of such institutions, an irrevocably unique world currency is many decades off.

In 1978, I proposed a realistic second-best option. An international uniform tax would be levied on spot transactions in foreign exchange (including deliveries pursuant to futures contracts and options). The proposal has two basic motivations. One is to increase the weight market participants give to long-range fundamentals relative to immediate speculative opportunities. The second is to allow greater autonomy to national monetary policy, by making possible larger wedges between short interest rates in different currencies.

A 0.5% tax on foreign exchange transactions is equivalent to a 4% difference in annual interest rates on three-month bills, a considerable deterrent to persons contemplating a quick round-trip to another currency. The intent is to slow down speculative capital movements; it would be too small to deter commodity trade or serious international capital commitments. The revenue potential is immense; over $1.5 trillion a year for the 0.5% tax.

J. M. Keynes in 1936 pointed out that a transaction tax could strengthen the weight of long-range fundamentals in stock-market pricing, as against speculators' guesses of the short-range behaviours of other speculators. The same is true of the foreign exchange markets.

The tax would have to be worldwide, at the same rate in all markets. Otherwise it could be evaded by executing transactions in jurisdictions with no tax or lower tax. Compliance would depend on the banking and market institutions where the vast bulk of currency exchanges take place. The transaction tax is designed to make international money markets compatible with modest national autonomy in monetary and macroeconomic policy. But it would certainly not permit governments and central banks to ignore the international repercussions of their policies. The G-7 would still need to coordinate policies, and their policies would still be powerful influences and constraints on other economies.

It is appropriate that the proceeds of an international tax be devoted to international purposes and be placed at the disposal of international institutions. This was my suggestion in 1978. Although raising revenues for international purposes was not the primary motivation of my proposal, it has been a major source of the recent upsurge of interest in it.

James Tobin

James Tobin, winner of the 1981 Nobel Prize for Economics

It is justice, not charity, that is wanting in the world

that the right to food is as sacrosanct as the right to vote. It demands non-discrimination between all people, irrespective of gender, religion, race or ethnic origin. And it focuses directly on human beings—respecting national sovereignty but only as long as nation-states respect the human rights of their own people.

Universalism advocates equality of opportunity, not equality of income—though in a civilized society a basic minimum income should be guaranteed to everyone.

The basic thought of universalism of life claims comes from many pioneers. "It is justice, not charity, that is wanting in the world," wrote Mary Wollstonecraft, the pioneering feminist, in *A Vindication of the Rights of Woman*, published in 1792. In the same year, her friend Thomas Paine published the second part of the *Rights of Man*. Both were concerned with giving everyone—women and men—power over their lives and opportunities to live according to their own values and aspirations.

Historical perspective

Interest in the concept of human development is not new. Nor are the concerns of sustainability. Today's belated return to human development means reclaiming an old and established heritage rather than importing or implanting a new diversion.

The roots of the concept of human development can often be traced to early periods in human history and can be found in many cultures and religions. Aristotle wrote that "wealth is evidently not the good we are seeking, for it is merely useful and for the sake of something else". A similar strain was reflected in the writings of the early founders of quantitative economics (William Petty, Gregory King, François Quesnay, Antoine Lavoisier and Joseph Lagrange) and in the works of the pioneers of political economy (Adam Smith, Robert Malthus, Karl Marx and John Stuart Mill). When Adam Smith, that apostle of free enterprise and private initiative, showed his concern that economic development should enable a person to mix freely with others without being "ashamed to appear in publick", he was expressing a concept of poverty that went beyond counting calories—a concept that integrated the poor into the mainstream of the community.

Throughout this early period, the concept of development treated income and its growth as a means, and directed attention towards a real concern for people—in their individuality and collectivity, in their commonality and diversity. The central concern of development became the quality of people's lives—what they were capable of doing and what they actually did, the discriminations they faced, the struggles they waged and the expanding choices they enjoyed. And this covered not just economic choices but choices in every field in which they could extend control over their lives. The pursuit of material well-being was one of these choices—but it had not yet become the exclusive obsession.

Only during the 20th century did the social sciences become increasingly concerned with economics—and economics with wealth rather than with people, with the economy rather than with the society, with the maximization of income rather than with the expansion of opportunities for people. Although the obsession with materialism may be recent, the preoccupation of economists and policy-makers with augmenting "national treasure", in surplus trade balances, dates back at least to the mercantilists, who preferred to concentrate on material success rather than on the development of human lives.

The dominant contemporary tradition of focusing exclusively on such variables as per capita gross national product or national wealth is a continuation—certainly an intensification—of the old opulence-oriented approach. And it is this low road of regarding humanity as an instrument of production—rather than the high road of acknowledging the universality of life claims—that fits well with the reputation of economics as a "dismal science".

Opulence and human development

Why should there be a tension between wealth maximization and human development? But they have considerable scope for economies in many areas—military expenditure, loss-making public enterprises and wasteful prestige development projects. Diverting funds could raise the proportion of government budgets devoted to human development priorities to at least 20% ($88 billion a year). Obviously, the restructuring would differ from one country to another.

The political, financial and humanitarian case for a 20:20 compact is strong

Donor countries likewise have considerable scope for improvement. On average, they allocate only 7% of their aid to human priority concerns. The problem here is not so much the proportion of aid to the social sector (16% on average) as the distribution within the social sector. In education, less than 20% of the $7 billion allocation goes to primary education. And for some countries, the proportion is particularly low: Germany 6%, Canada 4% and the United Kingdom 4%. Similarly, in water supply and sanitation, less than 20% of aid goes to the rural areas and very little to low-cost mass-coverage programmes. The situation is somewhat better in health—with about 30% for basic health facilities.

Donors thus have enormous scope for reallocating their aid. By earmarking more funds for the social sector and by concentrating more on priority areas, they should be able to lift the proportion going to human priority goals to 20%. Again, this is an average. Some donors have greater scope for restructuring than others.

The compact could thus be based on shared responsibility. Developing countries would allocate 20% of their budgets, and donors 20% of their aid, to human development priorities. This mutual 20:20 commitment would mean that three-fourths of extra funds would come from developing countries and one-fourth from the donors.

The political, financial and humanitarian case for such a compact is strong. It could ensure that within the next ten years every nation, poor and rich, would have reached a basic threshold of human development.

A global social safety net

Today, aid contributions are voluntary, and the aid burden is distributed randomly and inequitably. Because the flows are subject to annual appropriations by national parliaments, they can be very unpredictable. Poverty and deprivation, by contrast, are more persistent and enduring.

Even if a 20:20 compact on human development could, within ten years, meet the most basic human needs, this would still leave much inequity and relative poverty. How can international development cooperation be better linked with poverty and deprivation? One way would be to establish a global social safety net.

The size of a global social safety net could be set in terms of essential consumption—perhaps a minimum of $1 per person per day. Or it could be set in terms of certain public goods—such as health, education and nutrition.

However defined, the net would need to be sustained by adequate funding, with the exact contribution a matter of negotiation. But the principle should be that contributions are obligatory and follow a fixed formula so that annual flows are predictable.

One possibility would be to levy a world income tax of around 0.1% on the richest nations (those with a per capita GNP above $10,000). This would yield around $20 billion a year. The rate could be a uniform 0.1% or vary progressively with income per head.

The recipients would also be a clearly defined group of countries—those with a per capita GNP of less than $2,000. Within this group, the basis for distribution could be twofold. First, allocations should be adjusted to the human development index of each country, with the lowest HDI countries making the fastest progress identified as deserving the greatest help. Second, allocations should be modified according to the recipient's spending on defence—to ensure that these fungible funds promote human development rather than merely permit greater arms expenditure. Allocations could, for example, vary inversely with the country's ratio of military to social spending.

The details of such a scheme could be a matter of international negotiation before and during the Social Summit. But the basic idea is to establish for the first time a firm

from developing countries, especially clothing, textiles, footwear, processed primary commodities and light manufactured goods. Moreover, protectionism against these goods is rising—frequently in the form of non-tariff barriers, which can more easily circumvent GATT rules. This is particularly galling for the developing countries now that their economies are more open than ever to outside competition. In fact, it is the affluent North, not the poorer South, that is now resisting structural adjustment of its economies.

How much do these restrictions hurt developing countries? Coming up with precise estimates is difficult, but the OECD estimates that their costs to developing countries exceed the value of aid flows to these countries. And *The Economist* reported that if rich countries abolished all their barriers to Third World goods, the increase in developing nations' exports would be worth twice what they receive in aid. For textiles and clothing alone, the damage has been estimated at more than $50 billion a year (box 4.1). Some studies have calculated that liberalizing the trade in agricultural commodities would yield an annual gain of $22 billion (in 1992 dollars) for the developing and formerly centrally planned economies (box 4.2).

So, the case is strong for a compensation scheme—operated perhaps by GATT or by its proposed successor organization, the World Trade Organization (discussed below). In addition to compensating developing countries, this scheme would provide a strong incentive for countries to liberalize their trade. Those that refuse to do this, fearing short-term labour dislocations, would have to pay an immediate price. And those that want to avoid paying compensation would be encouraged to reduce barriers. If such a scheme worked, it would progressively remove the obstacles to trade between rich and poor countries.

BOX 4.1

A $50 billion bill for trade barriers on textiles and clothing

The manufacture of textiles and clothing is one area where the developing countries have a comparative advantage—and achieve a trade surplus with the industrial countries. For many developing countries, these labour-intensive industries with simple technologies represent a great opportunity to accelerate the pace of their industrialization and diversify their exports away from primary commodities. In 1992, such exports were worth $60 billion.

But these are precisely the goods against which the industrial countries have raised the highest barriers—tariff and non-tariff—through the Multi-Fibre Arrangement (MFA). Under this arrangement, the industrial countries apply quotas to imports of textiles and clothing from developing countries, but not to those from other industrial countries—a clear breach of the GATT principles of non-discrimination.

The intention of the industrial countries is to preserve jobs in some of their weakest industries. But doing this is very expensive. The short-run gains for textile workers are more than offset by the higher prices that everyone has to pay as consumers. In the United Kingdom, it has been estimated that without the MFA, textiles and clothing (both locally produced and imported) would be 5% cheaper. In the United States, one study concluded that the annual cost of protecting one job was between two and eight times the average annual wage in the industry.

Developing countries pay an even higher cost. A study in the 1980s by the IMF suggested that a complete liberalization would enable developing countries to increase their exports of textiles by 82% and those of clothing by 93%.

In 1992, UNCTAD reported that quantitative restrictions affected 67% of the exports of textiles and clothing from developing countries. Average tariffs also remained high: 18% in the United Kingdom, 20% in Canada, 23% in Austria and 38% for some items in the United States.

Without tariff and non-tariff barriers, the developing countries could nearly double their exports of textiles and clothing. The industrial countries, by violating the principles of free trade, are costing the developing countries an estimated $50 billion a year—nearly equal to the total flow of foreign assistance.

Payment for services to ensure global human security

Many projects that the industrial countries support in the Third World have global effects and thus also serve their own interests—as well as those of other developing countries that may not be the direct recipients of their aid. Controlling the flow of drugs is an example, as is halting the spread of communicable diseases. To the extent that these projects serve the interest of industrial countries—and humanity—the funds to support them should be considered not as aid but as payment for services rendered. Although not mediated by markets, the payments are a type of market transaction, and they should not be confused with foreign aid (box 4.3).

Poor countries assist with the security of the rich ones in several ways.

- *Environmental controls*—The developing countries are home to most of the world's tropical forests, and it is in everyone's interest that these be preserved to help slow global warming and maintain biodiversity. So, the world community should share the cost of their preservation.

or regional negotiations in the developing world have had much less impact. One of the first priorities should be to develop some new institutional frameworks for disarmament. The obvious starting points are existing regional forums, such as the Organization for African Unity (OAU), the Organization of American States (OAS), the South Asian Association for Regional Cooperation (SAARC) and the Association of South-East Asian Nations (ASEAN). The OAU, for example, is already playing a major role in conflict resolution in Liberia. Another alternative, which covers most developing countries, would be the Non-Aligned Movement.

Although some of these forums have specifically excluded any discussion of defence issues, the time may have come to reassess this policy. The forums could be useful umbrellas for some quiet bilateral diplomacy—and enable other neighbouring countries to apply some constructive pressure to normalize relations. The agreement signed in Tegucigalpa in December 1991 by six Central American heads of state is a good precedent (box 3.3).

The United Nations could also be more active—say, by providing strong secretariat support for any concrete moves towards Third World disarmament. So far, disarmament has focused more on high-technology weapons, when the real problems are small weapons. The United Nations has already taken initiatives on one of the worst killers—land-mines.

BOX 3.3

A Central American accord for human development

Central America for decades was one of the world's most conflict-ridden regions. Civil wars, rebellions and cold war confrontations turned many of these small countries into battlefields. By the end of the 1980s, there were more than two million displaced people—10% of the region's population.

Since then, a concerted effort by national leaders and the international community has produced a remarkable transformation. A series of 14 presidential summits has not only helped silence many of the guns but also defused tension and promoted cooperation in human development.

The Esquipulas Declaration of August 1987 was a milestone. This mutual commitment became the basis for an appeal to the international community to support peace and development throughout the region—in every country, regardless of political orientation.

Another milestone was the General Assembly resolution in May 1988 establishing the Special Plan of Economic Cooperation for Central America (PEC). Within this framework, some of the most difficult issues were settled through two internationally supported programmes: the concerted action plan (CIREFCA) and the programme for displaced persons, refugees and returnees (PRODERE), which sought to promote social integration in areas afflicted by poverty and armed conflict. Together, these programmes have helped 210,000 refugees return to their homes and 470,000 benefit from credit and other programmes to rebuild their communities.

These efforts towards sustainable development were further consolidated by the Tegucigalpa Commitment in 1991, which established human development goals for the region up to 2000. Seven National Action Plans were prepared, refocusing budget priorities on the social sectors. The recent summit in Guatemala in October 1993 identified further priorities and called for democratic participation.

Many civil and professional organizations have become more assertive and effective—notably on human rights issues. And several countries are moving towards democratic electoral processes.

Defuse tensions around the globe

The defence buildup in many developing countries has been a genuine response to geopolitical tensions, some of which are already being defused—as with the expected settlement of the Israeli-Palestinian conflict, the peace process in Central America and the expected democratic elections in South Africa. Each of these issues has benefited from a strong and constructive interest from the major powers, the Non-Aligned Movement and the United Nations. And there clearly are many other opportunities for similar mediation.

The major powers might consider that they have a moral obligation to create such alliances for peace—to make up for their previous strategy of using the Third World as territory for fighting their proxy wars. Whether the developing countries would welcome such assistance is another matter. Governments may quietly appreciate the enhanced opportunities for peaceful accommodation, but opposition parties and domestic public opinion could consider this to be unwarranted interference.

Since there are often reservations about industrial country involvement, it might be better to use the forum of the United Nations. The UN is likely to be called in only after the outbreak of hostilities—either between or within states. But there is also a strong case for the UN to be involved when it expects major problems. (Chapter 2 of this Report has already identified several crisis spots and underlined the need to engage in preventive diplomacy to defuse any expected crises.)

ALERT TO ACTION
National Center for Home Education
Paeonian Springs, Virginia

December 1994

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

AMERICA PREPARES FOR THE PARENTAL RIGHTS BATTLE OF THE DECADE

After years of debate within the international community between politicians and child's rights activists, an agreement was finally reached in 1988, which for the first time created a comprehensive charter advancing the agenda of the children's "liberation" movement. What the child's rights advocates have for over two decades been unable to accomplish through the normal legislative process may now be realized in one sweeping blow, should the Clinton Administration push the Senate to ratify the *United Nations Convention on the Rights of The Child*. Under the guise of a "child's rights" measure, this wolf in sheep's clothing could, if passed, substantially undermine the authority of parents to exercise vitally important responsibilities toward their children if these responsibilities infringe on the child's "right" to autonomy and self-expression as defined by a panel of "experts" appointed by the United Nations.

If ratified, this treaty could undermine the family by granting to children a list of radical "rights" which would be primarily enforced against the parents. These new "fundamental" rights would include "the right to privacy," "the right to freedom of thought and association," and the right to "freedom of expression." A fundamental presumption of the treaty is that parental responsibility exists only in so far as parents are willing to further the independent choices of the child.

THE *CONVENTION* WOULD REDEFINE FAMILY LAW IN AMERICA

The impact of the *Convention* is particularly ominous in light of the fact that the United States Constitution declares treaties to be the law of the land. Under the Constitution's Supremacy Clause of Article VI "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws of any State to the Contrary notwithstanding."

In *Missouri* v. *Holland* the Supreme Court held that a treaty made by the President with the required concurrence of two-thirds of the Senate is, under the Supremacy Clause of Article VI, section 2, part of the supreme law which takes precedent over contrary state laws. Thus, the *U.N. Convention* would constitute legally binding law in all 50 states. Otherwise valid state laws pertaining to education, the family, etc., which conflict with the provisions of the treaty will be subject to invalidation.

Were this convention to be enforced, the United States would be required to alter large portions of long established law to cater to the demands of the United Nations, and the panel of experts they select to define international standards for child's rights.

THE *CONVENTION* WOULD GIVE CHILDREN THE "RIGHT" TO DISREGARD PARENTAL AUTHORITY

Although several of the treaty's provisions offer generally positive, nonoffensive platitudes, a substantial portion of this charter undermines parental rights. The *U.N. Convention* would: [1] transfer parental rights and responsibilities to the State; [2] undermine the family by vesting children with various fundamental rights which advance notions of the child's autonomy and freedom from parental guidance; and [3] establish bureaucracies and institutions of a national and international nature designed to promote "the ideas proclaimed in the Charter of the United Nations" and to investigate and prosecute parents who violate their children's rights. Some of the more relevant provisions of the *United Nations Convention on the Rights of the Child* are summarized below:

THE STATE WILL DETERMINE CHILD'S "BEST INTEREST"

Article 3: "In all actions concerning children," the courts, social service workers and bureaucrats are empowered to regulate families based on their subjective determination of "the best interest of the child." This article shifts the responsibility of parental judgment and decision making from the family to the State (and ultimately the United Nations).

THE PROVISIONS OF THE TREATY MUST BE ENFORCED

Article 4: This provision makes clear that the treaty is not just a positive affirmation. Signatory nations are bound to "undertake all appropriate legislative, administrative, and other measures, for the implementation of the rights" articulated in the *Convention*. In fact, the United States would be required to "undertake measures to the maximum extent of available resources . . . within the framework of international co-operation" in order to restructure

ALL CHILDREN MUST BE REGISTERED

Article 7: In order to insure State and U.N. control over their development, all children must be immediately registered after birth.

SEVERE LIMITATIONS ARE PLACED ON THE PARENT'S RIGHT TO DIRECT AND TRAIN THEIR CHILDREN

Article 13: Under this provision, parents could be subject to prosecution for any attempt to prevent their children from interacting with material they deemed unacceptable. Children are vested with a "freedom of expression" right which is virtually absolute. No allowance is made for parental guidance. Section 1 declares a child's right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice."

Article 14: Children are guaranteed "freedom of thought, conscience and religion." Children have a legal right to object to all religious training. Alternatively, children may assert their right against parental objection to participate in occult, Muslim or Buddhist worship services.

Article 15: This article declares "the right of the child to freedom of association." If this measure were to be taken seriously, parents could be prevented from forbidding their child to associate with people deemed to be objectionable companions. Under Article 15, children could claim a "fundamental" right to join gangs, cults, and racist organizations over parental objection. Parental rights and responsibilities are unmentioned.

THE *CONVENTION* WOULD FURTHER ENTRENCH THE RIGHT OF TEENAGERS TO ABORT THEIR BABIES

The *Convention* is not only vague but contradictory when it comes to the critical issue of the right to life of an unborn child. Although some might argue that the language of Article 6 would favor the rights of unborn children, neither abortion nor unborn children are specifically mentioned. That provision reads: "States Parties recognize that every child has the inherent right to life." The fact that several of the signatory nations not only permit but as a matter of state policy actively encourage abortions among its citizenry lends further credibility to the view that this is not a pro-life measure.

Article 16: Any positive benefits resulting from the language of Article 6 are clearly undermined by the "right to privacy" purportedly granted to children under Article 16. Although the United States Constitution nowhere grants a woman the right to abort her baby, "privacy" was the operative word used by the Court in *Roe* v. *Wade* to create the right to abortion. This United Nations-sanctioned "privacy" would seemingly establish as "the law of the land" the child's right to obtain an abortion without parental notice, the right to purchase and use contraceptives, the right to heterosexual and homosexual promiscuity, and the right to pornography in the home.

THE STATE MUST ASSIST PARENTS IN THE RAISING OF CHILDREN

Article 18: This provision not only encourages two-income families by granting children a fundamental right to state-subsidized, state-run child care facilities, but it calls on the State to be co-parent by rendering *"appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the*

PARENTS WHO DON'T COMPLY MAY BE PROSECUTED

Article 19: This provision mandates the creation of an intensive bureaucracy for the purpose of "identification, reporting, referral investigation, treatment, and follow-up" of parents who, in violation of the child's "rights," treat their children negligently.

A PROHIBITION ON CORPORAL PUNISHMENT?

Article 28: Education is declared a "right" which is not only to be universally free, but compulsory. This section would require that the United States pass laws and develop an infrastructure geared toward "encouraging" all school-age Americans to be part of the school system. The nations of the world are challenged to unite in the creation of an internationalist approach to education. Finally, parties to the *Convention* must ensure that school discipline "is administered in a manner consistent with the child's human dignity" as defined by the United Nations. Presumably this would prohibit corporal punishment.

EDUCATION FOR THE NEW WORLD ORDER

Article 29: It is the goal of the State to direct the education of the people it governs toward the philosophy of the New World Order as "enshrined in the charter of the United Nations." Each child must be prepared to be a responsible citizen by having "the spirit of understanding, peace, toleration, equity of sexes, and friendship [for] all peoples, ethnic, national and religious groups of indigenous origin," including, presumably, cultic, anti-Christian religions, and those regimes which embody authoritarianism and intolerance.

INTERNATIONAL EXPERTS WILL PARENT OUR CHILDREN

Article 43: An international committee of 10 "experts" is to be established to oversee the progress of the implementation of the Treaty.

A CALL TO ACTION

During the 103rd Congress, both houses of Congress introduced resolutions requesting that the President sign the *U.N. Convention*. Once a treaty is signed by the President, it must be ratified by two-thirds of the U.S. Senate. Only 38 sponsors to the S. Res. 70 (which calls for the ratification of the treaty) returned to Capitol Hill to serve in the 104th Congress. Nevertheless, it is uncertain as to how many Senators would support the *Convention* if a vote were held immediately. A positive result of the 1994 election is that Senator Jesse Helms, an opponent of the *Convention*, will chair the Senate Foreign Relations Committee which oversees the Senate treaty process. Other members of the Committee, however, include prominent *Convention* supporters like Dick Lugar of Indiana and Christopher Dodd of Connecticut. Although the Clinton administration has yet to formally announce plans to sign the *U.N. Convention* and send it to the Senate for ratification, President and Mrs. Clinton have indicated their strong support of the child's rights agenda advanced by this treaty. Mrs. Clinton formerly chaired the Children's Defense Fund, a leading child's rights lobbying organization which has been a primary proponent of the *U.N Convention*.

Voice your opposition to the *U.N. Convention on the Rights of the Child* by contacting your U.S. Representative and Senators. The Capitol Switchboard number is (202) 202-224-3121.

By Doug Phillips, Director of Federal Relations at the National Center for Home Education. Permission to reprint is granted.

PUBLIC LAW 101-509 [H.R. 5241]; November 5, 1990

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1991

For Signing Statement of Act, see p. 2930-4.

Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes, namely:

Treasury, Postal Service and General Government Appropriations Act, 1991.

TITLE I

Treasury Department Appropriations Act, 1991.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; purchase of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than $2,212,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control; not to exceed $1,649,000, to remain available until expended, for systems modernization requirements; not to exceed $1,000,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $3,883,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $9,717,000.

with those nations providing the defense, or by equivalent "inkind" payments, or by assuming some of the other international financial burdens of the major defense-providing nations;

(B) in concert with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall consult with Congress on the steps the President is taking to meet the goals enumerated in subparagraph (A) and shall provide a report to the Congress no later than November 30, 1990, detailing the progress of such steps to date;

(C) during his consultations with other international leaders, should consider stressing, among other points, that failure by any country to actively contribute in the most appropriate manner for that country could have a detrimental impact on its bilateral relationship with the United States; and

(D) should also inform Congress of any legislative initiatives which need to be taken to meet the goals enumerated in subparagraphs (A) through (C).

SEC. 631. (a) Section 3401(a) of title 39, United States Code, is amended in clause (1)(A) by striking out "or" the first time it appears in such clause and inserting ", or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense" after "belligerent".

(b) This section shall apply to military personnel participating in 'Operation Desert Shield".

SEC. 632. CONVENTION ON THE RIGHTS OF THE CHILD.—(a) FINDINGS.—The Senate finds that—

(1) the future peace and prosperity of all nations depend upon the good health and well-being of the world's children;

(2) the Congress has long recognized the vulnerability of children and has enacted numerous laws that afford them special protections in this country;

(3) similar protections for children are either totally lacking or inadequately enforced in much of the world;

(4) in part as a result of this lack of protection, millions of children are threatened daily by poverty, malnutrition, homelessness, exploitation and abuse, depriving both family and society of their productivity and potential;

(5) the Child Survival and Development Revolution, launched in 1982 to attack the root causes of infant mortality and child ill-health through low-cost means such as universal child immunization and oral rehydration therapy, is saving the lives of more than 3,000,000 children each year and has demonstrated that the number of child deaths can be reduced significantly if available resources are used appropriately;

(6) despite these gains and an emerging international consensus about the importance of protecting children, children both here and abroad will continue to face poverty, sickness, and ill-treatment.

(7) on November 20, 1989, the United States and other members of the United Nations unanimously endorsed the Convention on the Rights of the Child and urged national governments to ratify the Convention and make possible its application as international law;

(8) this Convention, if implemented, will help establish universal legal standards for the care and protection of children against neglect, exploitation, and abuse;

(9) the United States Government, scores of private voluntary organizations, and hundreds of American citizens were actively involved in the drafting of this Convention; and

(10) the United States must continue playing a leading role in the implementation of the Convention to ensure that it becomes a force for improving the lot of children, both in this country and abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the issue of children's rights and their well-being is important both to the United States and the world at large and that, in consideration thereof, the President should promptly seek the advice and consent of the Senate to the ratification of the Convention on the Rights of the Child, adopted by the United Nations with the support of the United States on November 29, 1989.

DISCRETIONARY AUTHORITY PROVISION

SEC. 633. METHOD FOR MAKING ANNUAL ADJUSTMENTS TO PAY SCHEDULES IN FISCAL YEARS 1992, 1993, AND 1994. 5 USC 5303 note.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 and any provision of law amended by such Act), for purposes of any adjustment scheduled to take effect under section 5303 of title 5, United States Code (as amended by section 101) during the period beginning on October 1, 1991, and ending on September 30, 1994, the provisions of section 5303 of such title (as so amended) shall be applied in accordance with the following:

(1) For purposes of the adjustment taking effect in each of fiscal years 1992 and 1993, respectively, deem subsection (a) to be amended by striking "one-half of 1 percentage point less than".

(2) Deem subsection (b) to be amended as follows:

(A) In paragraph (1), strike "If" and all that follows thereafter through "welfare," and insert "Subject to paragraph (2), if".

(B) Redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

(C) Insert after paragraph (1) the following:

"(2) Authority to provide alternative pay adjustments under this subsection in any year may not be exercised except in accordance with the following:

"(A) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be 5 percent or less, no reduction may be made unless necessary because a state of war or severe economic conditions exist.

"(B) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be greater than 5 percent, no reduction may be made—

"(i) to a level of 5 percent or greater, unless necessary because of national emergency or serious economic conditions affecting the general welfare; or

"(ii) to a level of less than 5 percent, unless necessary because of either of the reasons set forth in subparagraph (A).".

FREEDOM FROM WAR

THE UNITED STATES PROGRAM FOR GENERAL AND COMPLETE DISARMAMENT IN A PEACEFUL WORLD

DEPARTMENT OF STATE

DEPARTMENT OF STATE PUBLICATION 7277
Disarmament Series 5
Released September 1961

Office of Public Services
BUREAU OF PUBLIC AFFAIRS

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington 25, D.C. - Price 15 cents

Introduction

The revolutionary development of modern weapons within a world divided by serious ideological differences has produced a crisis in human history. In order to overcome the danger of nuclear war now confronting mankind, the United States has introduced at the Sixteenth General Assembly of the United Nations a *Program for General and Complete Disarmament in a Peaceful World.*

This new program provides for the progressive reduction of the war-making capabilities of nations and the simultaneous strengthening of international institutions to settle disputes and maintain the peace. It sets forth a series of comprehensive measures which can and should be taken in order to bring about a world in which there will be freedom from war and security for all states. It is based on three principles deemed essential to the achievement of practical progress in the disarmament field:

First, there must be immediate disarmament action:

A strenuous and uninterrupted effort must be made toward the goal of general and complete disarmament; at the same time, it is important that specific measures be put into effect as soon as possible.

(d) States shall develop arrangements in Stage I for the establishment in Stage II of a U.N. Peace Force.

(e) A U.N. peace observation group shall be staffed with a standing cadre of observers who could be despatched to investigate any situation which might constitute a threat to or breach of the peace.

STAGE II

A. *International Disarmament Organization:*

The powers and responsibilities of the IDO shall be progressively enlarged in order to give it the capabilities to verify the measures undertaken in Stage II.

B. *To Further Reduce Armed Forces and Armaments:*

(a) Levels of forces for the U.S., U.S.S.R., and other militarily significant states shall be further reduced by substantial amounts to agreed levels in equitable and balanced steps.

(b) Levels of armaments of prescribed types shall be further reduced by equitable and balanced steps. The reduction shall be accomplished by transfers of armaments to depots supervised by the IDO. When, at specified periods during the Stage II reduction process, the parties have agreed that the armaments and armed forces are at prescribed levels, the armaments in depots shall be destroyed or converted to peaceful uses.

(c) There shall be further agreed restrictions on the production of armaments.

(d) Agreed military bases and facilities wherever they are located shall be dismantled or converted to peaceful uses.

(e) Depending upon the findings of the Experts Commission on CBR weapons, the production of CBR weapons shall be halted, existing stocks progressively reduced, and the resulting excess quantities destroyed or converted to peaceful uses.

C. *To Further Reduce the Nuclear Threat:*

Stocks of nuclear weapons shall be progressively reduced to the minimum levels which can be agreed upon as a result of the findings of the Nuclear Experts Commission; the resulting excess of fissionable material shall be transferred to peaceful purposes.

D. *To Further Reduce Strategic Nuclear Weapons Delivery Vehicles:*

Further reductions in the stocks of strategic nuclear weapons delivery vehicles and agreed types of weapons designed to counter such vehicles shall be carried out in accordance with the procedure outlined in Stage I.

E. *To Keep the Peace:*

During Stage II, states shall develop further the peace-keeping processes of the United Nations, to the end that the United Nations can effectively in Stage III deter or suppress any threat or use of force in violation of the purposes and principles of the United Nations:

(a) States shall agree upon strengthening the structure, authority, and operation of the United Nations so as to assure that the United Nations will be able effectively to protect states against threats to or breaches of the peace.

(b) The U.N. Peace Force shall be established and progressively strengthened.

(c) States shall also agree upon further improvements and developments in rules of international conduct and in processes for peaceful settlement of disputes and differences.

STAGE III

By the time Stage II has been completed, the confidence produced through a verified disarmament program, the acceptance of rules of peaceful international behavior, and the development of strengthened international peace-keeping processes within the framework of the U.N. should have reached a point where the states of the world can move forward to Stage III. In Stage III progressive controlled disarmament and continuously developing principles and procedures of international law would proceed to a point where no state would have the military power to challenge the progressively strengthened U.N. Peace Force and all international disputes would be settled according to the agreed principles of international conduct.

The progressive steps to be taken during the final phase of the disarmament program would be directed toward the attainment of a world in which:

(a) States would retain only those forces, non-nuclear armaments, and establishments required for the purpose of maintaining internal order; they would also support and provide agreed manpower for a U.N. Peace Force.

(b) The U.N. Peace Force, equipped with agreed types and quantities of armaments, would be fully functioning.

(c) The manufacture of armaments would be prohibited except for those of agreed types and quantities to be used by the U.N. Peace Force and those required to maintain internal order. All other armaments would be destroyed or converted to peaceful purposes.

(d) The peace-keeping capabilities of the United Nations would be sufficiently strong and the obligations of all states under such arrangements sufficiently far-reaching as to assure peace and the just settlement of differences in a disarmed world.

☆ U.S. GOVERNMENT PRINTING OFFICE 1961 O—608147

EXPLANATION OF THE MAN AND THE BIOSPHERE PROGRAM, THE WILDLANDS PROJECT AND THE BIODIVERSITY TREATY

The 1994 US Man and the Biosphere Strategic Plan notes that "U.S. Biosphere reserves are important areas for developing the data, technology, and experience needed to implement the recommendations of the United Nations Conference on Environment and Development.... (i.e. the Earth Summit in 1992). One of those recommendations is the Convention on Biological Diversity. Likewise the 1995 UNESCO Statutes of the World Network of Biosphere Reserves that one of the primary purposes of the Man and the Biosphere(MAB) program is to "contribute to the objectives of the Convention on Biological Diversity." Both documents state that the "core" or "protected areas" should be a large as possible and interconnected with wilderness-like corridors, all surrounded by "buffer zones" or "managed use areas" that are heavily regulated to be compatible with the wilderness core areas. This approach is mandated in Article 8a-e in the Convention on Biological Diversity and its companion document, the United Nations Global Biodiversity Assessment((GBA). Article 25 of the Convention mandates that the GBA be used to write the implementing language for the treaty. Section 13.4.2.2.3 of the GBA calls for "representative areas of all major ecosystems in a region...be reserved, that blocks should be as large as possible, that buffer zones should be established around core areas, and that corridors...connect these areas. This basic design is central to the recently proposed Wildlands Project in the United States, a controversial long-term strategy ...to expand natural habitats and corridors to cover as much as 30% of the U.S. land area."

The Wildlands Project was developed by Dr. Michael Soulé, co-founder and first president of the *Society for Conservation Biology*; Dr. Reed Noss, current editor for the journal of *Conservation Biology* and special consultant to the US Dept. of Interior; and David Foreman, co-founder and long-time leader of *Earth First!* and currently a member of the Board of the Sierra Club.

The Convention on Biological Diversity is centered on the science of conservation biology, which in turn was largely created by the IUCN (International Union for Conservation of Nature). The IUCN is the lead organization which wrote and promoted the Convention on Biological Diversity. It is made up of over 500 national and international environmental and socialist groups known as NGOs (Non Governmental Organizations)and is itself an accredited NGO with the United Nations. The IUCN received diplomatic immunity from lawsuits on January 19, 1996 by President Clinton (Exec. Order 12986). To date the science of conservation biology is based on nothing more than unproven theories. See the pamphlet entitled *The Philosophy, Politics and Science of Biological Diversity* for a more complete discussion of conservation biology.

MAGNITUDE OF THE WILDLANDS PROJECT

"Conservation must be practiced on a truly grand scale," claims Reed Noss. And grand it is. Noss provides the whopping dimensions of this effort in the article "The Wildlands Project: Land Conservation Strategy," 1992 special issue of *Wild Earth*. The United Nations GBA cites this article as foundational to recovery of biodiversity.

Core reserves are wilderness areas that supposedly allow biodiversity to flourish. "It is estimated," claims Noss, "that large carnivores and ungulates require reserves on the scale of *2.5 to 25 million acres*.... For a minimum viable population of 1000 [large mammals]. figures would be *242 million acres for grizzly bears, 200 million acres for wolverines, and 100 million acres for wolves*. Core reserves should be managed as roadless areas (wilderness). All roads should be permanently closed."

Corridors are "extensions of reserves.... *Multiple* corridors interconnecting a network of core reserves provide functional redundancy and mitigate against disturbance.... Corridors several miles wide are needed if the objective is to maintain resident populations of large carnivores."

Buffer zones should have two or more zones "so that a gradation of use intensity exists from the core reserve to the developed landscape. Inner zones should have low road density (no more than 0.5 mile/square mile) and low-intensity use such as...hiking, cross-country skiing, birding, primitive camping, wilderness hunting and fishing, and low-intensity silviculture (light selective cutting). Outer zones may have higher road densities (but still no more than 1 mile/ square mile)...and heavier recreational use (but no off-road vehicles) and campgrounds. New forestry silviculture (e.g., partial retention harvesting), selection forestry, or other forestry experiments" would be permitted. More intensive harvesting would not be allowed.

The result of these guidelines is the map on the previous page.

WHAT DO RESERVES AND CORRIDORS REALLY MEAN?

While this effort has a noble mission, the implications are staggering. As noted in the June 25, 1993 issue of *Science*, it "*is nothing less than the transformation of America to an archipelago of human-inhabited islands surrounded by natural areas.*"

Although *100 million acres* of core area might be required for 1000 wolves, the *total* land area of Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut, is *only 71 million acres*. It would mean the nationalization of private land through regulation or other means, forcing people to move to areas zoned for occupation, and possibly shutting down half of the agriculture, forest products, and mining industries—all resulting in massive unemployment. Scarce resources means the rest of us are going to pay double and triple for products made from these resources like food, toilet paper, and automobiles.

RESERVES & CORRIDORS DO NOT WORK

What science is really showing is that there is no clear evidence that reserves and corridors work or are even needed. Rather, good forest management, including the use of clearcutting, enhances biodiversity and sustainability:

- "The theory has *not* been properly validated and the practical value of biogeographic principles for conservation remains unknown. . . . The theory *provides no special insights* relevant to conservation." Zimmerman, B.L. and R.O. Bierregaard. 1986. *Journal of Biogeography* 13:133-143.
- The theory behind the need for reserves and corridors is being "increasingly heavily criticized...as inapplicable to most of nature, largely because *local population extinction was not demonstrated.*" Simberloff, D. J. Farr, J. Cox, and D. Mehlman. 1992. "Movement Corridors: Conservation Bargains or Poor Investment?" Conservation Biology 6(4):493.
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The science used in the MAB and Convention on Biological Diversity does not work and may actually reduce biodiversity. The implications of this treaty must be thoroughly reviewed before it is considered for ratification.

For more information on the maps and Wildlands Project, contact Dr. Michael Coffman, Maine Conservation Rights Institute, (207) 945-9878

UNITED NATIONS HERITAGE AND BIOSPHERE PROGRAMS

WORLD HERITAGE SITES and BIOSPHERE RESERVES IN THE UNITED STATES

This map indicates the sites and areas that the United States has submitted for special United Nations designation. The World Heritage Sites are listed through the Convention Concerning the Protection of the World Cultural and Natural Heritage signed by President Ford on March 1, 1976. The UN designated biosphere reserves have been listed as a result of the United States government's participation in the United Nations Educational, Scientific and Cultural Organization's Man and Biosphere Program. As a result of UN treaties it is now questionable as to whether any future American development will be

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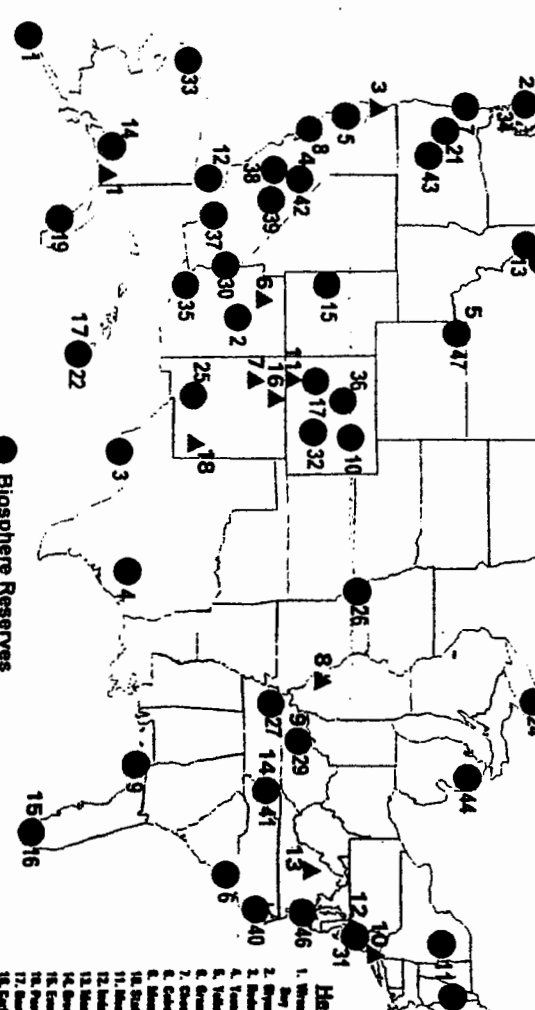
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UNITED NATIONS HERITAGE AND BIOSPHERE PROGRAMS

WORLD HERITAGE SITES and BIOSPHERE RESERVES IN THE UNITED STATES



Biosphere Reserves

1. Aleutian Islands
2. Denali
3. Big Bend
4. Big Thicket
5. California Coast Ranges
6. Channel Islands
7. Colorado Front
8. Central California Coast
9. Central Gulf Coastal Plain
10. Central Plains
11. Champlain-Adirondack
12. Desert Cocopah
13. Everglades
14. Glacier
15. Great Basin
16. Hawaii
17. Hubbard Brook
18. Isle Royale
19. Jornada
20. Kings River
21. Monongahela
22. Niwot Ridge
23. Rookies
24. Olympic
25. Organ Pipe Cactus
26. Rocky Mountain
27. San Dimas
28. San Joaquin
29. Sequoia-Kings Canyon
30. Shenandoah
31. Virgin Islands
32. Yellowstone
33. Yosemite
34. Aspen
35. Bandelier
36. Big Bend
37. Big Hole
38. Blue Ridge Parkway
39. Boundary Waters Canoe Area
40. Buffalo National River
41. Canyon de Chelly
42. Carlsbad Caverns
43. Chaco
44. Crater Lake
45. Death Valley
46. Devils Tower
47. Dinosaur
48. Everglades
49. Glacier Bay-Admiralty Island
50. Grand Canyon
51. Great Smoky Mountains
52. Guadalupe Mountains
53. Haleakala
54. Hawaii Volcanoes
55. Lassen Volcanic
56. Mammoth Cave
57. Mesa Verde
58. Mount Rainier
59. Olympic
60. Petrified Forest
61. Redwood
62. Rocky Mountain
63. Shenandoah
64. Wrangell-St. Elias
65. Yellowstone
66. Yosemite
67. Zion

World Heritage Sites

1. Wrangell-St. Elias
2. Olympic
3. Redwood
4. Yosemite
5. Yellowstone
6. Grand Canyon
7. Olympic
8. Everglades
9. Mammoth Cave
10. Statue of Liberty
11. Mesa Verde
12. Independence Hall
13. Monticello & Univ. Virginia
14. Great Smoky Mts.
15. Everglades
16. Puebla de Taos
17. Hawaii Volcanoes
18. Chaco
19. Cahokia Mounds
20. Great Smoky Mts.
21. N.J. Andrews Experimental Forest
22. Hawaiian Islands
23. Hubbard Brook
24. Isle Royale
25. Jornada
26. Kenza Prairie
27. Land Between the Lakes
28. Long Ecological
29. Monticello Cove Area
30. Mojave and Colorado Deserts
31. Southern Appalachian
32. Shenandoah-Luray
33. Three Sisters
34. University of Michigan
35. Virgin Islands National Park
36. Virginia Coast
37. Yellowstone
38. Blue Ridge Parkway
39. Boundary Waters Canoe Area
40. Buffalo National River
41. Canyon de Chelly
42. Chaco
43. Chaco
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64. Wrangell-St. Elias
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67. Zion

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1995 EPI (207) 945-9878

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1991

For Signing Statement of Act, see p. 2930-4.

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TITLE I

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DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than $2,212,000 for 40 full-time equivalent positions for the Office of Foreign Assets Control; not to exceed $1,649,000, to remain available until expended, for systems modernization requirements; not to exceed $500,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $83,883,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $9,717,000.

with those nations providing the defense, or by equivalent "inkind" payments, or by assuming some of the other international financial burdens of the major defense-providing nations;

(B) in concert with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall consult with Congress on the steps the President is taking to meet the goals enumerated in subparagraph (A) and shall provide a report to the Congress no later than November 30, 1990, detailing the progress of such steps to date;

(C) during his consultations with other international leaders, should consider stressing, among other points, that failure by any country to actively contribute in the most appropriate manner for that country could have a detrimental impact on its bilateral relationship with the United States; and

(D) should also inform Congress of any legislative initiatives which need to be taken to meet the goals enumerated in subparagraphs (A) through (C).

SEC. 531. (a) Section 3401(a) of title 39, United States Code, is amended in clause (i)(A) by striking out "or" the first time it appears in such clause and inserting ", or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense" after "belligerent".

(b) This section shall apply to military personnel participating in "Operation Desert Shield".

SEC. 532. CONVENTION ON THE RIGHTS OF THE CHILD.—(a) FINDINGS.—The Senate finds that—

(1) the future peace and prosperity of all nations depend upon the good health and well-being of the world's children;

(2) the Congress has long recognized the vulnerability of children and has enacted numerous laws that afford them special protections in this country;

(3) similar protections for children are either totally lacking or inadequately enforced in much of the world;

(4) in part as a result of this lack of protection, millions of children are threatened daily by poverty, malnutrition, homelessness, exploitation and abuse, depriving both family and society of their productivity and potential;

(5) the Child Survival and Development Revolution, launched in 1982 to attack the root causes of infant mortality and child ill-health through low-cost means such as universal child immunization and oral rehydration therapy, is saving the lives of more than 3,000,000 children each year and has demonstrated that the number of child deaths can be reduced significantly if available resources are used appropriately;

(6) despite these gains and an emerging international consensus about the importance of protecting children, children both here and abroad will continue to face poverty, sickness, and ill-treatment.

(7) on November 20, 1989, the United States and other members of the United Nations unanimously endorsed the Convention on the Rights of the Child and urged national governments to ratify the Convention and make possible its application as international law;

(8) this Convention, if implemented, will help establish universal legal standards for the care and protection of children against neglect, exploitation, and abuse;

(9) the United States Government, scores of private voluntary organizations, and hundreds of American citizens were actively involved in the drafting of this Convention; and

(10) the United States must continue playing a leading role in the implementation of the Convention to ensure that it becomes a force for improving the lot of children, both in this country and abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the issue of children's rights and their well-being is important both to the United States and the world at large and that, in consideration thereof, the President should promptly seek the advice and consent of the Senate to the ratification of the Convention on the Rights of the Child, adopted by the United Nations with the support of the United States on November 29, 1989.

DISCRETIONARY AUTHORITY PROVISION

SEC. 533. METHOD FOR MAKING ANNUAL ADJUSTMENTS TO PAY SCHEDULES IN FISCAL YEARS 1992, 1993, AND 1994. 5 USC 5303 note.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 and any provision of law amended by such Act), for purposes of any adjustment scheduled to take effect under section 5303 of title 5, United States Code (as amended by section 101) during the period beginning on October 1, 1991, and ending on September 30, 1994, the provisions of section 5303 of such title (as so amended) shall be applied in accordance with the following:

(1) For purposes of the adjustment taking effect in each of fiscal years 1992 and 1993, respectively, deem subsection (a) to be amended by striking "one-half of 1 percentage point less than".

(2) Deem subsection (b) to be amended as follows:

(A) In paragraph (1), strike "If" and all that follows thereafter through "welfare," and insert "Subject to paragraph (2), if".

(B) Redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

(C) Insert after paragraph (1) the following:

"(2) Authority to provide alternative pay adjustments under this subsection in any year may not be exercised except in accordance with the following:

"(A) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be 5 percent or less, no reduction may be made unless necessary because a state of war or severe economic conditions exist.

"(B) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be greater than 5 percent, no reduction may be made—

"(i) to a level of 5 percent or greater, unless necessary because of national emergency or serious economic conditions affecting the general welfare; or

"(ii) to a level of less than 5 percent, unless necessary because of either of the reasons set forth in subparagraph (A).".

One significant gap in NGO activity at the national and international level has been in the area of corruption, which is spreading like a cancer all over the world—in government bureaucracies, among political leaders, in military procurement, in transnational corporations, in international banking. *Human Development Report 1992* proposed setting up Honesty International, similar to Amnesty International, to research and publicize cases of corruption. A new NGO, Transparency International, has since been set up on these lines, though it is too soon to judge how effective it is likely to be.

This chapter has included just a few of the institutions that the world is likely to need in the 21st century. Some people may consider them overly ambitious, but others may consider them timid. Jan Tinbergen, the first Nobel Prize winner in economics, believes that we need nothing less than a world government (special contribution, this page). This may appear to be totally utopian today. But he points out: "The idealists of today often turn out to be the realists of tomorrow."

A pragmatic approach would be to take some practical steps now and to initiate further reviews of some of the longer-term

SPECIAL CONTRIBUTION

Global governance for the 21st century

problems can no longer be solved by national gov-
What is needed is a World Government.
n best be achieved by strengthening the United
stem. In some cases, this would mean changing the
N agencies from advice-giving to implementation.
FAO would become the World Ministry of
, UNIDO would become the World Ministry of
nd the ILO the World Ministry of Social Affairs.
r cases, completely new institutions would be need-
ould include, for example, a permanent World Police
ld have the power to subpoena nations to appear be-
ternational Court of Justice, or before other special-
courts. If nations do not abide by the Court's
, it should be possible to apply sanctions, both non-
l military.
nstitutions could include an Ocean Authority (based
r Law of the Seas), and an analogous Outer Space
o deal with matters such as outer space, aviation and
satellites.
e of the most important new institutions would be
a World Treasury and a World Central Bank. The
sury would serve as a world ministry of finance. Its
would be to collect the resources needed by the oth-
inistries through one or more systems of global ta-
ation. If there were any delay in contributions from
vernments, it would have to make funds available
are most urgently needed. In addition, there should
Central Bank based on a reformed IMF to deal,
r things, with monetary, banking and stock exchange

ach nation has a system of income redistribution, so
d be a corresponding "world financial policy" to be
ed by the World Bank and the World Central Bank.
ion is the core political issue of the 20th century.

Here it is useful to make a comparison with well-governed nations. The proportion of GDP distributed through social security benefits varies greatly from one country to another. It is typically lower in developing countries: 0.3% in Rwanda, 2.1% in Bangladesh, 2.3% in Bolivia. In industrial countries, it is generally higher but does vary considerably: 6.0% in Japan, 12.6% in the United States, 33.7% in Sweden. Two main factors explain the difference: the level of development and the socio-political policy of the country. The low level in developing countries reflects their underdeveloped condition and the fact that many are living in a feudal state: the rich are accustomed to ruling the people, and also feel poor in relation to the rich in the high-income countries. But this is no justification for the present callous neglect: there is a strong case for much more redistribution within developing countries.

But there should also be redistribution at the international level through development cooperation. How much should the industrial nations make available to the developing countries? In 1970, the UN General Assembly decided that 0.7% was needed. By 1991, the actual average for the OECD countries was only 0.33%. But the UN target figure is itself too low. In the 1970s and 1980s, the gap between the developing and industrial countries widened. To have prevented this would have required aid equivalent to 1.3% of GDP. As the world economy becomes increasingly integrated, so the redistribution of world income should become similar to that within well-governed nations.

Some of these proposals are, no doubt, far-fetched and beyond the horizon of today's political possibilities. But the idealists of today often turn out to be the realists of tomorrow.

J. Tinbergen

Jan Tinbergen, winner of the 1969 Nobel Prize for Economics

recipients. But there can be little doubt that, without this transfer of financial resources, technology, expertise and equipment, development in the poorer nations would have been slower.

Aid is not a very popular theme in either donor or recipient countries. The public in donor countries is questioning aid even more persistently now that the industrial countries are experiencing recession and

SPECIAL CONTRIBUTION

A tax on international currency transactions

Capital moves ever more freely across national borders, both by direct business investments and by purchases and sales of financial assets. Capital movements certainly can benefit the nations directly involved and the world economy as a whole, by directing world savings to high-productivity projects, wherever they may be. Savers in a capital-intensive economy often find more profitable investment opportunities in capital-poor areas.

However, the capital flows needed to achieve efficient allocation of world savings are today a minuscule fraction of world-wide transactions in currency markets, which are estimated to run at $1 trillion a day. Thanks to modern communications and computers, these deals are easy and cheap. The sun never sets on financial markets, from Hong Kong, to Frankfurt, to London, to New York, to Tokyo. Advanced industrial countries long ago abandoned exchange controls, and many developing countries are relaxing their regulations.

Here, as in so many other dimensions of human life on this globe, technologies have outrun political and social institutions. The bulk of those trillions of currency exchanges are speculations and arbitrages, seeking to make quick money on exchange rate fluctuations and on international interest rate differentials. They contribute little to rational long-term investment allocations. Exchange rates are at the mercy of the opinions of private speculators commanding vast sums. Their activities distort the signals exchange markets give for long-range investments and for trade. Interest rate arbitrages make it difficult for national central banks to follow monetary policies independent of those of major foreign central banks.

The mobility of financial capital across currencies is a problem whether exchange rates float freely in markets or are pegged by agreements among governments. The travails of the world economy since 1973 have inspired nostalgic longings for Bretton Woods, or for an older and purer gold standard. But no system in which parities can be adjusted on occasion eliminates opportunities for speculation or inhibitions on national monetary policies. But the recent crises of the European exchange rate mechanism demonstrated that neither individually nor collectively do central banks have sufficient reserves to withstand concerted pressures from speculators betting on the devaluation of weaker currencies.

A permanent single currency, as among the 50 states of the American union, would escape all this turbulence. The United States example shows that a currency union works to great advantage when sustained not only by centralized monetary authorities but also by other common institutions. In the absence of such institutions, an irrevocably unique world currency is many decades off.

In 1978, I proposed a realistic second-best option. An international uniform tax would be levied on spot transactions in foreign exchange (including deliveries pursuant to futures contracts and options). The proposal has two basic motivations. One is to increase the weight market participants give to long-range fundamentals relative to immediate speculative opportunities. The second is to allow greater autonomy to national monetary policy, by making possible larger wedges between short interest rates in different currencies.

A 0.5% tax on foreign exchange transactions is equivalent to a 4% difference in annual interest rates on three-month bills, a considerable deterrent to persons contemplating a quick round-trip to another currency. The intent is to slow down speculative capital movements; it would be too small to deter commodity trade or serious international capital commitments. The revenue potential is immense, over $1.5 trillion a year for the 0.5% tax.

J. M. Keynes in 1936 pointed out that a transaction tax could strengthen the weight of long-range fundamentals in stock-market pricing, as against speculators' guesses of the short-range behaviours of other speculators. The same is true of the foreign exchange markets.

The tax would have to be worldwide, at the same rate in all markets. Otherwise it could be evaded by executing transactions in jurisdictions with no tax or lower tax. Compliance would depend on the banking and market institutions where the vast bulk of currency exchanges take place. The transaction tax is designed to make international money markets compatible with modest national autonomy in monetary and macroeconomic policy. But it would certainly not permit governments and central banks to ignore the international repercussions of their policies. The G-7 would still need to coordinate policies, and their policies would still be powerful influences and constraints on other economies.

It is appropriate that the proceeds of an international tax be devoted to international purposes and be placed at the disposal of international institutions. This was my suggestion in 1978. Although raising revenues for international purposes was not the primary motivation of my proposal, it has been a major source of the recent upsurge of interest in it.

James Tobin

James Tobin, winner of the 1981 Nobel Prize for Economics

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BROWARD

Published Friday, August 27, 1999, in the Miami Herald

Social Security requirement irks homeowners

Law mandates numbers be provided to preserve homestead exemptions

By DON FINEFROCK
Herald Staff Writer

A statewide effort to fight tax fraud is provoking a strong reaction from some property owners who worry about privacy in the age of the Internet.

Homeowners across the state must provide a Social Security number to their local property appraiser by next year -- or risk losing the homestead exemption that shaves hundreds of dollars off their property tax bills.

The requirement angered Judy DiPietro of North Miami-Dade, one of about 387,000 homeowners who were notified in recent days by the Miami-Dade County property appraiser.

``It's another attempt to invade my privacy, the secretary fumed this week. ``That's my private number. They have no right to it.

Many homeowners worry about the loss of privacy -- and the potential for fraud if their Social Security number falls into the wrong hands.

But the state of Florida has left DiPietro and others little choice.

The law, enacted in 1994 to make sure homeowners don't double-dip on the tax break, requires homeowners with exemptions to submit the information, effective next spring. Or else.

Without the $25,000 tax break, the tax bill on DiPietro's home on Northeast 205th Terrace would nearly double.

`That's not right'

``I don't like the fact that there is a threat, she said. ``If I don't give it to them, I won't have my homestead exemption. That's not right.

David Bruns of the Florida Department of Revenue defended the law, saying Social Security numbers represent an effective tool for fighting fraud -- better than names because they are unique, like fingerprints.

By matching numbers, state officials can make sure that individual homeowners don't claim more than one exemption.

Former state Sen. Bill Turner double-dipped for three years, until a Herald reporter discovered his two exemptions. When asked to explain, Turner said he didn't realize he had claimed separate exemptions on his Miami Shores home and a townhouse in Tallahassee.

As many as 40,000 exemptions statewide may be improper, according to one estimate, Bruns said. The exemptions reduce the taxable value of eligible properties by $25,000, thereby lowering tax bills. Those duplicates cost local governments millions in lost taxes, Bruns said.

``The idea that this is an invasion of privacy is fairly longstanding. We are a little baffled by that, Bruns said. ``Hardly anyone considers it an invasion of privacy to provide your Social Security number for a driver's license.

Sure enough, Florida drivers are asked for Social Security numbers -- a rule that prompts an occasional complaint, said Janet Dennis at the Department of Highway Safety and Motor Vehicles.

A 29-year history

``We have been collecting Social Security numbers on driver's license applications since 1970, she said.

An effort to repeal the reporting requirement for homestead exemptions was vetoed last year by former Gov. Lawton Chiles.

``I am sensitive to the privacy rights of our citizens," Chiles wrote in his veto message. But, he added, ``There are safeguards in the law that prohibit the property appraisers, tax collectors and the Department of Revenue from releasing Social Security numbers."

Chiles also noted in his message that federal law was changed in 1976 to allow the use of Social

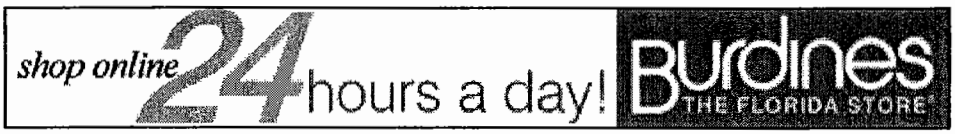
Security numbers for tax purposes.

Herbert Parlato, assistant property appraiser for Miami-Dade, said his office had received some complaints about the new rule but not an overwhelming amount. More people have called to inquire about their taxes or the new homestead exemption for seniors, he said.

``Right now, we are just complying with a directive from the Department of Revenue to get Social Security numbers, Parlato said. ``But we are not dropping anyone. Not until we get final directive from the department.

The Broward County property appraiser's office has yet to notify Broward homeowners of the rule, said Veduria McBride, supervisor of homestead exemptions. Notices will likely go out later this year or early next, she said.

e-mail: dfinefrock@herald.com



Contact Us
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"The Right of the People . . ."

Every individual has certain natural and absolute rights - the foremost among them being the rights to Life, Liberty and Property.

Those sacred rights proceed to us from the Creator by virtue of our nature. As intelligent beings with hopes, aspirations and human dignity, we have the right to live - to live free - to possess personal and real property.

It follows, therefore, that if we have those rights, we also have the duty and responsibility to guard them and hold them secure. Consequently, we have the clear and undeniable right to defend our lives and the lives of our loved ones, the right to defend our freedom, and the right to defend our homes and property.

Only the naive fail to recognize that self-preservation means self-defense, and that for hundreds of years in the stable societies of Western Civilization, this has often meant the judicious and effective use of firearms.

The great men who set the course of this nation were wise and dedicated men of principle who pledged their lives, their fortunes and their sacred honor that the United States might come into being. Those framers of the Constitution knew that the rights of men stand above the authority of the governments they create; and that the greatest threat to those rights comes from government itself.

Therefore, we the people, were given a Bill of Rights, a supplement to the Constitution, which clearly enumerated the rights of the people, while clearly restricting the power of the government.

Most Americans are not aware that after the Constitution Convention, when that great document was finished and approved, many of those founding fathers who had played such an important role in creating the Constitution, would not sign it. They recognized that it was the ultimate expression of the hopes and aspirations of mankind, that it created and set in motion a great new nation conceived in liberty, and that it was unique in the history of human institutions. But, it did not guarantee the natural rights and freedoms of the people, nor did it adequately and clearly delineate the necessary limitations on the government.

Consequently, before the Constitution was endorsed on September 17, 1787, the convention fully agreed to add a statement of rights. Therefore, the Bill of Rights was added on December 15, 1791. It consisted of ten "amendments," but they were not amendments in the sense that they changed the Constitution. The Bill of Rights was, more accurately, a supplement which added the provisions which were clearly understood and agreed to in advance by those patriots who conceived our Constitution and established the United States of America as "One Nation Under God".

The First Amendment names certain basic, inalienable rights: Freedom of religion, freedom of speech, freedom of the press, the right of the people to assemble without interference from government, and the right to petition the government for a redress of grievances.

The Second Amendment states how we shall keep those rights: by the strength and force of an armed citizenry - "...the right of the people to keep and bear arms shall not be infringed."

It is essential to note that every one of the ten articles of the Bill of Rights is of vital importance. However, the right, and duty, of the people to be armed is placed second in the bill of Rights, immediately following the listing of the basic rights of the people. It is also worthy of note that Article II reads, "...the right of the PEOPLE, to keep and bear arms shall not be infringed" -- it doesn't say some of the people, or certain kinds of people, or the government, or the government's military forces or law enforcement personnel, but rather *the people* -- all the people!

Our Founding Fathers recognized two types of militia: (1) The "well regulated militia" which were those men in the government militia, namely the armed forces or the standing army. (2) The "non-regulated militia" or the "militia" per se, which included every able bodied man between the ages of 17 and 45. In other words, "the militia" was (and is) "the people".

Our Founding fathers knew that some type of armed forces or standing army ("a well regulated militia") was necessary to the security of the nation. However, they feared a standing army and recognized its potential for tyranny. Therefore, they wanted the power of all the citizens, when armed, to be greater than that of the regulated militia. Consequently, they stated "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

Hunting, gun collecting, competitive shooting... these and other gun sports can be useful and pleasurable. But, the principle and ultimate purpose of individual gun ownership is the strong deterent it serves against the usurpation of power by would-be rulers, and the protection it provides against the tyranny of a dictatorial government, whether foreign or domestic.

Next to life itself, freedom is man's most precious possession. Moreover, freedom and gun ownership are inseparable. If Americans ever give up their guns, the loss of their freedom will soon follow.

Therefore, Americans should remember that *anyone* who would take away our guns is our enemy. It matters not the justification he gives, his lack of reason, his failure to understand the true meaning and interpretation of the Constitution, his sincere naivety or gullibility, his misapplied sympathies and emotions, or his unwillingness to face the reality of a cruel and hostile world in which survival is a constant struggle and freedom is never free.

Our culture, our heritage, our country, our civilization, our inalienable rights, our liberties and life itself -- must be cherished, guarded, and defended at all costs.

Stick to your guns! And, stick with the American Pistol & Rifle Association. APRA does not compromise on your rights, or on those principles and traditions which we hold dear!

AMERICAN PISTOL AND RIFLE ASSOCIATION

BOX USA BENTON, TN 37307

AMERICAN PISTOL & RIFLE ASSOCIATION

WHAT IS APRA?

APRA is a nationwide association of concerned citizens united in the defense of freedom, especially the inalienable right to keep and bear arms.

APRA is a highly organized, grass-roots movement of effective, influential local units with national coordination and direction.

APRA is the fastest growing, totally dedicated, p r o-g u n organization in America.

APRA members are an elite group — men and women who possess a pioneering spirit and those character traits of our Founding Fathers — independence, individuality, self-confidence, and the courage to stand firm in defense of our rights.

APRA=Alert - Proud - Ready - American



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WHAT DOES APRA DO?

Fights to preserve your right to keep and bear arms.

Provides instruction in practical shooting and self-defense for both men and women.

Builds ranges for rifle, pistol, skeet, trap, black powder shooting and archery, staffed by qualified instructors.

Involves the entire family in wholesome and educational shooting recreation and physical fitness programs.

Keeps close watch on Federal, State, County and City Governments to detect and prevent attempts t o pass laws restrictive of the individual right to own and use personal firearms.

Instills in its members a sense of personal confidence, h i g h ideals, patriotism and dedication to the Constitution.

KEEP YOUR GUNS . . . JOIN APRA

Many of your elected politicians and an army of unelected bureaucrats are working right now to confiscate your valuable firearms. There are over 100 bills in Congress, and hundreds more before our state, county and city governments, which will restrict or entirely eliminate your right to own and use firearms. These bills will not only require registration of your guns — some would go so far as to eliminate all private gun ownership and even stop the manufacture of guns in the United States.

You will only be able to keep your firearms and your freedom by the coordinated action of individual gun owners effectively working together in a nationwide "grass-roots" organization. The American Pistol & Rifle Association is that organization. Join us today. APRA does not compromise on your rights.

John Grady, M. D., President

APPLICATION FOR MEMBERSHIP

NAME_____ DATE _____

ADDRESS_____ PHONE _____

CITY_____ STATE _____ ZIP_____

COUNTY_____ AGE _____ OCCUPATION _____

MEMBERSHIP DUES _____ $15 _____ MILITARY SERVICE_____

INITIATION FEE _____ $10 _____ SPONSOR_____

TOTAL _____ $25 _____ PAYMENT ATTACHED $_____ BILL ME $_____

CHARGE MASTER CHARGE ☐ VISA ☐ CREDIT CARD ACCOUNT NO._____ EXPIRATION DATE _____

Please enroll me as a(an) _____ Member of the American Pistol and Rifle Association. I declare that I am a law abiding citizen of sound mind, and I subscribe to the Principles, Platform and Objectives of the American Pistol and Rifle Association and to the Constitution of the United States of America.

Signature_____

USA TODAY
3.5.97

Dissatisfaction spurs look into tax agency

*Rep. **Rob Portman**, R-Ohio, and Sen. **Bob Kerrey**, D-Neb., are co-chairmen of the National Commission on Restructuring the IRS. They talked with USA TODAY reporter **Anne Willette** about what's wrong with the IRS and how it can be fixed.*

Q: Why is there a commission?

Kerrey: It's customer dissatisfaction, measured in a number of ways — taxpayers themselves saying they're dissatisfied with the service.

Q: Doesn't some of that come from having to pay taxes?

Portman: No one likes to pay taxes, but ... there's the concern that taxpayers' dollars are not being used wisely. In this computer snafu, the number may be $4 billion, it may be $3 billion, but regardless, it's a huge number, and when we're trying to balance the budgets and make hard decisions in terms of helping those most in need, to have a waste of taxpayer funds like that is truly discouraging.



By Tim Dillon, USA TODAY

Repairmen: Sen. Bob Kerrey, left, and Rep. Rob Portman co-chair the IRS restructuring commission.

Q: The commission's goal is to "ensure the American public's faith in its government to collect revenue in a fair and courteous manner." Why does being fair and courteous matter?

Kerrey: It's a voluntary system. If people don't perceive it to be fair, people will not voluntarily comply. We are struggling to maintain ground on voluntary compliance.

Portman: One of the challenges this commission has is to begin a process ... of changing the culture of the IRS. And by that I mean a culture that encourages ... doing things in-house vs. looking outside for expertise, an insular culture, a secretive culture, but also a culture where, at least with regard to some IRS employees, there is not that focus on the taxpayers as customer.

Q: What's the root cause of the IRS' problems?

Kerrey: We've got a good Internal Revenue Service compared to other nations. ... The root cause for me is the way we organize the effort. You're talking about an agency that is so different than any other agency in government. It is a seasonal business. It touches every single American household. And it's an annual event, it's a constant — you know these taxes are going to come due, and it funds everything else we do. ... This country can't get along without the tax-collection agency. It is vital to every other agency. Thus, it's calling out for, particularly given the citizen attitude toward it, a fundamental reassessment of how it's organized.

Q: If the computer system were state of the art, would all problems be solved?

Kerrey: The tax system modernization failure is a symptom not a cause.

Portman: The modernization will help us with regard to taxpayer service. The phones will work better, and when you actually get through, you'll have someone on the other end who will be able to help you in regard to your account. If the computerization is successful, it will be like calling up Visa and saying, "I just got a notice, where is my account as of right now?" ... But even the best computer system doesn't solve all of the problems. ... We're uncovering so many other problems — pointing the finger at Congress — in terms of simplification and constant change of the tax code.

Q: If the IRS has so many problems, why do taxpayers fear it?

Kerrey: If I'm an auditor and I've got the power to either initiate the audit or make the outcome the taxpayer's worst nightmare, the question is can I do that on the basis of not liking somebody? And the secondary question is, is there a review process that enables the citizen to appeal? ... This is an issue that's been raised so many times by individuals, small businesses and (tax-exempt organizations) that it's deserving of the commission's attention.

IF THE SYSTEM IS VOLUNTARY, WHY DOES THE IRS THROW PEOPLE IN JAIL FOR NOT VOLUNTEERING?

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Your Ganged



U.S. SEN. JOSEPH BIDEN
"[Banning guns] is an idea whose time has come."
Associated Press 11/18/93

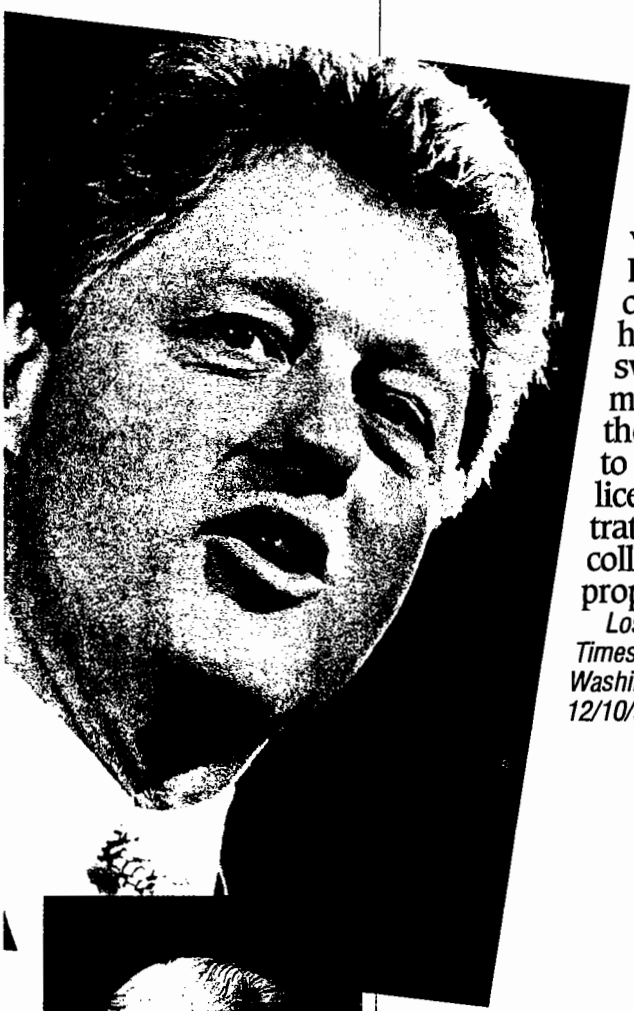


U.S. SURGEON GENERAL JOYCELYN ELDERS
"Handguns are a public health issue."
USA Today 11/9/93

U.S. REP. MAJOR OWENS
"My bill ... establishes a 6-month grace period for the turning in of handguns."
U.S. Congressional Record 11/10/93



U.S. SEN. DIANNE FEINSTEIN
"[Banning guns] addresses a fundamental right of all Americans to feel safe."
Associated Press 11/18/93



PRESIDENT BILL CLINTON
"President Clinton said he views passage of the Brady Bill as only the beginning of a much broader effort by his Administration to seek sweeping gun control measures ..." "He ordered the Justice Department to begin studying gun licensing, registration and collection proposals."
Los Angeles Times 12/5/93; Washington Times 12/10/93



U.S. SEN. HOWARD METZENBAUM
"Until we can ban all of them, then we might as well ban none."
Senate Hearings 1993



FBI DIRECTOR LOUIS FREEH
"The strongest gun legislation ... I will enforce diligently and exhaustively."
U.S. Senate Confirmation Hearings 1993



U.S. REP. CHARLES SCHUMER
"We're here to tell the NRA their nightmare is true!" "We're going to hammer guns on the anvil of relentless legislative strategy! We're going to beat guns into submission!"
NBC Nightly News 11/30/93; News Conference 12/8/93



U.S. SEN. BILL BRADLEY
"[With 25% more taxes on guns and ammunition] $600 million could be raised from these purveyors of violence."
Associated Press 10/6/93

LOS ANGELES MAYOR RICHARD RIORDAN
"We should try to keep handguns in the hands of police."
NBC's Meet The Press 11/28/93

MEXICANS CELEBRATE VICTORY OVER FIVE MILLION CALIFORNIA VOTERS



Los Angeles Times

M WEDNESDAY, AUGUST 4, 1999
SUNDAY COPYRIGHT 1999, THE TIMES MIRROR COMPANY

Villaraigosa in Mexico City

Mexican President Ernesto Zedillo, left, joins California Assembly Speaker Antonio Villaraigosa and wife Corina in applause for Proposition 187's demise as Villaraigosa children Antonio Jr. and Natalia look on.

Associated Press

GOP Re
Accord
to Lowe

■ Politics: House-Senate co
inheritance assessment, redu
Proposal faces veto threat, a

By JANET HOOK, Times Staff Writ

WASHINGTON—Congressional reached agreement on a compromi phase out inheritance taxes and sh every income bracket.

The compromise bill, which rec onciles differences between earlier versions passed by the House and Senate, also would provide about $100 billion in relief to ease the so-called marriage penalty over the next 10 years and cut capital gains for individuals but not corpora tions.

The bill, if passed by both houses of Congress, faces a veto threat from President Clinton. And an immediate question is whether the changes may jeopardize support from the centrist swing votes— moderate Republicans and conser vative Democrats—who were cru cial to passage when the narrowly divided House and Senate ap proved their earlier versions of the

High School Violence

Zedillo Key to End of Prop. 187,

SPEAKER OF CALIFORNIA ASSEMBLY ADMITS INTERFERENCE BY MEXICO

"Zedillo had great impact"-- Speaker Villaraigosa

"As leader of the state Assembly, I say President Zedillo had great impact in defeating Proposition 187," Villaraigosa told a news conference after he and a state delegation met the Mexican chief executive. Zedillo's visit to California in May 'pushed the process' that eventually invalidated most of the measure, the speaker said.

Los Angeles Times, August 6, 1999

Zedillo's visit a "Victory Parade" -- Voice of Citizens Together

"This is a victory parade by the Mexican president through a conquered California," said Glenn Spencer, president of Voice of Citizens Together...

Los Angeles Times, May 20, 1999

CALIFORNIANS REACT IN SHOCK AND HORROR

LETTERS TO THE EDITOR,
LOS ANGELES TIMES,
SUNDAY,
AUGUST 8, 1999

"What am I missing here? Assembly Speaker Antonio Villaraigosa thanks Mexico's President Ernesto Zedillo for helping kill Proposition 187, which denied benefits to Mexicans who broke our laws to live in California illegally... We know who Zedillo works for. But who does Villaraigosa work for? ..."
DOREEN HIRSCHFELD
Los Angeles

* * *

"When I opened the paper Wednesday morning, I could not believe what I saw and read. The world must have turned upside down. How can an elected speaker of the California Assembly applaud the president of a foreign country for meddling in our politics and thwarting the will of the people of California? ....We need to ask him where his loyalty lies—with the Mexican people or the people of California?"
ROGELIO DE LEON PENA
Montebello

"BONDS OF OUR UNION" -- The truth about illegal immigration

Produced by Voice of Citizens Together

"la Reconquista" exposed by 'incredible' video

Proceeds donated to Recall Davis Campaign.

Non Hispanics should leave California

"California is going to be a Hispanic state and anyone who doesn't like it should leave."
Mario Obledo, co-founder of the Mexican American Legal Defense and Education Fund (MALDEF) and winner of 1998 Presidential Medal of Freedom.

KIEV radio, June 17, 1998

Last gasp of white America

"Remember, 187 is the last gasp of white America in California."
Art Torres, Chairman of the California Democratic Party.

U.C. Riverside, Jan. 15, 1995

Mexico won't tolerate U.S. laws

"We will not tolerate foreign forces dictating and enacting laws on Mexicans." —
Mexican President Ernesto Zedillo reacting to new U.S. immigration laws.

***The News*, Mexico City, April 4, 1997**

SEE AND HEAR IT FOR YOURSELF!



Part I: Courage and Capitulation in California

"Your video, 'Immigration - Threatening the Bonds of Our Union,' should be required viewing by all concerned Americans."

Bill King, former Chief U.S. Border Patrol Agent, March 13, 1999.

"If I could give more than 100% recommendation to this tape, I give it."

Ken Hamblin, "The Black Avenger," national talk radio host, March 10, 1999

a decree of a court in conformity to the statute of one state, removing the disabilities of infancy, is to be recognized and given effect in another state.[19]

III. PROTECTION AND CUSTODY

A. Protection

1. Power of State; Statutory Protection

§ 14. Generally.

The state, through its proper organs, exercises its power for the protection of infants,[20] since it, as parens patriae, is the guardian of the children within its jurisdiction.[1] The Federal Government, however, does not stand in the position of parens patriae with reference to the persons and property of infants except in the territories and the District of Columbia,[2] although the authority of the federal courts can be invoked within the limits of a state for the appointment of guardians ad litem, when necessary.[3] And Congress has enacted statutes aimed at the protection of children.[4]

The right of the state to exercise guardianship over a child does not depend on a statute asserting that power.[5] The state's protective power depends upon the presence of infants within its territorial limits, and not upon the place of their domicil or their ownership of property within the state.[6]

It is generally recognized that although parents have the natural right to the control and custody of their children, such rights are not absolute, but are subject to the power of the state as parens patriae, and may be restricted and regulated by its appropriate action.[7]

Because of its strong and abiding interest in youth, a state may regulate the dissemination to juveniles of material objectionable as to them, as well as their access to such material, even though the state clearly could not regulate as to adults.[8]

19. § 5, supra.

20. Re Pratt, 219 Minn 414, 18 NW2d 147; State ex rel. Slatton v Boles, 147 W Va 674, 130 SE2d 192.

Public policy demands legal protection of the personal, as well as the property, rights of persons who by reason of their youth are incapable of intelligent decision. Bonner v Moran, 75 App DC 156, 126 F2d 121, 139 ALR 1366.

Illinois courts have always recognized the fundamental interest of the state in the welfare of its minor citizens. Oakes v Oakes, 45 Ill App 2d 387, 195 NE2d 840, 99 ALR2d 949.

As to the power of the state over the custody of infants, see § 28, infra.

1. The state, through its appropriate organs, is the guardian of the children within its borders. Van Walters v Children's Guardians, 132 Ind 567, 32 NE 568.

A state, as parens patriae, has the duty to see that every child within its borders receives proper care. Stubbs v Hammond, 257 Iowa 1071, 135 NW2d 540.

Under the doctrine of parens patriae, the state has sovereign power of guardianship over drum, 210 Miss 645, 50 So 2d 364, 23 ALR2d 696.

Resident minor children are wards of the state, in whom the government is interested. Geary v Geary, 102 Neb 511, 167 NW 778, 20 ALR 809, error dismd 251 US 535, 64 L Ed 401, 40 S Ct 55.

The state stands in the position of parens patriae, and may exercise unlimited supervision and control over the contracts, occupation, and conduct of minors. State v Shorey, 48 Or 396, 86 P 881.

2. New York L. Ins. Co. v Bangs, 103 US 435, 26 L Ed 580.

3. § 22, infra.

4. See Public Law 89–756, 89th Congress, excluding from interstate commerce toys and other children's articles containing hazardous substances.

5. Re Hudson, 13 Wash 2d 673, 126 P2d 765.

6. Re Pratt, 219 Minn 414, 18 NW2d 147.

7. See Parent and Child (1st ed §§ 10, 15, 16).

8. Interstate Circuit, Inc. v Dall[illegible]

42 Am Jur 2d INFANTS

INFANTS

§ 15. Legislative power, generally.

The state, as parens patriae, is authorized to legislate for the prote or care of children within its jurisdiction.[9] In recognition of this legal prin the legislatures in many states have enacted statutes designed to set m apart and afford to them privileges and immunities not possessed by adu The legislature may define the status of infants requiring guardianship may enforce state control and education of infants coming within the cl Infancy is a status which is created by the law, and may be subject to statu limitations or exceptions.[12]

Minors, being peculiarly entitled to legislative protection, form a clas which legislation may be exclusively directed without falling under the stitutional prohibition of special legislation and unfair discrimination.[13] competent for the legislature to provide regulations for the protection of chil of immature years,[14] and the legislative judgment in regard to the proper at which such regulations shall become applicable cannot be interfered witl the courts.[15]

§ 16. Protection from neglect, ill-treatment, abuse, or danger to health morals.

The state protects its children from neglect, ill-treatment, and abuse, statutes providing for the removal of neglected or ill-treated children[16] f their present custodian to another,[17] or by statutes providing punishment the offender.[18] The persons on whom the duty to care for a child rests who are therefore liable to prosecution under such a statute for failure perform the duty are parents, guardians, and those who have assumed

9. Hersey v Hersey, 271 Mass 545, 171 NE 815, 70 ALR 518; People v Pierson, 176 NY 201, 68 NE 243; State ex rel. Minot v Gronna, 79 ND 673, 59 NW2d 514; State ex rel. Slatton v Boles, 147 W Va 674, 130 SE2d 192.

10. §§ 16 et seq., infra.

For statutes relating to the control and treatment of dependent and neglected children by juvenile courts, see Juvenile Courts and Delinquent and Dependent Children.

11. Hunt v Wayne Circuit Judges, 142 Mich 93, 105 NW 531.

12. § 1, supra.

13. Re Spencer, 149 Cal 396, 86 P 896; Re Morgan, 26 Colo 415, 58 P 1071.

Minority as a special classification has always had judicial sanction. George v United States (CA9 Cal) 196 F2d 445, cert den 344 US 843, 97 L Ed 656, 73 S Ct 58, and disagreed with on other grounds United States v Seeger (CA2 NY) 326 F2d 846, affd 380 US 163, 13 L Ed 2d 733, 85 S Ct 850.

Since minors constitute a class founded upon a natural and intrinsic distinction from adults, legislation peculiarly applicable to them is necessary for their proper protection, and when such legislation is induced by rational considerations looking to that end, its validity may not be challenged. People v

14. Re Application of Weber, 149 Cal 86 P 809.

15. Re Application of Weber, supra, hol that a statute forbidding the employmen children under the age of 16 years in dan ous or immoral occupations, and makin a penal offense to employ such children such occupations, is not unconstitutional the ground that it is an arbitrary discrim tion between minors who are over the ag 16 and those who are under that age.

16. Under some statutes a peace office authorized to take a child into custody wh the officer has reason to believe that the chi health, morals, or welfare will be endange unless immediate action is taken. Patter v Phoenix, 103 Ariz 64, 436 P2d 613.

17. § 55, infra.

18. For the criminal responsibility of pare for abuse or disregard of their parental dut see Parent and Child (1st ed §§ 102–121

For the ill-treatment or neglect of a ch as a basis for a charge of homicide wh the child died, see 40 Am Jur 2d, Homic §§ 88–90.

For the control and treatment of dependi and neglected

(323 Ill. 323)

VAN KOTEN v. VAN KOTEN. (No. 17435.)

(Supreme Court of Illinois. Oct. 28, 1926. Rehearing Denied Dec. 10, 1926.)

1. Dower ⟸42—Husband and wife ⟸30.

Husband and wife, by postnuptial contract, based on valuable consideration, may release their rights in each other's property and thereby extinguish all rights, including right of dower.

2. Husband and wife ⟸278(1)—Where spouses are living apart, or can no longer live together with confidence in each other, or separation is necessary for health or happiness, property settlement, fairly and understandingly made, is valid.

Agreements between husband and wife for separation are not per se invalid, and, where they are living apart, or can no longer congenially live together with confidence and faith in each other, or separation is necessary for health or happiness of one, agreement, fairly and understandingly made, settling their rights in each other's property, is valid.

3. Husband and wife ⟸278(2).

Provision in valid separation agreement that husband will pay wife certain sum each month for her support is not void as against public policy.

4. Marriage ⟸1.

"Marriage" is a civil contract to which there are three parties—the husband, the wife, and the state—a status based on public necessity.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Marriage.]

5. Husband and wife ⟸4.

Obligation imposed by marriage contract to support wife cannot be abrogated without consent of state.

6. Husband and wife ⟸278(2).

Agreement between husband and wife, material provision of which is that wife release all rights to support, is void as against public policy.

7. Husband and wife ⟸279(2).

Wife, seeking to rescind separation agreement settling property rights, for fraud, must return or tender money received under it.

8. Husband and wife ⟸279(2)—Wife, bound to return or tender money received under separation contract as condition of its rescission for fraud, made a sufficient tender when she alleged readiness and willingness to repay the sum.

Wife, bound to return money received under separation contract as condition of rescission for fraud, alleging that she was ready and willing to repay it, made a sufficient tender, as the court might order it paid into court when defendant's rights required it, as condition precedent to granting relief.

Error to Circuit Court, Champaign County; Franklin H. Boggs, Judge.

Bill by Ida Van Koten against Clifford E. Van Koten and others. Decree dismissing the bill, and plaintiff brings error. Reversed and remanded.

Dobbins & Dobbins, of Champaign, for plaintiff in error.

Herrick & Herrick, of Farmer City, for defendant in error.

HEARD, J. November 28, 1921, Clifford E. Van Koten and Ida Van Koten, residents of Champaign, being husband and wife and the parents of a child aged 7 years, entered into a written agreement which, after reciting that the parties thereto had ceased to live and cohabit together as husband and wife, and that it was the desire of the parties to arrange their property interests so that each might relinquish and surrender any and all rights and interest which he or she might have or claim in the property of the other and the wife to relinquish any rights which she might have to future support and maintenance from the husband, provided that, for and in consideration of the premises and of the sum of $3,000 in hand paid by Clifford E. to Ida Van Koten, and of the deliverance to her of all the household goods and furniture contained in the dwelling house formerly occupied by them, and the payment of all bills for family expenses then outstanding, she thereby released to him all claims, rights, title, or interest from making any claim for support or maintenance in any manner from him. It was further agreed that Van Koten should pay to his wife the sum of $20 on the first of every month for the care and support of the child, which payments were to continue as long as the child should be in her custody. It was further agreed between the parties that, in consideration of the division and adjustment of the properties, each agreed to and did thereby relinquish any and all future rights which he or she might acquire in any property of the other by reason of the marriage relation, and that, in case any such right or interest arose thereafter, each of the parties agreed to execute and deliver, on request, any and all instruments of conveyance to relinquish such right. After the signing of this agreement Van Koten paid to his wife the sum of $3,000 and delivered to her the household goods and furniture mentioned in the contract and paid to her each month the sum of $20 for the support of the child. Thereafter Ida Van Koten filed her bill in chancery in the circuit court of Champaign county against Clifford E. Van Koten, A. L. Schilling, and Lottie Schilling, praying that certain deeds signed by her and Van Koten to the Schillings should be canceled and set aside, and that the agreement of November 28, 1921, between her and Van Koten should be set aside and canceled, and that he should be required to pay to her a just

Courts of equity have jurisdiction to order adequate support and maintenance for the welfare of minors within the state,[57] and where a statute so provides, a juvenile court may have the power to make an order for appliances or apparatus or devices for a child in need.[58] A statute making it an offense for a person charged with the care, support, maintenance, or education of a child to fail to do so is not invalid;[59] and statutory provisions requiring a parent to support a minor placed, detained, or committed pursuant to a court order have been held constitutional.[60]

Education of handicapped children. Under constitutional provisions relating to the maintenance and support of free schools, it may be the obligation of the state to provide for the education of handicapped children,[60.5] and courts of appropriate jurisdiction may have power to determine whether physically handicapped,[60.10] and to direct that suitable education be provided,[60.15] or that a child with special needs be placed in an out-of-state institution.[60.20]

Mothers' pensions. It has been held that the legislature may provide for periodical payments to indigent widows or abandoned mothers for support of their children in their own homes,[61] to be paid out of the funds of designated local subdivisions of the government, according to the provisions of the particular statute.[62] Governmental programs for aid to families with dependent children are considered in C.J.S. Social Security and Public Welfare §§ 114–122.

B. CUSTODY GENERALLY

§ 11. General Considerations

The state may assume direction, control, and custody of the person of an infant, and may delegate such authority to whom it may see fit.

Research Note

Adjudication of custody of delinquent, dependent, or neglected children is considered infra § 31 et seq. Entitlement of parents to custody and proceedings affecting their rights are discussed in C.J.S. Parent and Child § 5 et seq.

Library References

Infants ⇐19, 19.1.

The primary control and custody of infants is with the government,[63] and the state in its capacity of parens patriæ, as stated supra § 5, may assume direction, control, and custody of his person,[64] and delegate such authority to whom it may see fit.[65]

57. Mich.—Prettyman v. Prettyman, 82 N.W.2d 475, 348 Mich. 206.
N.Y.—In re Harless, 80 N.Y.S.2d 98, 192 Misc. 5.

58. Orthopedic shoes
N.Y.—In re Lewis, 15 N.Y.S.2d 708, 172 Misc. 736.

59. Ohio.—State v. Ducey, 266 N.E.2d 233, 25 Ohio App.2d 50.

60. Cal.—Alameda County v. Espinoza, 52 Cal.Rptr. 480, 243 C.A.2d 534.
N.Y.—Jesmer v. Dundon, 271 N.E.2d 905, 28 N.Y.2d 5, 323 N.Y.S.2d 417, 59 A.L.R.3d 629.

60.5. N.Y.—In re Anonymous, 357 N.Y.S.2d 959, 78 Misc.2d 453.

Contract for instruction
A state agency may be authorized to contract for the instruction of a handicapped minor, and to charge the cost thereof against the state and county of residence.
N.Y.—In re Leitner, 337 N.Y.S.2d 267, 40 A.D.2d 38.

60.10. N.Y.—In re Anonymous, 357 N.Y.S.2d 959, 78 Misc.2d 453.

60.15. N.Y.—Matter of Wagner, 353 N.Y.S.2d 649, 56 Misc.2d 1025.

60.20. N.Y.—Matter of Suzanne E., 361 [illegible]

61. Minn.—State v. Klasen, 143 N.W. 984, 123 Minn. 352.
Pa.—In re Mothers' Pension Act, 24 Pa. Dist. 285.
31 C.J. p. 993 note 47.
Mothers' pensions generally see C.J.S. Social Security and Public Welfare § 123.

62. N.D.—Pierce County v. Rugby, 181 N.W. 954, 47 N.D. 301.
Utah.—Startup v. Harmon, 203 P. 637, 59 Utah 329.
31 C.J. p. 993 note 47 [c].

63. Ala.—Tillman v. Roberts, 108 So. 62, 214 Ala. 71.
In re Roberts, 85 So. 871, 17 Ala.App. 538.
Tex.—Nichols v. Nichols, Civ.App., 247 S.W.2d 143, error refused no reversible error.

"Custody" and "guardianship" distinguished
"Custody" involves immediate care and control, while "guardianship" indicates not only those responsibilities but those of a parent, loco parentis, as well.
Del.—In re Two Minor Children, Ch., 283 A.2d 859.

64. Ky.—Ridgeway v. Walter, 133 S.W.2d 748, 281 Ky. 140—Shelton v. Hensley, [illegible]

N.D.—Corpus Juris Secundum cited in State v. Gronna, 59 N.W.2d 514, 538, 79 N.D. 673.
Wash.—In re Hudson, 126 P.2d 765, 13 Wash.2d 673.
31 C.J. p. 990 note 93.

Power
When legislature enacts statutes regulating manner in which custody of children shall be determined, legislature acts pursuant to power which state possesses.
N.Y.—Hill v. Hill, 104 N.Y.S.2d 755, 199 Misc. 1035.

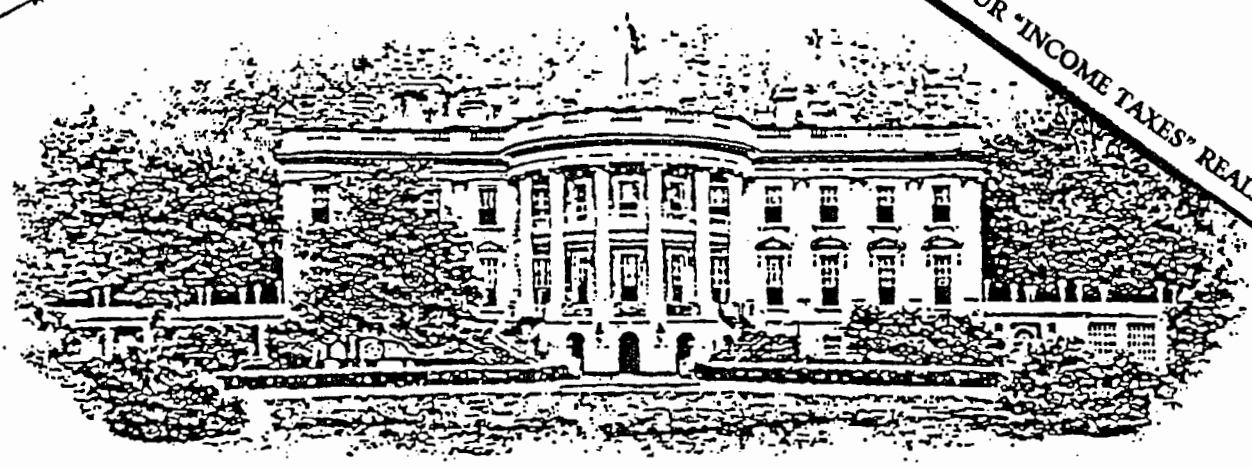
Conditions
The state, in its capacity of parens patriae, may direct the conditions or exigencies by which it can assume control of infants.
Fla.—G. S. v. State, App., 190 So.2d 603.

Primary consideration
In determining whether condition or environment of child is such as to warrant state, in interests of child, in assuming his guardianship, primary consideration should be welfare of child.
Ohio.—In re Douglas, 164 N.E.2d 475.

65. Ky.—Ridgeway v. Walter, 133 S.W.2d 748, 281 Ky. 140—Shelton v. Helmsley, 209 S.W. 979, 221 Ky. 808.
31 C.J. p. 990 note 94.

IF 281G

WHERE YOUR "INCOME TAXES" REALLY GO



PRESIDENT'S PRIVATE SECTOR SURVEY ON COST CONTROL

[GRACE COMMISSION]

A REPORT TO THE PRESIDENT

[Excerpts]

SUBMITTED TO THE EXECUTIVE COMMITTEE FOR CONSIDERATION AT ITS MEETING ON JANUARY 15, 1984

Why you can't "balance the budget" as long as the "FED" exists.

Reproduced by the Library of Congress, Congressional Research Service.

OVER

→ Importantly, any meaningful increases in taxes from personal income would have to come from lower and middle income families, as 90 percent of all personal taxable income is generated below the taxable income level of $35,000.

→ Further, there isn't much more that can be extracted from high income brackets. If the Government took 100 percent of all taxable income beyond the $75,000 tax bracket not already taxed, it would get only $17 billion, and this confiscation, which would destroy productive enterprise, would only be sufficient to run the Government for seven days.

Resistance to additional income taxes would be even more widespread if people were aware that:

- One-third of all their taxes is consumed by waste and inefficiency in the Federal Government as we identified in our survey.

- Another one-third of all their taxes escapes collection from others as the underground economy blossoms in direct proportion to tax increases and places even more pressure on law abiding taxpayers, promoting still more underground economy -- a vicious circle that must be broken.

- With two-thirds of everyone's personal income taxes wasted or not collected, 100 percent of what is collected is absorbed solely by interest on the Federal debt and by Federal Government contributions to transfer payments. In other words, all individual income tax revenues are gone before one nickel is spent on the services which taxpayers expect from their Government. BORROW more!

Our survey studied the small as well as the major items of cost savings, items of broad national impact as well as those of a more localized nature. I believe you will be interested in a few random examples of what we found:

- In the Northwest, the Federal Power Marketing Administration is selling subsidized power at one-third of market rates. If the Federal power were priced at market, there would be a three-year

TO THE PRIVATELY OWNED FED, FILLING their COFFERS with billions. WE don't need this phony, invisible "interest." What a SCAM!

From: RLH <rhiggins@tdo.infi.net>
To: gfallon@nji.com <gfallon@nji.com>
Date: Thursday, April 01, 1999 1:20 PM
Subject: History Repeats!

NEWS RELEASE
For Immediate Release - 1 April 1999
Contact: Robin L. Higgins, Lt.Col. USMC (Ret)

850-906-0117

MURDERED MARINE'S WIFE SPEAKS OUT ABOUT CAPTURE OF U.S. SERVICEMEN IN
YUGOSLAVIA

Tallahassee, Fla. - With the news of the capture today of three U.S. servicemen in Yugoslavia, I recall the capture in 1988 of my husband, Col. William R. (Rich) Higgins who was serving with a U.N. peacekeeping operation in Lebanon. He was held by Iranian-backed Hezbollah terrorists and later murdered, a picture of his body hanging from a noose released to the news media in July 1989. His remains continued to be held until they were released in December 1991.

I have heard from more than one President, U.N. Secretary General, Defense Secretary and Joint Chiefs Chairman what I am hearing today, that "we have long memories," that "we will hold these captors accountable," " that we will go after them." Sadly, I haven't found this to be true.

When I tried to find a voice for my story, no major publisher would publish my book, saying that the story is "too old" and "not relevant." Sadly, they are being proved wrong today. I fear for and I pray for the safety of these brave men, and my heart goes out to their families.

Colonel Higgins was never declared a Prisoner of War by his country, and it seems that is the case with the men being held today. It is my contention that when servicemen or women are captured, they are "prisoners of war," not "hostages" or "detainees." A "hostage" is a civilian caught in the line of fire, and held for some sick political or financial reason. Servicemen are held because they represent to those who would harm us, all the perceived weaknesses of democracy.

When a man or woman in the uniform of our country are captured, they behave as prisoners of war. They live day by day by the code of conduct that says: "I am an American, fighting in the Armed Forces that guard my country and our way of life. I am prepared to give my life in their

defense.... I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America."

Because Rich was always a "hostage" and never a "prisoner," there were never any demands of international rules of treatment, no Red Cross visits, no insistence on medical care or humane treatment.

Because neither the U.S. nor the U.N. wanted to give "legitimacy" to the terrorists, insisting that neither the state of Lebanon nor Syria had anything to do with it, they put no special pressures or demands, placed no sanctions on them or anyone else.

The State Department, not the Defense Department, had the lead. That meant diplomacy, not military might. There was no retribution, no retaliation, no rescue.

Servicemen and women wear the uniform of this country and leave their families behind to fight for this country because they believe this country will come after them when they fall. I believe we broke this pledge to Rich - and I hope we don't break this pledge to the three brave men who are now being held

My points are:

1. We must acknowledge whenever we commit American servicemembers outside our shores, they will be subject to those who would harm them, whether in combat or terrorist acts.

They are Americans, and whether they are armed with multiple rocket launchers, rubber bullets, or blue berets, nothing will disguise the fact they are Americans.

When taken, they are "prisoners of war."

2. We must not attach American troops to U.N. command and control.

The U.N. was never designed to be a military force.

Our military men and women join our armed forces to fight and defend our country, our people, our flag, not the United Nations.

3. Only by publicly pursuing, relentlessly tracking down, and punishing those who
commit terrorist acts will we begin to deter them.

My book, Patriot Dreams, details my quest to get information and support

defense.... I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America."

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commit terrorist acts will we begin to deter them.

My book, Patriot Dreams, details my quest to get information and support

from the United States government and the United Nations. It portrays a woman in crisis. It explores the schizophrenic conflict I faced - how to maintain my patriotism in the shadow of disappointment and seeming betrayal by our own government and the U.N.

The book has been published by the Marine Corps Association and is immediately available by calling them at 1-888-BE-PROUD.

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robin@higginspage.com
http://www.higginspage.com
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— 56 Page Speech. Call your Federal Senator for a copy or get from Congressional Record, Senate

ON THE THRESHOLD OF THE NEW WORLD ORDER:

THE WILSONIAN VISION

AND

AMERICAN FOREIGN POLICY IN THE 1990'S AND BEYOND

U.S. SENATOR JOSEPH R. BIDEN, JR.

Addresses in the United States Senate
Washington, D.C.
June 29, June 30 and July 1, 1992

I. On the Threshold of the New World Order

II. An American Agenda for the New World Order

- A. Cementing the Democratic Foundation
- B. Forging a New Strategy of Containment
- C. Organizing for Collective Security
- D. Launching an Economic-Environmental Revolution

III. Fulfilling the Wilsonian Vision:
America's Opportunity and Permanent Task

***

Two years ago, an act of aggression by an Arab despot against a tiny Arab sheikdom led the President of the United States to invoke a magisterial phrase. He spoke, in rare visionary terms, of a "New World Order" in which wrongs would be put right through collective action.

My purpose today is to examine that portentous phrase and to elaborate on the immense potential -- and, still more, the imperative -- I believe it holds for American foreign policy in the 1990's and beyond.

NAFTA, GATT, IMF, UN - ALL integral Components

This is "democracy" in So. Africa! Mandella has never tried to hide the fact that he is a devout Communist. AL GORE & Hillary CLINTON ATTENDED his swearing IN AS "PRESIDENT". SINCE WHEN does AMERICA CELEBRATE the ESTABLISHMENT OF Communism? LOOK WHERE our own Congress is taking us — STRAIGHT to SOCIALISM disguised AS "DEMOCRACY IN AMERICA". WE ARE A Republic — NOT A democracy!



Giving the communist clenched-fist salute are Reds Nelson Mandela (left), the new head of South Africa, and Joe Slovo, long-time leader of the South African Communist Party.

UNITED STATES CODE

Congressional and Administrative News

83rd Congress – Second Session

1954

Convened January 6, 1954
House Adjourned August 20, 1954
Senate Adjourned December 2, 1954

Volume 1

LAWS
MESSAGES — COMMITTEES

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tendance at meetings of organizations concerned with the purpose of this appropriation; hire of passenger motor vehicles for field use only; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and employment of aliens; $130,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 102. Contracts entered into in foreign countries involving expenditures from any of the appropriations under this title shall not be subject to the provisions of section 3741 of the Revised Statutes (41 U.S.C. 22).

SEC. 103. The exchange of funds for payment of expenses in connection with the operation of diplomatic and consular establishments abroad shall not be subject to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543).

SEC. 104. Appropriations under this title available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel shall be available for such expenses when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current fiscal year.

SEC. 105. Notwithstanding the provisions of section 10a of the Act of August 2, 1946 (5 U.S.C. 78 (a)), Government-owned vehicles may be used in foreign countries for transportation of United States Government employees from their residence to the office and return when public transportation facilities are unsafe or are not available: *Provided*, That each Chief of Mission shall have prior authority from the Secretary of State to approve such transportation.

SEC. 106. Appropriations under this title for "Salaries and expenses", "International contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

SEC. 107. The Secretary of State, with the approval of the Bureau of the Budget, shall prescribe the maximum rates (not to exceed $12 per day) of per diem in lieu of subsistence (or of similar allowances therefor) payable while away from their own countries to foreign participants in any exchange of persons program, or in any program of furnishing technical information and assistance, under the jurisdiction of any Government agency, and said rates may be fixed without regard to any provision of law in limitation thereof.

SEC. 108. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

SEC. 109. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 110. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

This title may be cited as the "Department of State Appropriation Act, 1955".

1955

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

Warren C. Albright Kissinger

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase of two passenger

Geoff:

The way we need to deal with such crap laws as the "Junk Gun" bill, AB 23, etc. is to start asserting our rights under the Constitution and the various Supreme Court rulings that have been handed down over the years, a summary of which follows:

SUMMARY: US SUPREME COURT ON THE RIGHT TO ARMS

(Revised 4-6-97 by Fielding Lewis Graves, CRPA member and NRA director)

Refuting the preposterous claim that the Second Amendment guarantees a collective but not an individual right to arms, The US supreme Court, in cases related directly or indirectly to our constitutionally guaranteed right to arms, has acknowledged:

- in 1857[1] that citizens rights include the right "to keep and carry arms wherever they want."
- in 1876[2] that the Constitution did not grant a right to arms but that the right to arms long predates the Constitution and is not dependent upon that document for its existence.
- in 1886[3] that "the states cannot prohibit the people from keeping and bearing arms."
- in 1895[4] that individuals have the right to possess and use firearms for self-defense.
- in 1897[5] that the right to arms is an ancient and "fundamental" right, "inherited from our English ancestors," and has existed "from time immemorial."
- in 1876, 1886 and 1897[6] that all able-bodied males are members of the militia.
- in 1914[7] the Court implied that even a resident alien has a right to a pistol for self-protection.
- in 1921[8] that a person under deadly attack need not retreat but may stand and meet lethal force with lethal force.
- in 1939[9] that when called for militia duty, "these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time."
- in 1943[10] that a license fee levied on the exercise of a constitutional right is a flat tax on the exercise of that right and is therefore unconstitutional.
- at least seven time in this century -- 1908, 1932, 1936, 1963, 1968, 1976, & 1992[11] that the first eight amendments of the Bill of Rights express and protect fundamental individual rights.

- in 1968[12] that a convicted felon could not be required to register his firearm nor be punished for failing to register his firearm.
- in 1980[13] that a person enjoys a fundamental, individual right to arms until his first conviction of a felony offense.
- in 1971 and 1980[14] that a federal official, and in 1991[15] a state official who deprives a citizen of a right protected by the federal Constitution may be personally liable for damages.
- in 1990[16] that the term "the people," as used in the Second and other amendments and elsewhere in the Constitution, means all the individuals who make up our national community.
- in 1957[17] that "The United States is entirely a creature of the Constitution. . . It can only act in accordance with all the limitations imposed by the Constitution."
- and back in 1803[18] that "All laws repugnant to the Constitution are null and void."

NOTES

01. Scott v. Sanford, 60 US 691, 705 (1857)

02. United States v. Cruikshank, 92 US 542, 553 (1876)

03. Presser v. Illinois, 116 US 252 (1886)

04. Beard v. United States, 158 US 550 (1895)

05. Robertson v. Baldwin,

06. United States v. Cruikshank, Presser v. Illinois, United States v. Miller, 307 US 174 (1939)

07. Patsone v. Pennsylvania, 232 UA 138 (1914)

08. Brown v. United States, 256 US 335 (1921)

09. United States v. Miller

10. Murdock v. Pennsylvania, 319 US105 (1943) (This was a First Amendment case.)

11. Twining v. New Jersey, 211 US 78 (1908); Powell v. Alabama, 287 US 45 (1932); Grosjean v. American Press Co, 297 US 233 (1936); Gideon v. Wainwright, 372 US 335 (1963); Duncan v. Louisiana, 391 US 166 (1968); Moore v. East Cleveland, 431 US 494 (1976); Planned Parenthood v. Casey, No.91-744 (1992); as well as in a concurring Opinion in Griswold v. Connecticut, 381 US479 (1965).

12. Haynes v. United States, 390 US 85 (1968)

13. Lewis v. United States, 445 US 95 (1980)

14. Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971) and Carlson v. Green, 446 US 14 (1980)

15. Hafer v. Melo, No. 90-681 (1991)

16. United States v.Verdugo-Urquidez, No. 88-1353 (1990)

17. Reid v. Covert, 354 US 1 (1957)

18. Marbury v. Madison, 5 US 137 (1803)

Concord Chuck

ORIGINAL

FILED
DEC 20 1989
U.S. CLAIMS COURT

UNITED STATES CLAIMS COURT

(1) JUDGE TERRY J. HATTER, JR., (2) JUDGE GEORGE ARCENEAUX, JR., (3) JUDGE PETER H. BEER, (4) JUDGE DUDLEY H. BOWEN, JR., (5) JUDGE JUAN G. BURCIAGA, (6) JUDGE A.J. MCNAMARA, (7) JUDGE HARRY PREGERSON, (8) JUDGE RAUL A. RAMIREZ, (9) JUDGE NORMAN C. ROETTGER, JR., (10) CHIEF JUDGE THOMAS A. WISEMAN, JR. Plaintiffs, v. The United States of America, Defendant.	No. 705-89 C

COMPLAINT

Plaintiffs (1) Judge Terry J. Hatter, Jr., (2) Judge George Arceneaux, Jr., (3) Judge Peter H. Beer, (4) Judge Dudley H. Bowen, Jr., (5) Judge Juan G. Burciaga, (6) Judge A.J. McNamara, (7) Judge Harry Pregerson, (8) Judge Raul A. Ramirez, (9) Judge Norman C. Roettger, Jr., and (10) Chief Judge Thomas A. Wiseman, Jr. complain against The United States of America and allege as follows:

Nature of the Case

1. This is an action for damages pursuant to Article III, Section 1, of the Constitution of the United States and pursuant to plaintiffs' contracts of employment. This claim arises because the United States has diminished the compensation of Article III judges appointed prior to January 1, 1984 by reason of the Social Security Amendments of 1983, Pubic Law 98-21, and related statutes.

Jurisdiction

2. This Court has jurisdiction over this action pursuant to 28 U.S.C § 1491(a)(1). The individual claim of each plaintiff exceeds ten thousand dollars ($10,000).

Parties

3. Plaintiff (1) Terry J. Hatter, Jr. serves as a Judge of the United States District Court for the Central District of California and was appointed on December 20, 1979.

4. Plaintiff (2) George Arceneaux, Jr. serves as a Judge of the United States District Court for the Eastern District of Louisiana and was appointed on September 26, 1979.

5. Plaintiff (3) Peter H. Beer serves as a Judge of the United States District Court for the Eastern District of Louisiana and was appointed on November 27, 1979.

6. Plaintiff (4) Dudley H. Bowen, Jr. serves as Judge of the United States District Court for the Southern District of Georgia and was appointed on November 27, 1979.

7. Plaintiff (5) Juan G. Burciaga serves as Judge of the United States District Court for the District of New Mexico and was appointed on November 2, 1979.

8. Plaintiff (6) A.J. McNamara serves as a Judge of the United States District Court for the Eastern District of Louisiana and was appointed on June 21, 1982.

9. Plaintiff (7) Harry Pregerson serves as a Judge of the United States Court of Appeals for the Ninth Circuit and was appointed on November 2, 1979.

10. Plaintiff (8) Raul A. Ramirez serves as a Judge of the United States District Court for the Eastern District of California and was appointed on May 23, 1980.

11. Plaintiff (9) Norman C. Roettger, Jr. serves as a Judge of the United States District Court for the Southern District of Florida and was appointed on June 2, 1972.

12. Plaintiff (10) Thomas A. Wiseman, Jr. serves as Chief Judge of the United States District Court for the

Middle District of Tennessee and was appointed on August 11, 1978.

13. The Defendant is the United States of America, which is responsible for assuring that plaintiffs' compensation is not diminished "during their Continuance in Office."

Background

14. Each of the plaintiffs is an Article III judge appointed to his present office by the President of the United States with the advice and consent of the United States Senate pursuant to Article II, Section 2, of the Constitution of the United States. Each of the plaintiffs was appointed prior to April 20, 1983 and has served continuously as a federal judge from date of appointment to the present date.

15. At the time each plaintiff was appointed an Article III judge, the terms and conditions of employment, as determined by statute, permitted an Article III judge to retire after meeting certain age and service requirements and to receive an annuity for the remainder of his lifetime equal to his salary at the time of retirement. An Article III judge may alternatively retire from active service, thereby retaining his office and the salary of the office, including any increases thereof.

16. The Social Security Amendments of 1983, Public Law 98-21, extended Social Security coverage to many previously uncovered civilian employees of the federal government. By defining Article III judges as "employees" under the Social Security Act, this statute required for the first time that social security deductions be made from wages received by Article III judges, which constitute a part of their compensation. 42 U.S.C. § 410(a)(5)(E). Either as a result of these deductions, or as a result of defendant's failure to increase plaintiffs' salaries by the amount of these deductions, defendant has diminished plaintiffs' compensation.

17. Subsequent statutes, such as the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983, Public Law 98-168, and the Federal Employees' Retirement System Act of 1986, Public Law 99-335, gave federal employees other than Article III judges certain elections regarding retirement salary deductions and retirement systems. Article III judges, however, received no relief under these statutes. For example, Article III judges were not given the right granted other federal employees to opt out out of the Social Security system.

Count I: Constitution Violation

18. Paragraphs 1-17 are incorporated herein.

19. Article III, Section 1, of the Constitution of the United States provides in pertinent part that Article III judges "shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

20. The defendant, by virtue of Public Law 98-21, unlawfully diminished and continues to diminish plaintiffs' compensation in violation of Article III, Section 1, of the Constitution of the United States from January 1, 1984 to the present time. This diminution was discriminatory. Each plaintiff is, therefore, entitled to damages in the amount by which his compensation has been diminished.

Count II: Breach of Contract

21. Paragraphs 1-17 are incorporated herein.

22. Article III, Section 1, of the Constitution of the United States and the statutes in effect at the time plaintiffs assumed their offices constitute a contract of employment between plaintiffs and defendant, under which defendant agrees not to diminish plaintiffs' compensation "during their Continuance in Office."

23. The defendant, by virtue of Public Law 98-21, breached its contract with plaintiffs by unlawfully diminishing and continuing to diminish plaintiffs'

Judge Terry J. HATTER, Jr., Judge George Arceneaux, Jr., Judge Peter H. Beer, Chief Judge Juan G. Burciaga, Judge A.J. McNamara, Judge Harry Pregerson, Raul A. Ramirez and Chief Judge Thomas A. Wiseman, Jr., Plaintiffs–Appellants,

v.

The UNITED STATES, Defendant–Appellee.

No. 91–5039.

United States Court of Appeals, Federal Circuit.

Jan. 16, 1992.

Article III federal judges brought compensation clause suit claiming that their compensation had been diminished by reason of the Social Security Amendments of 1983. The United States Claims Court, 21 Cl.Ct. 786, James T. Turner, J., granted Government's motion to dismiss, and appeal was taken. The Court of Appeals, Rader, Circuit Judge, held that claims of life-tenured federal judges, that imposition of social security taxes diminished their compensation in violation of Article III of United States Constitution, came within Claims Court's Tucker Act jurisdiction.

Reversed and remanded.

1. Federal Courts ⇐1072

To invoke Claims Court's Tucker Act jurisdiction, claimant must show that claim arises from federal constitutional, statutory, regulatory or contractual provision that provides damages for its breach. 28 U.S.C.A. § 1491.

2. Federal Courts ⇐1079

Claims of life-tenured federal judges, that imposition of social security taxes diminished their compensation in violation of Article III of United States Constitution came within Claims Court's Tucker Act jurisdiction. U.S.C.A. Const. Art. 3, § 1 et seq.; 28 U.S.C.A. § 1491.

compensation from January 1, 1984 to the present time. Each plaintiff is, therefore, entitled to damages in the amount by which their compensation has been diminished.

Prayer for Relief

WHEREFORE, plaintiffs respectfully request that judgment be entered:

A. Awarding each plaintiff damages in the amount by which their compensation has been diminished from January 1, 1984 to the date of judgment.

B. Awarding plaintiffs such further relief as this Court deems just and appropriate.

Respectfully submitted,

Steven S. Rosenthal
~~W. Stephen Smith~~
~~Linda J. Arnsbarger~~
~~Ellen E. Deason~~

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Attorney$ for Plaintiffs

Dated: December 29, 1989

Steven S. Rosenthal, Morrison & Foerster, Washington, D.C., argued, for plaintiffs-appellants. With him on the brief were W. Stephen Smith and Ellen E. Deason.

Terrence S. Hartman, Asst. Director, Commercial Litigation Branch, Dept. of Justice, Washington, D.C., argued, for defendant-appellee. With him on the brief were Stuart M. Gerson, Asst. Atty. Gen., David M. Cohen, Director and Claire Hoffman, Dept. of Health and Human Services.

Before ARCHER, PLAGER and RADER, Circuit Judges.

RADER, Circuit Judge.

Terry J. Hatter, Jr., et al., life-tenured federal judges, appeal the dismissal of their complaint by the United States Claims Court. *Hatter v. United States*, 21 Cl.Ct. 786 (1990). The judges allege that imposition of social security taxes diminished their compensation in violation of the United States Constitution. The Claims Court dismissed their complaint for lack of jurisdiction. Because the Tucker Act gives the Claims Court jurisdiction over claims of salary diminution under Article III of the Constitution, this court reverses and remands.

BACKGROUND

In 1983, Congress passed the Social Security Amendments of 1983. *See* 42 U.S.C. § 410(a)(5)(C)–(G) (1988). This Act extended social security coverage to many Government employees, including federal court of appeals and district court judges.* Previously, federal judges were exempt from paying social security taxes.

On January 1, 1984, the Social Security Amendments imposed Federal Insurance Contributions Act ("FICA") taxes on federal judges. From 1984 to 1989, plaintiffs each paid the following amounts in FICA taxes:

YEAR	TAX
1984	$2,532.60
1985	$2,791.80
1986	$3,003.00
1987	$3,131.70
1988	$3,379.50
1989	$3,604.80

On December 29, 1989, plaintiffs filed a complaint in the Claims Court. In count I, plaintiffs contend that the 1983 Amendments "unlawfully diminished and continues to diminish plaintiffs' compensation in violation of Article III, Section 1, of the Constitution of the United States." Under this count, plaintiffs sought monetary damages to compensate for their diminished wages. Count II claims that plaintiffs have an employment contract with the Government which protects them against diminishment of their compensation. Again, plaintiffs seek damages for breach of contract.

The Government moved to dismiss the complaint for lack of jurisdiction because plaintiffs did not file an administrative claim for a tax refund. *See* 26 U.S.C. § 7422(a) (1988). The Claims Court granted the Government's motion. Plaintiffs appealed.

DISCUSSION

This court must decide whether appellants have stated a case within the Claims Court's jurisdiction under 28 U.S.C. § 1491 (1988) (Tucker Act). Under the Tucker Act, the United States has waived sovereign immunity for suits in the Claims Court:

> The United States Claims Court shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

28 U.S.C. § 1491(a)(1).

The Tucker Act alone, however, does not create a substantive right to collect money

* No member of this panel was an Article III judge in 1984. Therefore, no panel member suffered an alleged diminution in salary when the 1983 Amendments took effect.

damages from the United States. *United States v. Testan*, 424 U.S. 392, 398, 96 S.Ct. 948, 953, 47 L.Ed.2d 114 (1976); *Eastport S.S. v. United States*, 372 F.2d 1002, 1007–09, 178 Ct.Cl. 599 (1967). Rather, the Act empowers the Claims Court to award damages for the violation of substantive rights embodied in the Constitution, federal statutes, executive regulations, or federal contracts. *United States v. Mitchell*, 463 U.S. 206, 216–17, 103 S.Ct. 2961, 2967–68, 77 L.Ed.2d 580 (1983).

[1] Thus, to invoke Tucker Act jurisdiction, claimants must show that their claim arises under an independent source of federal law. Moreover, the federal law or contract, fairly interpreted, must provide a damages remedy for violations. *Id.* In sum, appellants must show their claim arises from a federal constitutional, statutory, regulatory, or contractual provision that provides damages for its breach.

Appellants base their Tucker Act claim on Article III, Section 1, of the United States Constitution:

> The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

U.S. Const. art. III, § 1. Appellants thus invoke the Constitution as an independent source of federal law providing for the payment of money.

This provision of the Constitution, fairly interpreted, mandates the payment of money in the event of a prohibited compensation diminution. This provision states, in mandatory and unconditional terms, that judges' salaries "shall not be diminished during their Continuance in Office." This language presupposes damages as the remedy for a governmental act violating the compensation clause. Only a timely restoration of lost compensation would prevent violation of the Constitution's prohibition against diminution of judicial salaries.

Thus, the Constitution mandates that federal judges must receive, "during their Continuance in Office," compensation for their services which may not be less than their compensation upon assuming office. In the event of a violation of this clause, the Constitution itself provides a remedy—compensation. In sum, by forbidding any diminution of judicial compensation, the Constitution itself requires repayment of prohibited reductions in compensation to Article III judicial officers.

The history of the compensation clause supports this court's reading that a violation of the clause mandates repayment or compensatory damages. According to James Madison's notes, the delegates to the Philadelphia Convention discussed the compensation clause on July 18, 1787. 2 Max Farrand, *The Records of the Federal Convention of 1787*, 44–45 (1911). Gouverneur Morris proposed wording the compensation clause to prevent "any improper dependence in the Judges." *Id.* James Madison, in response, shared Morris's view that the Constitution should reduce any dependence by the judicial branch on the other branches for compensation. *Id.* at 45. Alexander Hamilton, too, explained the compensation clause:

> Next to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support.... In the general course of human nature, *a power over a man's subsistence amounts to a power over his will.* And we can never hope to see realized in practice the complete separation of the judicial from the legislative power, in any system which leaves the former dependent for pecuniary resources on the occasional grants of the latter.

The Federalist No. 79, at 472 (Alexander Hamilton) (emphasis in original) (Clinton Rossiter ed., 1961). These framers of the Constitution shared a common vision of the undiminishable compensation clause.

These observations by the framers of the compensation clause underscore its importance to the preservation of judicial independence in a system of separated powers. These comments also suggest that judicial officers deprived of full compensation need not rely on legislative or executive action for a remedy. To require further legisla-

tive or executive actions to enforce the compensation clause would frustrate Article III's purpose of judicial independence. The purpose of Article III, § 1, as well as its language, embraces a self-executing compensatory remedy.

The Supreme Court has also considered whether an alleged violation of the compensation clause provides Tucker Act jurisdiction. *United States v. Will*, 449 U.S. 200, 101 S.Ct. 471, 66 L.Ed.2d 392 (1980). In *Will*, several federal judges sought review of four statutes purporting to stop or reduce cost-of-living increases for judges. The Court concluded that two of the four statutes purported to roll back judicial salary increases already in effect. These statutes violated Article III, § 1. *Id.* at 226, 230, 101 S.Ct. at 486, 488. Any legislative attempt to rescind those effective salary increases would diminish judges' compensation. The Court upheld the other two statutes because they affected salary increases not yet in effect. *Id.* at 229, 101 S.Ct. at 487. Therefore, those two statutes did not diminish judicial salaries. The case was remanded to the trial court to determine money damages. *Id.* at 230–31, 101 S.Ct. at 488.

To reach these substantive results, the Court necessarily examined the jurisdiction of the trial courts to enforce the compensation clause. The Court stated that both the Court of Claims, the predecessor to the Claims Court's trial jurisdiction, and district courts had jurisdiction to determine whether the four statutes violated Article III, § 1. The Court stated:

> [T]here is no doubt whatever as to this Court's jurisdiction under 28 U.S.C. § 1252 or that of the District Court under 28 U.S.C. § 1346(a)(2) (1976 ed., Supp. III).

Id. at 210–11, 101 S.Ct. at 478 (footnote omitted). "Jurisdiction being clear," *id.* at 211, 101 S.Ct. at 479, the Court proceeded to the next inquiry.

The Court felt jurisdiction was "clear" based on 28 U.S.C. § 1346(a)(2). In a footnote, the Court explained:

> This provision confers on the district courts and the Court of Claims concurrent jurisdiction over actions against the United States based on the Constitution when the amount in controversy does not exceed $10,000.

Id. at 211, n. 10, 101 S.Ct. at 478, n. 10. Section 1346(a)(2) of title 28, also known as the Little Tucker Act, mirrors the Tucker Act. It provides district courts concurrent jurisdiction with the Claims Court to handle claims against the United States, "not exceeding $10,000 in amount, founded either upon the Constitution, or any Act of Congress." The Supreme Court found jurisdiction in the district court for the *Will* plaintiffs under the Little Tucker Act.

The only jurisdictional difference between the appellants in *Will* and the plaintiffs in this case is the amount in controversy. Plaintiffs in this case seek more than $10,000 in damages. The Supreme Court found jurisdiction under the Little Tucker Act in the district court for the *Will* plaintiffs. The Tucker Act provides jurisdiction in the Claims Court for the plaintiffs in this case.

The Claims Court erred by recharacterizing plaintiffs' action as solely a request for a tax refund. Plaintiffs' complaint sought damages for violation of the compensation clause. Nonetheless, the Claims Court read their claim as a tax refund suit. The Claims Court erred by imposing a single legal theory on the plaintiffs' complaint.

[2] The Federal Rules of Civil Procedure permit parties to pursue their claim on any viable legal theory. Fed.R.Civ.P. 8(e)(2). In this case, plaintiffs could have pursued a tax refund. If they had, as the Claims Court noted, title 26 would have required a prior administrative claim. *See*, 26 U.S.C. § 7422(a). Plaintiffs, however, did not pursue a tax refund. Instead they sought damages for violation of Article III, § 1—an action which is within the Tucker Act jurisdiction of the Claims Court.

By requiring prior filing of an administrative claim with the Internal Revenue Service for a compensation clause violation, the Claims Court overlooked the language and purpose of Article III, § 1. Conditioning redress of an alleged compensation

clause breach on executive branch actions would frustrate the purpose of Article III, § 1. The Constitution provides a compensatory remedy without need for reliance on other branches.

The Claims Court based its recharacterization of plaintiffs' action on two cases, *O'Malley v. Woodrough*, 307 U.S. 277, 59 S.Ct. 838, 83 L.Ed. 1289 (1939), and *King v. United States*, 390 F.2d 894, 182 Ct.Cl. 631 (1968), *rev'd on other grounds*, 395 U.S. 1, 89 S.Ct. 1501, 23 L.Ed.2d 52 (1969). In *O'Malley*, the plaintiffs challenged the validity of federal income taxes because withholding revenues allegedly diminished federal judges' salaries. The Court determined that Article III did not bar Congress from imposing a non-discriminatory income tax on federal judges. *O'Malley*, 307 U.S. at 282, 59 S.Ct. at 840. *O'Malley*, however, does not affect the jurisdiction of the Claims Court. Contrary to the Claims Court's statement, *Hatter*, 21 Cl.Ct. at 789, the Supreme Court did not recast *O'Malley*'s plaintiffs' diminution claims as tax refund actions. The *O'Malley* plaintiffs elected to sue the Collector of Internal Revenue for a refund, rather than seeking damages. The *O'Malley* plaintiffs' election in the 1930s, however, hardly binds the *Hatter* plaintiffs in the 1990s. As noted earlier, the Tucker Act provides plaintiffs an independent action for damages based on a purported violation of Article III, § 1.

By improperly recharacterizing plaintiffs' action, the Claims Court also foreclosed an issue to be determined on the merits. *O'Malley* determined that federal income taxes do not have a discriminatory impact on federal judges. Plaintiffs have had no opportunity to demonstrate whether the social security tax is discriminatory. The Claims Court erred in foreclosing this issue without full consideration of the merits. On remand, the Claims Court will have an opportunity to examine whether social security taxes have a discriminatory effect on federal judges.

The Claims Court also erred in viewing *King* as identical to this case for jurisdictional purposes. *Hatter*, 21 Cl.Ct. at 788. King was an Army Colonel who claimed that he had paid too much federal income tax because the Government misclassified his retirement status. The Court of Claims dismissed Colonel King's tax refund claim for failure to file a prior administrative claim with the Internal Revenue Service. *King*, 390 F.2d at 896. In equating the *Hatter* plaintiffs with Colonel King, the Claims Court overlooked pertinent distinctions.

First, plaintiffs in this case have an independent jurisdictional basis for their claim. Colonel King had no choice except to seek a tax refund. Second, unlike Colonel King, plaintiffs here do not challenge the United States' authority to impose a tax. Plaintiffs merely seek compensation to ensure that imposition of a tax does not diminish their salary. In sum, plaintiffs do not seek tax refunds, but compensation to ensure compliance with Article III, § 1. The Tucker Act provides the Claims Court jurisdiction to adjudicate this action.

CONCLUSION

Appellants' claim for relief states a claim within the jurisdiction of the Claims Court. Therefore, the decision of the Claims Court is reversed and this case is remanded for a hearing on the merits.

REVERSED AND REMANDED.



...ar jurisdiction ...med that their ...nished by rea... ...endments of ... § 1 et seq.

...whom were W. ...Reason, Wash...

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claims as ones for damages other than a tax refund, we conclude that, in essence, their claims are for tax refunds which must be brought first before the IRS. 26 U.S.C. § 7422(a).

I

Prior to January 1, 1984, the salaries of Article III judges were not subject to withholding for Social Security taxes. Effective January 1, 1984, Congress amended the Social Security Act, 42 U.S.C. § 410(a)(5)(E) (1988), and the Internal Revenue Code of 1954, 26 U.S.C. § 3121(b)(5)(E) (1988), extending Social Security coverage to many previously exempt civilian government employees, including judges of the United States district courts and courts of appeals. Pursuant to this statute, the plaintiffs in this case had the following amounts withheld from their salaries during the years 1984 through 1989:

Year	Amount Withheld
1984	$2,532.60
1985	$2,791.80
1986	$3,003.00
1987	$3,131.70
1988	$3,379.50
1989	$3,604.80

All of the plaintiffs were appointed and took office prior to January 1, 1984, the effective date of the amendments. At the time of their respective appointments, the only mandatory deductions from their salaries were for federal and state income taxes. No mandatory deductions were made for retirement or for Social Security benefits. Plaintiffs now seek to recover as damages the amounts withheld for Social Security taxes.

II

Title 26 U.S.C. § 7422(a) provides in pertinent part:

> *No suit or proceeding shall be maintained in any court for the recovery of*

Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, *receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.* [Emphasis added.]

any internal revenue tax alleged to have been erroneously or *illegally* assessed or *collected ... or of any sum alleged to have been* excessive or *in any manner wrongfully collected, until a claim for refund or credit has been duly filed with the Secretary,* according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof. [Emphasis added.]

Plaintiffs concede that if the court determines that their claims are for tax refunds, then they must file an administrative refund claim with the IRS before suit may be brought in this court. *See* 26 U.S.C. § 7422(a). They argue, however, that this is not a tax refund suit but rather a claim for damages based on the diminution in compensation caused by withholding the Social Security tax from their salaries. To support their position, plaintiffs rely on the Court of Claims opinion in *Atkins v. United States,* 556 F.2d 1028, 214 Ct.Cl. 186 (1977), *cert. denied,* 434 U.S. 1009, 98 S.Ct. 718, 54 L.Ed.2d 751 (1978). They argue that since, according to *Atkins,* the court would have great flexibility in fashioning a remedy for a violation of the Compensation Clause, their claim is somehow distinguished from an ordinary tax refund suit. Plaintiffs argue that the court could provide a remedy by awarding damages or by ordering an appropriate increase in their salaries to counteract the effect of the Social Security deductions. The possibility of alternative relief, according to plaintiffs, demonstrates that defendant's characterization of their claim as one for a tax refund is mistaken.

Defendant argues that this is a tax refund suit, relying primarily on the Court of Claims opinion in *King v. United States,* 390 F.2d 894, 896, 182 Ct.Cl. 631, 633–34 (1968), *rev'd on other grounds,* 395 U.S. 1, 2, 89 S.Ct. 1501, 1501–02, 23 L.Ed.2d 52 (1969). In *King,* the plaintiff was a retired Army colonel who claimed that by misclassifying his armed services retirement status, the government caused him to pay federal income taxes which he was not legally obligated to pay. King asserted that he should be allowed to maintain his claim even though he had not filed a refund claim with the IRS. The Court of Claims held that his monetary claim was barred because he did not file an administrative refund claim but granted him relief in the form of a declaratory judgment and was later reversed on this ground. 395 U.S. at 5, 89 S.Ct. at 1503.

Although *King* did not involve a diminution claim based on the Compensation Clause, we conclude that it is more analogous to the present case than *Atkins.* Plaintiffs attempt to distinguish their case from *King* on the ground that, unlike *King,* they do not challenge the government's authority to deduct Social Security contributions from their wages. Plaintiffs argue that if they are legally obligated to pay the Social Security taxes, then the diminution which results must be rectified. Putting aside semantics, we find that this is a tax refund suit. Like the plaintiff in *King,* plaintiffs here are asserting that they should be allowed to maintain their claim in this court even though they have not filled a refund claim with the IRS. For jurisdictional purposes, plaintiffs' position is identical to the plaintiff in *King* and we find it controlling.

The fact that the plaintiffs in *Atkins* brought a claim for damages is of no help to the plaintiffs in this case. The claim in *Atkins* was for a violation of the Compensation Clause based on alleged diminution in salary caused by inflation and by the failure of Congress to raise judicial salaries. Since *Atkins* did not involve alleged diminution by taxation, it did not present a jurisdictional problem for the court similar to the one addressed in *King.*

The issue of whether taxes withheld from Article III judicial salaries constitute a diminution in violation of the Compensation Clause is not new. It was first brought before the United States Supreme Court in 1920 in a case involving income taxes. *Evans v. Gore,* 253 U.S. 245, 40 S.Ct. 550, 64 L.Ed. 887 (1920). Thereafter, each time the "diminution" issue has arisen in the context of income taxes, the claim originated as one against the IRS. *See Miles v. Graham,* 268 U.S. 501, 45 S.Ct.

601, 69 L.Ed. 1067 (1925), *overruled by O'Malley v. Woodrough*, 307 U.S. 277, 59 S.Ct. 838, 83 L.Ed. 1289 (1939). In *O'Malley*, the Supreme Court described the suit below as "an action at law to recover a tax on income claimed to have been illegally exacted." 307 U.S. at 278, 59 S.Ct. at 838. The Court further noted that the suit had been brought against the Collector of Internal Revenue and the plaintiff's claim for refund had been rejected. 307 U.S. at 279, 59 S.Ct. at 838–39.

None of the claims for violation of the Compensation Clause brought after *O'Malley* was based on taxes. *See United States v. Will*, 449 U.S. 200, 101 S.Ct. 471, 66 L.Ed.2d 392 (1980); *Duplantier v. United States*, 606 F.2d 654 (5th Cir.1979), *cert. denied*, 449 U.S. 1076, 101 S.Ct. 854, 66 L.Ed.2d 798 (1981); *Atkins v. United States*, 556 F.2d 1028, 214 Ct.Cl. 186 (1977), *cert. denied*, 434 U.S. 1009, 98 S.Ct. 718, 54 L.Ed.2d 751 (1978).

We conclude that there is no logical reason to view a claim for diminution based on Social Security taxes differently from one based on income taxes. In order to obtain a refund of either, the claim must be brought before the IRS prior to filing a complaint in this court. Manifestly, however artfully characterized, plaintiffs seek recovery of Social Security taxes which have been deducted from their salaries since January 1, 1984. Based on the Supreme Court's interpretation of diminution claims involving income taxes as claims for a tax refund rather than damages, the Court of Claims opinion in *King*, and the face of 26 U.S.C. § 7422(a), we conclude that plaintiffs' claims are for tax refunds over which this court lacks subject matter jurisdiction at this time.

III

Defendant's motion to dismiss filed on May 15, 1990, to the extent that it asserts this court's current lack of jurisdiction, *see* RUSCC 12(b)(1), is GRANTED. It is ORDERED that judgment be entered dismissing the complaint for lack of jurisdiction.

Each party shall bear its own costs. *See Johns-Manville Corp. v. United States*, 893 F.2d 324, 328 (Fed.Cir.1989) ("the Claims Court has no power to award costs in cases over which it has no ... jurisdiction").



TRI-AD CONSTRUCTORS, Plaintiff,

v.

The UNITED STATES, Defendant.

No. 90-217C.

United States Claims Court.

Nov. 9, 1990.

Government contractor brought suit under Contract Disputes Act. On Government's motion to dismiss, the Claims Court, Andewelt, J., held that: (1) contractor "submitted" claim within meaning of Act, and (2) contractor's willingness to attempt to settle matter did not foreclose finding that contractor submitted "claim."

Motion denied.

1. United States ⇐73(9)

Contractor "submitted" claim to contracting officer within meaning of Contract Disputes Act even though claim was embodied in letter addressed to office in charge of construction rather than contracting officer; letter set forth basis in amount of claim and unequivocably requested final decision by contracting officer; moreover, office ultimately sent letter directly to contracting officer. Contract Disputes Act of 1978, § 6(a), 41 U.S.C.A. § 605(a).

See publication Words and Phrases for other judicial constructions and definitions.

2. United States ⇐73(9)

Letter from government contractor asking that contracting officer's final decision on one contract be delayed until agen-

records, and to Vehicle Maintenance File Folder (Form No. 103-F) for permanent historical records.

While driving his truck, a driver who has jumped through all these hoops must be sure he has a copy of each of these three handbooks: the "Federal Motor Carrier Safety Regulations," 408 pages; the "Emergency Response Guidebook," about 300 pages; and the "Driver's Pocket Guide to Hazardous Materials," 290 pages. All these books must be purchased from the U.S. Department of Transportation and are packed with thousands of regulations the driver must abide by. These books cannot be stored in the glove compartment of the truck; they must always be in reach of the driver. Of course, the driver must sign a receipt stating that he understands all of these regulations. And he had better, because if he does not he will be in serious trouble if he is found in violation of any of these regulations.

Finally, each truckdriver must carry one of these "Post-Trip Vehicle Inspection" booklets. The law states that at the end of each trip the driver must conduct a detailed inspection of his vehicle. By law, he must check the service brakes including trailer brake connections, the parking brake, the steering mechanism, lighting devices and reflectors, the tires, the horn, windshield wipers, rear vision mirrors, coupling devices, wheels and rims, and all emergency equipment. The driver must prepare a written report of this daily inspection and sign it.

□ 1730

My constituent related to me an incident by which there had been a routine check of one of his trucks and they found that one of the lug bolts on the coupling for the trailer was not as taut as it should have been, but it was not loose. They had to call a mechanic to come out and tighten it. The regulations did not even allow the truckdriver the right to correct it.

These areas of regulation I am talking about are only those affecting the transportation activities which my constituent's company is involved in. He faces many more areas of regulation in his regular course of business. Not only are these regulations excessive, but many are unnecessary. This is regulation run amok. It is crazy. Crippling regulations have stunted investment and economic activity, and must cost untold numbers of jobs. Regulations have played a direct role in causing this recession and increased costs to all of our constituents and consumers.

Let us unleash American business so that we can again take our rightful place as the economic leader of the free world and put American workers back to work.

LEGISLATION CALLING FOR REPEAL OF THE SECOND AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore (Ms. PELOSI). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Madam Speaker, today I have introduced a resolution which calls for the repeal of the second amendment to the Constitution. The second amendment to the Constitution reads as follows:

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Madam Speaker, is the second amendment still necessary in 1992? And does the second amendment, the existence of it, give the right to the manufacturers of guns, the distributors of guns, the fanatics who must have automatic weapons of all kinds, does it provide a right to them?

Madam Speaker, I have been told that the second amendment does not guarantee that right, but it is because the second amendment has been distorted and is often misquoted to mislead the American people to believe that because the second amendment exists we should not and we cannot regulate the manufacture, the sale, and the distribution of guns in the United States.

As a result of the notion being promulgated that we cannot regulate the sale and distribution and manufacture of guns, we have a paralysis by legislators across the country and by the Congress. Repeatedly, public opinion polls have shown that the American people do want more gun control. They want more regulation of guns.

Of course, a No. 1 issue across the Nation is crime and solutions to the problem of crime. Madam Speaker, crimes of all kinds I abhor, but crime which results in the death of individuals is of particular concern and should be of particular concern to all of us.

The recent tragic shootings of two young persons at Thomas Jefferson High School in New York City has renewed interest in some kind of immediate, urgent action to deal with guns and the gun culture.

Madam Speaker, two young persons, one named Ian Moore and the other's name is Tyrone Sinkler, they happen to live—they happened to live in my congressional district. The tense is important here.

Thomas Jefferson School is not located in the district, but these young people resided in the 12th Congressional District.

Somehow their shooting has shocked even New York City, which has too many homicides and too many guns despite the fact that we have very tight gun control laws in both New York City and New York State. The fact is that these youngsters were murdered in cold blood in a school; the fact is that the young man who pulled out the gun and shot them has no fear of being caught and no concern about snuffing out human life and taking his punishment subsequently. In addition to the two persons being shot that day, their lives being snuffed out immediately, another young person who was a friend of theirs went home and, with a gun, committed suicide, took his own life.

□ 1740

Mr. Speaker, in the space of 5 days in New York City there were about 10 shootings. About five people were killed with guns. That is in New York City, which is highly visible. They got a lot of publicity, and all the world knows about it.

But what my colleagues do not know about is that all around the country, in both rural communities and suburban communities, young people are taking their lives and taking each other's lives in large numbers. We know about the mass murders when automatic weapons are being taken into post office buildings, and people getting revenge for various reasons have snuffed out the life of dozens of people. We know about the mass murder that took place in a cafeteria where the target seemed to be primarily women. We know about these. They get a lot of publicity. What we do not know is that the statistics will show in school district after school district across the country these incidents are taking place.

Mr. Speaker, I have been invited to serve as a moderator for a panel, a teleconference, entitled "Challenges in Choices, Violence in the Schools." This teleconference is sponsored by the National Association of Secondary School Principals' urban services office. It is going to take place next Wednesday. The brochure that was sent to me starts as follows: It relates to incidents where young people were murdered or young people were guilty of murdering people in schools. In Pinellas County, FL, for example, an assistant high school principal was killed and another administrator and teacher at that school injured by students who were armed with stolen revolvers. In Garden, KS, two teachers and a junior high school principal were killed by a 14-year-old boy with an automatic rifle. My colleagues did not hear any headlines about this, and there are numerous other incidents that are taking place all across the country that we do not read the headlines, we do not see them on television. They are not in New York City with the media present to publicize it, but it is happening all over, the culture of the gun, the culture of violence. It has taken hold, and this generation, which we could call the Rambo generation because they are fed by films and videos that glorify violence, the Rambo generation marches on, and

the shock of having two young people murdered in high school is appropriate.

Mr. Speaker, it means that we are one step closer to the collapse of civilization. We are one step closer to the collapse of our society. What will happen next? We will have young people carrying guns into churches and murdering people in churches. It would be another step closer to the collapse of civilization as we know it.

What are we doing to protect our youth from senseless killing? What are we doing as adults? As parents? And, most important, those people who are most responsible for how our society works? What are we doing as legislators? What are we doing as congresspersons to protect our young people? Are we doing all we can do? Or are we wimpishly bowing to a gun lobby and not a committee, civilized actions, to be taken in order to control the manufacture, the sale, and distribution of guns? What is different? What is the difference between our society and other industrialized societies?

Japan, or Germany, or Great Britain, or France; why is it these industrialized societies have a far lower set of casualties as a result of gun play? Why is it that it goes way, way down, the comparisons with Great Britain, and Germany and Japan? It is astonishing in terms of the number of people who have been killed by guns. These societies are able and willing to control the manufacture, distribution, and sale of guns, and this society is not.

The savage, barbaric behavior of a young man who whips out a pistol and shoots dead two students in a high school is horrendous, but in responding or failing to respond the Members of Congress and any other State legislatures or city legislatures are equally as savage and equally as barbaric if they do not take steps to use their power to control the manufacture, sale, and distribution of guns.

I have offered this resolution to repeal the second amendment very seriously. I do not have any illusions about the fate of the resolution in terms of its passage. I do not have any illusions about the possibility of an amendment really taking place because, even if Congress passes it, it has to go to State legislatures.

That is not my goal. My goal is to raise the level of debate, accelerate the level of debate and discussion about and the need to control the sale, manufacture, and distribution of guns in our society. The democratic process often works well in the United States. The will of the people is usually carried out sooner or later by their elected legislators and officials. If they do not act to carry out the will of the people, they are going to get removed sooner or later, but not always is it sooner. Sometimes the will of even a very large majority can be thwarted by a small group of single-issue fanatics who use money and threats to intimidate elected representatives so they fail to pass legislation that the overwhelming majority of the people want.

Polls have clearly shown that 75 to 85 percent of the people want some form of gun control, but we do not have gun control, except to a very limited extent, because a small group of intense gun fanatics have perverted the democratic process through threats and intimidation of any public figure who dares to speak for and vote for what the overwhelming majority of the people want. Elections never provide a clear expression of public opinion on any single issue since a vote is determined by a number of issues and also by moves and political personalities. Thus the people never send a strong, clear signal in favor of gun control because the system does not give them the opportunity. But the single issue of gun control fanatics are very clear in their message. They send a message which is very powerful in their spending big money to defeat candidates in their letter writing campaigns and their intimidation of many elected officials.

Mr. Speaker, we must give the American people as a whole an opportunity to express their opinion on control and regulation of guns, especially the concealable handguns and the semiautomatics. Let us have a public debate and discussion nationwide to find out whether the people want to turn away from violence.

The second amendment is unnecessary in 1992. The purpose of the second amendment is to assure the people's right to bear arms in a well-regulated militia. Nobody would dream of interfering with the use of guns by the National Guard, the Armed Forces Reserves, which is our well-regulated militia, the Armed Forces Reserves, or any local militia, or the police departments. We are not going to interfere with it, and the right of that kind of well-regulated militia is protected and understood without this amendment being in place.

The second amendment has a very limited purpose and intent. It is very clear the courts have interpreted that it does not mean that we cannot control and regulate guns, the sale, the manufacture, and distribution of guns. Congress can do that. We have the power. But the second amendment has been twisted. Its purpose and intent has been distorted and perverted by gun control fanatics whose view it is that guns may not be regulated or controlled in any way, and they have fooled us, hoodwinked the American people into believing that we cannot control guns. We violate the Constitution if we do so. The second amendment does not say anything like that, but they interpret it that way, and they have managed to convince very large numbers of intelligent people that any gun regulation is unconstitutional.

Are our rights as a free people jeopardized in 1992 by a waiting period for the purchase of a handgun?

□ 1750

Are our rights as a free people jeopardized in 1992 by a criminal investigation of purchases of guns? Are our rights as a free people jeopardized by the regulation and supervision of gun dealers? Are our rights as a free people jeopardized by severe limitations on the manufacture, import, and sale of semiautomatics and machineguns?

Certainly not. But the gun fanatics tell us the Republic will be in danger if these modest measures are taken by the Congress.

The Congress has the power right now. It can do what is necessary to regulate the manufacture, sale, and distribution of guns.

Only Congress can have the necessary impact. It does no good for New York City to pass strict gun control laws as it has already done, or for New York State to pass strict gun control laws, as it has already done, if the guns are freely available in other States and can be transported across State lines, as they are.

We have only a handful of companies in this country that manufacture guns. Their greed has pushed them to make them more and more attractive. Weapons are more streamlined, more automatic. They fire more bullets, and they are more deadly than ever before. They are smaller and cheaper. So we are pushing guns the way we sell soap at this point.

Only a barbaric society would continue to push deadly weapons as if they were toys, or push deadly weapons as if they were appliances. Here in Washington we have citizens who have taken the initiative and passed an initiative which calls for liability, a gun liability law, which makes the manufacturer, the dealers, and all the people who have connections with the guns, liable when a person is injured or killed by a gun.

There are people in Congress who are fighting that legislation. We need the same legislation across the country in every State and in every city.

Madam Speaker, let me share some articles. I am not going to read them, but I would like for Members to read a series of articles that have appeared in the New York Times. The fourth article appeared today. These articles are about guns and the gun culture, the gun manufacturers, the gun salespeople, the proliferation of guns and what is behind them. This series of articles started in the New York Times on Sunday, March 8, and have appeared every day, March 8, March 9, March 10, and today, March 11. I urge Members and all others who want to take steps to end this barbaric failure to regulate guns to get background on the issue.

Madam Speaker, the CRS, the Congressional Research Servic.., has also

DEPT OF TREASURY
IRS

Department of the Treasury
Internal Revenue Service
AUSTIN, TX 73301

Date of this notice:
Taxpayer Identification Number:
Form: 941 Tax Period:

541-0440 LOCAL HOUSTON
1-800-829-1040 OTHER TX

1995 FEDERAL TAX DEPOSIT REQUIREMENTS FOR SEMIWEEKLY DEPOSITORS

THIS IS AN INFORMATION NOTICE - YOU DON'T NEED TO RESPOND.

EFFECTIVE JANUARY 1, 1993, EMPLOYERS ARE REQUIRED TO MAKE THEIR FEDERAL EMPLOYMENT TAX DEPOSITS FOLLOWING EITHER A MONTHLY OR SEMIWEEKLY DEPOSIT SCHEDULE. EACH YEAR WE WILL NOTIFY YOU WHICH DEPOSIT SCHEDULE OUR RECORDS INDICATE YOU SHOULD USE FOR THE COMING YEAR. HOWEVER, YOU ARE RESPONSIBLE FOR DETERMINING THE DEPOSIT SCHEDULE THAT APPLIES TO YOU.

IN OCTOBER 1994, WE REVIEWED THE RETURNS YOU FILED FOR THE FOUR QUARTERS ENDING SEPTEMBER 1993, DECEMBER 1993, MARCH 1994, AND JUNE 1994 (REFERRED TO AS THE LOOKBACK PERIOD). AT THAT TIME, YOUR TOTAL EMPLOYMENT TAX LIABILITY FOR THE FOUR QUARTERS WAS MORE THAN $50,000.

THEREFORE, FOR WAGES PAID AFTER DECEMBER 31, 1994, YOU SHOULD MAKE YOUR DEPOSITS FOLLOWING THE SEMIWEEKLY SCHEDULE.

THE DAY YOUR SEMIWEEKLY DEPOSIT IS DUE DEPENDS ON YOUR PAYDAY. IF YOU PAY WAGES ON A WEDNESDAY, THURSDAY, OR FRIDAY, THE DEPOSIT IS DUE BY THE FOLLOWING WEDNESDAY. IF YOU PAY WAGES ON A SATURDAY, SUNDAY, MONDAY, OR TUESDAY, THE DEPOSIT IS DUE BY THE FOLLOWING FRIDAY.

IF AT ANY TIME WITHIN YOUR DEPOSIT PERIOD, YOUR ACCUMULATED EMPLOYMENT TAXES REACH $100,000 OR MORE, YOU MUST DEPOSIT ON THE NEXT BANKING DAY. AFTER MAKING THIS ONE DAY DEPOSIT, YOU WILL MAKE SUBSEQUENT DEPOSITS USING THE SEMIWEEKLY SCHEDULE UNTIL THE NEXT TIME YOUR ACCUMULATED EMPLOYMENT TAXES REACH $100,000 OR MORE.

PLEASE BEAR IN MIND THAT YOU ARE REQUIRED TO FILE YOUR RETURNS QUARTERLY EVEN THOUGH YOU MAKE SEMIWEEKLY DEPOSITS.

PROVISIONS OF THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) LEGISLATION REQUIRE DEPOSITS TO BE MADE BY ELECTRONIC FUNDS TRANSFER (EFT). THE MANDATORY USE OF THIS SYSTEM WILL BE GRADUALLY PHASED IN OVER A PERIOD OF YEARS FOR ALL DEPOSITORS OF FEDERAL EMPLOYMENT TAX. EFFECTIVE JANUARY 1, 1995, EMPLOYERS WITH EMPLOYMENT TAX DEPOSITS OF $78 MILLION OR MORE DURING CALENDAR YEAR 1993 ARE REQUIRED TO MAKE THEIR DEPOSITS USING EFT.

THE ENCLOSED NOTICE 931 EXPLAINS BOTH THE MONTHLY AND SEMIWEEKLY DEPOSIT REQUIREMENTS IN MORE DETAIL. YOU CAN ALSO FIND USEFUL INFORMATION IN CIRCULAR E, EMPLOYER'S TAX GUIDE. FOR ADDITIONAL INFORMATION ON ENROLLMENT IN AN ELECTRONIC FUNDS TRANSFER SYSTEM REFER TO REVENUE PROCEDURE 94-48.

ENCLOSURE:
NOTICE 931

WHAT DOES NAFTA HAVE TO DO WITH US Employers & WITHHOLDING TAX?

Allegedly FINAL % 8.9%

Voting shows how close local D

By Michael Gardner
E-R Sacramento Bureau

SACRAMENTO — Tidbits from local election results:

• Butte County Democrats are really closet Republicans.

• Vic Fazio won just two of the eight counties in his 2nd Congressional District, yet was returned to the House.

• Most of Solano County went for Democrat challenger Mike McGowan, but voters there actually helped send Republican Maurice Johannessen back to the Senate.

• Voters were willing to "Give the Kidd a chance." American Independent candidate Devvy Kidd was the largest vote-getter of any third party Congressional candidate in the state.

In Butte County, Republicans have been slowly gaining on the Democrats in terms of voter registration to a point now where the GOP lags behind by a microscopic .48 percent: 42.63 to 43.11.

But Republican candidates this election year made it seem like Butte was just this side of Orange County.

Most of Butte County, except for the Gridley area, is in the 3rd Assembly District and 2nd Congressional District. In those voting results:

• Incumbent Assemblyman Bernie Richter took 65.3 percent of the Butte vote to just 34.7 percent for Democrat Jim Chapman. Yet, registered Democrats outnumber Republicans 46,925 to 44,489 in that Assembly district.

• Incumbent Rep. Wally Herger of Marysville dropped Democrat Mary Jacobs thanks to a 61.9 percent to 27.8 percent margin of victory in Butte. Yet, in that Congressional district there are 45,226 registered Democrats to 44,489 Republicans.

In the Herger race, Redding's Devvy Kidd, whose slogan was "Give the Kidd a chance," has earned statewide bragging rights.

That's because her 7.2 percent of the vote was the largest percentage of any Third Party candidate running for Congress. Her 15,005 votes were also the most garnered by a Third Party in the state. Runnerup was American Independent Donald Cochran with 10,043 in the Riverside area.

She even won 10.8 percent in Modoc, and 9.0 percent in Nevada. In Butte County she got 6.9 percent.

Kidd's total of 15,005 votes district-wide was even nearly double the total number of registered American Independent candidates in the district (7,696).

Rep. Vic Fazio of West Sacramento is admittedly feeling lucky to have avoided the GOP sweep last Tuesday. He defeated Republican Tim LeFever of Dixon 49.8 to 46.1 percent.

Fazio won only Sacramento and Yolo counties, but those are by far the largest voting blocs in the 3rd Congressional District. The other six counties went for LeFever.

"The way he looks at it is he was extremely lucky to even win the race in light of it being a very conservative district and in light of the anti-incumbent Republican tidal wave that hit the nation. He feels very honored and feels very happy to have survived that," said Linda Reiff, a spokeswoman for Fazio.

What especially hurt, said Reiff, was a drop in voter turnout in Yolo County. About 11,000 fewer Yolo voters went to the polls than in 1992, she said.

There was only a minor surprise in the Richter campaign. Richter swept every county in his district, but Chapman was strong in Lassen County. While generally losing 2-1 elsewhere, Chapman trailed Richter by just 50.1 to 49.9 percent in his home county where he serves as a supervisor.

McGowan, a Yolo County supervisor, needed to win big along the I-80 corridor and stay close in Shasta County to offset Johannessen's advantages in the rural northern reach of the district.

The key was Solano County, where McGowan hoped to do well. He won it, but by a small 51.9 percent to 48.1 percent margin.

Sacramento County went to Johannessen as well, but little of it is in that district. Only about 2,100 voters from Sacramento County went to the polls in that district) so it didn't make the difference.

McGowan had also hoped to stay close to Johannessen in Shasta County. Johannessen had carried the county by only a few percentage points in the special election last year against Democrat Montana Podva.

But, Johannessen polled much stronger in his home county this time around, beating McGowan there by a 61.6 to 38.4 percent margin.

Thanks to that margin, plus his strong showing in Solano, Johannessen is back in the Senate.

4th Senate District

County	Johannessen	McGowan
Butte	66.8%	33.2%
Colusa	64.6%	35.4%
Glenn	69.7%	30.3%
Sacramento	55.3%	44.7%
Shasta	61.6%	38.4%
Siskiyou	59.1%	40.9%
Solano	48.1%	51.9%
Sutter	68.1%	31.9%
Tehama	61.7%	38.3%
Trinity	58.4%	41.6%
Yolo	39.5%	60.5%
Total	**54.6%**	**45.4**

HANK BROWN, COLORADO
PAUL COVERDELL, GEORGIA
OLYMPIA J. SNOWE, MAINE
FRED THOMPSON, TENNESSEE
CRAIG THOMAS, WYOMING
ROD GRAMS, MINNESOTA
JOHN ASHCROFT, MISSOURI

PAUL S. SARBANES, MARYLAND
CHRISTOPHER J. DODD, CONNECTICUT
JOHN F. KERRY, MASSACHUSETTS
CHARLES S. ROBB, VIRGINIA
RUSSELL D. FEINGOLD, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA

JAMES W. NANCE, STAFF DIRECTOR
EDWIN K. HALL, MINORITY CHIEF COUNSEL & STAFF DIRECTOR

United States Senate
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510–6225

September 27, 1995

Dear Ms.

Thank you for your letter regarding the possibility of United States forces serving under United Nations command.

The implications of agreeing to allow American troops to serve under United Nations auspices are massive. Under the terms of U.N. Charter Article 43, the Secretary General of the United Nations could deploy American troops without the advice and consent of the President of the United States or of the U.S. Congress. Until now, the United Nations "Blue Helmets" have been used as a peacekeeping force. The changes proposed could allow the development of a U.N. standing army. That is not a function that the United Nations is equipped to assume.

It would be foolhardy for American troops to be used contrary to the political will of the American people. When a recruit enters the Armed Forces, the American people effectively ask if he or she is willing to die for this country. We should not ask our young people to die for the policy objectives of a supra-national body. Even when American troops served side-by-side with forces flying the U.N. flag -- such as in Korea -- we did so under our own flag and with our own commanders. It was only incidental that our objectives coincided with those of the United Nations.

Constitutionally, it is the prerogative of the President to ask for a declaration of war and the right of Congress to give assent if the Members believe that such action is justified. We must think carefully before we begin to chip away at the Constitution by allowing U.S. forces to go to war when called to do so by the Secretary General of the United Nations.

... my oath of office, I swore to uphold the Constitution. In this matter, as in all ...ters, I will abide by that oath.

Sincerely,

Jesse Helms

JESSE HELMS

...ko

97th Congress
2d Session } COMMITTEE PRINT

THE RIGHT TO KEEP AND BEAR ARMS

REPORT

OF THE

SUBCOMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION



FEBRUARY 1982

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PREFACE

"To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them." (Richard Henry Lee, Virginia delegate to the Continental Congress, initiator of the Declaration of Independence, and member of the first Senate, which passed the Bill of Rights.)

"The great object is that every man be armed . . . Everyone who is able may have a gun." (Patrick Henry, in the Virginia Convention on the ratification of the Constitution.)

"The advantage of being armed . . . the Americans possess over the people of all other nations . . . Notwithstanding the military establishments in the several Kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms." (James Madison, author of the Bill of Rights, in his Federalist Paper No. 26.)

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." (Second Amendment to the Constitution.)

In my studies as an attorney and as a United States Senator, I have constantly been amazed by the indifference or even hostility shown the Second Amendment by courts, legislatures, and commentators. James Madison would be startled to hear that his recognition of a right to keep and bear arms, which passed the House by a voice vote without objection and hardly a debate, has since been construed in but a single, and most ambiguous, Supreme Court decision, whereas his proposals for freedom of religion, which he made reluctantly out of fear that they would be rejected or narrowed beyond use, and those for freedom of assembly, which passed only after a lengthy and bitter debate, are the subject of scores of detailed and favorable decisions. Thomas Jefferson, who kept a veritable armory of pistols, rifles and shotguns at Monticello, and advised his nephew to forsake other sports in favor of hunting, would be astounded to hear supposed civil libertarians claim firearm ownerhsip should be restricted. Samuel Adams, a handgun owner who pressed for an amendment stating that the "Constitution shall never be construed . . . to prevent the people of the United States who are peaceable citizens from keeping their own arms," would be shocked to hear that his native state today imposes a year's sentence, without probation or parole, for carrying a firearm without a police permit.

This is not to imply that courts have totally ignored the impact of the Second Amendment in the Bill of Rights. No fewer than twenty-one decisions by the courts of our states have recognized an individual right to keep and bear arms, and a majority of these have not only recognized the right but invalidated laws or regulations which abridged it. Yet in all too many instances, courts or commentators have sought, for reasons only tangentially related to constitutional history, to construe this right out of existence. They argue that the Second Amendment's words "right of the people" mean "a right of the state"—apparently overlooking the impact of those same words when used in the First and Fourth Amendments. The "right of the people" to assemble or to be free from unreasonable searches and seizures is not contested as an individual guarantee. Still they ignore consistency and claim that the right to "bear arms" relates only to military uses. This not only violates a consistent constitutional reading of "right of the people" but also ignores that the second amendment protects a right to "keep" arms. These commentators contend instead that the amendment's preamble regarding the necessity of a "well regulated militia . . . to a free state" means that the right to keep and bear arms applies only to a National Guard. Such a reading fails to note that the Framers used the term "militia" to relate to every citizen capable of bearing arms, and that Congress has established the present National Guard under its power to raise armies, expressly stating that it was not doing so under its power to organize and arm the militia.

When the first Congress convened for the purpose of drafting a Bill of Rights, it delegated the task to James Madison. Madison did not write upon a blank tablet. Instead, he obtained a pamphlet listing the State proposals for a bill of rights and sought to produce a briefer version incorporating all the vital proposals of these. His purpose was to incorporate, not distinguish by technical changes, proposals such as that of the Pennsylvania minority, Sam Adams, or the New Hampshire delegates. Madison proposed among other rights that "That right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." In the House, this was initially modified so that the militia clause came before the proposal recognizing the right. The proposals for the Bill of Rights were then trimmed in the interests of brevity. The conscientious objector clause was removed following objections by Elbridge Gerry, who complained that future Congresses might abuse the exemption to excuse everyone from military service.

The proposal finally passed the House in its present form: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.:" In this form it was submitted into the Senate, which passed it the following day. The Senate in the process indicated its intent that the right be an individual one, for private purposes, by rejecting an amendment which would have limited the keeping and bearing of arms to bearing "For the common defense".

The earliest American constitutional commentators concurred in giving this broad reading to the amendment. When St. George

Tucker, later Chief Justice of the Virginia Supreme Court, in 1803 published an edition of Blackstone annotated to American law, he followed Blackstone's citation of the right of the subject "of having arms suitable to their condition and degree, and such as are allowed by law" with a citation to the Second Amendment, "And this without any qualification as to their condition or degree, as is the case in the British government." William Rawle's "View of the Constitution" published in Philadelphia in 1825 noted that under the Second Amendment: "The prohibition is general. No clause in the Constitution could by a rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a state legislature. But if in blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both." The Jefferson papers in the Library of Congress show that both Tucker and Rawle were friends of, and corresponded with, Thomas Jefferson. Their views are those of contemporaries of Jefferson, Madison and others, and are entitled to special weight. A few years later, Joseph Story in his "Commentaries on the Constitution" considered the right to keep and bear arms as "the palladium of the liberties of the republic", which deterred tyranny and enabled the citizenry at large to overthrow it should it come to pass.

Subsequent legislation in the second Congress likewise supports the interpretation of the Second Amendment that creates an individual right. In the Militia Act of 1792, the second Congress defined "militia of the United States" to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and military equipment. This statute, incidentally, remained in effect into the early years of the present century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a "militia", they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, which the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a "well regulated militia" of individuals trained in their duties and responsibilities as citizens and owners of firearms.

If gun laws in fact worked, the sponsors of this type of legislation should have no difficulty drawing upon long lists of examples of crime rates reduced by such legislation. That they cannot do so after a century and a half of trying—that they must sweep under the rug the southern attempts at gun control in the 1870-1910 period, the northeastern attempts in the 1920-1939 period, the attempts at both Federal and State levels in 1965-1976—establishes the repeated, complete and inevitable failure of gun laws to control serious crime.

Immediately upon assuming chairmanship of the Subcommittee on the Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capa-

bilities of the Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Kaaren Jolly, Steven Halbrook, and David T. Hardy, the subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right of American citizens. We did not guess at the purpose of the British 1689 Declaration of Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make suppositions as to colonial interpretations of that Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his handwritten outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was clear—and long-lost—proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms. The summary of our research and findings forms the first portion of this report.

In the interest of fairness and the presentation of a complete picture, we also invited groups which were likely to oppose this recognition of freedoms to submit their views. The statements of two associations who replied are reproduced here following the report of the Subcommittee. The Subcommittee also invited statements by Messrs. Halbrook and Hardy, and by the National Rifle Association, whose statements likewise follow our report.

When I became chairman of the Subcommittee on the Constitution, I hoped that I would be able to assist in the protection of the constitutional rights of American citizens, rights which have too often been eroded in the belief that government could be relied upon for quick solutions to difficult problems.

Both as an American citizen and as a United States Senator I repudiate this view. I likewise repudiate the approach of those who believe to solve American problems you simply become something other than American. To my mind, the uniqueness of our free institutions, the fact that an American citizen can boast freedoms unknown in any other land, is all the more reason to resist any erosion of our individual rights. When our ancestors forged a land "conceived in liberty", they did so with musket and rifle. When they reacted to attempts to dissolve their free institutions, and established their identity as a free nation, they did so as a nation of armed freemen. When they sought to record forever a guarantee of their rights, they devoted one full amendment out of ten to nothing but the protection of their right to keep and bear arms against government interference. Under my chairmanship the Subcommittee on the Constitution will concern itself with a proper recognition of, and respect for, this right most valued by free men.

ORRIN G. HATCH,
Chairman,
Subcommittee on the Constitution.

JANUARY 20, 1982.

This is a copy of the HCI 5 Year Agenda in whole including cover/distribution sheet. I am not aware of all the listed recipients and if you have any information about any of them, please send me private mail.

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Notes and Minutes form Meeting of Friday, December 17, 1993
Rough Draft Proposal for Internal Memo and Five Year Plan

cc: Distribution

White House Meetings:

It was decided to forward the following to the national office for reference. A series of brainstorming meetings will be held at the White House through Winter 1994. All suggestions should be collated and delivered to out policy team by them.
Fundraiser:
A series of fundraisers should be organized for local political allies through the spring of 1994, the details will be outlined in an attached memo. We should have a stronger presence at Anna Eshoo's fund raiser in early January.
Press Releases:
A subcommittee on media and public affairs assembled a list of press releases and studies which can be timed to one released to the media per day, in order to fully maintain the high profile of the gun control issue. We don't want to lose the momentum initiated by the massacre in Long Island, however, many local news organizations have been very active in keeping the gun control issue resolutely in view, without any assistance from us. Be sure to call the various station managers and news services to express your thanks.
D-Day is in January 1994. . .
This month will be crucial to swaying votes for Sen. Feinstein's Assault Weapon Ban. Once this passes, we will see the beginning of a landslide which the NRA thugs will not be able to stop, or their few pawns in Congress be able to filibuster.
Thanking our friends . . .
A subcommittee will draft a letter of support to Rep. Charles Schumer and offer additional materials that we have collated for his use in testimony and press conferences. A special press conference was proposed in order to thank various State politicians for their support for stricter gun control. The subcommittee urged HCI members to maintain the current high visibility of the gun control issue

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and remember to praise President Clinton and Attorney General Janet Reno for their political courage for standing up to the old boy network of the Gun Lobby. Special praise to Senator Diane Fienstien was mentioned for her courage in standing up to the ever diminishing number of gun crazy extremists who are actually pushing to make our society a killing field.

WHAT IS PENDING NOW AND CAN BE LAW IN 1994

* Ban of all clips holding over 6 bullets.
* Ban on all semiautos which can fire more than 6 bullets without reloading.
* Ban of possession of parts to convert arms into military configuration.
* Ban on all pump shotguns capable of being converted to more than 5 shots without reloading.
* Banning of all machine guns, destructive devices, short shotguns/rifles, assault weapons, Saturday Night Specials and Non-Sporting Ammunition.
* Arsenal Licensing (for possession of multiple guns and large amounts of ammunition).
* Elimination of the Department of Civil Marksmanship, long considered a sacred cow and a dinosaur from the Cold War years (Thank you Mr. Clinton!!!).
* Ban on possession of a firearm within a home located within 1000 feet of a schoolyard.
* Ban on all realistic replicas/toy guns or non-firearms capable of being rendered realistic.
* The right of victims of gun violence to sue manufacturers and dealers to be affirmed and perhaps, aided with money from government programs.
* Taxes on ammo, Dealers licenses & guns to offset the medical costs to society.

and...

* the eventual ban of all semi-automatics (regardless of when made or caliber).

WHAT WAS ONLY A DREAM TEN YEARS AGO CAN BE REALITY AS EARLY AS THIS YEAR!!!

After the meeting, the following ideas were the result of a brainstorming session to guide the focus of gun control initiatives over the next five years. These may not be politically feasible ideas for 1994, but we are confident that with continued pressure we can achieve most if not all of these goals within the next five years. The following list is condensed from our meeting in which

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we considered the best ideas for public safety expansion. The time is right for action.

FIVE YEAR PLAN:

LICENSES:

1 National Licensing of all Handgun purchase
This is at the top of our list, however, the political climate may be right to initiate this step immediately. Please refer to our memo outlining our ideas on how this should be executed.

2 License for Rifle and Shotguns
We should take our cues from Great Britian. Strict licensing should be mandatory for all firearms, whether handguns or not.

3 State Licenses for ownership of firearms
We want to take a workable idea from Great Britian, whereas, we should require the states to issue strict licenses for possession and require the licenses to be signed by at least three public officials - i.e. the police chief, the city attorney and the mayor, for example, to eliminate ownership by dangerous individuals. It is reasonable to require that all individuals must prove to the signers that they require a firearm. This should be attached to any legislation required purchasers to show a need for a firearm.

4 Reduction of the number of guns to require an Arsenal license
Right now the proposed Arsenal licenses which Senator Fienstien should be pushing for, requires an "Arsenal License" for those people who feel they need more than 20 guns and 1000 rounds of ammunition. We feel that number is too generous, due to the fact that any number of guns constitutes a grave threat to the safety of the community, we suggest strongly that this license limit be reduced to possession greater than 5 guns and 250 rounds of ammunition.

5 Arsenal License Fees
It is not unreasonable to require a yearly fee for an Arsenal license to be at least $300.00, with a cap of $1000.00. The money collected can be used to defray the immense medical costs directly attributed to these deadly weapons.

6 Limits on Arsenal Licensing
No Arsenal Licensing to be permitted in counties with populations of more than 200,000.

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7 Requirement of Federally Approved Storage Safes for all guns
We should follow Great Britian's lead on this. All licensed gun owners should be required to have a storage safe which meets minimum federally mandated requirements. This step would reduce the tragic accidents which claim the lives of tens of thousands of children a year and make it more difficult for burglars to steal the guns.

8 Inspection License
Another good revenue source would be mandatory inspection licensing of all safes. Each safe would be registered with a specific serial number and the serial numbers and types of weapons stored should be on file with federal and state authorities. Since unannounced inspectors can insure that all declared weapons are being properly stored, all safe licenses should have an additional yearly fee to offset the cost of these spot inspections.

Public Safety Regulations:

9 Ban on Manufacturing in counties with a population of more than 200,000.
Guns are being built all the time and the number of licensed manufacturers are too great to justify the threat to public safety. This is a small step to reduce the number of these shops where anything, even machine guns, are being built every day.

10 Banning all military style firearms
The Pending National ban on all Assault Weapons, based on a point system can be expanded to eventually cover any firearm with a remotely military appearance. We feel that this aggressive appearance appeals to the type of dangerous individuals who are a definite threat to public safety. We hope that this point system can eventually be expanded to high powered air guns and "paint ball" weapons, which can inflict great damage, and with a little effort can be converted to real guns.

11 Banning of any Machine Gun Parts or parts which can be used in a Machine Gun.
Periodicals such as "The Shotgun News" particularly cater to individuals which wish to build illegal machine guns. If Senator Feinstein's courageous section of the crime bill is successful in banning all machine guns, except for police and military, then there would be no legitimate need for Machine Gun parts except to build illegal weapons.

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12 Banning the carrying a firearm anywhere but home or target range or in transit from one to the other.
We should institute a federal mandate to the states to strictly regulate the carrying of a firearm.

13 Banning replacement parts (mfg, sale, possession, transfer, installation) except barrel, trigger group.
Thousands of people are building illegal weapons every day. We can put a dent in this by banning parts and parts kits, except whose items like the barrel and trigger group, which are most likely to wear out due to use.

14 Elimination of the Curio Relic list
A gun is a gun. Even an old gun can kill people. This is a loop hole in the federal law which has allowed thousands of dangerous weapons to be distributed unchecked. This regulation, if enacted, would automatically eliminate the need for a Curio or Relic collector's license. All handguns, rifles and shotguns would fall into the same category as their modern counterparts.

15 Control of Ammunition belonging to Certain Surplus Firearms
Senator Moynihan has already proposed a tax or ban on .22 LR, 32 ACP, and 9mm ammo, however, it has been pointed out to us that there is an extreme proliferation of high powered surplus rifles (i.e. the Mosin-Nagant series and Enfield series) in which the wholesale prices are as low as $45-$75. We suggest that to control the proliferation of violence associated with the large numbers of these types of weapons entering this country that we ban the importation of their ammunition, 7.62x54R and .303 R surplus ammunition.

16 Eventual Ban of Handgun Possession
This may be closer to reality than many of us think. Handguns are becoming increasingly unpopular and we think that within five years we can enact a total ban on possession at the federal level.

17 Banning of Any ammo that fits military guns (post 1945)
With the proliferation of high powered weapons, including semi-automatics and automatics from World War II, we suggest following the lead of Mexico, by prohibiting the sale, manufacture, possession or transfer of any caliber fitting a military firearm in service with a recognized military force after 1945.

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Ammunition and Explosives:

18 Banning of any quantity of smokeless powder or black powder which would constitute more than the equivalent of 100 rounds of ammunition.
With the bombing the World Trade Center, it has been made clear that we must reinforce the above proposed regulation with this additional notation. It is arguable that none has any real need to have so much dangerous material on hand.

19 Ban on the possession of explosive powders of more than 1 kilogram at any one time.
Gun nuts are notorious for circumventing the intent of the law, so we can reinforce the above proposed regulation with this additional notation. This additional language can be useful in preventing "bomb-maker" and other dangerous individuals.

20 Banning of High Powered Ammo or Wounding ammo
In addition to the banning of military calibers, there is a plethora of dangerous rounds which are too high powered for sporting use. This includes the highest calibers of pistol and rifle ammunition (of note are the monster calibers for rifles and pistols, like the .50 caliber Desert Eagle Bullet). We should not forget the lessons learned with the insidious Black Talon Ammo. Hollow points, Glaser killing rounds and other types of ammunition designed specifically for maiming should be prohibited.

21 A National License for Ammunition
This is an idea whose time has come. We should look at a Federal License for purchasing of ammunition of all kinds. A special form should be forwarded to a new federal office to track those who are purchasing too much ammunition. Remember that a gun is useless without ammunition.

22 Banning or strict licensing of all re-loading components
Ammunition regulation laws can be regularly bypassed by home loaders, creating an underground cottage industry of ammo manufacture. Possession or purchase of re-loading equipment and machines should be restricted and those who wish to use specially loaded ammunition can go to a federally licensed 're-loader'.

23 National Registration of ammunition or ammo buyers
Fees collected from the national licenses should go towards a nationwide database of ammo buyers, with a possible background check to eliminate the purchase of dangerous ammo by felons or mental patients.

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24 Requirement of special storage safe for ammunition and licensing
Like the storage safe for guns, there should be a national requirement for special safes to store ammo. These safes should be tamper proof and fireproof and be registered themselves so that on the spot inspections can be held. Again, the costs for these inspections can be absorbed by the license fees.

GUN RANGES:

25 Restricting Gun Ranges to counties with populations less than 200,000
The obvious threat to public safety of shooting ranges and stray bullets has been lost on many states and counties. We can initiate a federal mandate or incentives to get states to prohibit any kind of shooting range within a county with a population of more than 200,000.

26 Special Licensing of Ranges
Those ranges which conform to the previous requirement should get special licensing above and beyond that which is required now. Additional each existing or new shooting range must get in writing the permission of all property owners within a radius of seven miles.

27 Special Range Tax to visitors
Additional revenue can be a surtax on ranges, requiring the collection of a minimum of $85.00 per visit per person. This can be in addition to required membership fees, upon which the state and local governments get a sizeable portion, to help defray the immense cost of gun violence.

28 Waiting period for rentals on pistol ranges
It has been suggested in the past that felons can acquire pistols and other automatic weapons without a background check by renting a gun on a target range. Deranged individuals are basically being given a license to 'practice hunting humans' at these so called 'sporting ranges'. We think that a national waiting period for gun rentals is yet another idea whose time has come.

Activities which promote Gun Violence

29 Banning Gun Shows
Illegal transfers and the sales of assault weapons and submachine guns is a common event at these so called gun shows. A huge dent can be made in the illegal trafficking of weapons by banning these shows altogether.

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30 Banning of military reenactments
The questionable "historical" value of these events has escaped public scrutiny for too long. Many of these so called historical events are mere excuses for gun nuts to blast the countryside with automatic weapons. What is to keep them from loading live bullets and having those stray bullets kill innocent children? What lives in the future will be lost due to this paramilitary training going on right under our noses? We propose the prohibition of Survivalist/paramilitary, World War I and World War II and Civil War Re-enactments on federal land, and hope to encourage the states to prohibit them from state and county lands as well.

31 Making unlawful the assembly of more than 4 armed individuals who are not peace officers or military
Since most hunting parties consist of four, we recognize the need to eliminate the currently legal assembly of shooters for paramilitary training on private lands. This is just one good suggestion for our elimination of the "gun culture" from the mainstream.

32 Begin to curb hunting on all public lands.
Blood sports are an anathema to a civilized society, however, it has been a political reality that the hunters and their ilk have too strong of a strangle hold on Congress. We feel that the impending defeat of high tech assault "killing machines" will open the door to restrictions. With the diminishing number of hunters, we feel that perhaps in five years we can open up much more of our country to campers and hikers, and eliminate the threat to families out camping, by looking at much more restrictions as to what parcels of land will allow hunting. This will not infringe on sportsmen's right to hunt on private land.

33 Making Gun Owners Records and Photos matter of public record
We would have to assemble a legal team, in order to investigate the balance of the right to privacy and the right to safeguard public. We fully endorse the photographing and fingerprinting of all gun owners, however, these records are usually relegated to law enforcement only. We think that it would be a good idea to make these records public, so that the communities can have the knowledge of who poses a danger to their community before disaster strikes. We realize that this proposal would probably be controversial, thus a long public affairs campaign would have to be initiated in order to build public support and ease the transition of such an idea. We feel that this idea has merit,

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and can be justified via the past publication of the names of water wasters during the drought, customers for prostitution, and deadbeat parents who are delinquent on child support.

34 Random Police Checks for Weapons (like sobriety checkpoints)
This idea was floated before in California in 1989, where some thought it would be a great deterrent to gang related crimes for police to do sweeps for gang weapons. Right now this idea may have some resistance, however, the political climate can become right to initiate these random vehicle stop and checks at all levels and in all types of neighborhoods. If we continue to mainstream the pressure we can make this a reality.

THE NEXT FIFTEEN YEARS:

With all that is going on, who knows what is possible in the next few years? With murders in the streets, and the public fed up, and the once mighty thugs of the Gun Lobby whimpering in impotence we have an opportunity to change the face of America for the better! Previously we thought that it would take at least a century to eliminate dangerous weapons and guns from the public hands, but now with allies in the White House and Congress, we can accelerate this trend, and make the barbaric NRA extinct!!! Here are some ideas to consider for the long term:

Banning of military acoutrements
Essential to the Neanderthal gun culture are the typical military clothing, camouflage, pouches, and gear, boots and other combat gear. They euphemistically refer to this as 'militaria'. Elimination of the future sale of these items will cripple the culture of violence well into the 21st century.

Stricter guidelines for violence in television and the movies
We should look at the possibility of victims of violence by copying an act on television and the movie or video screen, suing the makers of such shows for compensation to their suffering. If the industry cannot regulate itself, we may have to eventually look at an independent branch of government, to determine which scenes cause more harm than good to the public and regulate the numbers of violent acts portrayed.

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The total Elimination of arms from Society
We cannot survive into the 21st century unless we remember the need to expand our wave to new thinking to the total disarmament of America. With much of the public disarmed we can become more like Great Britain, where we can also eliminate the need for much of our police to be armed. This would take a long time, however, a concerted public relations campaign can pressure local law enforcement to give up their arms, when the time comes. Weapons, would be still available to special units like SWAT or the military.

Control of Dangerous literature (Bomb making, machinegun conversions, etc...)
Too much irresponsible material is purportedly covered by the 1st Amendment, however, the time will come when our nation has to agree that some literature does not belong in a safe society, like instruction manuals on how to kill, or how to make homemade explosives, or nuclear bombs. We must realize that there can be such as thing as too much freedom where such literature poses a serious threat to the public safety.

1994 sounds the death knell for the bully tactics of the NRA and the culture of violence in America!!

We are pressing on all fronts and much of this can become reality sooner than we expect. With the loss of power and clout of the NRA and their various smaller crony organizations crumbling to dust, we can eliminate a 200 year old license to murder into history, and enter the 21st century a safer place for our children and our children's children.

[pg 10]

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Attachment 1:

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Confidential Information for use by Lobbyists or Senior Officers ONLY!

I. Proposed License Fees - 1994-1995 Gun Control Proposals

Fees based on calculated costs of records maintenance, centralized computer system set up, cost of new computer and record keeping equipment, administrative costs of new federal and state offices, cost of enforcement and inspection, and calculated cost of gun violence to society.

These listings and the documentation used to calculate these suggested fee schedules will be made available to Federal Law Enforcement Authorities and the U.S. Dept. of the Treasury for review, when the time is right. Additional material will be made available to key politicians when proposing any fee related legislation. These suggestions will be instrumental in

determining the nature of future gun control legislation and proposals.

THE FOLLOWING INFORMATION IS CONFIDENTIAL!! DO NOT DISTRIBUTE BEYOND THE OFFICES OF HCI UNLESS HAND DELIVERED TO AN APPROVED STATE OR FEDERAL LEGISLATOR OR LAW ENFORCEMENT OFFICIAL.

a) Handgun License Fees:
Year 1 to 2:
Program can begin at a relatively low cost to discourage non-compliance:
Suggested Fee Schedule: $50 - $75 annual fee

Year 3 to 4:
Fees would be raised to reflect the cost of enforcement and discourage new ownership:
Suggested Fee Schedule: $150 - $250 annual fee

Year 5 to 8:
If private ownership has not been prohibited by this time then fees can be gradually increased to discourage private ownership:
Suggested Fee Schedule $550 - $625 annual fee

[pg 1]

b) Suggested penalties for non-compliance with licensing:
(Penalties would have to be formally outlined by state and federal lawmakers)
(a) Failure to acquire license
$1,000 / 6 mos in jail and revocation of ability to own firearms
(b) Failure to maintain license
$5,000 / 12 mos in jail and revocation of ability to own firearms
(c) Failure to turn over guns for destruction after lapse of license
$15,000 / 18 mos in jail and revocation of ability to own firearms

Failure to re-new license or notify issuing authority of change of status would be considered a felony. All firearms own would be then considered contraband and could then be confiscated. State or local law enforcement authorities would be prohibited from retaining or re-selling any confiscated firearm. A record of destruction would have to be issued via common carrier to the federal government not later than 60 days after confiscation.

c) Rifle & Shotgun License:
Program can begin at $30 or at a cost determined to maintain federal records on ownership and registration.
Suggested Fee schedule: $30 - $148 annual fee

d) State Licensing of Firearms:
The states can collect revenue by initiating state license requirements. The Dept. of Justice for each state will be responsible for initiating the programs at the state level. The licensing fees would be relatively equal with the federal fee requirements.
Suggested Fee schedule: $74 - $150 annual fee

e) Local Licensing of Firearms:
The U.S. Treasury Dept. should look into any legal precedent which will allow the federal authorities to allow cities and towns to restrict ownership or initiate licensing requirements, with the cost of each annual license to reflect the cost of records maintenance and enforcement.
Suggested Fee schedule: $48 - $113 annual fee

[pg 2]

f) Arsenal License: (currently at 20 guns or 1000 rds of ammo)
Suggested Fee schedule: $300 - $1000 annual fee
Alternate Yearly Fee Schedule:
If guns owned exceed 20 - $200 per gun over the limit
If ammo qty exceeds 1000 - $100 per each 50 rounds over the limit
(Fees are flexible due to requirements of local law enforcement)

g) Suggested Penalty for Non-Compliance of Arsenal Licensing Law:
$5,000 / 8 mos in jail, confiscation of all firearms related property and the revocation of ability to own firearms. (Final Disposition would have to be determined by the Dept. of Justice and the state and federal legislatures)

h) Safe License:
Suggested Fee schedule : $228 - 392 annual fee
(Fees based on calculations of set up of computerized records keeping system, enforcement and registration processing)

i) Ammunition Registration & License:
Suggested Fee schedule: $55 - $117 fee for license to buy ammunition
(fees based on calculations of set up of computerized records keeping system, enforcement and registration processing)

j) Federal license for Re-Loading (or possession of re-loading equipment)
Suggested fee schedule: $130 - $175 annual fee

k) Ammunition Safe License Fee:
Suggested Fee schedule: $55 - $75 annual fee

l) Range license (New Federal License on Target, outdoor/indoor ranges)
Suggested Fee schedule: $12,100 - $15,500 annual fee

j) Range Tax Fee (imposed on Federally licensed gun ranges)
Suggested Fee schedule: $85 - $100 collected per person, per visit

[pg 3]

k) Inspection License: (Verifying the records of guns and storage)
This would defray the cost of inspection of firearms safes in businesses or private homes)
Suggested Fee schedule: $588 - $678 annual fee

II. Suggestions which can be made immediately available to Key Politicians and the Secretary of the U.S. Treasury:

a) Increase Dealers License (Federal Firearms License 01 and 02):
Suggested Fee schedule: $600 - $750 annual fee

b) Increased Title 1 Manufacturing Fees:
Suggested Fee schedule: $6,200 - $9,400 annual fee

c) Increased Title 2 Manufacturing Fees:
Suggested Fee schedule: $13,405 - $18,210 annual fee

III. An Estimate of the fiscal impact of the licensing of firearms ownership:

	Worst Case:	Best Case:
Federal Handgun License:	$50	$625
Federal Rifle & Shotgun License:	$30	$148
State Gun License Fee:	$74	$150
Local Gun License Fee:	$48	$113
Arsenal License Fee:	$300	$1,000
Safe License Fee:	$228	$392
Ammunition License Fee:	$55	$117
Re-Loading License Fee:	$130	$175
Ammo Safe License Fee:	$55	$75
Ammo Inspection Fee:	$588	$678
Total Annual Cost:	$1,558	$3,473

[pg 4]

This cost is not unreasonable, since it would offset considerably the

estimated $60 Billion dollars in medical and social costs related to gun violence. If a gun enthusiast feels that he needs such firepower, it is not unreasonable to require him to provide the money necessary to offset the cost to society of such firepower. Ultimately such action would take the glamor and attraction out of firearms ownership and decrease the numbers of gun owners in the U.S. to a manageable number.

IV. Reduction of Gun Owner Population and Potential Yearly Revenue

The federal government estimates that around 65-75 Million Americans own guns. These fees and the licensing requirements would allow us to take guns out of the hands of an estimated 30 million unsuitable or ineligible individuals. The fees for the remaining qualifying individuals would additionally reduce the number to about 14 million gun owners. The estimated federal and state revenue from such fee schedules would constitute a minimum of $21.812 Billion Dollars (Worst Case) to an estimated $48,622 Billion (Best Case) annually. Our eventual goal is to reduce the number of licensees to zero. The revenue itself can be utilized to achieve this goal.

V. Possible Uses for the Revenue:

(A) Institute a mandatory national and comprehensive educational campaign in the public schools (k-12) to de-glamorize guns and gun ownership and to tell the truth about the 2nd Amendment (that it does not address an individual right but a community right) and the years of NRA propaganda to the contrary.
(B) A well funded and concerted campaign to add credence to the calls for eliminating the 2nd amendment entirely via constitutional amendment.
(C) Provide a revenue source for the cost of enforcement of the new laws by Federal and State Law enforcement officials.
(D) Provide an offsetting monetary fund to provide medical services and legal services to victims of gun violence.

[pg 5]

(E) Establish a nationwide system of toll free numbers for reporting violators of the new gun restrictions and non-licensees. A certain sum may be set aside for cash rewards for tips which result in conviction.

Additional Revenue sources listed:

Gun Related Activities:		
Range License:	$12,100.00	annual fee
Range Tax Fee:	$85.00	collected per person, per visit
Gun Dealer License Fee:	$600.00	annual fee
Title 1 Gun Mfg License Fee:	$6,000.00	annual fee
Title 2 Gun Mfg License Fee:	$13,400.00	annual fee

Revenue calculations concerning the above fees will depend on how the numbers of gun ranges, gun range visitors, gun dealers, and gun manufacturers are affected by the increased fees. It is not unreasonable to predict at least a 40% drop in these numbers by the end of the first year. And another 35% drop the year after that.

VI. Legal action and possible new revenue sources
Pending issues to be given at the appropriate time to the LCAV office for investigation as to feasibility, implementation and public reaction. At no time should these suggestions be made public before we can ascertain the current public reaction and provide the results of these studies to the LCAV attorneys.
There are some ideas which are ahead of their time and would only be feasible through a concerted P.R. campaign over the period of several years. A P.R. campaign includes press releases, press conferences, direct lobbying and constant pressure via the national media. We must change the way America thinks in regards to guns and gunowners in order to achieve a safe society for our children in the upcoming century. We realize that one cannot implement every good idea overnight, however the following proposals have been forwarded for investigation as to possible enaction within the next few years. A continued P.R. campaign with the general public as well as the legal and

[pg 6]

judicial community, will enable us to finally get ground breaking rulings which can change the violent face of the American landscape for years to come.

Legal Point 1:
Making possible the suing of owners of guns, as a group, for monetary compensation for victims of gun violence.
Once gun-owners in America have been identified through a verifiable source, i.e. the pending national computer registry, it would be possible to seek further compensation for the victims of gun violence through legal means. As a group, the gun nuts would constitute an identifiable entity for class action suits and other legal actions for compensation to the victims of gun violence.

Legal Point 2:
Suing Gun Organizations under the RICO statute:

It would be expected that gun groups and lobbying groups such as the NRA would encourage non-compliance. Thus nationally recognized groups will be technically "organizing to break the law". Once this can be proven, these groups will be vulnerable to lawsuits based on the RICO statute and drained of their financial resources through repeated legal action.

Legal Point 3:
Suing the makers of toy/replica guns, toy weapons and violent entertainment:
One of the purveyors of violence to society, companies which profit off of violence would eventually be identified and made legally responsible for the violent acts inspired by their products. A study would have to be created to link these companies to those actions taken as a result of their products. There is already current pressure for the makers of toy guns, realistic or not, to concentrate on safer toys which do not exploit violence. The threat of legal action would convince many manufacturers and distributors that other non-violence related toys would be more worthwhile to sell to the community. Lawsuits against the makers of violent entertainment and violence related recreational materials and toys, would make these companies and individuals fiscally accountable for the cost to society incurred as a result of their peddled merchandise. The items could include: Violent Video games, television

[pg 7]

shows, movies, video tapes, water guns, super soakers, electronic noise guns, replica guns, toy weapons like swords, batons, martial arts items.

Tort law as we know it may not have to under go a change in order the facilitate these actions. As many people know it is not necessary to actually win in order to affect change, since the constant threat of legal action will induce change in the way people do business. People all know that the real fiscal effect of repeated legal actions can bankrupt a peddler of violence just as well as winning a large settlement.

<in small print>
Any additional ideas or proposals should be directed at our Washington D.C. office for collation, investigation and discussion. Please maintain standard security procedures when distributing sensitive documents between offices. A routing slip should accompany each sealed document and the signature of all readers should be legible, dated and timed.

At this time documents of this nature will not be distributed to now field offices or allied political groups until their security measures can be confirmed.

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World Trade Center - north tower tenants

Tenant name	Industry	Floors
MIS Service Co.	Unknown	33
Rachel & Associates	Manufacturing	33
Serko & Simon	Attorneys	33
Anne Pope, Law Offices of	Attorneys	35
Kemper Insurance Companies	Insurance Agencies	35,36
Commodity Futures Trading Commission	Investments	37
Government of Thailand	Unknown	37
Regional Alliance Small Contractors	Construction	38
Turner Construction Company	Construction	38
Lehman Brothers	Unknown	38-40
Overseas Union Bank, Ltd.	Banks/Financial Institutions	39
The Cultural Institutions Retirement Systems	Trusts	39
Xcel Federal Credit Union	Banks/Financial Institutions	39
Mechanical Floor	Unknown	41-43
N.Y. Society of Security Analysts	Government/Schools	44
American Lota International	Unknown	45
China Construction of America, Inc.	Construction	45
Dunavant Commodity Corp.	Investments	45
Employee Merit	Employment Agencies	45
Fertitta Enterprises	Unknown	45
M.A. Katz, CPA	Accountants	45
Sassoons, Inc.	Unknown	45
Security Traders Association, Inc.	Organizations	45
SRA	Unknown	45
Streamline Capital, LLC	Unknown	45
The Company Store	Retailers	45
Pure Energy Corp.	Wholesalers	45,53
ASTDC, Inc.	Organizations	46
Auto Imperial Co.	Wholesalers	46
Blue Sky Technologies, Inc.	Computer Services	46
Can-Achieve	Business Consultants	46
Consolidated Steelex Corp.	Manufacturing	46
Dahao USA Corp.	Wholesalers	46
J&X Tans International	Unknown	46
Kanebo Information Systems Corp., U	Computer Services	46
Meganet Management Consultants, Inc.	Computer Services	46
Prospect International, Inc.	Unknown	46

Sinopec USA, Inc.	Wholesalers	46
Suggested Open Systems, Inc.	Computer Services	46
Suntendy America, Inc.	Wholesalers	46
T&T Enterprises International, Inc.	Miscellaneous	46
Yong Ren America, Inc.	Unknown	47
G.Z. Stephens, Inc.	Employment Agencies	47
NFA/GGG, Inc.	Unknown	47
Pacific American Co.	Wholesalers	47
Quint Amasis, LLC	Business Services	47
W.J. Export-Import Inc.	Wholesalers	47
American TCC International Group, Inc.	Investments	47, 90
Dai-Ichi Kangyo Trust Co.	Trusts	48-50
AT&T Corporation	Telecommunication	51
C&P Press	Business Services	51
Bramax Manufacturing (USA) Corp.	Wholesalers	52
Gayer Shyu & Wiesel	Investments	52
Hill Betts & Nash LLP	Attorneys	52
Howly (US) Corporation	Unknown	52
Leeds & Morrelli	Attorneys	52
Okasan International (American) Inc.	Investments	52
RGL Gallaghen PC	Accountants	52
Richard A. Zimmerman, Esq.	Attorneys	52
The Williams Capital Group	Unknown	52
Temenos USA, Inc.	Wholesalers	52,84
AIG Aviation Brokerage, Inc.	Insurance Agencies	53
Bank of Taiwan	Banks/Financial Institutions	53
China Resource Products USA Ltd.	Unknown	53
Keenan Powers & Andrews	Attorneys	53
LoCurto & Funk, Inc.	Investments	53
Natural Nydegger Transport Corp.	Unknown	53
Pacrim Trading & Shipping, Inc.	Unknown	53,78
Brown & Wood, LLP	Attorneys	54, 56-59
Pace University	Government/Schools	55
World Trade Institute	Unknown	55
Asahi Bank, Ltd.	Banks/Financial Institutions	60
Airport Access Program	Banks/Financial Institutions	63
Hal Roth Agency, Inc.	Insurance Agencies	77
Jun He Law Office, LLC	Attorneys	77
Martin Progressive, LCC	Computer Services	77
New-ey International Corp.	Business Services	77
World Trade Centers Association	Organizations	77
Avenir, Inc.	Computer Services	78
Baltic Oil Corporation	Unknown	78
Cedar Capital Management Associates, Inc.	Unknown	78
Cheng Cheng Enterprises Holding Inc.	Retailers	78
Geiger & Geiger	Atttorneys	78
Hyundai Securities Co., Ltd.	Investments	78
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Korea Local Authorities Foundation for International	Government/Schools	78

Meridian Ventures Holding, Inc.	Unknown	78
Phink Path	Employment Agencies	78
Traders Access Center	Investments	78
Daynard & Van Thunen Co.	Insurances Agencies	79
First Liberty Investment Group	Investments	79
International Office Centers Corporation	Business Services	79
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Okato Shoji Company, Ltd.	Computer Services	79
Securant Technologies	Computer Services	79
Agricor Commodities Corp.	Investments	80
Intrust Investment Realty, Inc.	Unknown	80
Noga Commodities Overseas, Inc.	Investmentes	80
RLI Insurance Company	Insurance Agencies	80
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New Continental Enterprises	Unknown	81
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General Telecommunications	Unknown	83
Global Crossings Holdings Ltd	Computer Services	83
Lava Trading, LLC	Unknown	83
Taipei Bank	Banks/Financial Institutions	83
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David Peterson	Attorneys	84
KITC	Investments	84
LG Securities America In.c	Investments	84
San-In Godo Bank, Ltd.	Banks/Financial Institutions	84
SMW Trading Corp.	Investments	85
Thermo Electron	Unknown	85
Julien J. Studley, Inc.	Real Estate	86
May Davis Group	Investments	87
Barcley Dwyer	Unknown	89
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Metropolitan Life Insurance Co.	Insurance Agencies	89
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Wai Gao Qiao USA, Inc.	Business Consultants	89
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The Chugoku Bank, Ltd.	Banks/Financial Institutions	90
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Marsh USA, Inc.	Insurance Agenceis	93-100
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Greatest Bar on Earth	Unknown	107
World Trade Club	Unknown	107
Channel 11 (WPIX)	Cable/Television	110
Channel 2 (WCBS)	Cable/Television	110
Channel 31 (WBIS)	Cable/Television	110
Channel 47 (WJNU)	Cable/Television	110
Channel 5 (WNYW)	Cable/Television	110
CNN	Cable/Television	110

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Following are the businesses that had offices in the two towers of the World Trade Center. Roughly 50,000 workers were employed in the twin 110-story towers. Emergency contact information is listed where available.

If you have additional contact information or corrections, please E-mail tammy.kennon@washingtonpost.com.

Tower 1 (A-K) | Tower 1 (L-Z) | Tower 2

Tower 1 (NORTH)

Companies A - K

Company	Industry	Floor	Contact
A I G Aviation Brokerage, Inc.	Insurance Agencies	53	NA
Agricor Commodities Corp. - CF	Investments	80	NA
Airport Access Program -CF	Banks/Financial Institutions	63	NA
Alan Anthony - CF	Business Consultants		NA
American Bureau of Shipping	Engineers	91	www.eagle.org
American Lota International - CF	Transportation/Utilities	45	NA
American TCC Int'l Group, Inc.	Investments	47, 90	NA
Amerson Group Co., Inc.	Organizations	8	NA
Ann Taylor Loft		CNCR	NA
Anne Pope, Law Offices of	Attorneys	35	NA
Asahi Bank, Ltd.	Banks/Financial Institutions	60	212-750-7960, www.asahibank.co.jp/ ENGLISH/index.html
ASTDC, Inc.	Organizations	46	NA
AT&T Corporation	Telecommunication	51	NA
Auto Imperial Co.	Wholesalers	46	NA
Avenir, Inc.	Computer Services	78	NA
Avesta Computer Services, Ltd.	Data Processing	21	NA
Avis		LBBY	NA
Baltic Oil Corporation		78	NA
Banco LatinoAmericano de Exportaciones	Banks/Financial Institutions	32	507-210-8555, www.blx.com/eng.html
Bank of America	Banks/Financial Institutions	9-11, 81	www.bofa.com
Bank of Taiwan	Banks/Financial Institutions	53	NA
Barcley Dwyer		89	NA
Berel & Mullen	Attorneys	33	NA
Blue Sky Technologies, Inc.	Computer Services	46	NA
Bramax Manufacturing (USA) Corp.	Wholesalers	52	NA
Bright China Capital,	Investments	84	NA

Ltd.			
Broad USA, Inc.	Wholesalers	89	NA
C & P Press	Business Services	51	NA
California Bank & Trust	Banks/Financial Institutions	16	NA
Can-Achieve	Business Consultants	46	NA
Cantor Fitzgerald Securities	Investments	101-105	212-940-8162, 212-940-8482
Cedar Capital Management Associates, Inc.		78	NA
Cedel Bank	Investments		NA
Chang HWA Commercial Bank	Banks/Financial Institutions	32	NA
Channel 11 (WPIX)	Cable/Television	110	www.wpix.com
Channel 2 (WCBS)	Cable/Television	110	www.cbs2ny.com
Channel 31 (WBIS)	Cable/Television	110	NA
Channel 4 (NBC)	Cable/Television	1041	www.nbc.com
Channel 47 (WNJU)	Cable/Television	110	www.noticiero47.com
Channel 5 (WNYW)	Cable/Television	110	www.fox5ny.com/
Cheng Cheng Enterprises Holding Inc	Retailers	78	NA
Cheng Xiang Trading USA Inc.	Computer Services	22	NA
Chicago Options Exchange Corp.	Investments	22	NA
China Construction America, Inc.	Construction	45	NA
China Daily Distribution Corp.	Business Services	33	NA
China Patent & Trademark USA	Attorneys	29	NA
China Resource Products USA Ltd.		53	NA
CIIC Group (USA), Ltd.	Investments	89	NA
CNN		110	NA
Commodity Futures Trading Commission	Investments	37	866-616-1783 (information); 800-765-3277 (counseling), www.cftc.gov/cftc/cftchome.htm
Consolidated Steelex Corp.	Manufacturing	46	NA
Continental Logistics, Inc.	Business Services	21	NA
Daehan International	Investments	89	NA
Dahao USA Corp	Wholesalers	46	NA
Dai-Ichi Kangyo Trust Co.	Trusts	48-50	NA
Data Transmission Network Corp.		33	NA
David Peterson	Attorneys	84	NA
Daynard & Van Thunen Co.	Insurance Agencies	79	201-420-0040 (N.J. office)
Delta Airlines	Transportation/Utilities	LBBY	www.delta.com/home/press_url/statements_11sep01/index.jsp
Dongwon Securities Co. Ltd.	Investments	21	NA
Dr. Tadasu Tokumaru, M.D.	Doctors	21	NA
Drinker Biddle & Reath	Attorneys	89	973-360-1100, www.dbr.com
Dun & Bradstreet, Inc.	Research	14	NA
Dunavant Commodity Corp	Investments	45	NA
eMeritus Communications	Telecommunication	83	NA
Empire Health Choice	Insurance Agencies	17, 19, 20, 23, 24,	866-761-8265

		27-31	
Employee Merit	Employment Agencies	45	NA
Fertitta Enterprises		45	NA
First Liberty Investment Group	Investments	79	NA
Fred Alger Management, Inc.	Investments	93	201-547-3650, www.fredalger.com
Friends Ivory & Sime, Inc.	Investments	21	NA
Friends Villas Fischer Trust	Investments	21	NA
G. Z. Stephens, Inc.	Employment Agencies	47	NA
G.C. Services	Collection Agencies	22	NA
Garban-Intercapital	Investments	25-26	NA
Gayer Shyu & Wiesel	Investments	52	NA
Gayer, Shyu & Wiesel	Accountants	5	NA
Geiger & Geiger	Attorneys	78	NA
General Telecommunications		83	NA
Global Crossings Holdings Ltd.	Computer Services	83	212-687-8080, www.globalcrossing.com/homepage.asp
Gold Sky Inc.	Manufacturing	22	NA
Golden King (USA) Limited	Transportation/Utilities	33	NA
Government of Thailand		37	NA
Greatest Bar on Earth		107	877-226-5170, Hotline, www.windowsontheworld.com
Hal Roth Agency, Inc.	Insurance Agencies	77	NA
Hill Betts & Nash, LLP	Attorneys	52	NA
Howly (US) Corporation		52	NA
Hu Tong International (USA) Co., Ltd.	Wholesalers	33	NA
Hyundai Securities Co., Ltd.	Investments	78	NA
Infotech		21	NA
Instinet, Inc.	Investments	13, 14	NA
International Office Centers Corporation	Business Services	79	NA
International Trade Center, Inc.	Public Relations Agencies	78	NA
Intrust Investment Realty, Inc.		80	NA
J & X Tans International	Transportation/Utilities	46	NA
Julien J. Studley, Inc.	Real Estate	86	NA
Jun He Law Office, LLC	Attorneys	77	NA
Kaiser Overseas Inc.	Manufacturing	22	NA
Kanebo Information Systems Corp., U	Computer Services	46	NA
Karoon Capital Management	Investments	22	NA
Keenan Powers & Andrews	Attorneys	53	NA
Kemper Insurance Companies	Insurance Agencies	35,36	800-622-9966
Kidder Peabody & Co.		101	NA
KITC	Investments	84	NA
Korea Local Authorities Foundation for International	Government/Schools	78	NA
Koudis International	Transportation/Utilities	33	NA

Inc.

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IDAHO FALLS, ID 83405-1600
(208) 522-8606

'93 SEP -8 P3:33

ATTORNEYS FOR: Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE MAGISTRATES COURT

DIVERSIFIED METAL PRODUCTS, INC.

Plaintiff,

vs.

T-BOW COMPANY TRUST, INTERNAL REVENUE SERVICE, and STEVE MORGAN

Defendants.

Case No. CV93-4117

COMPLAINT FOR IMPLEADER

1. Plaintiff is a steel and metal fabricator, doing business in Idaho Falls, Idaho, with an Independent Contractor Agreement, dated May 3, 1993, with Defendant T-Bow Company Trust.

2. Defendant T-Bow Company Trust is an independent contractor which acts on behalf of Defendant Steve Morgan, as his principal.

3. Defendant Steve Morgan is an agent of Defendant T-Bow Trust, and has performed services to Plaintiff.

4. Defendant Internal Revenue Service (IRS) is an agency of the United States government which has presented to Plaintiff a lien against monies to which Defendant Steve Morgan, or persumably Defendant T-Bow Company Trust for him, may be entitled.

5. Defendant IRS & T-Bow Company Trust, for Defendant Steve Morgan, have made demand of Plaintiff for payment.

6. Attached hereto as Exhibits "A" and "B" are, respectively, the demands for payment by T-Bow Company Trust, by

Certified to be a true and correct copy of original filed in this office
Cameron S. Burke, Clerk
United States Courts, District of Idaho
By: Deputy
1/24/00

its trustee, threatening suit against Plaintiff; and Notice of Levy filed by Defendant IRS.

7. Plaintiff has always been ready, willing and able to pay the amounts owing by it, but cannot, and should not, be required, by reason of the multiple demands, to pay amounts in excess of those owing .

8. Attached hereto as Exhibit "C" are copies of two checks, no. 7299 and no. 7364, in the respective sums of $504.00 and $345.60, representing the amounts involved.

9. The originals of said checks have been deposited contemporaneously herewith with the Clerk of the within Court.

10. Plaintiff requests that the named Defendants be required to present their claims to the within Court and that a judicial determination then be made as to the party entitled to the proceeds.

11. Plaintiff requests that the Defendants, or any of them, be required to pay its attorney's fees and costs incurred herein, in a sum not less than $350.

WHEREFORE, Plaintiff requests the Court's determination as to which of the within Defendants is entitled the subject proceeds; for an immediate order releasing Plaintiff from the within action, without further costs or expense; and awarding to Plaintiff against these Defendants its attorney's fees and costs incurred herein in a sum not less than $350.

DATED This September 8, 1993.

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IN THE UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF IDAHO

DIVERSIFIED METAL PRODUCTS, INC., Plaintiff, v. T-BOW COMPANY TRUST, INTERNAL REVENUE SERVICE, and STEVE MORGAN, Defendants.	Civil No. 93-405-E-EJL UNITED STATES' ANSWER AND CLAIM

The United States of America, through undersigned counsel hereby responds to the numbered paragraphs of plaintiff's complaint as follows:

1. The United States is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 1 and, on that basis, denies the allegations.

Certified to be a true and correct copy of original filed in Cameron S. [illegible] United States District Court
By Pamela Gillespie Deputy 1/24/00

2. The United States is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and, on that basis, denies the allegations.

3. The United States is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 3 and, on that basis, denies the allegations.

4. Denies that the Internal Revenue Service is an agency of the United States Government but admits that the United States of America would be a proper party to this action. Admits that the IRS has served a Notice of Levy on plaintiff for funds owed to defendant Steve Morgan.

5. Admits that the IRS has made a demand on plaintiff for payment of funds owed to Steve Morgan. The United States is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations, and, on that basis, denies the remaining allegations.

6. Admits that Exhibits A and B are attached and are respectively, a copy of a letter from Lonnie Crockett and a copy of a Notice of Levy served by the IRS.

7. The United States is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and, on that basis, denies the allegations.

8. Admits that copies of two checks in the amounts of $504.00 and $345.60 are attached to the complaint as Exhibit C.

9. The United States is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 9 and, on that basis, denies the allegations.

10. Paragraph 10 contains allegations of law to which no response is required.

11. Paragraph 11 contains allegations of law to which no response is required.

FIRST DEFENSE

Plaintiff is not entitled to an award of attorney fees or costs that would diminish the recovery of the United States.

SECOND DEFENSE

The Internal Revenue Service is not a proper defendant and the United States should be substituted in its place.

THIRD DEFENSE

The United States has not waived its sovereign immunity to suit.

FOURTH DEFENSE

Plaintiff's complaint should be dismissed for insufficient service of process on the United States.

FIFTH DEFENSE

Plaintiff's complaint fails to state a jurisdictional basis for suit.

CLAIM OF THE UNITED STATES

1. This claim is made pursuant to 26 U.S.C. Sections 7401 and 7403, at the direction of the Attorney General of the United States, with the authorization and at the request of the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury of the United States.

2. On May 29, 1989, a delegate of the Secretary of the Treasury made an assessment of unpaid personal income taxes against Steven and Koreen Morgan in the amount of $516.50, including penalties and interest, for the taxable period ending December 31, 1988.

3. Notice of and demand for payment of the taxes described in paragraph 1 above was given to and made on Steven and Koreen Morgan in accordance with 26 U.S.C. § 6303.

4. Notice of Federal Tax Lien with respect to the assessment described in paragraph 1 above was filed with the Madison County Recorder, Rexburg, Idaho on August 30, 1993.

5. On May 31, 1993, a delegate of the Secretary of the Treasury made an assessment of unpaid personal income taxes against Steven Morgan in the amount of $2,565.21, including penalties and interest, for the taxable period ending December 31, 1989.

6. Notice of and demand for payment of the taxes described in paragraph 4 above was given to and made on Steven Morgan in accordance with 26 U.S.C. § 6303.

7. Notice of Federal Tax Lien with respect to the assessment described in paragraph 4 above was filed with the Madison County Recorder, Rexburg, Idaho on August 30, 1993.

8. On May 31, 1993, a delegate of the Secretary of the Treasury made an assessment of unpaid personal income taxes against Steven Morgan in the amount of $2,393.28, including penalties and interest, for the taxable period ending December 31, 1990.

9. Notice of and demand for payment of the taxes described in paragraph 7 above was given to and made on Steven Morgan in accordance with 26 U.S.C. § 6303.

10. Notice of Federal Tax Lien with respect to the assessment described in paragraph 7 above was filed with the Madison County Recorder, Rexburg, Idaho on August 30, 1993.

11. Despite notice and demand, Steve Morgan has failed to pay the taxes assessed and there remains due and owing to the United States the sum of $5,474.99, plus accrued interest, penalties, and other statutory additions.

12. On or about August 3, 1993, the Internal Revenue Service served a Notice of Levy on Steve Morgan's employer, Diversified Metal Products, Inc., requesting payment of all monies owed to Steve Morgan by Diversified Metal Products.

13. The interpleaded fund contains money that is owed to Steve Morgan by Diversified Metal Products, Inc. to which the federal tax lien attaches.

14. The United States claims priority to the interpleaded fund in such amount remaining after satisfaction of the claims of competing claimants to the fund who are entitled to priority over the United States.

WHEREFORE, the United States of America prays the Court:

1. Adjudge and decree that the defendant the United States of America has valid and subsisting liens in the amount of $5,474.99, plus accrued interest, penalties, and other statutory additions.

2. Determine the rights, titles, and interest of the parties to the fund; and

3. Grant the United States its costs and such other further relief that is just and proper.

Respectfully submitted this 18th day of November, 1993.

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TREATIES: A SOURCE FOR FEDERAL MUNICIPAL POWER

Within the last several years, many people have been utterly astonished at the phenomenal growth and influence of the so-called environmental movement. From its "salad days" of the early seventies, this movement has blossomed so quickly that it now has the visible support of giant corporations and powerful political figures, including the alleged environmental President, George Bush, as well as that shining star upon the Democratic slate, Al Gore. This last spring, the controlled media deluged us with coverage of the importance of the Rio Summit, and when it happened, it became the third most discussed media event of this year, just behind the elections and the Olympics. There appears to be a hidden agenda behind the environmental movement with its promotion of an environmental treaty.

Quite obviously, environmental legislation is inherently the proper subject of legislation by the state, and many states currently have such acts in effect within their jurisdictions. At the federal level, the jurisdiction of the United States is constrained by the operation of Article 1, section 8, clause 17 of the U. S. Constitution, and the multitude of decided cases regarding this part of the Constitution declares that the United States has territorial jurisdiction solely within Washington, D.C., the federal enclaves inside the States, and the territories and insular possessions of the United States. The possession of territorial jurisdiction is essential under this constitutional provision for federal municipal law, such as environmental legislation, to apply. Within the territories and possessions of the United States, the federal government possesses power similar to that of a state legislature; see Berman v. Parker, 348 U.S. 26, 31, 75 S.Ct. 98, 102 (1954); and Cincinnati Soap Co. v. United States, 301 U.S. 308, 317, 57 S.Ct. 764, 768 (1937). Therefore, municipal environmental legislation enacted by Congress could readily apply in these areas within the jurisdiction of the United States. And logically, a consideration of solely this part of the Constitution would dictate a conclusion that federal municipal law could apply only within those areas subject to the jurisdiction of the United States.

A ready example of a case so holding is United States v. Shauver, 214 F. 154, 160 (E.D.Ark., 1914), which concerned the issue of where the Migratory Bird Act of March 1913 could apply. Via this act, Congress sought to extend protection to migratory birds by limiting the hunting season and otherwise placing constraints upon hunting of these birds. As is only natural, upon adoption of this act federal law enforcement officials started strenuously enforcing it and here they had arrested Shauver in Arkansas for shooting and killing migratory birds. Shauver moved to dismiss the indictment filed against him on the grounds that the act contravened the 10th Amendment by invading the jurisdiction of the states upon a matter historically reserved for legislation by the states. In deciding that this act was unconstitutional, Judge Trieber noted that the common law provided that the states essentially owned the birds within their borders and state legislation was the sole source by which control of hunting could be accomplished. In so concluding, he held:

"It is the people who alone can amend the Constitution to grant Congress the

> power to enact such legislation as they deem necessary. All the courts are authorized to do when the constitutionality of a legislative act is questioned is to determine whether Congress, under the Constitution as it is, possesses the power to enact the legislation in controversy; their power does not extend to the matter of expediency. If Congress has not the power, the duty of the court is to declare the act void. The court is unable to find any provision in the Constitution authorizing Congress, either expressly or by necessary implication, to protect or regulate the shooting of migratory wild game in a state, and is therefore forced to the conclusion that the act is unconstitutional."

Notwithstanding Judge Trieber's decision, enforcement of the act did not stop, and it was thereafter enforced within Kansas, where a fellow named McCullagh was arrested for killing migratory birds. In United States v. McCullagh, 221 F. 288, 293 (D.Kan., 1915), the issue of the constitutionality of the Migratory Bird Act of 1913 was again before a different court, and that court, relying upon its own research of the law as well as the decision in Shauver, likewise concluded that this act was not constitutional:

> "[T]he exclusive title and power to control the taking and ultimate disposition of the wild game of this country resides in the state, to be parted with and exercised by the state for the common good of all the people of the state, as in its wisdom may seem best."

Consideration of the above cases, which appear to be the only ones of that period, leads to the conclusion that some powerful federal officials desired to seek the enactment of this law to expand the scope of federal authority, and the laboratory experiment for determining whether the judiciary would declare that Congress possessed power to control hunting was started within the heartland of America, Arkansas and Kansas. But here, those seeking greater federal power met their defeat, at least temporarily. To secure such power, these parties went back to the drawing board, and what they developed did give to them the power they sought.

In 1916, the United States and Great Britain, on behalf of Canada, adopted the Migratory Bird Treaty, and thereafter Congress in 1918 passed another Migratory Bird Act to implement the provisions of the treaty, this act being slightly improved over the previous version as experience would thus dictate. As this occurred, federal law enforcement officials again started to enforce the new act in another experiment to determine whether this time, because of the treaty, they had achieved the municipal power they so dearly loved. Again, they started enforcement activities within Arkansas, and the case they developed appeared again before Judge Trieber.

Within Arkansas in 1919, a man named Thompson was arrested for shooting these protected migratory birds, and this case was assigned to the very same judge who had rendered the decision in Shauver, supra; see United States v. Thompson, 258 F.257

(E.D.Ark., 1919). Here, thinking he had a very favorable judge, Thompson raised the very same argument as Shauver which had previously proved successful in front of Judge Trieber. But this time around, things were different and the federales were acting upon the authority of a treaty, and this one change within the law dictated an entirely different result. In upholding the act, and thus its application within the jurisdiction of Arkansas, Judge Trieber carefully analyzed the prior decisions rendered by the Supreme Court which illustrated the operation of treaties and how the same could abrogate state laws:

> "Law can only prescribe the conduct for the people within the jurisdiction of the lawmaker, while treaties are to affect rights and privileges of subjects of foreign countries and of our citizens in such countries. Treaties are reciprocal, and in all instances the same rights and privileges are granted to the citizens and subjects of each of the contracting parties in the respective countries," Id., at 258.
>
> "To subject the treaty power to all the limitations of Congress in enacting the laws for the regulations of internal affairs would in effect prevent the exercise of many of the most important governmental functions of this nation, in its intercourse and relations with foreign nations, and for the protection of our citizens in foreign countries. The states of the Union may enact all laws necessary for their local affairs, not prohibited by the national or their own Constitution; but they are expressly prohibited from entering into treaties, alliances, or confederations with other nations. If, therefore, the national government is also prohibited from exercising the treaty power, affecting matters which for internal purposes belong exclusively to the states, how can a citizen be protected in matters of that nature when they arise in foreign countries," Id., at 263.
>
> "Even in matters of a purely local nature, Congress, if the Constitution grants it plenary powers over the subject, may exercise what is akin to the police power, a power ordinarily reserved to the states," Id., at 264.

Judge Trieber concluded that this treaty thus provided Congress with a power of municipal legislation and that treaty and its implementing act plainly operated within the state of Arkansas. A different case originating within Missouri, United States v. Samples, 258 F. 479 (W.D.Mo., 1919), ultimately found its way to the U.S. Supreme Court where an identical conclusion was reached; see Missouri v. Holland, 252 U.S. 416, 434, 40 S.Ct. 382, 384 (1920), which stated, "No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power." See also United States v. Selkirk, 258 F. 775 (S.D. Tex., 1919); United States v. Rockefeller, 260 F. 346 (D. Mon., 1919); and United States v. Lumpkin, 276 F. 580 (N.D. Cal., 1921).

After its was determined that the Migratory Bird Treaty thus provided a municipal power to the United States to control hunting even within the jurisdiction of a state, the

next issues which arose were whether regulations under both the act and treaty were valid, the arguments made against the regulations being that the treaty was limited in scope and thus could not support very detailed regulations concerning hunting activities, which simply had to be unconstitutional as a consequence.

In 1936, another similar treaty was made with Mexico, and apparently regulations were adopted which more strenuously controlled hunting of migratory birds, these regulations covering such details as whether birds could be baited with grain. In Cochrane v. United States, 92 F.2d 623 (7th Cir., 1937), the defendants were members of a duck club, and employees of the club placed duck decoys upon and sprinkled corn within the waters around the club located on an inland lake in Illinois. Unfortunately, the defendants sprang up and shot ducks from a blind on the edge of the lake at a time when the federales were looking, and they were arrested for killing ducks. In defense, these parties contended that the regulations invaded the reserved rights of the states protected via the 10th Amendment and that the regulations were beyond the scope of the treaties. But, the Seventh Circuit summarily rejected these arguments finding that the regulations were valid both under the treaties as well under the interstate commerce powers of Congress.

In Cerritos Gun Club v. Hall, 96 F.2d 620 (9th Cir., 1938), the operators of a hunting club were informed that if they performed activities regularly conducted within the past of baiting birds with grain before the start of the federally approved hunting season, they would be prosecuted for violating new regulations. The club sued to enjoin enforcement, but the Ninth Circuit concluded similarly as in Cochrane. And in United States v. Reese, 27 F.Supp. 833 (W.D.Tenn., 1939), the federal act and regulations which protected "these feathered friends of mankind" were held valid and enforceable within that state.

In Bailey v. Holland, 126 F.2d 317 (4th Cir., 1942), the United States had established a bird refuge off the coast of Virginia, that refuge consisting of waters within a bay as well as a small plot of land that the U.S. had purchased. But, a regulation was promulgated which closed adjoining lands to hunting, and a duck club adversely affected sued to enjoin implementation of that regulation. In rejecting the club's argument, it was concluded that the bird treaties empowered the feds to enact these regulations even though they had operation upon private lands within state jurisdiction.

In 1912, the Senate adopted the International Opium Convention and Congress might have enacted about the same time legislation to implement it. If it did, the implementing act failed to mention that its authority was derived from the treaty. In any event, an act controlling distribution of opium became the basis for the indictment of a man who was merely possessing opium, and a dismissal of his indictment went before the Supreme Court. In United States v. Jin Fuey Moy, 241 U.S. 394, 36 S.Ct. 658 (1916), the Court had before it the validity of this act which operated within the jurisdiction of the state, and it held that dismissal of the indictment was mandated because the act invaded the jurisdiction of the state. In an attempt to save the act and the indictment against this defendant, the government surprisingly argued that the act, although silent on the point, was really one

which implemented the Opium Convention. Nonetheless, the Court concluded that the failure of the act to state its premise within the Convention precluded its application on the grounds asserted by the government.[1] See also United States v. Ah Hung, 243 F. 762, 764 (E.D.N.Y., 1917)("Mere possession of an article injurious to health would not render a person liable to a United States statute unless some constitutional basis for the statute gives the United States the right to regulate upon the subject").

Some years later, the 1912 International Opium Convention was supplemented by a similar convention of 1931, which was thereafter implemented by appropriate legislation designed to control the production of poppy within this country. In Stutz v. Bureau of Narcotics, 56 F.Supp. 810, 813 (N.D.Cal., 1944), some poppy growers sought an injunction to the enforcement against them of the provisions of the act implementing the convention, the argument which they made being that the act invaded the reserved powers of the states in contravention of the 10th Amendment. In rejecting such argument and holding that the act applied within the jurisdiction of California, the court declared:

> "The competency of the United States to enter into treaty stipulations with foreign powers designed to establish, through appropriate legislation, an internationally effective system of control over the production and distribution of habit forming drugs is not questioned. The obligations of the United States incurred as a party to the two Conventions heretofore mentioned were lawfully undertaken in the proper exercise of its treaty making power. And Congress is constitutionally empowered to enact whatever legislation is necessary and proper for carrying into execution the treaty making power of the United States."

The above discussion is not an attempt to fully explain the treaty powers of Congress, but does offer a ready example of the operation of them. Here, municipal legislation designed for application within the states concerning migratory birds as well as drugs has been shown to be typically beyond the power of Congress. But, give Congress a treaty and allow it enact laws for its enforcement and it does acquire the municipal power to control intrastate activities.

The United States has a tremendous external power; see United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 57 S.Ct. 216 (1936); and United States v. Peace

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[1] This case would appear to hold that any act implementing a treaty must of necessity statutorily identify the treaty as the basis for the act. As an example, the Genocide Treaty was adopted in the spring of 1987; it was implemented by the Genocide Convention Implementation Act of 1987, P.L. 100-606, 102 Stat. 3045, which created 18 U.S.C., section 1091. However, the fact that in this case the Government asserted a treaty basis for the act notwithstanding the lack of statutory language at least indicates that other acts which really implement a treaty may likewise be silent as to the source for such legislation.

Information Center, 97 F.Supp. 255 (D.D.C., 1951). Even the United Nations Charter is a treaty; see Balfour, Guthrie & Co. v. United States, 90 F.Supp. 831 (N.D.Cal., 1950); and Sei Fujii v. State, 242 P.2d 617 (Cal., 1952). There are decisions holding that this power does not permit what the constitution forbids; see Amaya v. Stanolind Oil & Gas Co., 158 F.2d 554 (5th Cir., 1946); Farmer v. Rountree, 149 F.Supp. 327 (M.D.Tenn., 1956); and Pierre v. Eastern Air Lines, Inc., 152 F.Supp. 486 (D.N.J., 1957). Yet, it is likewise clear that no definitive limits have been decided regarding this extensive power.

The current U.S. Attorney General, William Barr, acquired his position by realizing the extent of this external power of the United States. It was his advice which authorized the invasion of Panama to secure the capture of General Noriega, and this precisely catapulted him into that high office. His office secured that decision of the Supreme Court holding that the Fourth Amendment does not apply to searches of homes by federal officials within Mexico; see United States v. Verdugo-Urquidez, __ U.S. __, 110 S.Ct. 770 (1990). And within the last few months, this external power of the United States was declared to be the basis for lawfully kidnapping parties in other countries; see United States v. Alvarez-Machian, __ U.S. __, 112 S.Ct. 2188 (1992).

All of this is a harbinger of things to come. As shown above, the Seventh Circuit held in Cochrane that the Migratory Bird Treaty and its implementing act and regulations were enforceable within the states. And the very recent decision in Hoffman Homes, Inc. v. Administrator, E.P.A., 961 F.2d 1310 (7th Cir., 1992), plainly informs federal agencies that if they want municipal power, they should secure legislation which is treaty based. Here, Hoffman Homes was engaged in the building of residential homes in Illinois, and it constructed two very small ponds less than an acre in size within its subdivision. When these ponds were built, Hoffman Homes failed to comply with federal wetlands laws, and the EPA fined the company $50,000 for each pond. The company appealed the imposition of these fines within the agency, but the agency concluded that the wetlands laws were premised upon the interstate commerce powers of Congress and that power was sufficient to regulate and control these purely intrastate ponds. But on appeal to the Seventh Circuit, this contention was flatly rejected, the Seventh Circuit concluding that Congressional interstate commerce powers simply did not extend to these ponds. In anticipation of such potential decision, the EPA on appeal asserted that power to control construction of these ponds via interstate commerce powers arose from the fact that migratory birds just might use these ponds, thus the flight of these birds could provide an interstate nexus for both this legislation and the fines against the company. As to this argument, the Seventh Circuit responded that the federal wetlands laws were not treaty based.

The decision in Hoffman Homes has been celebrated within certain circles as a victory for stopping abuse by federal agencies, and for the moment this does appear to be the case. But, so what if that court concluded that the interstate commerce powers of Congress did not extend to ponds within a subdivision development. And so what if the tree in your front yard, and the asbestos within schools are not within interstate commerce or affect such commerce. These things may ultimately still be controlled via the treaty power of Congress and there can be no doubt that the message sent by the Hoffman Court to

federal agencies is that they should secure a treaty which will give them the municipal power they want. If there had been a treaty to support the actions of the EPA in Hoffman Homes, the precedence within the very Circuit which rendered that decision would require that the actions of the EPA be upheld.

Is it not easy to contemplate what must be currently in the minds of people such as Bill Barr and the heads of a multitude of federal agencies? As always, these agencies seek aggrandizement with power and authority, yet based upon the delegated powers of the U.S. Constitution, they cannot directly achieve total power. But what is shown above demonstrates that the federales could potentially feign a treaty with Guam and thus secure municipal power. But why should they stoop so low with such a trick? What they inherently desire awaits them at their footsteps with the more facially legitimate environmental treaties which surely will flow from the Rio Summit.

ADDITIONAL CASES

See 4 ALR 1377: Relation of treaty to state and fed law; also 134 ALR 882.

Portier v. LeRoy, 1 Yeates 371 (Pa., 1794): French subject, who became a US citizen, was not within the terms of the US-France treaty.

Frederickson v. Louisiana, 23 How. (64 U.S.) 445, 447, 448 (1860):

> "[T]he treaty does not regulate the testamentary dispositions of citizens or subjects of the contracting powers, in reference to property within the country of their origin or citizenship...
>
> "The case of a citizen or subject of the respective countries residing at home, and disposing of property there in favor of a citizen or subject of the other, was not in the contemplation of the contracting powers, and is not embraced in this article of the treaty."

The Head Money Cases, 112 U.S. 580, 598-99, 5 S.Ct. 247, 254 (1884):

> "A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest and the honor of the governments which are parties to it... But a treaty may also contain provisions which confer certain rights upon the citizens or subjects of one of the nations residing in the territorial limits of the other, which partake of the nature of municipal law, and which are capable of enforcement as between private parties in the courts of the country... A treaty, then, is a law of the land as an act of Congress is, whenever its provisions prescribe a rule by which the rights of the private citizen or subject may be determined."

DeGeofroy v. Riggs, 133 U.S. 258, 267, 10 S.Ct. 294 (1890): Question of whether French citizens could inherit lands in DC; held they could.

> "It would not be contended that it extends so far as to authorize what the constitution forbids, or a change in the character of the government, or in that of one of the states, or a cession of any portion of the territory of the latter, without its consent."

Ross v. McIntyre, 140 U.S. 453, 463, 11 S.Ct. 897 (1891): Trial for murder via consul established by treaty:

> "The treaty-making power vested in our government extends to all proper subjects of negotiations with foreign governments."

Fong Yue Ting v. United States, 149 U.S. 698, 13 S.Ct. 1016 (1893): Chinese exclusion cases: certificate of residence.

Bahaud v. Bize, 105 F. 485 (D. Neb., 1901): By treaty, US may remove disabilities of alien to inherit.

Bondi v. Mackay, 89 A. 228 (Ver., 1913): has a good definition of "resident" via statute: US citizen residing in state for less than 6 months. Held, treaty did not confer hunting rights.

Patsone v. Pennsylvania, 232 U.S. 138, 34 S.Ct. 281 (1914): Alien attacked gun and hunting law. Treaty providing for security did not extend to this point.

Heim v. McCall, 239 U.S. 175, 36 S.Ct. 78 (1915): New York City enacted ordinance which prevented aliens from being employed on the construction of subways. Held, treaty did not apply so as to protect Italians because there was no provision thereof which addressed this problem.

In re Servas' Estate, 169 Cal. 240, 146 P. 651 (1915): Administration of alien's estate by consul involved. Held, that treaty provided no right to consul to administer as federal policy was not to interfere with admin. of estates; see also Austro-Hungarian Consul v. Westphal, 120 Minn. 122, 139 N.W. 300.

Oetjen v. Central Leather Co., 246 U.S. 297, 301, 38 S.Ct. 309 (1918): Civil war in Mexico resulted in seizure of leather goods, and owner and buyer engaged in litigation, with owner asserting rights under Hague convention of war. Held in favor of buyer:

> "It would, perhaps, be sufficient answer to this contention to say that the Hague Conventions are international in character, designed and adapted to regulate international warfare, and that they do not... apply to a civil war."

See also Terrazas v. Donohue, 227 S.W. 206 (Tex., App., 1921): same holding as Oetjen.

Four Packages of Cut Diamonds v. United States, 256 F. 305, 306 (2nd Cir., 1919):

> "Such conventions are not treaties, because not made by and with the advice and consent of the Senate, and they are not laws, because not enacted by Congress."

Ex parte Heikich Terui, 200 P. 954 (Cal., 1921): A poll tax levied upon residents, and Jap failed to pay; the defense under the treaty held good. Seems to indicate what a "person" is under Cal. law.

In re Tetsubumi Yano's Estate, 188 Cal. 645, 206 P. 995, 999 (1922):

> "The child, being a native citizen of the United States, cannot as such invoke the protection of the treaty to secure to the father, a citizen of Japan, equal privileges with other residents who are not citizens of Japan. The question whether the child is deprived of the privilege of having its own father serve as its guardian does not arise under the treaty. It must look to the provisions of the laws of this country for the protection of its privileges as a citizen thereof."

Asakura v. City of Seattle, 265 U.S. 332, 44 S.Ct. 515 (1924): Jap conducting business in city held protected by treaty.

Weedin v. Mon Hin, 4 F.2d 533, 534 (9th Cir., 1925):

> "The provisions of the treaties between the United States and China and the statutes enacted in pursuance thereof confer no rights or privileges on an American citizen, whether he be of Chinese descent or otherwise."

United States v. Chemical Foundation, Inc., 5 F.2d 191, 211 (3rd Cir., 1925): This was a case instituted under the Trading With the Enemy Act involving the seizure of important patents. Held, that a treaty does not apply between a signatory and its nationals within its own country.

Hennings v. United States, 13 F.2d 74, 75 (5th Cir., 1926): Booze ship 20 miles from shore searched and master arrested; treaty in effect re booze:

> There is nothing in the treaty from which it could be reasonably inferred that it was the intention of the high contracting parties to extend the criminal laws of the United States beyond the three mile limit."

Tashiro v. Jordan, 256 P. 545 (1927): general rules.

Santovincenzo v. Egan, 284 U.S. 30, 40, 52 S.Ct. 81 (1931):

> "The treaty-making power is broad enough to cover all subjects that properly pertain to our foreign relations, and agreement with respect to the rights and privileges of citizens of the United States in foreign countries, and of the nationals of such countries within the United States, and the disposition of the property of aliens dying within the territory of the respective parties, is within the scope of that power."

In re Reid, 6 F.Supp. 800, 803 (D. Ore., 1934):

> "For, although the treaty making power extends to all subjects which are proper for negotiation between nations, 'it would not be contended that it

extends so far as to authorize what the Constitution forbids."

Rev. on other grounds, 73 F.2d 153 (9th Cir., 1934).

In re Hansen's Estate, 281 N.Y.S. 617, 620 (1935): Treaty power covers only interstate and foreign commerce.

Magnani v. Harnett, 14 N.Y.S.2d 107 (1939): Alien entitled to chaffeur license.

Hines v. Davidowitz, 312 U.S. 52, 61 S.Ct. 399 (1941): power of state over alien.

Skiriotes v. State of Florida, 313 U.S. 69, 72, 73, 61 S.Ct. 924, 927 (1941):

> "International law is a part of our law and as such is the law of all States of the Union..., but it is a part of our law for application of its own principles, and these are concerned with international rights and duties and not with domestic rights and duties."

Ex parte Quirin, 317 U.S. 1, 63 S.Ct. 2 (1942): Presidential war powers.

State v. Barlow, 153 P.2d 647, 654 (Utah, 1944): Prosecution for polygamy, and defense under treaty of Guadelupe-Hidalgo asserted, but court held that treaty protected Mexicans and not Mormons:

> "And clearly the treaty did not purport to deal with the relation between the United States and peoples who might thereafter come into territory then being ceded to this country."

Spies v. McGhee, 316 Mich. 614, 25 N.W.2d 638, 644 (1947): Race restrictions on property.

> "We do not understand it to be a principle of law that a treaty between sovereign nations is applicable to the contractual rights between citizens of the United States when a determination of these rights is sought in State courts."

Antosz v. State Comp. Comm., 43 S.E.2d 397 (W.Va.App., 1947): Workmen's comp case with NRAs claiming benefits:

> "But such construction should not be extended so as to infringe upon the Constitution of the United States, or to invade the province of the states of the Union in matters inherently local, or to restrict the various states in the exercise of their sovereign powers," Id., at 399, 400.

Reversed on other grounds, Shelley v Kramer, 334 U.S. 1, 68 S.Ct. 836 (1948).

Clark v. Allen, 331 U.S. 503, 516, 67 S.Ct. 1431 (1947): Domestic American willed property to Germans, other heirs challenged bequest. Alien Property Custodian took property under TWEA.

> "We accordingly hold that Article IV of the treaty does not cover personalty located in this country and which an American citizen undertakes to leave to German nationals."

Kemp v. Rubin, 69 N.Y.S.2d 680, 686 (1947): Race restrictions on real property.

> "Defendant's remaining contention that enforcement of the covenant is forbidden by existing treaties to which the United States is a signatory is without force. These treaties have nothing to do with domestic matters nor with agreements between citizens of the United States. In fact, Article 2, Section 7, of the United Nations Charter ... expressly so provides."

Affirmed at 75 N.Y.S.2d 768 (1947).

Cervantes v. United States, 163 F.2d 294 (9th Cir., 1947): Mexican lived in California long time, but fled to Mex. to avoid draft. Held, he was a "resident" subject to draft.

Curran v. City of New York, 77 N.Y.S.2d 206 (1947): Suit filed against city over funds spent to get U.N. established. Opinion notes that Rockefeller provided the land.

Amaya v. Stanolind Oil & Gas Co., 158 F.2d 554 (5th Cir., 1947): treaties can't authorize what constitution forbids.

Balfour, Guthrie & Co. v. United States, 90 F. Supp. 831, 832 (N.D. Cal., 1950): UN sued US for damaging goods being shipped.

> "As a treaty ratified by the United States, the Charter is part of the supreme law of the land."

Sei Fujii v. State, 38 Cal.2d 718, 242 P.2d 617, 619 (1952): UN Charter is a treaty, but not self executing.

Rice v. Sioux City Memorial Park Cemetary, 60 N.W.2d 110 (1953): Indian died and wife wanted him buried in cemetary with covenant not to inter non-Caucasians. She sued, and asserted a treaty, UN Charter, as one grounds:

> "It will suffice to say that that treaty has no application to the private conduct of individual citizens of the United States," Id., at 116.

> "[D]esirable as these principles announced in the Charter may be, they do not

have the force or effect of superseding our state laws relating to contracts, and must therefore hold that the provisions of the United Nations Charter have no bearing on the case before the court," Id., at 117.

Affirmed at 348 U.S. 880, 75 S.Ct. 122 (1955).

United States v. Guy W. Capps, Inc., 204 F.2d 655 (4th Cir., 1953): Executive agreement re potatoes from Canada held void; opinion concerned inherent presidential powers.

Ivancevic v. Artukovic, 211 F.2d 565 (9th Cir., 1954): Extradition to another country can be accomplished only via treaty.

Keeney v. United States, 218 F.2d 843 (D.C.Cir., 1954): UN matters, documents and files are privileged from disclosure in court.

Seery v. United States, 127 F.Supp. 601, 606 (Ct. Cl., 1955):

> "[A]n executive agreement, not being a transaction which is even mentioned in the Constitution, cannot impair Constitutional rights."

Farmer v. Rountree, 149 F.Supp. 327, 330 (M.D.Tenn., 1956): treaties cannot authorize what the constitution forbids.

Pierre v. Eastern Air Lines, Inc., 152 F.Supp. 486 (D.N.J., 1957): Baggage lost on international flight.

> "The Warsaw Convention regulates and applies to all international transportation of persons, baggage, or goods performed by aircraft for hire," Id., at 487.
>
> "It is well settled that no article or term of a treaty may nullify any guarantee of a right preserved by constitutional provision to our citizens. No treaty may authorize what the Constitution forbids," Id., at 488.

United States v. R.P. Oldham Co., 152 F.Supp. 818, 823 (N.D. Cal., 1957): Anti-Trust prosecution of American company in Japan.

> "[T]he defendant importers would have no standing to invoke this Article. All are American corporations. Certainly the Treaty was not intended to exempt nationals from the sanctions of their own country's laws."

Star-Kist Foods, Inc. v. United States, 169 F.Supp. 268, 278 (Cust. Ct., 1958): "However, all international undertakings are not such treaties."

Lazarou v. Moraros, 143 A.2d 669, 670 (N.H., 1958): Preambles of treaties are used only to construe intent.

Pauling v. McElroy, 164 F.Supp. 390, 393 (D.D.C., 1958): UN Charter not self executing.

Camacho v. Rogers, 199 F.Supp. 155 (S.D.N.Y., 1961): UN Charter not self executing.

Banco Do Brasil, S.A. v. A.C. Israel Commodity Co., 215 N.Y.S.2d 3 (1961): Bretton Woods agreement not self executing.

Samann v. C.I.R., 313 F.2d 461, 463 (4th Cir., 1963): Tax convention case. "Treasury cannot contract or expand an international compact."

Hitai v. I.N.S., 343 F.2d 466, 468 (2nd Cir., 1965): UN Charter not self executing.

Powell v. Zuckert, 366 F.2d 634, 640 (D.C.Cir., 1966): Discharge of Airman in Japan, government asserted treaty as authority.

> "[N]o agreement with a foreign nation can confer power on the Congress, or on any other branch of Government, which is free from the restraints of the Constitution. Reid v. Covert, 354 U.S. 1, 16, 77 S.Ct. 1222, 12430..."

Orlando v. Laird, 317 F.Supp. 1013, 1020 (E.D.N.Y., 1970): Soldier sued to enjoin his transfer to Viet Nam for combat.

> "As between citizen and nation the citizen is bound by the national decision and must acknowledge its effect as an internally valid governmental act whether or not the nation is embarked on a breach of treaty obligation."

Affirmed at 443 F.2d 1039 (2nd Cir., 1971).

United States v. Rodriquez-Camacho, 468 F.2d 1220 (9th Cir., 1972): Drug case under 21 USC 801, et cet; Single Convention on Narcotic Drugs provided jurisdiction.

NORML v. Ingersoll, 497 F.2d 654 (D.C.Cir., 1974): suit involving enactment of drug regs under Single Convention: whether MJ was within scope of treaty; same case, 559 F.2d 735 (D.C.Cir., 1977): drugs placed on list only if required by treaty.

Hjelle v. Brooks, 377 F.Supp. 430, 438 (D. Alaska, 1974): Crab fishermen sued state to enjoin fish regulations.

> "As to the treaties, plaintiffs lack standing to invoke them on their behalf, for plaintiffs are 'not in a position to invoke the rights of other governments or of the nationals of other countries.'"

Dreyfus v. Von Fink, 534 F.2d 24 (2nd Cir., 1976): Swiss, formerly a German, sued other Germans for damages suffered in 1938:

> "Executive Orders issued without statutory authority providing for presidential implementation are generally held not to be 'laws' of the United States," Id., at 29.
>
> "[V]iolations of international law do not occur when the aggrieved parties are nationals of the acting state," Id., at 31.

United States v. Vargas, 370 F.Supp. 908, 915 (D.P.R., 1977): UN Charter not self executing.

Sneaker Circus, Inc. v. Carter, 457 F.Supp. 771, 795 (E.D.N.Y., 1978):

> "First, the treaties do not confer a private right of action for violation of their terms on nationals of one party within their own country."

Huynh Thi Anh v. Levi, 586 F.2d 625 (6th Cir., 1978): Treaty did not create a private cause of action.

United States v. Steinberg, 478 F.Supp. 29, 33 (N.D.Ill., 1979): The UN Charter is a treaty; a treaty cannot conflict with constitution.

Soucheray v. Corps of Engineers of U.S. Army, 483 F.Supp. 352, 357 (W.D. Wis., 1979): Landowners sued for damages for water level of Lake Superior rising.

> "The Court is in full agreement with plaintiffs that a treaty may not violate the constitutional rights of American citizens."

In re Alien Children Education Litigation, 501 F.Supp. 544 (S.D. Tex., 1980): Suit to have aliens educated.

> "A treaty is an international agreement of a contractual nature between two or more independent nations. Treaties made under the authority of the United States are the supreme law of the land. Nonetheless, a treaty becomes the internal law of the United States and has the effect of domestic law only when that treaty is given effect by congressional legislation or is, by its nature, self-executing," Id., at 589.
>
> "The court concludes that the pursuit by the United States of rights and justice in the international community does not displace domestic law," Id., at 591.

"International law traditionally comprehends a nation's treatment of aliens. Every act which adversely affects an alien, however, does not contravene customary international law," Id., at 596.

Weinberger v. Rossi, 456 U.S. 25, 31, 102 S.Ct. 1510 (1982):

Base in Philippines required to hire locals, and U.S. citizens objected.

"A 'treaty' which requires only the consent of the President is not an Art. II treaty."

Sumitomo Shoji America, Inc. v. Avagliano, 457 U.S. 176, 182-83, 102 S.Ct. 2374 (1982): Japanese subsidiary, an American corporation, was sued for sex discrimination and it asserted the Japanese treaty in defense.

"As a company of the United States operating in the United States, under the literal language of Article XXII (3) of the Treaty, Sumitomo cannot invoke the rights provided in Article VIII (1), which are available only to companies of Japan operating in the United States and to companies of the United States operating in Japan."

Trans World Airlines, Inc. v. Franklin Mint Corp., 466 U.S. 243, 104 S.Ct. 1776 (1984): lost gold.

United Nations Charter, Art. 2, para. 7:

"Nothing contained in the present charter shall authorize the United Nations to interfere in matters which are essentially within the domestic jurisdiction of any state..."

TREATIES AS A METHOD TO ACQUIRE FEDERAL DOMESTIC JURISDICTION

Currently, many Americans are being attacked criminally by the feds and this is a major problem. Soon we will have the "New World Oder" ("NWO") coming at us like a freight train. Many federal criminal laws are predicated upon Art. 1, §8, cl. 10 of the U.S. Constitution which permits Congress to make offenses against the laws of nations; however, very few realize that the NWO will be traveling this same constitutional route, which is explained below.

By statute, all federal agencies must confine their activities to the jurisdiction delegated to them; see 5 U.S.C., §558. While this is a simple statutory command, there is an evident problem in that most federal agencies fail to publish any statements, either in the C.F.R. or some other source, which define their jurisdiction. The C.I.A. is one agency where it is easy to determine its jurisdiction because a statute has deprived it of any domestic jurisdiction; see *Weissman v. C.I.A.*, 565 F.2d 692, 696 (D.C. Cir. 1977).[1] However, to determine the jurisdiction of other agencies requires some study.

Perhaps the best way to determine the jurisdiction of any given federal agency is to examine various cases regarding the subject matter of that agency. For example, the United States Constitution does not provide that Congress has any authority concerning the fish and wildlife within this country and this has been noted in several cases. In *McCready v. Virginia*, 94 U.S. 391, 394, 395 (1877), the Supreme Court held regarding the fish within the oceans:

> "[T]he States own the tidewaters themselves and the fish in them, so far as they are capable of ownership while running."
>
> "The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. **There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State...**"

Like fish, the Constitution simply grants no authority to the federal government to control the wildlife within the states of this nation and this is noted in several cases. A ready example of such a case is *United States v. Shauver*, 214 F. 154, 160 (E.D.Ark. 1914), which concerned the issue of where the Migratory Bird Act of March, 1913, could apply. Through this act, Congress sought to extend protection to migratory birds by limiting the hunting season and otherwise placing restrictions upon hunting of these birds. As is only natural, upon adoption of this act federal officials started strenuously enforcing it and here they had arrested Shauver in Arkansas for shooting and killing migratory birds. Shauver moved to dismiss the indictment filed against him on the grounds that the act contravened the Tenth Amendment by invading the jurisdiction of the states upon a matter historically reserved for legislation by the states. In deciding that this act was unconstitutional, Judge Trieber noted that the common law provided that the states

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[1] See *Jabara v. Kelley*, 476 F.Supp. 561, 582 n. 17 (E.D. Mich. 1979): "[T]he Court is of the opinion that the FBI's investigative authority extends to authorized national security investigations involving foreign influences."

essentially owned the birds within their borders and state legislation was the sole source by which control of hunting could be accomplished. In so concluding, he held:

> "It is the people who alone can amend the Constitution to grant Congress the power to enact such legislation as they deem necessary. All the courts are authorized to do when the constitutionality of a legislative act is questioned is to determine whether Congress, under the Constitution as it is, possesses the power to enact the legislation in controversy; their power does not extend to the matter of expediency. If Congress has not the power, the duty of the court is to declare the act void. The court is unable to find any provision in the Constitution authorizing Congress, either expressly or by necessary implication, to protect or regulate the shooting of migratory wild game in a state, and is therefore forced to the conclusion that the act is unconstitutional."

Notwithstanding Judge Trieber's decision, enforcement of the act did not stop and it was thereafter enforced within Kansas, where another man was arrested for killing migratory birds. In *United States v. McCullagh*, 221 F. 288, 293 (D.Kan. 1915), the issue of the constitutionality of the Migratory Bird Act of 1913 was again before a different court and it, relying upon its own research of the law as well as the decision in *Shauver*, likewise concluded that this act was unconstitutional:

> "[T]he exclusive title and power to control the taking and ultimate disposition of the wild game of this country resides in the state, to be parted with and exercised by the state for the common good of all the people of the state, as in its wisdom may seem best."

The above decisions have never been overruled and they stand today as valid authority for the proposition that Congress under the U.S. Constitution does not have any direct grant of power to regulate and control fish and wildlife within our country. If this is the case, what is the constitutional basis upon which the U.S. Fish & Wildlife Service has been created and currently operates? The answer is treaties.

As noted above in *McCready*, the Supreme Court held that Congress has no authority over fish within the states. The U.S. Fisheries Commission was created as the result of the ratification of a treaty or convention concerning this subject matter; see *Manchester v. Massachusetts*, 139 U.S. 240, 265, 11 S.Ct. 559, 565 (1891). Our country has ratified fishing treaties with other countries and native American Indian tribes for a long time; see these two old ones, the treaty with Great Britain regarding fisheries, adopted in 1818 (Revised Stat. 297), and the treaty with Russia regarding navigation and fishing in the Pacific Ocean, adopted in 1824 (Revised Stat. 664). Of course, there are many newer ones.

A similar route was taken to acquire Congressional control over migratory birds and wildlife. In 1916, the United States and Great Britain, on behalf of Canada, adopted the Migratory Bird Treaty (39 Stat. 1702) and thereafter Congress in 1918 passed another Migratory Bird Act to implement the provisions of the treaty. As this occurred, federal law enforcement officials again started to enforce the new act.

Within Arkansas in 1919, a man named Thompson was arrested for shooting these protected migratory birds and this case was assigned to the very same judge who had rendered the decision in *Shauver*; see *United States v. Thompson*, 258 F.257 (E.D.Ark. 1919). Here, Thompson raised the identical argument as Shauver which had previously proved successful in front of Judge Trieber. But, the federal prosecutor responded to this argument by noting the authority of this new treaty and this single change within the law dictated an entirely different result. In upholding the act and thus its application within the jurisdiction of Arkansas, Judge Trieber carefully analyzed the prior decisions rendered by the Supreme Court which illustrated the operation of treaties and how the same could abrogate state laws:

> "To subject the treaty power to all the limitations of Congress in enacting the laws for the regulations of internal affairs would in effect prevent the exercise of many of the most important governmental functions of this nation, in its intercourse and relations with foreign nations, and for the protection of our citizens in foreign countries. The states of the Union may enact all laws necessary for their local affairs, not prohibited by the national or their own Constitution; but they are expressly prohibited from entering into treaties, alliances, or confederations with other nations. If, therefore, the national government is also prohibited from exercising the treaty power, affecting matters which for internal purposes belong exclusively to the states, how can a citizen be protected in matters of that nature when they arise in foreign countries," Id., at 263.
>
> "Even in matters of a purely local nature, Congress, if the Constitution grants it plenary powers over the subject, **may exercise what is akin to the police power,** a power ordinarily reserved to the states," Id., at 264.

Judge Trieber concluded that this treaty thus provided Congress with a power of municipal legislation and that treaty and its implementing act plainly operated within the state of Arkansas. A different case originating within Missouri, *United States v. Samples*, 258 F. 479 (W.D.Mo. 1919), ultimately made it to the U.S. Supreme Court where an identical conclusion was reached; see *Missouri v. Holland*, 252 U.S. 416, 434, 40 S.Ct. 382, 384 (1920), which stated, "No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power." See also *United States v. Selkirk*, 258 F. 775 (S.D. Tex. 1919); *United States v. Rockefeller*, 260 F. 346 (D. Mon. 1919); and *United States v. Lumpkin*, 276 F. 580 (N.D. Cal. 1921).

Thus for the U.S. Fish & Wildlife Service, its constitutional authority arises from treaties.[2] After the adoption of several fishing treaties and conventions, Congress created the U.S. Fisheries Commission; see 16 Stat. 594. When the migratory bird treaties were ratified, this agency apparently acquired authority over migratory birds. Later, the Convention on International Trade in Endangered Species of Wild Fauna & Flora was adopted by the U.S. Senate on August 3, 1973; see 27 U.S.T. 1087. As a result of this treaty, on December 28, 1973, Congress enacted the "Endangered Species Act," 87 Stat. 884. Several cases have noted that the

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[2] The U.S. Fish & Wildlife Service is as much a treaty based agency as the Pacific Salmon Commission; see 16 U.S.C., §3631.

authority to regulate and control endangered species arises from this treaty; see *Palila v. Hawaii Dept. of Land & Natural Resources*, 471 F.Supp 985 (D. Haw. 1979); *Utah v. Marsh*, 740 F.2d 799 (10th Cir. 1984); and *Leslie Salt Co. v. United States*, 896 F.2d 354 (9th Cir. 1990). The wetlands convention was ratified in 1986 and about 30 days later on November 10, 1986, Congress adopted the "Emergency Wetlands Resources Act of 1986," 100 Stat. 3582. It is clear that the U.S. Fish & Wildlife Service's authority arises from these treaties and this agency thus has an "international" jurisdiction.

There are other examples of treaties being used to provide federal jurisdiction. Of course, Congress completely lacks delegated authority to control prostitution within the states. However, the Agreement for Repression of Trade in White Women was ratified by the Senate on March 1, 1905; see 35 Stat. 1979. The implementing legislation for this treaty was the White Slave Traffic Act, 36 Stat. 825. The Supreme Court has noted that this treaty provides jurisdiction to enact laws on this subject; see *United States v. Portale*, 235 U.S. 27, 35 S.Ct. 1 (1914). But, even with jurisdiction being founded upon this treaty, there are limits to prosecutions for violations thereof and everything relating to prostitution cannot be controlled; see *Keller v. United States*, 213 U.S. 138, 29 S.Ct. 470 (1909). Like prostitution, congressional control over obscene publications arises from treaties; see Agreement on Obscene Publications, ratified on January 13, 1911 (37 Stat. 1511), and the implementing laws at 35 Stat. 1129 (March 4, 1909), and 36 Stat. 1339 (March 4, 1911), which are currently codified at 18 U.S.C. §1461. Treaty based federal criminal laws have their origin in the congressional authority to punish crimes against the laws of nations; see Art. 1, § 8 of the U.S. Constitution.[3] The federal police power is therefore, for a large part, based on treaties.

The U.S. Constitution does not grant power to Congress to control air traffic or telecommunications. After the Wright brothers starting flying at Kitty Hawk, air traffic achieved a phenomenal growth, resulting in the adoption of several treaties on this subject. The Commercial Aviation Convention was adopted by the U.S. Senate on February 20, 1928; see 47 Stat. 1901. Later, the International Civil Aviation Treaty was adopted on December 7, 1944; see 61 Stat. 1180. Both of these treaties substantially covered all aspects of aviation, setting up precisely what is seen today in American airports, many of which are controlled by the federal government. To implement the first treaty, one of the first acts adopted by Congress was The Civil Aeronautics Act of 1938, 52 Stat. 973, which created the F.A.A. When the federal government started funding Hartsfield Airport in Atlanta, its name was changed to Hartsfield International. Yet, there are some airports which have never been controlled by the federal government such as Houston's Hobby Airport which is governed by the city of Houston; for this reason, its name has not been changed to Hobby International. For telecommunications, the International Radio Convention, 45 Stat. 2760, was adopted by the U.S. Senate on March 21, 1928, and a second International Radio Convention, 49 Stat. 2392, followed thereafter on December 9, 1932. On June 19, 1934, Congress adopted the Communications Act of 1934, 48 Stat. 1064, which created the Federal Communications Commission. Thus, both the F.A.A. and F.C.C. are treaty based, federal agencies which implement treaties our nation has ratified with

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[3] There are only a few crimes mentioned in the U.S. Constitution which Congress can make penal: treason, via Art. 1, §6, cl. 1; counterfeiting, via Art. 1, §8, cl. 6; and piracy, felonies on the high seas and offenses against the laws of nations, via Art. 1, §8, cl. 10.

other countries and therefore they have an international jurisdiction.

The U.S. Constitution does not grant authority to Congress to control trademarks within the states and the Supreme Court has so held. In *United States v. Steffens (The Trade-Mark Cases)*, 100 U.S. 82 (1879), the Court dismissed some indictments which charged crimes of infringement of certain registered trademarks. As a result of this decision, a variety of treaties covering this subject were adopted thereafter, and some of the more noteworthy were adopted early in this century; see Pan American Trademark Convention, 44 Stat. 2494, ratified on January 12, 1927, and Pan American Convention for Uniformity of Nomenclature for Classification of Merchandise, 44 Stat. 2559, ratified on January 12, 1927. It is these treaties which provide jurisdiction for the federal government over this subject matter. If Congress lacks power over trademarks except via treaties, it logically follows that Congress does not have any control over the similar and constitutionally indistinguishable activity of labeling of products except through treaties; yet labeling is an activity of great interest for the F.D.A.

Control over the possession and sale of any item within the states is not a power possessed by Congress. This was so held in *United States v. DeWitt*, 76 U.S. (9 Wall.) 41, 45 (1870), which tested the constitutionality of a federal revenue act making it illegal to sell illuminating oil of a certain flammability. Here, the Court held that Congress did not have such power:

> "As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all state legislation, as, for example, in the District of Columbia. Within state limits, it can have no constitutional operation."

Based upon the decision in *DeWitt*, the Supreme Court held in *United States v. Jin Fuey Moy*, 241 U.S. 394, 36 S.Ct. 658 (1916), that Congress did not have the power to make penal mere possession of drugs within the states.

In 1912, the Senate adopted the International Opium Convention; see 38 Stat. 1912. Some years later, this convention was supplemented by a similar convention of 1931, the Multilateral Narcotics Drugs Convention, ratified on March 31, 1932, 48 Stat. 1543, which was thereafter implemented by appropriate federal legislation designed to control the production of poppy within this country. In *Stutz v. Bureau of Narcotics*, 56 F.Supp. 810, 813 (N.D.Cal. 1944), some poppy growers sought an injunction to the enforcement against them of the provisions of the act implementing the convention, their argument being that the act invaded the reserved powers of the states in contravention of the Tenth Amendment. In rejecting such argument and holding that the act applied within the jurisdiction of California, the court declared:

> "The competency of the United States to enter into treaty stipulations with foreign powers designed to establish, through appropriate legislation, an internationally effective system of control over the production and distribution of habit forming drugs is not questioned. The obligations of the United States incurred as a party to the two Conventions heretofore mentioned were lawfully undertaken in the proper exercise of its treaty making power. And Congress is constitutionally empowered to enact whatever legislation is necessary and proper for carrying into execution the treaty making power of the United States."

Other cases have also noted that control over drugs by the federal government arises from these treaties; see *United States v. Rodriquez-Camacho*, 468 F.2d 1220 (9th Cir. 1972); and *NORML v. Ingersoll*, 497 F.2d 654 (D.C.Cir. 1974), later opinion at 559 F.2d 735 (D.C.Cir. 1977). The jurisdiction of the D.E.A. is therefore based upon these drug treaties and it thus only has an international jurisdiction.

The above analysis of various decisions relating to the powers of Congress shows that it does not have the inherent authority to regulate or control either drugs or labeling, and that the only way federal jurisdiction could be acquired over these activities within the jurisdiction of the states would be by means of treaties. If the jurisdiction of the F.D.A. was truly treaty based, one would expect that its criminal enforcement powers would be exercised only at the borders of this country. In fact, this is the case for the F.D.A. because the only description of the authority of the F.D.A. district director is found at 21 C.F.R., §1.83, which provides as follows:

> "The term 'district director' means the director of the district of the Food and Drug Administration having jurisdiction over the port of entry through which an article is imported or offered for import..."

This C.F.R. statement constitutes an admission; see *United States v. Van Griffin*, 874 F.2d 634, 638 (9th Cir. 1989)(government manuals admissible as party admissions under Fed.R.Evid. 801(d)(2)(D)). As to be expected, the authority of the F.D.A. arises from a 1906 international agreement, the Agreement for Unification of Pharmacopeial Formulas for Potent Drugs.

Thus, it is very clear that federal agencies such as the U.S. Fish & Wildlife Service, the F.A.A., the F.C.C., the D.E.A. and the F.D.A. have jurisdictions premised upon treaties and they therefore have an "international jurisdiction." Some of the above cases state that treaties do provide jurisdiction for the specified agency. Most of these agencies exercise the federal police power and enforce federal criminal laws; as mentioned previously, these crimes must fit within one of the constitutional categories of crimes which Congress may make penal, and that category could only be "offenses against the laws of nations." The way a federal crime is made under the laws of nations is via treaties.

What about the Social Security Administration? When the legal history regarding this claimed power of the United States in analyzed, its treaty origins become apparent. In 1933, the United States became a member of the International Labor Organization. In the following year, Congress passed the first federal social security act which was tied to the federal power over interstate commerce; in essence, those subject to the act were those who engaged in interstate transportation. Immediately, the constitutionality of this act was challenged and in May, 1935, the U.S. Supreme Court held that act unconstitutional in *Railroad Retirement Board v. Alton R. Co.*, 295 U.S. 330, 368, 55 S.Ct. 758, 771 (1935). The dispositive part of this decision not only found that the federales lacked the power to adopt a social security act, but it also indicated that a vast array of social programs were equally beyond the power of Congress:

> "The catalogue of means and actions which might be imposed upon an employer in any business, tending to the satisfaction and comfort of his employees, seems endless. Provision for free medical attendance and nursing, for clothing, for food, for housing, for the education of children, and a hundred other matters might with

equal propriety be proposed as tending to relieve the employee of mental strain and worry. Can it fairly be said that the power of Congress to regulate interstate commerce extends to the prescription of any or all of these things? Is it not apparent that they are really and essentially related solely to the social welfare of the worker, and therefore remote from any regulation of commerce as such? **We think the answer is plain. These matters obviously lie outside the orbit of congressional power."**

Are there not today federal laws that make "provisions for free medicine, food, housing," et cet.? This case has never been reversed, although the socialists have criticized it. If it is still a valid decision, then why are there today the very programs which the Court held were unconstitutional? Is it just possible that these programs have a constitutional foundation of which most people are unaware?

The second social security act was adopted in August, 1935, a mere 3 months after the decision in *Alton Railway*. Did Congress deliberately passed another and broader unconstitutional law just after the ink dried on the opinion in *Alton*? Since the knowing adoption of an unconstitutional law may be rejected, there must be some other explanation of the constitutional foundation for the second act.

When the second law was adopted, it was also immediately challenged. The federal appellate courts were split on the validity of this law; some found this second social security attempt to likewise be unconstitutional on the basis of *Alton Railway*, but others upheld it. Because of this split in the cases, the Supreme Court decided to review those cases which questioned just the tax itself. Finally in May, 1937, the Supreme Court issued its opinions in *Charles C. Steward Mach. Co. v. Davis*, 301 U.S. 548, 57 S.Ct. 883 (1937), and *Helvering v. Davis*, 301 U.S. 619, 57 S.Ct. 904 (1937), which held the tax valid. The question to ask is how are these cases reconciled with *Alton Railway*?

To find the answer, an examination must be made concerning the second, later line of social security cases. In *Steward Machine*, the Court touched upon the constitutional basis for the tax in the following passage:

"The proceeds of the excise when collected are paid into the Treasury at Washington, and thereafter are subject to appropriation like public moneys generally. *Cincinnati Soap Co....*"

In *Davis*, the Court again touched lightly upon the constitutional basis for the tax with this passage:

"'When such a contention comes here we naturally require a showing that by no reasonable possibility can the challenged legislation fall within the wide range of discretion permitted to the Congress.' *United States v. Butler*, supra, 297 U.S. 1, at page 67, 56 S.Ct. 312, 320, 80 L.Ed. 477, 102 A.L.R. 914. Cf. *Cincinnati Soap Co. v. United States*, 301 U.S. 308, 57 S.Ct. 764, 81 L.Ed. ___, May 3, 1937; *United States v. Realty Co.*, 163 U.S. 427, 440, 16 S.Ct. 1120, 41 L.Ed. 215; *Head Money Cases*, 112 U.S. 580..."

Since both of these cases mentioned *Cincinnati Soap*, is it not important to review that case decided just 3 weeks before *Steward Machine* and *Helvering*?

Congress has adopted many acts for relief of the poor applicable within its jurisdiction such as Washington, D.C.; see 16 Stat. 65. The *Cincinnati Soap* case is an insular possessions case, specifically in regards to the Philippines, the *Butler* case found the agricultural features of the NIRA unconstitutional, and the *Head Money Cases* concerned a tax upon aliens. Does it not look like the Supreme Court held that social security originally applied only within the jurisdiction of the United States, specifically Washington, D.C., the federal enclaves within the states, the territories and insular possessions?

But is this all? Article 22 of the United Nations' Declaration of Human Rights declares that everyone is entitled to social security:

> "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

If the federal social security act was originally jurisdictional, it became international with our entry into the UN. Clearly, treaties have an affect upon the social security issue. In fact, the ILO first proposed such an idea on June 22, 1935, a mere 6 weeks after the decision in *Alton Railway*.

Of course, there are many other examples of treaties being used to provide federal jurisdiction for crimes other than those noted above, but they are not discussed here. Nevertheless, it is clear that treaties are being used so that the feds can acquire a criminal power they would not otherwise have. But further, the NWO will be traveling this constitutional route to gain power in this country, and this simply must be stopped.

X-Sender: spiker@amnix.com
Date: Sun, 12 Apr 1998 12:23:34 -0600
To: PRN@airgunhq.com
From: spiker <spiker@amnix.com>
Subject: JTF-SWA This is the supposed reason for the EO calling up the Reserves on 2/24/98
X-UIDL: 8fb33e5f116b175dce85f41ac33d5510

Executive Orders

ORDERING THE SELECTED RESERVE OF THE ARMED FORCES TO ACTIVE DUTY

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release February 24, 1998

EXECUTIVE ORDER

- - - - - - -

ORDERING THE SELECTED RESERVE OF THE
ARMED FORCES TO ACTIVE DUTY

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 12304 of title 10, United States Code, I hereby determine that it is necessary to augment the active armed forces of the United States for the effective conduct of operations in and around Southwest Asia. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve.

WHAT. OPERATIONS?

This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE

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****

http://www.eskan.swablack.af.mil/jtfswa/jtfswa.htm#

Joint Task Force Southwest Asia

Joint Task Force Southwest Asia performs the Operation Southern Watch mission of monitoring and controlling airspace south of the 33rd parallel in Southern Iraq. The role of the coalition forces is to monitor compliance with United Nations Security Council resolutions.

<jtfswahi.htm>History

<../home2.htm>Return to the Eskan Front Page

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income is actually distributed, withholding is not required when that income is later distributed.

The **spouse** of a nonresident alien, if the spouses are domiciled in a community property state, is required to act as a withholding agent for the nonresident alien's interest in the spouse's community income arising from within the United States.

Alimony or separate maintenance payments made to a nonresident alien spouse or former spouse are subject to withholding. Therefore, if you make alimony payments to a nonresident alien spouse, you are a withholding agent. For more information on alimony, see Publication 504, *Tax Information for Divorced or Separated Individuals*.

Foreign nominees and fiduciaries. Under certain tax treaties, a foreign nominee or fiduciary in a treaty country may have to withhold additional U.S. tax from U.S. source dividends, interest, and other income.

For example, a Swiss nominee is required under Swiss law to withhold 30% of the gross dividend minus the 15% that has been withheld by the withholding agent in the United States.

Except for Canada, foreign nominees and fiduciaries must send the additional U.S. tax withheld to their own tax authorities, accompanied by whatever form may be prescribed by their national tax agencies. In turn, treaty tax authorities send the additional tax to the Internal Revenue Service Center, Philadelphia, PA 19255.

Canadian nominees and fiduciaries send the additional U.S. tax withheld, in U.S. currency, directly to the Internal Revenue Service Center in Philadelphia, accompanied by an annual Form 1042, *Annual Withholding Tax Return for U.S. Source Income of Foreign Persons*. The rules discussed later under *Deposits of Withheld Taxes* do not apply to these foreign withholding agents.

For specific details on the procedures and types of U.S. source income on which additional withholding is required, foreign nominees and fiduciaries should contact the taxing authority of their country.

Persons Subject to Withholding

Nonresident aliens are subject to the withholding provisions discussed in this publication. A nonresident alien is an individual who is not a U.S. citizen or resident. The term includes a nonresident alien fiduciary.

Resident alien. Resident aliens are not subject to the withholding provisions discussed in this publication. A resident alien is an alien who meets either the green card test or the substantial presence test for the calendar year.

Green card test. An alien is a U.S. resident if the individual was a lawful permanent resident of the United States at any time during the calendar year. This is known as the "green card" test because these aliens hold immigrant visas ("green cards").

Substantial presence test. An alien is also considered a U.S. resident if the individual meets the substantial presence test for the calendar year. Under this test, the individual must be physically present in the United States on at least:

1) 31 days during the current calendar year, and
2) 183 days during the current year and the 2 preceding years, counting all the days of physical presence in the current year, but only ⅓ the number of days of presence in the first preceding year, and only ⅙ the number of days in the second preceding year.

You generally do not count days the alien is in the United States as a teacher, student, or trainee on an "F," "J," or "M" visa.

For more information on resident and nonresident status, the tests for residence, and the exceptions to them, see Publication 519, *U.S. Tax Guide for Aliens*.

Nonresident alien individuals married to either U.S. citizens or resident aliens may choose to be treated as resident aliens for income tax purposes. However, these individuals are considered nonresidents for purposes of withholding taxes on nonresident aliens.

A foreign corporation or partnership is one that does not fit the definition of a domestic corporation or partnership. A ***domestic corporation or partnership*** is one that was created or organized in the United States, or under the laws of the United States or of any state.

Guam or Northern Mariana Islands corporations. A corporation created or organized in, or under the laws of, Guam or the Commonwealth of the Northern Mariana Islands (CNMI) is not considered a foreign corporation for the purpose of withholding tax for the tax year if:

1) At all times during the tax year less than 25% in value of the corporation's stock is owned, directly or indirectly, by foreign persons, and
2) At least 20% of the corporation's gross income is derived from sources within Guam or the CNMI for the 3–year period ending with the close of the preceding tax year of the corporation (or the period the corporation has been in existence, if less).

Virgin Islands and American Samoa corporations. A corporation created or organized in, or under the laws of, the Virgin Islands or American Samoa is not considered a foreign corporation for the purposes of withholding tax for the tax year if:

1) At all times during the tax year less than 25% in value of the corporation's stock is owned, directly or indirectly, by foreign persons,
2) At least 65% of the corporation's gross income is effectively connected with the conduct of a trade or business in the Virgin Islands, American Samoa, Guam, the CNMI, or the United States for the 3–year period ending with the close of the tax year of the corporation (or the period the corporation or any predecessor has been in existence, if less), and
3) No substantial part of the income of the corporation is used, directly or indirectly, to satisfy obligations to a person who is not a bona fide resident of the Virgin Islands, American Samoa, Guam, the CNMI, or the United States.

Note: The provisions discussed above for *Virgin Islands and American Samoa corporations* are extended to Guam and CNMI corporations when an implementing agreement is in effect between the United States and each of those possessions. For further information, write to the Internal Revenue Service, Assistant Commissioner (International), 950 L'Enfant Plaza South, S.W., Washington, DC 20024.

Resident of Puerto Rico. Even if an alien is a bona fide resident of Puerto Rico for the entire year and is required to pay taxes generally in the same way as a U.S. citizen, the alien is treated as a nonresident alien for the withholding rules explained here. This alien will be entitled to a credit against U.S. income tax for any income tax withheld under these rules.

Trustee, administrator, or executor. Income paid to a nonresident alien trustee, administrator, or executor of a trust or an estate is subject to these withholding rules even though all the beneficiaries of the trust or estate are citizens or residents of the United States.

Foreign private foundation. A private foundation that was created or organized under the laws of a foreign country is a foreign private foundation. Gross investment income from sources within the United States paid to a qualified foreign private foundation is subject to withholding of a 4% excise tax rather than the ordinary statutory 30% income tax. For more information on foreign private foundations, see Publication 578, *Tax Information for Private Foundations and Foundation Managers*.

Other foreign organizations, associations, and charitable institutions. An organization is not precluded from being exempt from income tax under section 501(a) of the Internal Revenue Code merely because it was formed under foreign law. Generally, you do not have to withhold tax on payments of income to such foreign tax-exempt organizations if the IRS has determined that they are not foreign private foundations.

Payments to these organizations, however, must be reported on Form 1042S, *Foreign Person's U.S. Source Income Subject to Withholding*, even though no tax is withheld.

You must withhold tax on the unrelated business income (as described in Publication 598, *Tax on Unrelated Business Income of Exempt Organizations*) of foreign tax-exempt organizations in the same way that you would withhold tax on similar income of nonexempt organizations.

Withholding Exemptions and Reductions

You should withhold any required tax if facts indicate that the individual, or the fiduciary, to whom you are to pay the income is a nonresident alien. However, the alien may be allowed an exemption from withholding or a reduced rate of withholding as explained here.

Evidence of residence. If an individual gives you a written statement stating that he or she is a citizen or resident of the United States, and you do not know otherwise, you may accept this statement and are relieved from the duty of withholding the tax. An alien may claim U.S. residence by filing with you, Form 1078, *Certificate of Alien Claiming Residence in the United States*. Keep the statement or form, whichever applies, for your records. Do not file it with the IRS. Holders of visas that do ***not*** permit permanent residence in the United States should write to the Internal Revenue Service, Assistant Commissioner (International), Attention: IN:C TPS, 950 L'Enfant Plaza South, S.W., Washington, DC 20024 for advice about filing a Form 1078 and, if filing Form 1078 is proper, about the need to make estimated tax payments.

A U.S. bank that is a payer of income subject to withholding may decide whether to accept an individual's proof of U.S. citizenship or residence given through a foreign bank to which income is paid. If the U.S. bank accepts this proof, it will not be liable for payment of tax if later it is shown that the individual was in fact a nonresident alien. If it accepts the proof, however, the U.S. bank must file an information return on Form 1042S showing the name, address, identification number, and the particular securities of the actual owner, and indicating that it is relying on proof submitted by the foreign bank as its basis for not withholding.

Partnerships and corporations. You may rely on a written statement from a partnership or corporation claiming that it is not foreign as proof that the partnership or corporation is domestic and thus not subject to withholding tax. It must contain the taxpayer's employer identification number, the address of the taxpayer's U.S. office or place of business, and it must be signed by a member of

OKLAHOMA GEOLOGICAL SURVEY

ENERGY CENTER BLDG.-ROOM N-131-100 EAST BOYD STREET • NORMAN, OKLAHOMA 73019 • (405)-325-3031 • FAX: (405)-325-7069

July 10, 1995

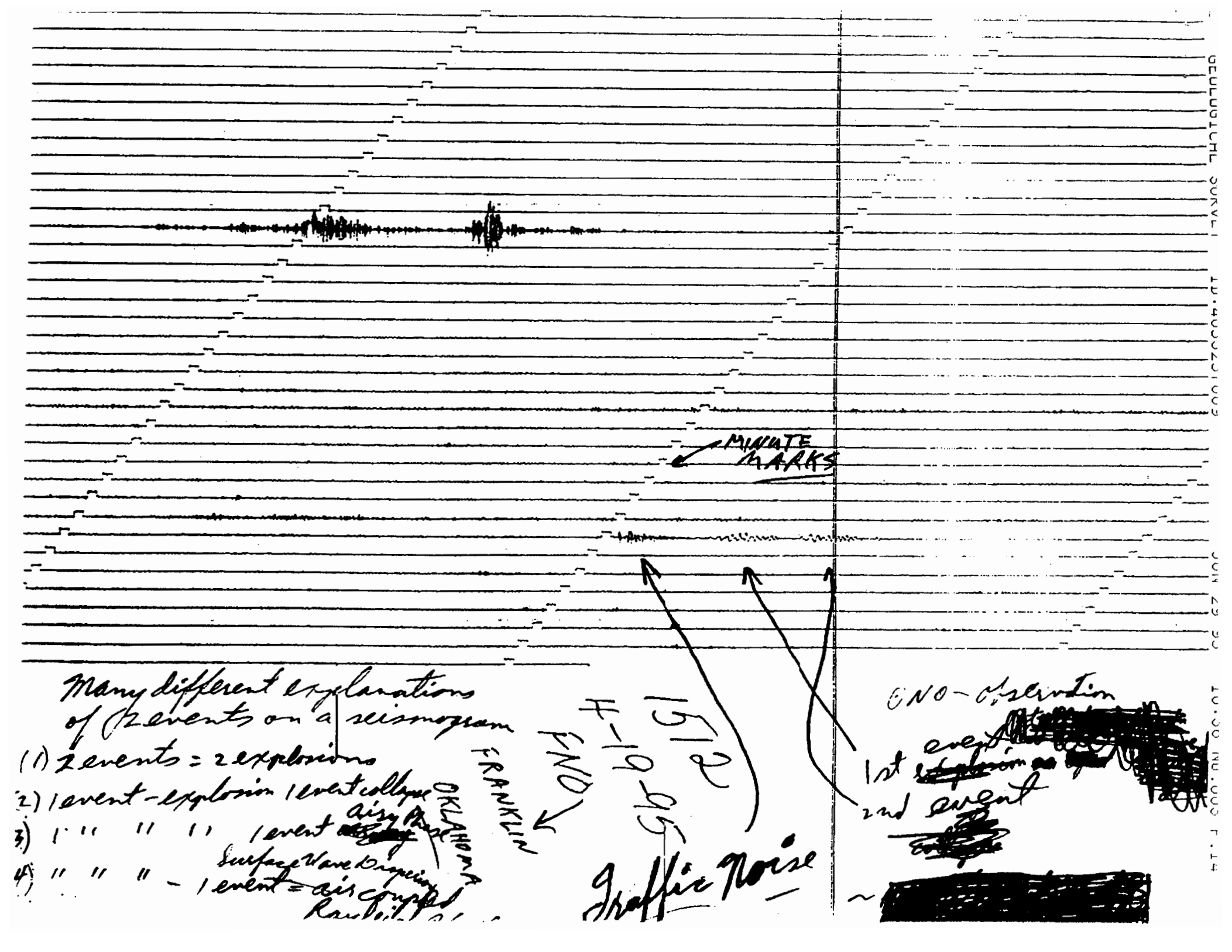
State Representative Charles Key
Oklahoma

Dear Representative Key:

Attached you will find a schematic illustration of the seismograms recorded on the day of the OKC explosion (4-19-95). Initially, the relationship between these signals was not clearly understood. Thanks to the excellent data recorded by the U.S. Geological Survey, I think that I can give a preliminary interpretation of the signals recorded on the day of the blast.

The attached figure shows two high amplitude arrivals at the Omniplex Museum. The first signal to arrive is likely to be a type of wave called a p-wave which traveled through the ground to the Omniplex. Since the amplitude of p-waves is usually small compared to the later arriving S-waves and Rayleigh waves, the high amplitude signal which saturated the Omniplex for 10 seconds on the day of the blast can be interpreted to be the result of S-waves, Rayleigh waves and other waves traveling through the ground. After approximately 5-6 seconds, another high amplitude signal arrived at the Omniplex acting to saturate the seismometer. This signal appears to be an air blast. An air blast is a pressure wave which travels through the air at the speed of sound. When the pressure from the air blast is large enough, the air pressure pushes on the ground in such a way as to cause a seismometer to read a signal.

Identification of the second signal as an air blast and the first signal as shear, Rayleigh and other waves is an important step in the interpretation of the signals. Based upon the signals recorded during the demolition, the duration of the "ground wave" at the Omniplex is an approximate measure of the length of time of the seismic activity at the Murrah Building (10 seconds or less). The duration of the air blast is a measure of the length of time the air explosion was active. This means that the last 5 seconds (or less) of ground motion did not have an air blast associated it.


MINUTE MARKS
Many different explanations of 2 events on a seismogram
(1) 2 events = 2 explosions
(2) 1 event - explosion 1 event collapse
(3) 1 " " " 1 event
(4) " " " - 1 event = air
Surface Wave Dispersion
FRANKLIN
END
Traffic Noise
END - Observation
1st event
2nd event

OMNIPLEX

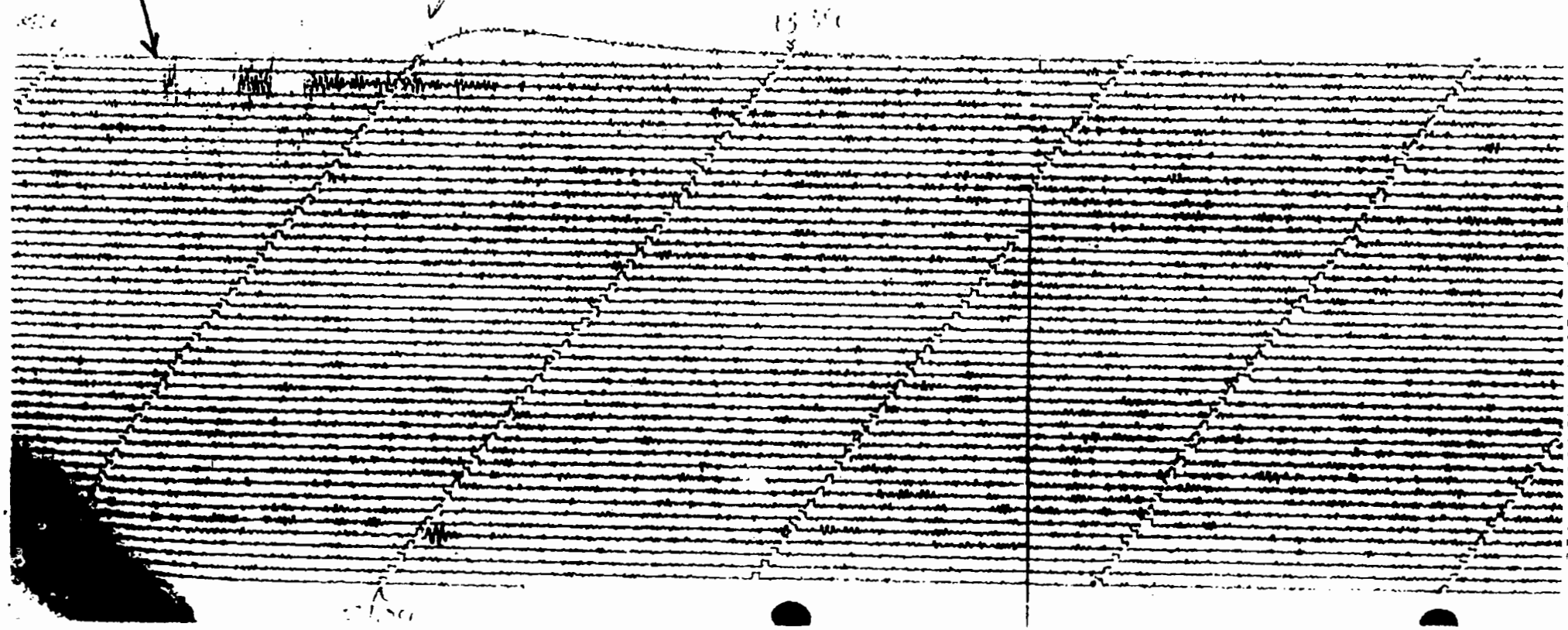
SIGNAL STARTS HERE

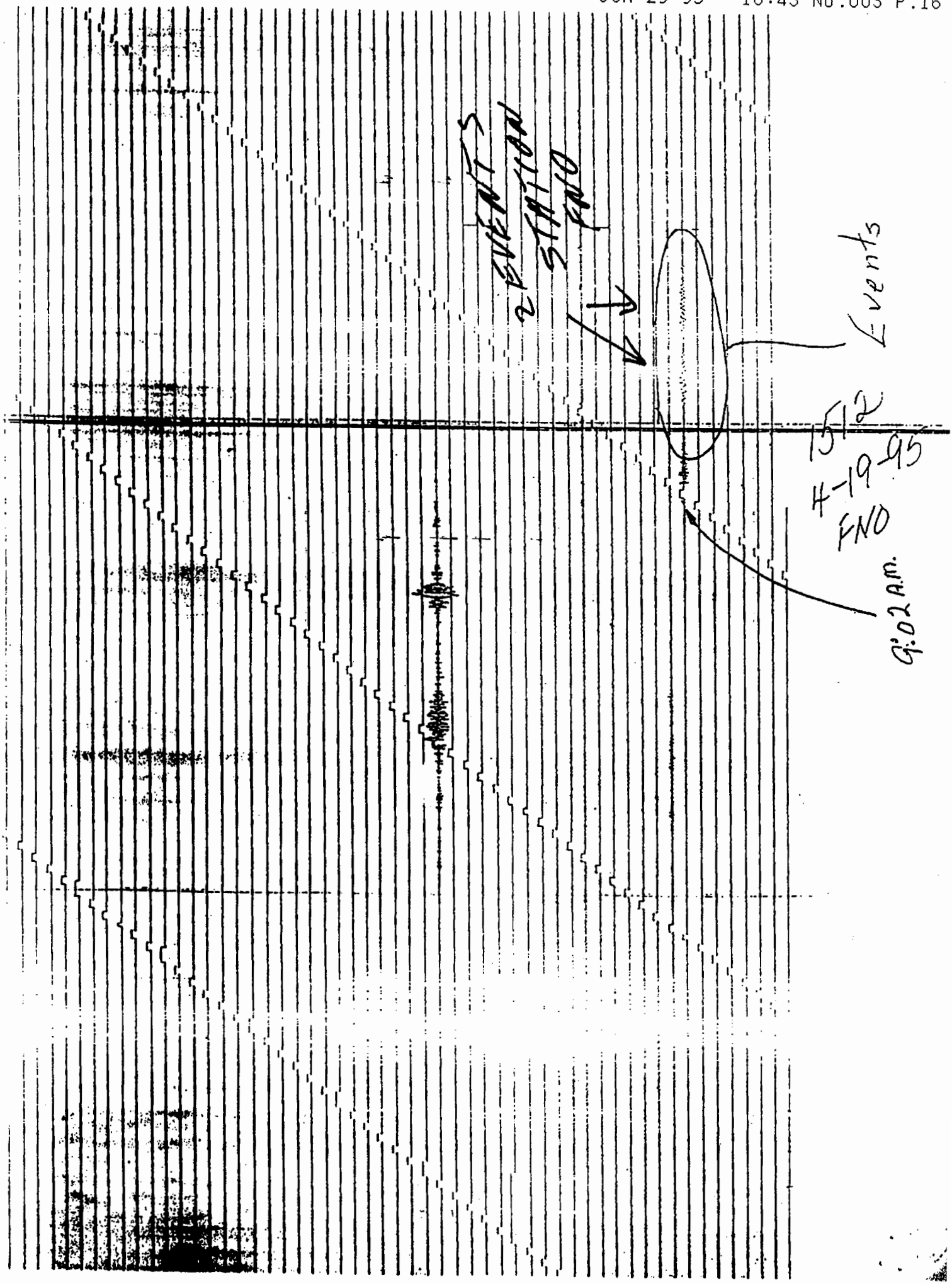
2 EVENTS

REGAINED AC POWER

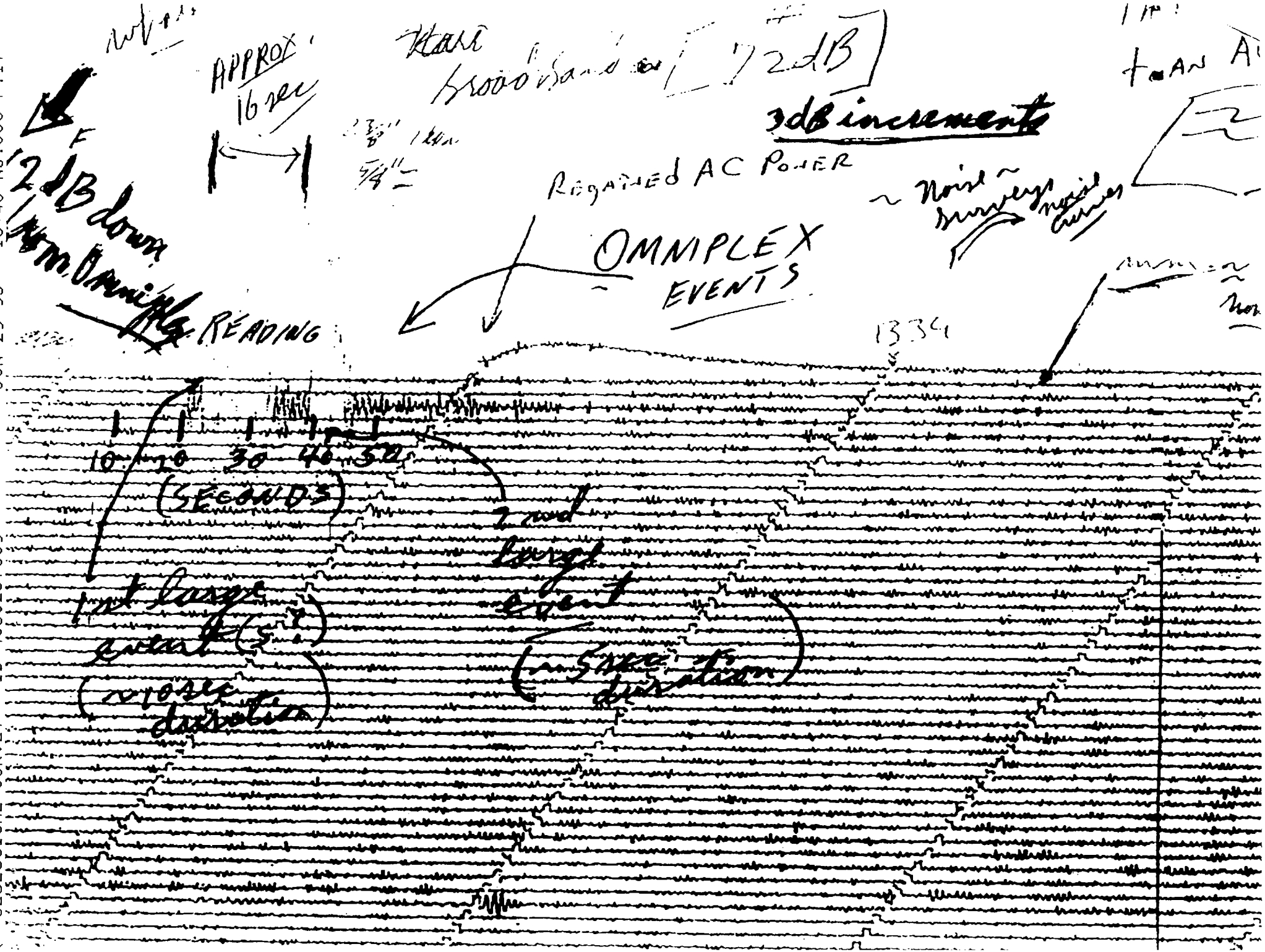
The times on this gram are like
from AC Power loss. Reset tim
1
1

Time shown are




2 events
1 event
Events
1512
4-19-95
END
6:02 a.m.

JUN 29'95 10:48 No.003 P.17
GEOLOGICAL SURVEY ID:4053257069



National Transportation Safety Board

Washington, D.C. 20594

January 15, 1997

Mr. Devvy Kidd
14253 West Baltic Avenue
Lakewood, CO 80228

Re: April 17, 1995 Alexander City, AL

Dear Mr. Kidd:

This responds to your November 11, 1996 letter under the Freedom of Information Act requesting a copy of the report of the above incident.

A search in our accident/incident data files found no record of the above incident.

It is possible that the accident/incident which you referred to in your inquiry was the subject of a FAA Possible Incident Report. Your request is being forwarded to the address below for response.

Federal Aviation Administration
Gladys Stewart, FOIA Officer
Public Affairs Office
APA-220
800 Independence Ave., S.W.
Washington, DC 20591

Sincerely,

Susan Stevenson

Susan Stevenson
Public Inquiries Branch

U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Avenue, S.W.
Washington, DC 20591

January 30, 1997

Mr. Devvy Kidd
14253 West Baltic Avenue
Lakewood, CO 80228

Re: Freedom of Information Act (FOIA) Request 97-0082

Dear Mr. Kidd:

This will acknowledge receipt of your FOIA request of November 11, 1996, concerning incident near Alexander City, Alabama on 4/17/95.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration
Headquarters, AAI
FOB 10A
800 Independence Avenue, SW
Washington, DC 20591

Contact: Ms. Mary Bartock, FOIA Coordinator
Phone: (202) 267-7194

Federal Aviation Administration
Southern Region, ASO-65D
P. O. Box 20636
Atlanta, GA 30320

Contact: Ms. Doris Little, FOIA Coordinator
Phone: (404) 305-5904

Should you wish to inquire as to the status of your request, please call the FOIA coordinator.

Sincerely,

Gladys Stewart
FOIA Specialist
FOIA Program Staff

cc: AAI
ASO-65D

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

December 2, 1994

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Jerome Micek
5316 Switzer Street
Shawnee, Kansas 66203

Robert J. Brown
12000 Pawnee Ln.
Leawood, KS 66209

Dear Mr. Micek:

This is in acknowledgement of our telephone conversation of December 2, 1994, regarding recall of elected officials.

Pursuant to Section 3 of Article 4 of the Kansas Constitution and K.S.A. 25-4301, all elected public officials in the state, except judicial officers, are subject to recall. The procedures for recall of state officers and local officers as defined in K.S.A. 25-4304 are set forth in K.S.A. 25-4301 et seq.

It is the opinion of the Attorney General that the state's recall provisions do not apply to members of the U.S. Congress. Attorney General Opinion No. 94-35. The opinion is based in part on provisions of the U.S. Constitution. The United States Supreme Court recently received oral arguments regarding whether the state of Arkansas has the authority to provide for recall of members of Congress. A decision of the Supreme Court is expected in June.

If we may be of assistance to you in the future, please feel free to contact us.

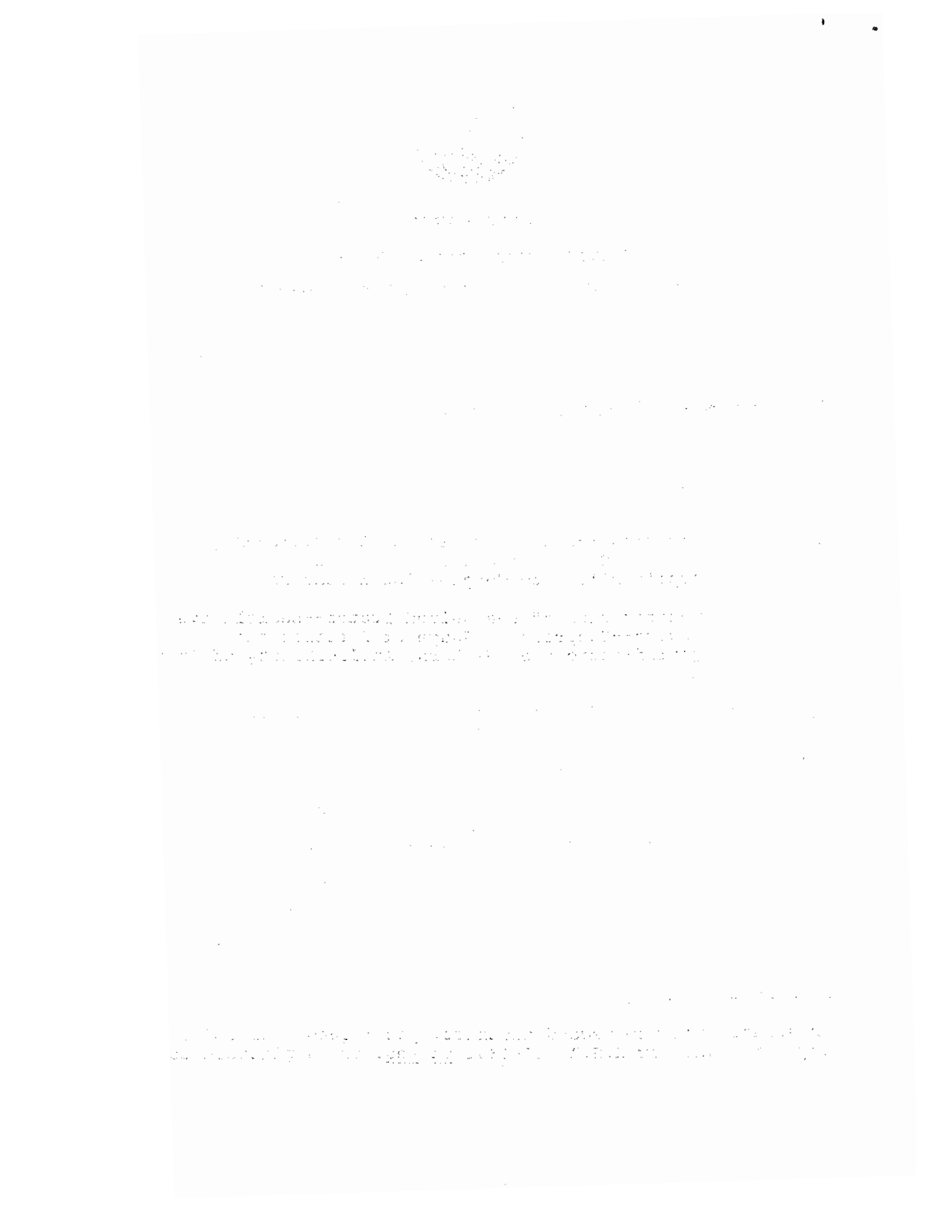
Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

Richard D. Smith
Assistant Attorney General

Dear Davvy -
Rec'd your July Newsletter in which you recommend Recall — We have looked into it & according to our A G's opinion, it cannot be done in KS. (A) Too Bad.

RDS:
I am sending your Letter to our Washington Reps thought just to let them know we are "thinking of them". Don't say you are giving up Newsletters - just take a Break - We need them to get the word out, Keep up the good work.



is pet measures. Because of that, I have been told he refused o sit in the conference that was held with the Republican iembers present.

Mr. OWEN. Mr. President, the Senator from Kansas has no istification in supposing that the majority party can not or ould not act in unison and as a unit in conference. If the enator thinks that he, representing an opposition party, can plit the Democratic Party at his convenience and change the olicy of the majority of the Democratic Party in this body, he mistaken. He tried to do it in the Banking and Currency ommittee and he failed. He was not permitted to try it in the onferences of the Democrats of the Senate, and we had good eason in excluding in the preliminary consideration of this ill the Senator from Kansas, because we did not want a "de-ating society" in lieu of a conference.

Mr. BRISTOW. Yes; I will get to that pretty soon. There re some things in this bill which the Senator from Kansas as for that the Senator from Oklahoma is against. The Presi-ent of the Senate appointed the Senator from Minnesota and ie Senator from Kansas as members of the committee of con-erence and the Senator from Oklahoma had no right, either in orals or so far as the membership of this body is concerned, exclude him from a full and free conference in that room, henever the bill was under consideration. I believe it was one because the Senator from Oklahoma knows that he could ot control the vote of the Senator from Kansas any more an he could control the votes of all the Members on the Demo-atic side in the interest of certain great banking concerns hich have had a part in the framing of the provisions of is bill.

Mr. OWEN. Mr. President, I deeply feel my recent affilia-on with the big business interests of the country, and I appre-ate the complete reform of the Republican Senators, who have ad for years the opportunity of giving this country relief gainst big business and have never done it, and who have not ly been affiliated with big business, but have been receiving mpaign funds ad libitum from those very interests.

Mr. BRISTOW. The Senator from Oklahoma, who has sumed such virtue in the years that are passed, who has de-ounced the Aldrich bill, has accepted its most offensive provi-ons and covered them with a mask to deceive the American ople, and he knows it.

I now come to the insurance of deposits. Before I take that I will refer to the provision on page 42, which requires the ederal reserve bank to receive on deposit at par from member nks or from Federal reserve banks checks and drafts, and so rth. That will come as a severe blow to the small country nker, who has so violently protested against that provision. Now, I want to take up section 7. Every provision in this bill at was in the interest of the banks has been retained. The ovisions that were stricken out were provisions in the interest the public. I call the attention of the Senate to the colloquy th the Senator from Oklahoma on the last day that the bill as before the Senate in regard to the insurance of bank de-sits. It will be remembered that I read an article from the ew York Sun, in which it was said that Secretary McAdoo d been revising this bill, and that one of the things he de-ded upon that should go out was the provision for the insur-ce of deposits. The Senator from Oklahoma, after some uivocation, finally said that there was no agreement that it ould go out, but declined to say that it would be held in.

I want to speak just a few words about the insurance of de-sits. It has been attacked upon this floor with great violence. provision was placed in the bill which was ineffective, but recognized a principle. It would have been of advantage at ast to some parts of the United States.

The present postal savings bank is simply a scheme or a stem very largely for the insurance of deposits. The Gov-rnment takes the money from the people and pays 2 per cent terest on it. The day that it is deposited in a post office an icer goes across the street and deposits it in a bank, and the nk pays the Government 2½ per cent. The postal savings-bank stem was instituted for the purpose of giving the people who re afraid of banks a safe place to put their money. They had nfidence in the Government, but not in the banks.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas ield to the Senator from Colorado?

Mr. BRISTOW. I do.

Mr. THOMAS. I think the Senator can go a step further and y that the purpose of the pending bill is to insure bank notes notes of issue.

Mr. BRISTOW. Yes; that is true. The argument that was ade for the postal savings bank was that it would bring money out of hiding; that such money would be deposited in the post offices, where those who are skeptical as to the safety of banks would have no doubt about its safety. It has resulted in bringing out something over $30,000,000 that has been deposited in our post offices.

As I said, the same day this money is taken by the post-master and deposited with a bank the bank pays the Govern-ment 2½ per cent; that is, the Government insures the safety of that fund to the depositor and charges him one-half of 1 per cent for it. If there is any Senator here who can deny that proposition, I should like to have him do it now. It is nothing in the world but an insurance of the money to the depositor that it will be returned. The Government does not use it. Probably one-thirtieth of the amount that has been deposited has been invested in bonds, but the amount is comparatively in-significant. The postal savings system, as we have it now, is an insurance of deposits, for which the Government charges one-half of 1 per cent; yet we are told it is unsafe to take a part of the profits of a regional bank and insure depositors in the mem-ber banks against loss.

The fight that has been waged here against depositors' insur-ance is an unjustifiable assault upon as sound an economic principle as ever was woven into the statutes of the United States. It ought to have been in this bill.

The Senator from Oklahoma can preserve the features in this bill that add to the profits of the bank of which he is one of the owners, but he lets go out the only provision that would insure the safety of the funds of the people who deposit in those banks.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. The Senator from Kansas goes far in attempt-ing to impugn the motives of a brother Senator. He violates the Senate rules in doing that. I shall not dignify the intima-tion of the Senator with any answer. It does not deserve an answer. I have for years advocated a guaranty fund or an insurance fund for bank deposits. I spoke in this Chamber five years ago in favor of it. The House committee is prepar-ing a special bill on the plan of insuring bank deposits. They have a subcommittee expressly charged with that duty. They expect to bring out a perfected bill and one that is not so im-perfectly drawn as this proposed use of a part of the funds which are earned by the Federal reserve banks. I should ex-pect to assist in perfecting a measure of that kind, but I re-mind the Senator from Kansas, while he invokes the gods to witness as to the perfidy and wickedness of the Senator from Oklahoma, every single member of the Kansas delegation who voted at all voted for this measure in the House. The Senator thinks he represents Kansas. Not a single member of the Kan-sas delegation voted against this measure in the House.

Mr. BRISTOW. I regret very much that is the case.

Mr. OWEN. Six of them were for it and two were absent.

Mr. BRISTOW. I regret very much that the Representatives from Kansas should have so voted. I think if they had been thoroughly advised none of them would have voted for it, ex-cept those who do not profess to be free and independent from the dominion of a caucus.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I will for a moment, but I must get through. I am taking more time than I ought to take.

Mr. REED. Very well; I will take a few moments after the Senator is through.

Mr. SHAFROTH. I should like just to say in a minute that during the conference consideration the Senator from Oklahoma insisted three or four times upon this amendment being in. It was denied by the House conferees. They made the claim that they were going to have a perfected system. The action of the Senator from Oklahoma was absolutely loyal to the provision which the Senator from Kansas is referring to.

Mr. REED. Mr. President, that is what I rose to say, ex-actly, and I would have said it in stronger terms than my friend from Colorado has said it. I only make a remark now because I want to emphasize what he said. Since I have the floor, let me say that this was practically a last-ditch proposi-tion on the part of the Senate, and it came to a point where, manifestly, there would be a disagreement reported and the pas-sage of the entire measure delayed unless there should be a yielding.

The fact which induced us to yield was that a bill is in process of preparation, indeed it is almost, if not quite, pre-

pared, developing a plan that will create a real fund. Even if such a plan did not exist, we have the power to inaugurate such a plan; and even if neither proposition were true, it still remains that if the Representatives of the House absolutely refused to yield and we had the choice of delaying or defeating the entire bill or yielding this matter, it would have been better for the country, of course, to yield upon the principle that if you can not get entire relief, you had better have some relief than nothing. The criticism of my friend from Kansas——

Mr. BRISTOW. Mr. President, I beg the Senator from Missouri to remember that the time for discussion is limited to-day, and I shall have to ask him to speak in his own time.

Mr. REED. I did not know that. Let me finish this sentence, and I am through. The criticism of the Senator from Kansas upon the chairman of the committee is not justified by any fact which occurred in conference.

Mr. BRISTOW. Mr. President, it may be satisfactory to the Senator from Missouri, in whose sincerity of purpose I have confidence, so far as this proposition is concerned, to say that "we will let this go out of the bill and we shall provide for it in different legislation." Since I have been in the Senate that has been one of the methods of defeating legislation. Now is the opportunity; now is the accepted time; now we had the provision in the bill. If it were desired to perfect it, it would have been just as easy to perfect it now as it would have been to perfect other provisions in the bill. It was a provision directly in the interest of the depositors of the banks.

I notice the Senator from Oklahoma did not yield the point that the interest to be paid on the stock which these same banks are made to hold should be 6 per cent instead of 5 per cent. The House provided that the dividend to be paid on the stock by the regional bank should be 5 per cent. The Senate increased that from 5 per cent to 6 per cent, and that provision remains in the bill. It was a provision of the Senate that gave the banks 1 per cent more, and the Senator from Massachusetts [Mr. WEEKS], when he discussed the bill, declared that it meant throwing away by the United States Government a million dollars. I suggested on the last night when the bill was under consideration that we could take that million dollars and create a depositors' insurance fund, which would be of value to the depositors in the banks throughout the United States. Oh, no; that suggestion could not be accepted. Those who drew the bill in the interest of the national banks preferred to put that million dollars into the coffers of the banks instead of putting it into a trust fund to insure the money of the depositors in the banks.

You may say, "We will legislate on this subject in the future." Yes, possibly; but now is the time.

Mr. OWEN. Will the Senator from Kansas yield to me?

Mr. BRISTOW. I shall have to let the Senator from Oklahoma answer in his own time. I want to read an extract from the CONGRESSIONAL RECORD, on page 4719, of September 5:

> Mr. WILLIAMS. I want merely to read a part of Jefferson's Manual which relates to a direct personal interest, not to the general interest of consumers. I am interested in beef because I am a consumer of it:
>
> "Where the private interests of a Member are concerned in a bill or question he is to withdraw. And where such an interest has appeared his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to."

Then the Senator from Mississippi continued:

> The Speakers of the House of Representatives and the presiding officers of the Senate have ruled that the Member's vote could not be excluded in his interest, because he himself was the judge of the fact as to whether he was personally and directly interested or not; that he must rely upon his own sense of honor and justice in determining that fact.

That was a quotation read and those were remarks made by the senior Senator from Mississippi when the tariff bill was under consideration and the Senator from Rhode Island [Mr. LIPPITT] was discussing it. An attack was made by a number of Senators on the other side upon the Senator from Rhode Island because he is interested in some cotton mills. It was alleged that the tariff on cotton was directly in his interest. While the tariff on a cotton fabric may be of general interest to the manufacturers of cotton fabrics throughout the country, it can not be located specifically and directly in the interests of a single manufacturer as personal legislation. If a Senator owns a large interest in a bank and he votes for a provision which increases the earnings of that particular bank, does he not vote to increase his own personal fortune in a direct way and not in a general way such as would be the case under the tariff bill? I maintain that he does. When a Senator votes for a dividend of 6 per cent instead of a dividend of 5 per cent on stock in which he has a personal interest, it seems to me that is coming in direct violation of the rule which Jefferson's Manual lays down; it is far more direct than any vote could be on a tariff schedule; yet the indignation of some Senators in this Chamber against some other Senators who have voted on general schedules has been very great.

I now want to read a clipping which has been handed me, which is as follows:

> OWEN INVESTS IN NEW BANK—SENATOR WILL BE BIG STOCKHOLDER OF ST. LOUIS INSTITUTION.
>
> Senator ROBERT L. OWEN, chairman of the Senate Committee on Banking and Currency, last night confirmed a report that he is to be a large stockholder in a national bank now being organized in St. Louis. The head of this institution will be the Rev. Dr. J. T. H. Johnston, president of the Reserve National Bank of Kansas City.
>
> The new institution will absorb a number of other St. Louis banking concerns, among them the German Savings Institute and the Commonwealth Trust Co., the latter being one of the influential financial concerns of that city.

My allegation is that this bill has been drawn in the interests of the banks; that the Senator from Oklahoma, as the chairman of the committee, is largely interested in banks; that the profits which will accrue to those banks directly will add to his personal fortune; that he has voted to increase the dividends on the stock of the regional banks, which will be paid to the member banks, from 5 per cent to 6 per cent; that he has voted against permitting the public to hold the stock of these regional banks and has insisted that it shall be held by the member banks; and that he has voted against giving the Government the control of the regional banks and in favor of the banks controlling the regional banks, and it is for him to say whether he has violated the rule laid down in Jefferson's Manual.

In closing I desire to say that this bill contains a concentration of power that has never been lodged in any Federal officer since the Government was established. It puts in the hands of the Secretary of the Treasury and his subordinate officer, the Comptroller of the Currency, a power over the banking and currency affairs of this Nation greater than has ever been held by any man in the history of any civilized nation over the banking and currency of that nation.

Where are we coming to in the centralization of power? The Attorney General by a statement sends up the stock of corporations, the aggregate capitalization of which is more than $500,000,000, approximately 10 per cent in a single day. By his action he can decrease the value of that stock to-morrow in the same amount. When you take the power which the Attorney General assumes under the laws and add to that the power that this bill places in the Secretary of the Treasury, you are providing a centralization of power that Alexander Hamilton would have blushed with shame to have suggested, and yet this is done by a political party that holds up Thomas Jefferson as its patron saint. Ah, you may pursue this course and deceive the American people for a time, but it will be for a limited time, and for a limited time only.

Mr. OWEN. Mr. President, it will only take me a moment to answer the Senator from Kansas [Mr. BRISTOW]. Twenty-four years ago I did establish a little bank down in Oklahoma—the First National Bank of Muskogee. I had stock in it then; I have stock in it now, and I shall keep it until I die. I am proud of that little bank; it has done a good work in its sphere. The suggestion of the Senator from Kansas that my action in connection with this bill is moved in any degree by my possession of that stock is not only ridiculous but absolutely false, and the Senator knows it is false.

The suggestion made by the Senator from Kansas that 5 per cent on $100,000,000—which would abstract $5,000,000 from this system—is less expensive to the general public and more advantageous to the banks than 6 per cent on $50,000,000—which would abstract $3,000,000 from the system—is mere foolishness. There is a difference in favor of the 6 per cent on $50,000,000 over 5 per cent on the $100,000,000 of $2,000,000 in favor of the general public.

The banks of the Southwest do not regard a 6 per cent investment as a valuable investment. They lend money at 8 and 10 per cent; they are doing it now, and they have no difficulty in placing money at 8 per cent on excellent security. The suggestion of the Senator does no credit either to his judgment or to his heart.

Mr. REED. Mr. President, I shall occupy the floor but a moment, because the time is limited and I understand, under the arrangement which has been made, all of the time has been assigned to the other side of the Chamber except about an hour.

I said in part when permitted to interrupt the Senator from Kansas [Mr. BRISTOW] that the Senate conferees had contended for the so-called guaranty, or insurance, provision of this bill until it became manifest that a disagreement would result. A disagreement would of course have delayed the final passage of this bill and possibly would have imperiled its passage at

any other administration, a measure upon which hangs not only the hopes and the future of a mighty Republic, but a measure upon which the Democratic Party must stand or fall before the country, a measure which may determine its entire future, a measure which, to my mind, is of more supreme importance in its ultimate consequences to the Nation than all the tariff bills that have been drawn and enacted since the day when the Constitution of the United States was formally adopted. So believing, I think it might have been better for a little while to have cast aside our ordinary desires, to have forgotten Yuletide and the prattle of children, and to have devoted further time, if necessary—and I am not one of those who have been complaining of the amount of time consumed in the consideration of this measure, either in committee or elsewhere—to the end that when it finally evolved from the Congress of the United States and was carried to the President for his approval it would embody in principle and in phraseology as nearly as possible every element seemingly essential to its complete and unquestioned success.

I do not, Mr. President, by this mean to be understood as prophesying disaster to this bill; far from it. With all its imperfections, as I view it, it is a great and needed improvement upon existing conditions. I have both hope and faith in its immediate and ultimate favorable operation. I firmly believe that the banks, the people, and the Government, recognizing it as the best measure presently obtainable, will do what they can in mutual cooperation to make it successful in practical application to all the busy affairs of a busy Nation. Consequently, notwithstanding the fact that this, one of its chiefest and most important features, has been eliminated, I recognize that under all the circumstances it is our duty to accept it, and then get behind it and make it effective.

Mr. President, I should not have taken the time of this body to say a word upon this subject at this late hour if it were not for the fact that in a modest way I have been somewhat conspicuous in my advocacy of what is called the guaranty principle in the State from which I hail. There it became a vital political issue away back in the campaign of 1908, when the party to which I belong pledged itself unreservedly to the enactment of such a measure, and largely upon the strength of that pledge the State of Colorado for the first time went completely and unreservedly Democratic. The government and affairs of the Commonwealth were placed in the hands of that party, but, charged with every obligation of party faith, the legislature turned its back upon this with some other equally insistent pledges, ignored both the wishes and the welfare of the people, and failed to enact their pledges into legislation. It resulted in a schism which threatened at one time the supremacy of the organization, and which found expression two years ago in a reaffirmation of this principle, followed by a second triumph and betrayal. What I had to say at home about the manner in which the people's confidence was obtained and then betrayed by my party has made it wholly impossible for me to remain silent upon this floor, in view of the action of the conference committee in striking the insurance feature from the bill.

In conclusion I want to say that I shall do all I can, in season and out of season, upon this floor and elsewhere, for a national depositors' guaranty fund. When the Banking and Currency Committee shall make its report, embodying the principle of an insurance of deposits in banks coming into the new system, I shall see to it, as far as I can, that it is crystallized into national legislation and becomes a permanent feature of the banking policy of the United States.

And, Mr. President, I am satisfied that the time will come very soon thereafter when every banking institution now opposing this idea, as they opposed the establishment of the Postal Savings System, as their conservatism prompts them to oppose every and any change from the old ways, will perceive through the increasing confidence of the public in banking institutions and by the consequent increase of their deposits through the establishment of a feeling of security and confidence, that this is not only a salutary measure for the depositor himself but for those who receive the money of the depositors as well. In its practical operation but a few months will elapse before this system, as the Postal Savings Bank system now is recognized to be, will be hailed as one of those salutary and necessary improvements which benefit all sorts and conditions of men alike, but most of all those who have so long opposed it.

Therefore, Mr. President, while yielding, because I must and under protest, to the final conclusion of the conference committee, I certainly hope that my friends on this side of the Chamber, when we come to a codification of our banking laws, will realize the vast importance of caring for the needs and inviting the confidence of the depositors, of keeping constantly in view the interests and the welfare of the men and the women who constitute the earners of this Nation, and whose little hoards in the banks mean all that stands between them and want when employment ceases and the real struggle for existence begins.

Mr. ASHURST. Mr. President, I wish to occupy only a moment of the time of the Senate, and I would not occupy even that much time were it not that I feel it incumbent upon me to express my regret that one of the most salutary reforms contained in the pending measure as it passed the Senate, and one which the Nation demands, has been eliminated by the action of the conferees.

The Senator from Minnesota [Mr. CLAPP] the other evening said he would like to draw a picture of three controlling six; but he might have drawn a picture of two controlling six, because I observe that the report is signed by two conferees on the part of the House of Representatives and six on the part of the Senate, and that the provision requiring an insurance fund to guarantee the depositors in failed banks has been stricken from the bill.

I wish to read a short excerpt which I have just clipped from Collier's Weekly, as follows:

> A deposit-guarantee fund exists now in four States. The plan is working well. In 10 years it will be universal. A national guaranty fund might easily draw out a billion dollars of real money, not fiat money, now hoarded or buried, and add this real money to the banking strength of the country. Why should a united Democratic Congress, with a Democratic President—a combination that conceivably might not occur again in 20 years—fumble this golden opportunity?

My Democratic brethren, if we again "fumble" an opportunity, such as we have upon this occasion, it will be more than 20 years before we shall get another. I approve the bill generally, and trust that a bill guaranteeing deposits will be enacted into a law at an early date.

Mr. TOWNSEND. Mr. President, I have not heretofore occupied much of the time of the Senate in discussing this bill. I have known that debate was useless. I declined the opportunity that was given me to become a member of the Committee on Banking and Currency because it would have been necessary, in order to accept that place, that I should have been relieved from membership on the Committee on Indian Affairs, in whose work I am deeply interested and with which I had some familiarity. I desire now, just for a moment, to state briefly why I have not supported the bill and can not now support the conference report.

I believe that this measure is born of a political emergency, an emergency created by the Democratic administration. I am a partisan; I believe in political parties, and that parties in power should assume the responsibility for legislation. I have never had any fault to find with that doctrine; but I also believe that parties should be founded upon principle. I do not believe in parties that are established and maintained simply for political spoils. I do not think it is a proper course for a party to pursue to enact legislation affecting the great interests of the country, without due regard as to whether such legislation is right or wrong, in order to meet a political emergency.

I charge that this bill is a political measure, and one which does not meet the honest, uncoerced approval of a majority of this Senate. The best proof of that statement is the testimony of the Senators on the other side of this Chamber, who have repeatedly risen in their seats and found fault with it and suggested changes, which could have been made if such Senators had exercised their free will and honest judgment. The most conspicuous example, possibly, is the senior Senator from Nevada [Mr. NEWLANDS], who seems to have very profound convictions on matters proposed for legislation; but his gentle, loyal political mind surrenders to the party caucus on every occasion, and I can easily imagine the amount of suffering that that Senator has endured during the consideration of this measure and of the tariff bill.

I have stated that I believed this was a matter of political emergency. If it were not a political measure, having been made so by a seeming necessity, there is not a doubt in the mind of a single Senator in this Chamber that we would have had a different bill from the one now before us; we would have had a bill founded upon the needs of the country, and it would not be the one that we are now considering. This measure was framed and will be enacted into law at a time and under conditions when good financial legislation could not well be secured. The tariff bill has just passed and its results are not working out to the satisfaction of its makers. Something must be done to relieve that situation, and the currency bill is brought forward. It is well calculated to obscure the legitimate effects of the tariff. Something new and equally disturbing is now pushed to the fore, and neither the tariff nor currency bill can be tried on its merits.

Whether it is expressed or not, it is believed by its advocates that this measure will make money easy. Unless it

kind on the theory that the proceedings in executive sessions should be secret. It is a mere farce and a mockery.

Mr. GALLINGER. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. Just one question. I noticed that the Senator from Oklahoma said that the Democratic members did not propose to permit the Republican members of the conference committee to control the action of the conferees. Now, I will ask the Senator this question: Supposing those three Republican members held the same views that two of the Democratic members did on the matter of insuring deposits, does not the Senator think that those five men in that conference ought to have had their way on that particular point?

Mr. OWEN. I will say to the Senator that the six members of the conference committee representing the Senate were in favor of the matter to which the Senator refers, but the House absolutely refused to agree. I will say further to the Senator, answering the spirit of his question, that if there were two Democrats on the conference committee representing the Democrats of the Senate I would regard it as party perfidy on the part of one of them to vote with the Republicans to turn down his colleagues.

Mr. GALLINGER. Then a conference is of no consequence at all, if its members are not to be permitted to express their views and vote their views. I have always supposed the rule to be that it is necessary to have a majority of the conferees of each House to agree upon a report, and I had always supposed, if three Republicans chanced to agree with three Democrats in a conference committee of nine, that they ought to have their way.

Mr. OWEN. I do not understand that to be the practice; I do not think that is the practice in a matter of this kind. It may be true with regard to some immaterial matters, but not in the case of a great bill of this kind, which has been made a matter of party action by the Republicans as well as by the Democrats, because the Republicans all lined up practically unanimously against it in the Senate, as well as in the committee. They stood together in the committee as a solid phalanx and made it a political matter by their own action. In the first case the chairman of the committee attempted to prevent this matter being treated in a partisan way and thought it was possible to do so, but he found it was impossible to do it; and when he ascertained that to be a fact, he did the only thing remaining for him to do—he treated it as a party matter. He was completely justified in doing so, because there was no other way in which to get adequate results and to represent the sentiment of the Democratic Party in this country.

Mr. GALLINGER. Mr. President, let me make this suggestion: The Senate passed upon certain very important matters that have been eliminated from the bill as it comes from the conference. Suppose that three Republican Senators and two Democrats on that conference committee had stood for that provision which the Senate put in, does not the Senator think that they ought to have had that privilege?

Mr. OWEN. They might in that contingency have referred the matter back to the Senate again, but the representatives of the party in power should act together and not permit the representatives of the minority to divide their councils.

Mr. GALLINGER. Oh, well, I do not see why they should have done that.

Mr. OWEN. They should because the House refused to agree to the matter to which the Senator is referring, and if the Senate conferees did not yield, there remained nothing but a disagreement reported back to the Senate.

Mr. GALLINGER. Of course, then, a disagreement would have to have been reported, which is a very common thing in connection with conference reports.

Mr. OWEN. However we may argue this matter and indulge in rhetoric and in suggestions for and against across the aisle, I think it at last comes down to the question that under our present form of government, where we are moving under party organizations, there is no escape from party responsibility and the plain common-sense duty of the party to act through its organization in the management of matters for which the party feels a party responsibility. The Republicans have done that in the past and the Democrats are doing it now. I hope to see the day come when that may be obviated, and that day will come when Senators stand on this floor and represent in truth nothing but the wishes and the desires and the welfare of the people of this country; and it never will come until then.

Mr. GALLINGER. And the Senator thinks he is the only one who does that, I presume.

The VICE PRESIDENT. The hour of 2 o'clock and 30 minutes having arrived, the question is, Shall the Senate agree to the report of the committee of conference?

Mr. NELSON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. BURLEIGH's name was called). The junior Senator from Maine [Mr. BURLEIGH] is detained from the Senate on account of illness.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] which I transfer to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON], but under the terms of it I am allowed to vote on the final passage of the bill and the conference report. I therefore vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. That Senator is absent because of severe illness. In his absence I withhold my vote. If he were present, and if I were at liberty to vote, I should vote "nay."

Mr. SHEPPARD (when Mr. CULBERSON's name was called). I wish to announce the necessary absence of my colleague, the senior Senator from Texas [Mr. CULBERSON]. He is paired with the senior Senator from Delaware [Mr. DU PONT]. If my colleague were present, he would vote "yea."

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is absent. He is paired with the junior Senator from Wyoming [Mr. WARREN]. If he were present, he would vote "yea."

Mr. MARTINE of New Jersey (when Mr. HUGHES's name was called). My colleague [Mr. HUGHES] is out of the city on official business.

Mr. LEA (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. CRAWFORD], but as he voted for the bill I feel at liberty to vote on this roll call. I vote "yea."

Mr. WEEKS (when Mr. LODGE's name was called). Although I have done so before to-day, I wish to announce that my colleague [Mr. LODGE] is absent on account of illness, and that he has a general pair with the junior Senator from Georgia [Mr. SMITH].

Mr. MYERS (when his name was called). I am paired with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote, unless it should prove necessary in order to constitute a quorum. If at liberty to vote, I should vote "yea."

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the senior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

At this time I desire to announce that my colleague [Mr. STONE] is unable to attend the Senate. He is confined to his room by illness, which has lasted now for several days. If he were present and at liberty to vote, he would vote "yea." In his absence he is paired with the senior Senator from Wyoming [Mr. CLARK].

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and in his absence withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WILLIAMS (when Mr. SHIELDS's name was called). I am requested to announce the necessary absence from the Chamber of the junior Senator from Tennessee [Mr. SHIELDS], on account of illness.

Mr. SMITH of Arizona (when his name was called). I have before me a telegram from my pair, the senior Senator from New Mexico [Mr. FALL], in which he says that I am released from the pair on the final vote; and he wishes me further to announce that if he were present he would vote for this bill on its final passage. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from South Carolina [Mr. TILLMAN] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). As has been stated by the junior Senator from Missouri [Mr. REED], the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri. If my colleague were present, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the senior Senator from Arkansas [Mr. CLARKE], who, I understand, is absent. I transfer my pair to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "nay."

Mr. RANSDELL (when Mr. THORNTON's name was called). The senior Senator from Louisiana [Mr. THORNTON] is unavoidably absent. He has a general pair with the junior Senator from South Dakota [Mr. STERLING]. If present, he would vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 43, nays 25, as follows:

YEAS—43.

Ashurst	Jones	Owen	Smith, Ariz.
Bacon	Kern	Pittman	Smith, Ga.
Bankhead	Lane	Poindexter	Smith, Md.
Bryan	Lea	Pomerene	Smith, S. C.
Chamberlain	Lewis	Ransdell	Swanson
Chilton	Martin, Va.	Reed	Thomas
Gore	Martine, N. J.	Robinson	Thompson
Hitchcock	Newlands	Shafroth	Vardaman
Hollis	Norris	Sheppard	Weeks
James	O'Gorman	Shively	Williams
Johnson	Overman	Simmons	

NAYS—25.

Borah	Clapp	McCumber	Sutherland
Bradley	Dillingham	Nelson	Townsend
Brady	Gallinger	Page	Warren
Brandegee	Goff	Perkins	Works
Bristow	Gronna	Root	
Burton	Kenyon	Sherman	
Catron	La Follette	Smoot	

NOT VOTING—27.

Burleigh	du Pont	McLean	Stephenson
Clark, Wyo.	Fall	Myers	Sterling
Clarke, Ark.	Fletcher	Oliver	Stone
Colt	Hughes	Penrose	Thornton
Crawford	Jackson	Saulsbury	Tillman
Culberson	Lippitt	Shields	Walsh
Cummins	Lodge	Smith, Mich.	

So the report of the committee of conference was agreed to.

COMPENSATION FOR INJURIES TO WORKMEN (S. DOC. NO. 336).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Labor, transmitting, in response to a resolution of the 22d instant, a report of the Commissioner of Labor Statistics in regard to the laws of the various States and the United States and of foreign countries providing systems of compensation for injuries to workers in their employment, which, with the accompanying papers, was referred to the Committee on Education and Labor and ordered to be printed.

NAVAL SUPPLY SHIP.

Mr. WEEKS presented resolutions passed by the Board of Aldermen of Melrose; of the Chamber of Commerce of Worcester; of the Board of Selectmen of Revere; and of Local Lodge No. 471, International Association of Machinists, of Lynn, all in the State of Massachusetts, favoring the construction of the proposed naval supply ship at the Boston Navy Yard, which were referred to the Committee on Naval Affairs.

BANKING AND CURRENCY.

Mr. OWEN. I have received two telegrams, one from the National Bank of Commerce, of Shawnee, Okla., and the other from the president of the Third National Bank of St. Louis, Mo., which I ask may be printed in the RECORD.

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

SHAWNEE, OKLA., *December 23, 1913.*

Hon. ROBERT L. OWEN,
Washington, D. C.:

We congratulate you upon the masterful manner in which you have handled the currency bill and its passage. We heartily indorse the bill, and desire to join the system. Am wiring the comptroller to-day our application.

NATIONAL BANK OF COMMERCE.

ST. LOUIS, MO., *December 23, 1913.*

Hon. ROBERT L. OWEN,
Washington, D. C.:

Congratulations on passage of banking and currency bill. The Third National Bank of St. Louis will enter and assist in any way possible the organization and operation of the new system.

F. O. WATTS,
President Third National Bank of St. Louis.

FEDERAL RESERVE ACT.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate No. 12, providing for the printing of extra copies of the Federal reserve act, which were, in line 3, to strike out "eighty" and insert "eighty-five," and, in line 4, to strike out "thirty" and insert "forty."

Mr. OWEN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOLIDAY RECESS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the concurrent resolution of the House (H. Con. Res. 26) providing for a holiday recess, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the resolution, which will be read.

The Secretary read the resolution; and there being no objection, the Senate proceeded to its consideration.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

BRIDGE ACROSS BAYOU BARTHOLOMEW.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably, without amendment, the bill (H. R. 8142) to authorize the construction, maintenance, and operation of a bridge across the Bayou Bartholomew at or near Wilmot, Ark., and I ask for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CLARK of Wyoming. I simply wish to ask the Senator when this bill reached the Senate?

Mr. SHEPPARD. It reached the Senate on yesterday.

The bill was reported to the Senate without amendment, ordered to a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 3867) to found and maintain a mutual insurance fund for depositors in national banks, to be kept available in the United States Treasury and to be administered by a bureau in the Treasury Department, organized and regulated for that purpose; to the Committee on Banking and Currency.

By Mr. ROBINSON:

A bill (S. 3868) to make more efficient Indian administration, and for other purposes; to the Committee on Indian Affairs.

By Mr. POINDEXTER:

A bill (S. 3869) to amend the military record of John Morrow; to the Committee on Military Affairs.

A bill (S. 3870) granting a pension to Clara A. Brown;

A bill (S. 3871) granting a pension to John Leonard; and

A bill (S. 3872) granting a pension to Emanuel Johns; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 3873) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. SHIVELY:

A bill (S. 3874) to place on the retired list of the Army the names of the surviving officers who were mustered out under the provisions of the act of Congress approved July 15, 1870, in reduction of the Army; to the Committee on Military Affairs.

TRADE IN CHINA.

Mr. POMERENE. I introduce a joint resolution and ask that it be referred to the Committee on Commerce, and, for the information of the Senate, I ask that it may be printed in the RECORD.

There being no objection, the joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America was read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Be it resolved, etc., That the Secretary of Commerce is hereby authorized to investigate, by a commission of not more than three qualified persons, the condition of our trade with China, for the purpose of determining upon ways and means for its expansion and to particularly determine whether or not it would be desirable for the United States of America to establish and maintain there at some convenient commercial center a permanent exposition of the products of the field and industries of the United States on terms which might make the exposition self-sustaining when established.

INTERSTATE COMMERCE COMMISSIONER.

Judson C. Clements, of Georgia, to be an Interstate Commerce Commissioner for a term of seven years from January 1, 1914. (Reappointment.)

UNITED STATES ATTORNEY.

Stuart W. Walker, of West Virginia, to be United States attorney for the northern district of West Virginia, vice H. Roy Waugh, whose term will expire January 5, 1914.

POSTMASTER.

VIRGINIA.

James A. Lawson to be postmaster at Danville, Va., in place of Frank D. Lumpkin. Incumbent's commission expired December 14, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 23, 1913.

INTERSTATE COMMERCE COMMISSIONER.

Judson C. Clements to be an Interstate Commerce Commissioner.

COLLECTOR OF INTERNAL REVENUE.

Fred C. Kirkendall to be collector of internal revenue for the ninth district of Pennsylvania.

RECEIVER OF PUBLIC MONEYS.

H. Clay Sharkey to be receiver of public moneys at Jackson, Miss.

REGISTER OF THE LAND OFFICE.

William F. Cummins to be register of the land office at Jackson, Miss.

UNITED STATES ATTORNEY.

Stuart W. Walker to be United States attorney for the northern district of West Virginia.

UNITED STATES MARSHALS.

W. T. Dortch to be United States marshal for the eastern district of North Carolina.

Charles A. Webb to be United States marshal for the western district of North Carolina.

POSTMASTERS.

ARIZONA.

A. T. Pancrazi, Yuma.

KANSAS.

R. E. Stotts, Garden City.

MISSISSIPPI.

Thomas P. Barr, Jackson.

MISSOURI.

Robert H. Williams, Louisiana.

NEW MEXICO.

L. Pascual Martinez, Taos.

NORTH CAROLINA.

Louis G. Daniels, Newbern.
R. S. Montgomery, Reidsville.
John R. Swann, Marshall.

OHIO.

Homer Gard, Hamilton.
George B. Snyder, Youngstown.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 23, 1913.*

The House met at 2.30 o'clock p. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the star which guided the Magi to the little Child cradled in His mother's arms in the stable of an inn, whose advent had been heralded by the angelic host praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men"; a star prognostic of that light which the little Child subsequently gave to the world in a heavenly Father which has been slowly solidifying the race into one family; the Child who, as the carpenter's son, dignified honest toil and illustrated in His sublime life and character the possibility of perfected manhood and brought to light life and immortality. We thank Thee for the Christmastide which awakens the better angels of our nature and thrills the world anew with the angelic chorus. Grant, O most merciful Father, that it may sound on till every battleship and implement of war shall be beaten into plowshares and pruning hooks and nations shall have learned the art of living together in peace; that Thy kingdom may come and Thy will be done through the love which came into the world nineteen hundred years ago. Take us to our several homes full of the Christmas spirit, that we may carry light to those who sit in darkness, cheer to those who are disconsolate, hope to those who are in despair, help to the poor and needy, the widow, the orphan, and those down and out; that we may feast our souls on the good we have contributed to others. In the Christ spirit. Amen.

The Journal of the proceedings of yesterday was read and approved.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the House stand in recess until 3 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House stand in recess until 3 o'clock. Is there objection? [After a pause.] The Chair hears none, and consequently the House is in recess until 3 o'clock.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7837) to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7837. An act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes.

THE CURRENCY.

Mr. GRAY. Mr. Speaker, while I am now and always have been opposed to the national-bank currency system, I do not believe that there is any foundation for the sudden face about of the Wall Street bankers and their charge that this currency is inflexible, inelastic, cumbersome, unworkable, and incapable of adaptation to meet the varying demands of business. I do not accept this sudden cry of alarm and the danger from the national-bank currency coming from the special financial interests as made in good faith or for a sincere purpose. I do not believe our national-bank currency is of itself dangerous and fruitful of disaster. I do not believe that this system, which only but yesterday was lauded by these same men as the best system in the world, has undergone this sudden transformation and become to-day the worst system in the world. I do not believe that this system which has stood for a half century without disclosing the dire effects now charged against it has developed in the twinkling of an eye an inherent danger and a menace to business.

I am convinced that this sudden change of front, this attack upon the national-bank currency, begun in 1906, and the panic of 1907 following that attack, were all in pursuance of a deliberate plan and conspiracy to discredit the national-bank currency that there might be reared upon its ruins a central autocratic bank under private control, and were made to create public opinion to sustain and secure the passage of the Aldrich currency bill.

I want it understood that I give no credit to these charges. I am not opposing the national-bank currency upon these grounds, but upon the grounds that the issue of public currency, the control of its volume, and the direction of its distribution among the people are vital public functions, directly affecting the general welfare and prosperity, and as such should be exercised only by the people themselves through the instrumentality of government.

This is a supreme moment to the people of this Nation. It is the only time within a half century when it has been possible to restore to them the control of their money. Heretofore all attempts at such restoration have been opposed and defeated by the adroit claim that the national-bank currency was the soundest, most stable, and the best in the world; but now the breastworks of the money power has been thrown down for an assault upon the many small and dependent bankers—to wrest from them the right to issue and control the volume of money and to concentrate such power in the hands

of a few manipulating financiers. The opportunity is ours for the people to reclaim their own, and when this bill becomes a law to-day, by the signature of the President, the dream of 50 years of financial freedom and independence will have become actual and a full realization.

ADJOURNMENT RESOLUTION.

Mr. UNDERWOOD. Mr. Speaker, there is no further business to transact to-day, but we can not determine until the Senate has passed the Christmas resolution and has messaged it back, and I ask unanimous consent that the House stand in recess for five minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House stand in recess for five minutes. Is there objection? [After a pause.] The Chair hears none.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution of the following title:

On December 22, 1913:

H. J. Res. 165. Joint resolution for recognition of the services of the late David Du B. Gaillard, lieutenant colonel, Corps of Engineers, United States Army, as a member of the Isthmian Canal Commission, and for the relief of Mrs. Katherine Davis Gaillard.

SESSION LAWS OF THE TERRITORY OF ALASKA (H. DOC. NO. 508).

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Territories, and ordered to be printed, the accompanying documents having been sent to the Senate:

To the Senate and House of Representatives:

In accordance with section 20 of the act of Congress entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," approved August 24, 1912, I transmit herewith a bound volume of the session laws, duly authenticated, containing the acts and resolutions of the first session of the 1913 Territorial Legislature of Alaska.

WOODROW WILSON.

THE WHITE HOUSE, *December 22, 1913.*

LEAVE TO PRINT.

Mr. LANGLEY rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. LANGLEY. I rise to make an inquiry. On yesterday the gentleman from Alabama [Mr. UNDERWOOD] asked unanimous consent that all Members be permitted to extend their remarks in the RECORD for five days. I asked him at the time whether that meant five legislative days, and I understood him to indicate his assent to that. But the RECORD does not show it, and I desire to know whether that was the purpose of it. So many gentlemen are going away for Christmas that unless the privilege be granted for five legislative days they will not have any chance to prepare their remarks.

Mr. UNDERWOOD. Mr. Speaker, inasmuch as the Members of the House are going away for the holidays, I shall renew the request of yesterday and ask that it be five legislative days.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all Members may have five legislative days in which to extend their remarks on the currency bill. Is there objection?

Mr. MANN. Reserving the right to object, why should we pad the CONGRESSIONAL RECORD in that way with the effusions written in the three weeks' vacation?

Mr. UNDERWOOD. Well, I will say to the gentleman from Illinois that I have always believed that it is a very proper thing for Members of this House to communicate to their constituents their views on the legislative questions that come before the House, and I do not think the habit of printing the speeches on actual legislative matters is a bad habit at all. I do think the right of printing is sometimes abused by lugging in things that have nothing to do with the matters before the House. But here was a great bill that every man's constituency is interested in, and I think it is a very proper thing to allow every Member of the House who desires to do so to put in the RECORD his views, so that he may explain them to his constituents.

Mr. LANGLEY. That is what I want to do. The gentleman knows that the time allowed for debate was very limited, and a very large majority of gentlemen had no opportunity to say anything at all during the debate.

Mr. MANN. Most of them will stand better with their constituents if they are not given leave to print. [Laughter.]

Mr. LANGLEY. I would be willing to take my chances on that.

Mr. GARNER. Mr. Speaker, will the gentleman permit a suggestion?

Mr. MANN. Yes.

Mr. GARNER. If you allowed only five calendar days, they would have to print a RECORD when Congress was in recess.

Mr. MANN. They frequently do that.

Mr. GARNER. But that is not the best way of doing it.

Mr. MANN. I recently suggested to the Joint Committee on Printing that it correct or change the method of indexing the RECORD, so that it would be possible to find something in the index. Under the existing system the index is issued every two weeks, but the indexes do not carry over, and when you want to know whether or not something has been done and can not locate the date you have to go through a large number of indexes. While I think the CONGRESSIONAL RECORD is well indexed, yet no person who indexed anything could ever meet the mind of everybody else.

For instance, there was printed in the RECORD some time ago a cow illustration, printed by the distinguished Senator from South Carolina [Mr. TILLMAN], endeavoring to show to the people that the East had milked the cow at the expense of the West and South. I dare say there is not a Member of the House who could find that under the index. If you would look under "illustrations," you would not find it. If you would look under "cow," you would not find it. If you would look under "TILLMAN," you would not find it. If you would look under "tariff," you would not find it. It would take some brilliant genius who would look under "allegorical cow," who would find it in the index.

Mr. LANGLEY. I will say to the gentleman from Illinois that I would like to put one of our famous blooded Kentucky horses in the RECORD, but I do not intend to do it.

Mr. MANN. Go on and do it, and use it. [Laughter.]

Mr. LANGLEY. I would confine myself to the subject under discussion. If we would fix the limit within which speeches can be printed from the 12th to the 16th, inclusive, that would meet the situation.

The SPEAKER. Nobody has objected to the request yet.

Mr. LANGLEY. I know, but he was suggesting objections to it.

Mr. MANN. I was waiting to see if the gentleman from Indiana [Mr. BARNHART] was here to protect the RECORD.

Mr. TAYLOR of Colorado. I should like to ask the gentleman from Illinois if he does not think we ought to have on the front page of the daily CONGRESSIONAL RECORD a brief index of the contents of each number? I introduced a resolution of that kind in the last Congress and again in this Congress, and it would seem to me that it would save the Members of the House and other readers of the CONGRESSIONAL RECORD a wonderful amount of time if we could have some clerk prepare a brief index, a very brief statement of what is in each daily RECORD, so that we could look at it and determine quickly what is in it.

Mr. MANN. You might have an index each day of the RECORD of the preceding day, and that might be satisfactory to some gentlemen. As for me, I read the RECORD every day, and do not need an index. I want to say that the Committee on Printing thought that the making of as perfect an index as we would like to have would be too expensive, and that it would cost in the neighborhood of $150,000 in order to do it, and I think they made out a pretty strong case.

Mr. MURDOCK. I will ask the gentleman why it would not be practicable to index the RECORD on the day that the proceedings are had? Daily newspapers do it, and it would be a great help to have it done.

Mr. TOWNSEND. I can suggest to the gentleman from Kansas that an index printed on the title-page could not be made up until every page of the RECORD was made up and page proofs taken. The gentleman knows that.

Mr. MURDOCK. I know that is true.

Mr. TOWNSEND. Because such an index could be made up only after page proofs were taken.

Mr. MURDOCK. The typographical difficulties of getting up an index in a brief space of time are not great. It is a very easy matter. It is done in most newspaper offices of the land at the time each day when they are the busiest. It ought to be done every morning as a convenience to Members of the House.

Mr. MANN. If you would keep the padding out of the RECORD, you would not need it.

Mr. TOWNSEND. In newspaper offices a schedule or dummy is kept, in morning offices, by the night editor and the night city editor, and it is determined by them in advance on what page each important story is to be run. The make-up man follows this schedule to a large extent, so that even before the last page is cast an index of the whole paper may be prepared from these schedules. This, of course, can not be done for the RECORD, because most of the matter must be run in the order it is reported, not as an editor or make-up man may wish.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD] that Members shall have five legislative days in which to print speeches in the RECORD on the currency bill?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 7837. An act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes; and

H. R. 11003. An act to provide for expenses of representatives of the United States at the International Conference for Safety of Life at Sea.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 8142. An act to authorize the construction, maintenance, and operation of a bridge across the Bayou Bartholomew at or near Wilmot, Ark.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution of the Senate No. 12 to print 80,000 copies of the Federal reserve act.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested; and

S. 3484. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, being chapter 231 of Thirty-sixth Statutes at Large.

The message also announced that the President of the United States had approved and signed bill of the following title:

On December 22, 1913:

S. 2689. An act amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 26.

Resolved, That when the two Houses adjourn December 23, 1913, they stand adjourned until 12 o'clock meridian on Monday, January 12, 1914.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p. m.) the House, under the order previously made, adjourned until Monday, January 12, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a joint communication from the Secretary of Agriculture and the Postmaster General of the 19th instant, submitting an estimate of appropriation in the sum of $1,000,000 for enforcing the provisions of the act approved August 24, 1912 (37 Stats., pp. 551, 553), for improving roads for Rural Delivery Service and for extending the benefits of such work to communities in which no work has as yet been undertaken (H. Doc. No. 509); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimates of urgent deficiencies in appropriations required by that department for the services of the fiscal year ending June 30, 1914 (H. Doc. No. 512); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting supplemental estimates of appropriations required for the Naval Establishment for the service of the fiscal year ending June 30, 1915 (H. Doc. No. 511); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed in the cause of Thomas B. Scott, administrator of the estate of Mary Scott, deceased (H. Doc. No. 510); to the Committee on War Claims and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 844) granting a pension to William A. Rappelye; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4172) granting an increase of pension to Rebecca M. Gaunt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8799) granting an increase of pension to Thomas M. Ranes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10321) granting an increase of pension to Charles B. Marshman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BARKLEY: A bill (H. R. 11242) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, being chapter 231, Thirty-sixth Statutes at Large; to the Committee on the Judiciary.

Also, a bill (H. R. 11243) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: A bill (H. R. 11244) for the erection of a public building at Bath, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 11245) extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; to the Committee on Ways and Means.

By Mr. STEPHENS of Nebraska: A bill (H. R. 11246) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; to the Committee on Indian Affairs.

By Mr. WICKERSHAM: A bill (H. R. 11247) to authorize the survey, platting, dedication, sale, and rental of the tidelands and the harbor area in front of and adjoining the town of Juneau, Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. BYRNS of Tennessee: A bill (H. R. 11248) creating a Fidelity Division in the Treasury Department, providing a bonding system for disbursing officers, and for other purposes connected therewith; to the Committee on Appropriations.

By Mr. YOUNG of Texas: A bill (H. R. 11249) to enable the Secretary of Agriculture to acquire and diffuse among the people of the United States information looking to better markets for farm products; to the Committee on Agriculture.

By Mr. TAYLOR of New York: A bill (H. R. 11250) providing for the improvement of the harbor at Peekskill, N. Y.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11251) providing for the survey of the harbor of Haverstraw, N. Y.; to the Committee on Rivers and Harbors.

By Mr. FARR: A bill (H. R. 11252) to fix the number, status, and compensation of chaplains of the United States Navy; to the Committee on Naval Affairs.

By Mr. HAYDEN: A bill (H. R. 11253) authorizing the Secretary of the Interior to sell to the town of Tempe, Ariz., a tract of land containing road-making material; to the Committee on the Public Lands.

By Mr. NORTON: A bill (H. R. 11254) to increase the limit of cost for the erection and completion of the United States

post-office building at Mandan, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN of Illinois (by request): A bill (H. R. 11255) to terminate certain special privileges and advantages heretofore conferred by Congress and not disturb any existing right in money or property, but in the future to favor the United States Government, for the benefit of all the people equitably, to the same extent that Congress has by law in the past favored the members of the Money Trust exclusively; to the Committee on Banking and Currency.

By Mr. ESTOPINAL: Resolution (H. Res. 360) to ascertain the rate of duty to be imposed upon Cuban sugar imported after March 1, 1914; to the Committee on Ways and Means.

By Mr. BOWDLE: Joint resolution (H. J. Res. 183) to authorize the Secretary of Commerce to investigate the condition of trade in China for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: Joint resolution (H. J. Res. 184) to suspend the provision exempting coastwise vessels from payment of tolls in the Panama Canal act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. FOWLER: A bill (H. R. 11256) granting relief and an honorable discharge to Jacob Barger; to the Committee on Military Affairs.

By Mr. HAMILL: A bill (H. R. 11257) to compensate the Taylor Dredging Co.; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 11258) granting an increase of pension to Mollie E. Jenkins; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 11259) granting an increase of pension to Joseph S. Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11260) granting an increase of pension to James C. Hudson; to the Committee on Pensions.

By Mr. O'HAIR: A bill (H. R. 11261) granting a pension to William W. Mullenix; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 11262) granting an increase of pension to John H. Koenig; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 11263) granting an increase of pension to William D. Grove; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 11264) to remove the charge of desertion from the military record of John Delaney; to the Committee on Military Affairs.

Also, a bill (H. R. 11265) granting a pension to John Delaney; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New York: A bill (H. R. 11266) for the relief of the dependent widow of Charles Conklin; to the Committee on Claims.

By Mr. WHITE: A bill (H. R. 11267) granting a pension to Eliza J. Elliott; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 11268) granting an increase of pension to Louisa M. Buchanan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOOHER: Petitions of Fred Marlatt, F. H. Oswald, and 150 other citizens of Atchison County, Mo., favoring the passage of House bill 10080, known as the Lindquist bill; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: Memorial of the Chicago Association of Commerce, in reference to the reclassifying of salaries of assistant postmasters and employees, the clerical grade of which is first and second classification; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of Capt. R. J. Barrett, of Hoboken, N. J., protesting against the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Memorial of the Manufacturers and Business Men's Association of New York, relative to the income-tax law; to the Committee on Ways and Means.

Also, memorial of Randall Highlands Citizens' Association of the District of Columbia, protesting against the removal of fire company; to the Committee on the District of Columbia.

Also, memorial of the New Jersey Bankers' Association, relative to the currency bill; to the Committee on Banking and Currency.

Also, memorial of the Washington Board of Trade, the Chamber of Commerce, and the Retail Merchants' Association, protesting against any change in the half-and-half principle of the act of 1878; to the Committee on the District of Columbia.

By Mr. GRIFFIN: Petitions of the directors of the Washington Board of Trade, the Chamber of Commerce, and the Retail Merchants' Association, protesting against any change in the half-and-half principle of the act of 1878; to the Committee on the District of Columbia.

By Mr. LEWIS of Maryland: Petition of sundry citizens of Frederick County, Md., favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. LINDQUIST (by request): Petition of citizens of the ninth district of the State of Missouri, favoring the passage of the Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD: Petition of sundry citizens of the first congressional district of the State of Missouri, favoring the passage of House bill 10080, to prohibit the misbranding of articles made from fabric, leather, rubber, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. TALBOTT of Maryland: Petition of business men of Aberdeen, Westminster, Havre de Grace, New Windsor, and Cockeyville, all in the State of Maryland, favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. THACHER: Memorial of sundry citizens of Boston, Mass., protesting against the segregation of colored clerks in the departments at Washington; to the Committee on the District of Columbia.

By Mr. UNDERHILL: Petition of the Hornell Chamber of Commerce, of Hornell, N. Y., favoring the application of the railroads for a reasonable increase in freight rates; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS. Petitions of sundry citizens of Alger, Ada, and McGuffey, State of Ohio, favoring the passage of House bill 3508, relative to mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Belle Center and Findlay, Ohio, favoring the passage of a bill prohibiting the misbranding of articles made from fabric, leather, or rubber; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *January 12, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee presenting ourselves as the objects of Thy tender mercy and of Thy constant care, made as we believe to receive revelations of Thyself, and with our highest function to give back into the heart of God self-revelations in response to all the expressions of Thy love for us. Thou hast saved us with an everlasting salvation, and Thou dost permit us to place our soul and body upon Thine altar as a living sacrifice in expression of our sense of infinite gratitude to Thee.

Thou hast brought us to the beginning of a new year. Thou dost call us forth into the untrodden paths of the days and months before us. We desire to have our life adjusted to God, to have our lives God-centered, that there may be light along the pathway at every step that we take, in the sacred trust which Thou hast committed to us not only for our personal life but for this great Nation.

So may we be obedient to the will of God and keep in step with God's forward movement, that we may work out Thy divine program for us as a people. Let Thy blessings rest upon every Senator in this honorable body. Give them Thy personal comfort and guidance and blessing, and lead them in the discharge of their public duty according to Thine own gracious will. For Christ's sake. Amen.

HENRY CABOT LODGE, a Senator from the State of Massachusetts, appeared in his seat to-day.

The Journal of the proceedings of Tuesday, December 23, 1913, was read and approved.

THE COMMERCE COURT.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting a letter from the presiding judge of the United States Commerce Court calling

SOCIAL SECURITY

TEH2B

March 18, 1998

Mr. Scott McDonald

Dear Mr. McDonald:

This is in response to your letter to the Commissioner concerning Social Security numbers for your children.

The Social Security Act does not require a person to have a Social Security number (SSN) to live and work in the United States, nor does it require an SSN simply for the purpose of having one. However, if someone works without an SSN, we cannot properly credit the earnings for the work performed.

Other laws require people to have and use SSNs for specific purposes. For example, the Internal Revenue Code (26 U.S.C. 6109 (a)) and applicable regulations (26 CFR 301.6109-1(d)) require an individual to get and use an SSN on tax documents and to furnish the number to any other person or institution (such as an employer or a bank) that is required to provide the Internal Revenue Service (IRS) information about payments to the individual. There are penalties for failure to do so. The IRS also requires employers to report SSNs with employees' earnings. In addition, people filing tax returns for taxable years after December 31, 1994, generally must include the SSN of each dependent.

The Privacy Act regulates the use of SSNs by government agencies. They may require an SSN only if a law or regulation either orders or authorizes them to do so. Agencies are required to disclose the authorizing law or regulation. If the request has no legal basis, the person may refuse to provide the number and still receive the agency's services. However, the law does not apply to private sector organizations. Such an organization can refuse its services to anyone who does not provide the number on request.

We hope you find this information helpful. If you have further questions, you may call our toll-free number, 1-800-772-1213. Our representatives will be glad to help you.

Sincerely,

Charles H. Mullen
Associate Commissioner
Office of Public Inquiries

PUBLIC AFFAIRS COMMENT FORM

We encourage you to "SEARCH" our web site for answers to your inquiry. Due to the large volume of e-mail we receive, we cannot always guarantee a response.

Your Name:
Devvy Kidd
Your Address:
P.O. Box 60543
City:
Sacramento
State:
CA
Zip Code:
95860
Country:
USA
Phone:
916-928-0199
Your E-Mail Address:
Freedom of Information Act Request
Comments:
Under the FOIA, I would like the travel itinerary for Hillary Rodam Clinton for the month of August 1998. I only require all the places the First Lady travelled to outside the United States during that month and year by city and country.

Thank you
Devvy Kidd

Submit Reset

National Transportation Safety Board

Washington, D.C. 20594

January 30, 2001

Mr. Devvy Kidd
4620 Dymic Way
Sacramento, California 95838

Re: National Transportation Safety Board (NTSB)
Freedom of Information Act (FOIA) No. 20000244
July 16, 1999 Vineyard Haven, MA (NYC99MA178)

Dear Mr. Kidd:

This further responds to your FOIA request for information regarding the above accident. There are a number of requests for information relating to this investigation, and the NTSB believes it is likely that there will be additional requests in the future. Therefore, the Board has created a page on our website that provides access to all of the information that may be released on this matter.

Many of the documents responsive to your request under the FOIA involve documents that are included in what is known as our public docket. The public docket contains board reports and supporting documents and has been made available on a compact disc (CD). You should have received a copy by now. If not you, may contact the FOIA Office on (202) 314-6540 for a copy. To help you in the event you wish to purchase a hard copy of all or part of the documents found in the public docket, enclosed is a copy of the table of contents for the public docket to assist you in deciding which materials, if any, you wish to receive. You may contact our contractor, General Microfilm Inc. (GMI) directly by calling (301) 929-8888 or by faxing (301) 933-8676. Please refer to file number NYC99MA178 when ordering public docket information.

We also have located responsive documents, including approximately 900 photographs, which were not placed in the public docket. The responsive documents and photographs that we have determined may be released have been electronically scanned, and are available on our website at www.ntsb.gov. If you have questions about accessing these materials electronically, please contact the FOIA office at (202) 314-6540. The non-docket photographs and documents may be downloaded from the web page. These documents also are available on a CD (enclosed) or from our contractor, GMI, in hard copy. Refer to file number FOI99MA178, FOI99MA178X and FOI99MA178XX when ordering these releasable, non-docket items.

We also located two articles commenting generally on administrative operations at the NTSB. While these two articles were not created pursuant to the investigation and are not

specific to this accident investigation, they may be released if requested. If you wish to obtain these articles, please contact the FOIA office.

We have withheld, pursuant to 5 U.S.C.§552(b)(4), commercially sensitive or proprietary information voluntarily given us "of a kind that would customarily not be released to the public by the person from whom it was obtained." See Critical Mass Project v. NRC, 975 F.2d 871 (D.C. Cir. 1992). In this instance, we have withheld business sensitive documents relating to flight training programs and procedures developed by Flight Safety International. In addition, some documents provided to the Safety Board contain financial information that is exempt from disclosure under (b)(4), so we redacted it. The exemption is marked clearly next to all information redacted by the NTSB.

Draft documents, analytical papers, records, notes and intra- and interagency correspondence are being withheld pursuant to 5 U.S.C. §552(b)(5), which exempts from disclosure agency records that are preliminary or deliberative. National Wildlife Fed'n v. Forest Serv., 861 F.2d 1114 (9th Cir. 1988); Jowett, Inc. v. Department of the Navy, 729 F. Supp. 871 (D.D.C. 1989). Preliminary materials cannot be guaranteed as accurate or complete, and therefore release of such information would result in confusion and compromise the NTSB's work. Similarly, predecisional material reflecting the NTSB's deliberative process is exempted from disclosure in order to ensure the free flow of information during the course of our investigations. Mead Data Cent., Inc. v. Department of the Air Force, 566 F.2d 242, 256 (D.C. Cir. 1977).

Several documents containing personal information, notably autopsy information and personal information from the funeral director, are being withheld in their entirety pursuant to 5 U.S.C. §552(b)(6), which exempts from disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." In our review of the responsive documents, we determined that this exemption to the FOIA required that we redact a limited amount of material from certain of the responsive documents that are being released. Therefore, in some of the documents enclosed with this letter, personal information, such as addresses and telephone numbers of witnesses, and other personal identifying information, is also withheld pursuant to 5 U.S.C. 552(b)(6). The redactions are clearly marked and the applicable exemption is noted at the place of the redaction.

You may note that some documents included with this collection were redacted when received. Specifically, a July 20, 1999 letter from Mr. Muzio of the NTSB to the FBI has several redactions that are not a result of the NTSB's review of the documents in response to the FOIA request, and some of the receipts from Million Air were redacted prior to our review. With regard to these documents, no applicable exemption is noted. The documents have been included in the releasable material as they were received.

Our search for documents responsive to your request produced a number of documents not placed in our docket that originated at the Federal Aviation Administration (FAA), the United States Air Force (USAF), the United States Coast Guard (USCG), and the United States Navy (USN). Pursuant to government-wide procedures, we have referred these documents to the FAA,

the USAF, the USCG, and the USN so that, as the originating agencies, they may make the decision as to whether the documents should be released. You will hear from the FAA, the USAF, the USCG, and the USN directly regarding these items.

To the extent we have denied your FOIA request, you may appeal my decision by writing to:

Mr. Daniel D. Campbell
Managing Director
National Transportation Safety Board
Washington, DC 20594

Sincerely,

Melba D. Moye

Melba D. Moye
FOIA Officer

Enclosures

National Transportation Safety Board
Washington, D.C. 20594

Brief of Accident

Adopted 07/06/2000

NYC99MA178
FILE NO. 1349 07/16/99 VINEYARD HAVEN,MA AIRCRAFT REG. NO. N9253N TIME (LOCAL) - 21:41 EDT

MAKE/MODEL - Piper PA-32R-301
ENGINE MAKE/MODEL - Lycoming IO-540-K1G5
AIRCRAFT DAMAGE - Destroyed
NUMBER OF ENGINES - 1

	FATAL	SERIOUS	MINOR/NONE
CREW	1	0	0
PASS	2	0	0

OPERATING CERTIFICATES - None
TYPE OF FLIGHT OPERATION - Personal
REGULATION FLIGHT CONDUCTED UNDER - 14 CFR 91

LAST DEPARTURE POINT - CALDWELL,NJ
DESTINATION - Same as Accident

AIRPORT PROXIMITY - Off airport/airstrip

CONDITION OF LIGHT - Night (dark)

WEATHER INFO SOURCE- Weather observation facility

BASIC WEATHER - Visual (VMC)
LOWEST CEILING - None
VISIBILITY - 0010.000 SM
WIND DIR/SPEED - 240 /010 KTS
TEMPERATURE (F) - 75
OBSTR TO VISION - None
PRECIPITATION - None

PILOT-IN-COMMAND AGE - 38

CERTIFICATES/RATINGS
Private
Single-engine land
INSTRUMENT RATINGS
None

FLIGHT TIME (Hours)

TOTAL ALL AIRCRAFT - 310
LAST 90 DAYS - 45
TOTAL MAKE/MODEL - 36
TOTAL INSTRUMENT TIME - 38

The noninstrument-rated pilot obtained weather forecasts for a cross-country flight, which indicated visual flight rules (VFR) conditions with clear skies and visibilities that varied between 4 to 10 miles along his intended route. The pilot then departed on a dark night. According to a performance study of radar data, the airplane proceeded over land at 5,500 feet. About 34 miles west of Martha's Vineyard Airport, while crossing a 30-mile stretch of water to its destination, the airplane began a descent that varied between 400 to 800 feet per minute (fpm). About 7 miles from the approaching shore, the airplane began a right turn. The airplane stopped its descent at 2,200 feet, then climbed back to 2,600 feet and entered a left turn. While in the left turn, the airplane began another descent that reached about 900 fpm. While still in the descent, the airplane entered a right turn. During this turn, the airplane's rate of descent and airspeed increased. The airplane's rate of descent eventually exceeded 4,700 fpm, and the airplane struck the water in a nose-down attitude. Airports along the coast reported visibilities between 5 and 8 miles. Other pilots flying similar routes on the night of the accident reported no visual horizon while flying over the water because of haze. The pilot's estimated total flight experience was about 310 hours, of which 55 hours were at night. The pilot's estimated flight time in the accident airplane was about 36 hours, of which about 9.4 hours were at night. About 3 hours of that time was without a certified flight instructor (CFI) on board, and about 0.8 hour of that was flown at night and included a night landing. In the 15 months before the accident, the pilot had flown either to or from the destination area about 35 times. The pilot flew at least 17 of these flight legs without a CFI on board, of which 5 were at night. Within 100 days before the accident, the pilot had completed about 50 percent of a formal instrument training course. A Federal Aviation Administration Advisory Circular (AC) 61-27C, "Instrument Flying: Coping with

Illusions in Flight," states that illusions or false impressions occur when information provided by sensory organs is misinterpreted or inadequate and that many illusions in flight could be caused by complex motions and certain visual scenes encountered under adverse weather conditions and at night. The AC also states that some illusions might lead to spatial disorientation or the inability to determine accurately the attitude or motion of the aircraft in relation to the earth's surface. The AC further states that spatial disorientation, as a result of continued VFR flight into adverse weather conditions, is regularly near the top of the cause/factor list in annual statistics on fatal aircraft accidents. According to AC 60-4A, "Pilot's Spatial Disorientation," tests conducted with qualified instrument pilots indicated that it can take as long as 35 seconds to establish full control by instruments after a loss of visual reference of the earth's surface. AC 60-4A further states that surface references and the natural horizon may become obscured even though visibility may be above VFR minimums and that an inability to perceive the natural horizon or surface references is common during flights over water, at night, in sparsely populated areas, and in low-visibility conditions. Examination of the airframe, systems, avionics, and engine did not reveal any evidence of a preimpact mechanical malfunction.

NYC99MA178
FILE NO. 1349 07/16/99 VINEYARD HAVEN,MA AIRCRAFT REG. NO. N9253N TIME (LOCAL) - 21:41 EDT

Occurrence# 1 LOSS OF CONTROL - IN FLIGHT
Phase of Operation DESCENT

Findings
1. - LIGHT CONDITION - DARK NIGHT
2. - WEATHER CONDITION - HAZE
3. - AIRCRAFT CONTROL - NOT MAINTAINED - PILOT-IN-COMMAND
4. - SPATIAL DISORIENTATION - PILOT-IN-COMMAND

Occurrence# 2 IN-FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation DESCENT - UNCONTROLLED

Findings
5. - TERRAIN CONDITION - WATER

The National Transportation Safety Board determines that the probable cause(s) of this accident was:
The pilot's failure to maintain control of the airplane during a descent over water at night, which was a result of spatial disorientation. Factors in the accident were haze, and the dark night.

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5	Operations 2 - Group Chairman Factual Report	100	
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9	Meteorology 5 - Attachment 1	9	
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12	Meteorology 5 - Attachment 1 - Chart 3A		1
13	Meteorology 5 - Attachment 1 - Chart 4A		1
14	Meteorology 5 - Attachment 1 - Chart 5A		1
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23	Meteorology 5 - Attachment 1 - (continued)	7	
24	Meteorology 5 - Attachment 1 - Chart (page 37)		1
25	Meteorology 5 - Attachment 1 - (continued)	4	
26	Meteorology 5 - Attachment 1 - Chart (page 42)		2
27	Meteorology 5 - Attachment 1 - Chart (page 43)		1
28	Meteorology 5 - Attachment 1 - Chart (page 44)		1
29	Meteorology 5 - Attachment 1 - (continued)	5	
30	Meteorology 5 - Attachment 1 - Chart (page 50)		1
31	Meteorology 5 - Attachment 1 - Chart (page 51)		1
32	Meteorology 5 - Attachment 1 - Chart (page 52)		1
33	Meteorology 5 - Attachment 1 - Chart (page 53)		1
34	Meteorology 5 - Attachment 1 - Chart (page 54)		1
35	Meteorology 5 - Attachment 1 - Chart (page 55)		1
36	Meteorology 5 - Attachment 1 - Chart (page 56)		1
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38	Meteorology 5 - Attachment 1 - Chart (page 58)		1
39	Meteorology 5 - Attachment 1 - Chart (page 59)		1
40	Meteorology 5 - Attachment 1 - Chart (page 60)		1
41	Meteorology 5 - Attachment 1 - Chart (page 61)		1
42	Meteorology 5 - Attachment 1 - Chart (page 62)		1
43	Meteorology 5 - Attachment 1 - Chart (page 63)		1

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44	Meteorology 5 - Attachment 1 - Chart (page 64)		1
45	Meteorology 5 - Attachment 1 - (continued)	9	
46	Meteorology 5 - Attachment 1 - Chart (page 74)		1
47	Meteorology 5 - Attachment 1 - (continued)	1	
48	Meteorology 5 - Attachment 1 - (continued)	7	
49	Powerplants 8 - Group Chairman Factual Report	9	
50	Aircraft Performance 13 - Group Chairman Factual Report	7	
51	Aircraft Performance 13 - Attachment 1 - Tabular Radar Data & Radar Data Plots	19	
52	Aircraft Performance 13 - Attachment 1 - Chart 1 - Flight Path of N9253N based on New York Center ARSR data.		1
53	Aircraft Perfromance 13 - Attachment 1 - Chart 2 - Radar Data from Several sources		1
54	Aircraft Performance 13 - Attachment 1 - Chart 3 - Selected Final Radar Returns for N9253N		1
55	Aircraft Performance 13 - Attachment 1 - Chart 4 - Radar Data from Several Sources		1
56	Aircraft Performance 13 - Attachment 1 - Chart 5 - Westchester County Airport ASR Data Ground Track of AA 1484 and N9253N		1
57	Aircraft Performance 13 - Attachment 1 - Chart 6 - Westchester County Airport ASR Data		1
58	Aircraft Performance 13 - Attachment 2 - Wind Data	3	
59	Aircraft Performance 13 - Attachment 3 - Simulation Results Charts	1	
60	Aircraft Performance 13 - Attachment 3 - Chart 1 - Input to Simulation 7/16/99		1

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Item No.	Description of Item	No. of Pages: Doc	No. of Pages: Photo
61	Aircraft Performance 13 - Attachment 3 - Chart 2 - Radar Data from several sources compared with Simulation Results		1
62	Aircraft Performance 13 - Attachment 3 - Chart 3 - Comparison of Simulattion Altitude with Radar Altitude		1
63	Aircraft Performance 13 - Attachment 3 - Chart 4 - Simulation Results 7/16/99		1
64	Aircraft Performance 13 - Attachment 3 - Chart 5 - Simulation Results 7/16/99		1
65	Aircraft Performance 13 - Attachment 3 - Chart 6 - View from South East, Looking North West		1
66	Aircraft Performance 13 - Attachment 3 - Chart 7 - View from East of Wreckage Site, Looking West		1
67	Aircraft Performance 13 - Attachment 3 - Chart 8 - View from South of Wreckage site, Looking North		1
68	Airworthiness - Group Chairman Factual Report	18	
69	Airworthiness - Appendix A - Photographs (28)	1	
70	Airworthiness - Photo 1. View of the cockpit and cabin area. (NTSB-B2)		1
71	Airworthiness - Photo 2. Close-up view of the instrument panel. Note that the attitude indicator (denoted by arrow) is captured in nose-down, steep right bank attitude. (NTSB-E21)		1
72	Airworhtiness - Photo 3. View of right wing damage (view from forward looking aft). Note that the entire length of the wing spar was recovered. (NTSB-C2)		1
73	Airworthiness - Photo 4. Close-up view of the outboard portion of the right wing (view from forward looking aft). Note aftward accordion crush damage of the leading edge skin. (NTSB-C13)		1
74	Airworthiness - Photo 5. View of the inboard section of the right wing (view from aft looking forward). Note damage to main spar (background). Also note entire left flap (foreground) and lack of bulging or bowing deformation.		1

NTSB File Number NYC99MA178

Item No.	Description of Item	No. of Pages: Doc	No. of Pages: Photo
75	Airworthiness - Photo 6. View off the inboard section of the right wing (view from forward looking aft). Note damage to main spar and the 90-degree forward bend (foreground) (NTSB-C14)		1
76	Airworthiness - Photo 7. Close-up view of the right wing spar area near 90-degree forward bend. Right main landing gear trunion (shown in foreground) is normally installed in this area. Note damage to the spar web in this area. (NTSB-I22)		1
77	Airworthiness - Photo 8. View of right wing damage (view from froward looking aft). Note that the entire length of the wing spar was recovered. (NTSB-C3)		1
78	Airworthiness - Photo 9. Close-up view of the leading edge skin of the left wing (view from forward looking aft). Note hydrodynamic deformation in aft direction. (NTSB-I12)		1
79	Airworthiness - Photo 10. View of inboard section of left wing spar. Note spar web damage and the diverging spar caps. Right main landing gear is normally stowed directly behind this area. (NTSB-I6)		1
80	Airworthiness - Photo 11. Close-up view of the upper spar cap fitting of the wing carry-through section where it mates with the left wing spar. Note rearward direction of fractures. (NTSB-I12)		1
81	Airworhtiness - Photo 12. View of the left side of the aft cabin and tail section. Note the bowing deformation of the separated rudder (denoted by arrow) and the twisting of the vertical stabilizer toward the right side of the airplane. (NTSB-C7)		1
82	Airworthiness - Photo 13. Close-up view of the vertical stabilizer (view from right side view). Note that the upper half of the stabilizer is bent over toward the right side of the airplane. (NTSB-C22)		1
83	Airworthiness - Photo 14. View of stabilator damage and upper structure of mating tail cone (denoted by arrow). Note bowing deformation of the tail cone and the rudder adjacent to it, and impact damage of the left stabilator. (NTSB-B10)		1
84	Airworthiness - Photo 15. View of the damage to the bottom structure of the aft-facing passenger seats in row 2.		1

NTSB File Number NYC99MA178

Item No.	Description of Item	No. of Pages: Doc	No. of Pages: Photo
85	Airworthiness - Photo 16. View of the seat back structure of the aft-facing passenger seats in row 2. Note that the structure is bulged outward (forward relative to their normal installation in airplane). (NTSB-A2)		1
86	Airworthiness - Photo 17. Close-up view of left main landing gear actuator. Note that the end of the actuator (denoted by arrow) is in the retracted position. (NTSB-E2)		1
87	Airworthiness - Photo 18. Close-up view of the exposed portion of the stabilator trim jackscrew. (NTSB-T18)		1
88	Airworthiness - Photo 19. Microscopic view of the airspeed indicator face. Note needle slap mark (denoted by arrow) beyond the 210-knot marking. This slap mark corresponds to the designed maximum needle travel. (NTSB-Lab Polaroid)		1
89	Airworthiness - Photo 20. Microscopic view of the vertical speed indicator face. Note needle slap mark is near the maximum indication of 2,000 feet per minute descent. (NTSB-Lab Polaroid)		1
90	Airworthiness - Photo 21. Close-up view of the engine tachometer after removal from wreckage. Note that needle is captured at the 2,750 rpm indications, and the tachometer time reads 663.5 hours. (NTSB-T1)		1
91	Airworthiness - Photo 22. View of primary (engine-driven) vacuum pump, after diassembly. The shear shaft was found intact. Note lack of vane damage or deformation. Also note lack of any pre-impact mechanical damage. (NTSB-S10)		1
92	Airworthiness - Photo 23. View of propeller assembly, prior to disassembly by investigators. Note "S" bending, chordwise scratching, and leading edge gouging. (NTSB-BB)		1
93	Airworthiness - Photo 24. View of all three propeller blades after removal from hub by investigators. Note "S" bending, chordwise scratching, and leading edge gouging. Also note two impressions in leading edge of blade no. 1 (denoted by arrow). (NTSB-CC)		1
94	Airworthiness - Photo 25. Close-up view of leading edge damage of propeller blade no. 1. (NTSB-CC)		1

NTSB File Number NYC99MA178

Item No.	Description of Item	No. of Pages: Doc	No. of Pages: Photo
95	Airworthiness - Photo 26. Overall view of engine prior to disassembly and inspection. Note that propeller had separated from the engine. Also note damage to the top of the no. 2 cylinder head section. (NTSB-AA)		1
96	Airworthiness - Photo 27. Close-up view of the top of the no. 1 cylinder head section (view looking outboard) with propeller blade no. 1 resting next to it. Note consistent locations of blade damage with the cylinder damage. (NTSB-AA)		1
97	Airworthiness - Photo 28. Close-up view of the top of the no. 1 cylinder head section (view looking inboard) with propeller blade no. 1 resting next to it. Note consistent locations of blade damage with the cylinder damage. (NTSB-AA)		1
98	Airworthiness - Appendix B - Drawings of Structural Damage	5	
99	Airworthiness - Appendix C - Autopilot & GPS Information	39	
100	Airworthiness - Appendix D - Maintenance Record Excerpts	20	
101	Statement of Party Representatives to NTSB Investigation	2	
102	Release of Aircraft Wreckage, NTSB Form 6120.15	4	
103	Toxicological Report	1	
104	Photo 1. Photograph of the accident airplane taken within three months of the accident. (Photograph provided by previous owner of accident airplane)		1
105	Photo 2. Photograph of the cockpit and instrument panel layout of the accident airplane taken within three months of the accident. (Photograph provided by previous owner of accident airplane)		1
106	Photo 3. Photograph showing the interior cabin of the accident taken within three months of the accident. Second row of seats were aft-facing. (Photograph provided by previous owner of accident airplane)		1
107	Photo 4. Overall view of wreckage (with right wing in the foreground) after it was laid out in a two-dimensional reconstruction. (NTSB-B2)		1
	Total Number of Pages	363	78

Following are the businesses that had offices in the two towers of the World Trade Center. Roughly 50,000 workers were employed in the twin 110-story towers. Emergency contact information is listed where available.

If you have additional contact information or corrections, please e-mail tammy.kennon@washingtonpost.com.

Tower 1 (A-K) | Tower 1 (L-Z) | Tower 2

Tower 1 (NORTH)

Companies L -Z

Company	Industry	Floor	Contact
Landmark Education Corporation	Government/Schools	15	www.landmark-education.com/welcome.htm
Lava Trading, LLC		83	NA
Law Offices of Roman V. Popik	Attorneys	21	NA
Leeds & Morrelli	Attorneys	52	NA
Lehman Brothers		suites 4047, 3841, 3941	888-534-6268, Hotline, www.lehman.com
Lehman Brothers		38-40	888-534-6268, Hotline, www.lehman.com
LG Insurance Company			NA
LG Securities America, Inc.	Investments	84	NA
Lief International USA	Manufacturing	21	NA
LoCurto & Funk, Inc.	Investments	53	NA
M.A. Katz, CPA	Accountants	45	NA
MANAA Trading Group, Inc.	Investments	33	NA
Marsh USA, Inc.	Insurance Agencies	93-100	888-374-6377; 212-345-6000 (emergencies)
Martin Progressive LLC	Computer Services	77	203-791-2090, www.martinprogressive.com
May Davis Group	Investments	87	NA
Mechanical Floor		41-43	NA
Meganet Management Consultants, Inc	Computer Services	46	NA
Meridian Ventures Holding, Inc.		78	NA
Metropolitan Life Insurance Co.	Insurance Agencies	89	NA
MIS Service Co.		33	NA
MLU Investment		22	NA
Mutual International Forwarding	Transportation/Utilities	89	NA
N.Y. Society of Security Analysts	Government/Schools	44	www.nyssa.org
Natural Nydegger	Transportation/Utilities	53	718-656-7270

Transport Corp.			Jamaica, NY, office
Network Plus	Telecommunication	81	www.np1.com
New Continental Enterprises	Transportation/Utilities	81	NA
New-ey International Corp.	Business Services	77	NA
NFA/GGG, Inc.		47	NA
Nikko Securities	Banks/Financial Institutions	79	NA
Noga Commodities Overseas, Inc.	Investments	80	NA
Northern Trust International Banking Corp.	Banks/Financial Institutions		NA
NY Coffee Station			NA
NY Metro Transportation Council	Government/Schools	82	NA
Okasan International (American) Inc.	Investments	52	NA
Okato Shoji Company, Ltd.	Computer Services	79	NA
Olympia Airport Express		LBBY	NA
Overseas Union Bank, Ltd.	Banks/Financial Institutions	39	NA
P. Wolfe Consultants	Business Consultants	22	800-540-7024 (Hotline), www.pwolfe.com
Pace University	Government/Schools	55	NA
Pacific American Co.	Wholesalers	47	NA
Pacrim Trading & Shipping, Inc.	Transportation/Utilities	53, 78	NA
Phink Path	Employment Agencies	78	NA
Porcella Vicini & Co.	Transportation/Utilities	11	NA
Port Authority of New York & New Jersey	Government/Schools	3, 14, 19, 24, 28, 31	Family/staff only: 973-565-5505, 5506 or 5507, www.panynj.gov
Primarch Decision Economics	Business Consultants	11	NA
Prospect International, Inc.		46	NA
Pure Energy Corp.	Wholesalers	45, 53	949-888-8560 (Calif. Headquarters)
Quint Amasis, L.L.C.	Business Services	47	NA
R.H. Wrightson & Associates, Inc.	Investments	25	NA
Rachel & Associates, Inc.	Manufacturing	33	NA
Regional Alliance Small Contractors	Construction	38	609-392-5600; 973-681-2296, www.regional-alliance.org
RGL Gallagher PC	Accountants	52	NA
Richard A. Zimmerman, Esq.	Attorneys	52	NA
RLI Insurance Company	Insurance Agencies	80	www.rlicorp.com
Rohde & Liesenfeld, Inc.	Transportation/Utilities	32	www.rol.com
Royal Thai Embassy Office	Government/Schools		NA
San-In Godo Bank Ltd.	Banks/Financial Institutions	84	NA
Sassoons Inc.		45	NA
Securant Technologies	Computer Services	79	NA
Security Traders	Organizations	45	www.securitytraders.org/index.shtml

Association, Inc.			
Serko & Simon	Attorneys	33	NA
Shizuoka Bank Ltd.	Banks/Financial Institutions	80	NA
Sidley Austin, Brown & Wood, L.L.P.	Attorneys	54, 56-59	212-906-2000; www.sidley.com/offices/newyork.asp
Sinopec USA, Inc.	Wholesalers	46	NA
SMW Trading Corp.	Investments	85	NA
SRA		45	703-227-8346; 703-227-8345
Strategic Communications, Inc.	Telecommunication	89	
Strawberry	Retailers	CNCR	NA
Streamline Capital, LLC		45	NA
Suggested Open Systems, Inc.	Computer Services	46	NA
Suntendy America, Inc.	Wholesalers	46	NA
T&T Enterprises International Inc	Miscellaneous	46	NA
Tai Fook Securities	Investments	22, 39	NA
Taipei Bank	Banks/Financial Institutions	83	NA
Temenos USA, Inc.	Wholesalers	52, 84	e-mail: NYOffice@temenos.com, www.temenos.co.uk/corporate/news/NY_Events.htm
Tes USA, Inc.	Investments		NA
Thai Farmers Bank	Banks/Financial Institutions	7	NA
The Beast.Comm	Computer Services	80	NA
The Chugoku Bank, Ltd.	Banks/Financial Institutions	90	NA
The Company Store	Retailers	45	NA
The Cultural Institutions Retirement Systems	Trusts	39	NA
The Nishi-Nippon Bank, Ltd.	Banks/Financial Institutions	102	NA
The SCPIE Companies		22	800-962-5549
The Williams Capital Group		52	NA
Thermo Electron		85	NA
Tower Computer Service	Retailers	21	NA
Traders Access Center	Investments	78	NA
Trading Technologies, Inc.	Software	86	847-424-8844, Chicago headquarters, www.tradingtechnologies.com
Turner Construction Company	Construction	38	NA
Unicom Capital Advisors LLP	Investments	22, 84	NA
United Hercules Inc.	Travel Agencies/Tours		NA
United Seamen's Service AMMLA	Social Services	21	NA
W.J. Export-Import, Inc.	Wholesalers	47	NA
Wai Gao Qiao USA, Inc.	Business Consultants	89	NA
Wall Street		89	NA

Planning Association			
Windows on the World	Retailers	106	877-226-5170, Hotline, www.windowsontheworld.com
World Trade Centers Association	Organizations	77	
World Trade Club		107	NA
World Trade Institute		55	NA
World Travel	Travel Agencies/Tours	29	NA
Xcel Federal Credit Union	Banks/Financial Institutions	39	800-284-8663, www.xcelfcu.org
Yong Ren America, Inc.		46	NA
Zim-American Israeli Shipping Co.	Transportation/Utilities	16, 17	866-863-0852

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Tower 1 (A-K) | Tower 1 (L-Z) | Tower 2

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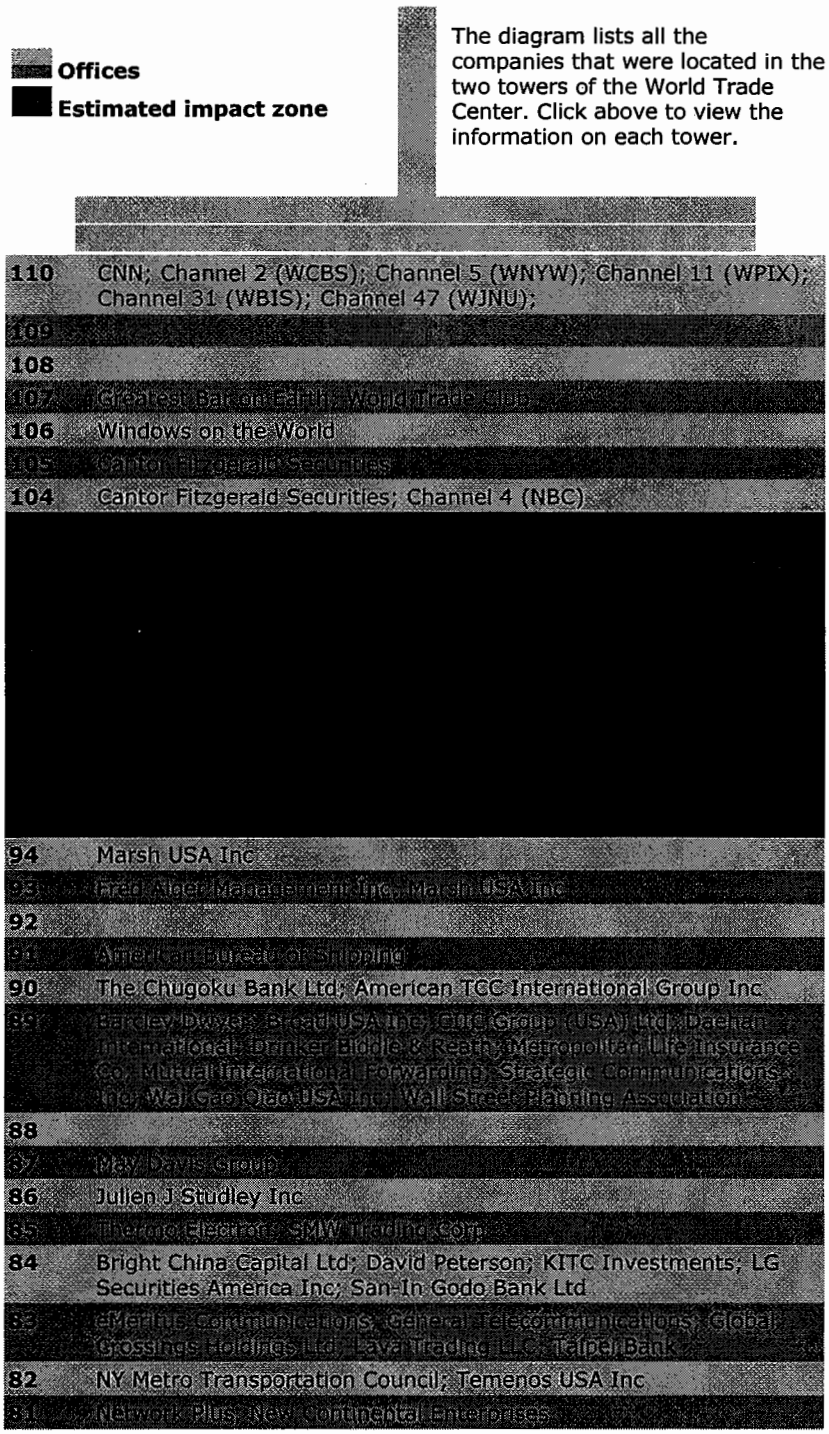
AMERICA'S DAY OF TERROR

TWIN TOWERS TENANTS

NORTH TOWER | SOUTH TOWER

Offices
Estimated impact zone

The diagram lists all the companies that were located in the two towers of the World Trade Center. Click above to view the information on each tower.



80	Agricor Commodities Corp; Intrust Investment Realty Inc; Noga Commodities Overseas Inc; RLI Insurance Company; Shizuoka Bank Ltd; The Beast.com
79	Daynard & Van Thunen Co; First Liberty Investment Group; International Office Centers Corporation; Nikko Securities; Okato Shoji Company Ltd; Securant Technologies
78	Avenir Inc; Baltic Oil Corporation; Cedar Capital Management Associates Inc; Cheng Cheng Enterprises Holding Inc; Geiger & Geiger; Hyundai Securities Co Ltd; International Trade Center Inc; Korea Local Authorities Foundation; Meridian Ventures Holding Inc; Pacrim Trading & Shipping Inc; Phink Path; Traders Access Center
77	Hal Roth Agency Inc; Jun He Law Office LLC; Martin Progressive LCC; New-ey International Corp; World Trade Centers Association
76	
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74	
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72	
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69	
68	
67	
66	
65	
64	
63	Airport Access Program
62	
61	
60	Asahi Bank Ltd.
59	Brown & Wood LLP
58	Brown & Wood LLP
57	Brown & Wood LLP
56	Brown & Wood LLP
55	Pace University; World Trade Institute
54	Brown & Wood LLP
53	AIG Aviation Brokerage Inc; Bank of Taiwan; China Resource Products USA Ltd; Keenan Powers & Andrews; LoCurto & Funk Inc; Natural Nydegger Transport Corp; Pacrim Trading & Pure Energy Corp; Shipping Inc
52	Bramax Manufacturing (USA) Corp; Gayer Shyu & Wiesel; Hill Betts & Nash LLP; Howly (US) Corporation; Leeds & Morrelli; Okasan International (American) Inc; RGL Gallaghen PC; Richard A. Zimmerman Esq; The Williams Capital Group; Temenos USA Inc
51	
50	Dai-Ichi Kangyo Trust Co
49	Dai-Ichi Kangyo Trust Co
48	Dai-Ichi Kangyo Trust Co
47	American TCC International Group Inc; G Z Stephens Inc; NFA/GGG Inc; Pacific American Co; Quint Amasis LLC; W J Export-Import Inc; Yong Ren America Inc
46	ASTDC Inc; Auto Imperial Co; Blue Sky Technologies Inc; Can-Achieve; Consolidated Steelex Corp; Dahao USA Corp; J&X Tans International; Kanebo Information Systems Corp; Meganet Management Consultants Inc; Prospect International Inc; Sinopec USA Inc; Suggested Open Systems Inc; Suntendy America, Inc; T&T Enterprises International Inc
45	American Lota International; China Construction of America Inc; Dunavant Commodity Corp; Employee Merit; Fertitta Enterprises; M.A. Katz CPA; Sassoons, Inc; Security Traders Association Inc; SRA; Streamline Capital LLC; The Company Store; Pure Energy

	Corp
44	NY Society of Security Analysts
43	Mechanical Floor
42	Mechanical Floor
41	Mechanical Floor
40	Lehman Brothers
39	Federal Credit Union; Lehman Brothers; Overseas Union Bank Ltd; The Cultural Institutions Retirement Systems; Xcel
38	Lehman Brothers; Regional Alliance; Turner Construction Company
37	Commodity Futures Trading Commission, Government of Thailand
36	Kemper Insurance Companies
35	Law Offices of Anne Pope; Kemper Insurance Companies
34	
33	MIS Service Co; Rachel & Associates; Serko & Simon
32	Banco LatinoAmericano de Exportaciones; Chang HWA Commercial Bank; Rohde & Liesenfeld Inc
31	Empire Health Choice; Port Authority of New York & New Jersey
30	Empire Health Choice
29	China Patent & Trademark USA; Empire Health Choice; World Travel
28	Empire Health Choice, Port Authority of New York & New Jersey
27	Empire Health Choice
26	Garban Intercapital
25	Garban Intercapital, R H Wrightson and Associates Inc
24	Empire Health Choice, Port Authority of New York & New Jersey
23	Empire Health Choice
22	Cheng Xiang Trading USA Inc; Chicago Options Exchange Corp; G C Services; Gold Sky Inc; Kaiser Overseas Inc; Karoon Capital Management; MLU Investment; P Wolfe Consultants; Tai Fook Securities; The SCPIE Companies; Unicom Capital Advisers LLP
21	Tower Computer Service; Avesta Computer Services Ltd; Continental Logistics Inc; Dongwon Securities Co Ltd; Dr Tadasu Tokumaru MD; Friends Ivory & Sime Inc; Friends Villas Fischer A Trust; Infotech; Law Offices of Roman V Popik; Lief International USA; United Seamen's Service AMMLA
20	Empire Health Choice
19	Empire Health Choice; Port Authority of New York & New Jersey
18	
17	Empire Health Choice; Zim-American Israeli Shipping Co
16	California Bank , Zim-American Israeli Shipping Co
15	Landmark Educational Corporation
14	Dun & Bradstreet Inc; Istinet Inc; Port Authority of New York & New Jersey
13	Istinet Inc
12	
11	Bank of America; Porcella Vicini & Co; Primarch Decisions Economics
10	Bank of America
9	Bank of America
8	Amerson Group Co Inc
7	Thai Farmers Bank
6	
5	Gayer Shyu & Wiesel
4	
3	Port Authority of New York & New Jersey
2	
1	
Lobby	Avis; Delta Airlines; Olympia Airport Express

INTERNAL REVENUE SERVICE
600 Arch Street
Philadelphia, PA 19106
Attn: E:1403PM

Department of the Treasury

Person To Contact: P. McPhaden
Telephone Number: (215) 597-0555
Ext. 108
Fax Number: (215) 597-3041
Refer Reply To: E:1403 PM

Date: 9 April 1998

To: Sean K. O'Hara

Glenolden, PA 19036

Dear Mr. O'Hara:

Re: Your letter dated 24 March 1998

1. United States citizens are taxed on worldwide income, regardless of where they reside.

2. Under both Subtitle A and Subtitle C (Income Taxes and Employment Taxes, respectively) there are requirements for an employer paying wages to deduct and withhold both income and employment taxes per IRC Sections 3402(a) and 3509(a). Every employer required to withhold tax on wages is liable for payment of the tax whether or not it is collected.

3. Every employee is entitled to his or her own withholding exemption and one for each dependent. But before an employee is allowed any withholding exemptions, he or she must file a withholding exemption certificate (Form W-4) with his or her employer showing the number of exemptions to which he or she is entitled (IRC Section 3402(f)(2)). Otherwise, withholding must be computed as if the employee were single and claiming no other exemptions.

In conclusion, the filing of a Form W-4 with your Social Security Number with an employer is voluntary. As a U.S. citizen, the employee will be taxed on his or her worldwide income. However, the deduction and withholding of the taxes by the employer is mandatory.

If there are any additional questions or concerns, please contact me at the above number.

Sincerely,

Pegene W. McPhaden

Pegene W. McPhaden, CPA
International Examiner

DEPARTMENT OF THE NAVY
COMMANDER NAVAL SURFACE FORCE
UNITED STATES ATLANTIC FLEET
1430 MITSCHER AVENUE
NORFOLK VIRGINIA 23551-2494

5720
Ser N02L/0793
3 Jul 01

Mr. Devvy Kidd
Project on Winning Economic Reform
4260 Dymic Way
Sacramento, CA 95838

Dear Mr. Kidd:

This is in response to your Freedom of Information Act (FOIA) request of July 13, 2000, addressed to the National Transportation Safety Board (NTSB), in which you seek copies of any and all notes, handwritten, typed or audio interviews taken from any pilots who where interviewed involving the John F. Kennedy Jr. plane accident which occurred in July 1999. Your request was forwarded to this command by Naval Sea Systems Command for release determination of a Salvage Operation Brief that was found responsive to your request but under our release authority.

Your request was carefully considered under applicable provisions of the FOIA statute (5 U.S.C. 522, as amended) and the implementing Department of the Navy regulation, 32 C.F.R. § 701.

I have determined that the document is releasable and it is enclosed, however, portions of the information in the Salvage Report are exempt from disclosure under FOIA exemption (b)(6), which excludes from release lists of military and civilian personnel's names who are assigned to units that are routinely deployable, as release of such information could result in a clearly unwarranted invasion of privacy. That information has been redacted.

Since your request has been partially denied, you are advised of your right to appeal this determination in writing to: Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

An appeal must be postmarked not later than sixty (60) calendar days from the date of this letter in order to be considered, and a copy of this letter should be attached along with a statement regarding why your appeal should be granted. It is recommended that the letter of appeal and envelope both bear the notation "Freedom of Information Act Appeal."

5720
Ser N02L/0793
3 Jul 01

I am the official responsible for the partial denial of your request.

The fees for the processing of this request have been waived.

Sincerely,

F. V. RUSSO, JR.
Captain, JAGC, U.S. Navy
Force Judge Advocate
By direction of the Commander

Enclosure 1.: Salvage Operation Brief



SALVAGE OPERATION BRIEF

SITUATION: On 16 Jul 99, a piper 32 airplane left Caldwell NJ enroute to Martha's Vineyard. The plane was reported missing 17 Jul 99. The plane is believed to be 6 NM SW of Gay Head.

MISSION: At 0211Z, 18 Jul 99, salvage support was requested from COMLANTAREA COGARD Portsmouth, VA. GRASP was tasked at 1600Z, 18 Jul 99 to support search and rescue efforts and provide the platform and resources to conduct aircraft recovery in water depths of 60-120FSW. On 20 Jul 99, GRASP assumed OTC of all search and recovery assets. GRASP will act as a clearing house for all target designation and prosecution.

NAVIGATION INFORMATION: On station, expect 2.5-3kt currents in Vineyard sound. Southwest winds are the prevailing winds and 2-3ft seas are usual in this area this time of year.
No man's land is an old naval bombardment site. Be advised of any unexploded ordnance.
Woods Hole is an oceanographic test site equiped with cranes for onload or offload. GRASP would have enter port on high tide due to areas of 19FSW depths. Depth at the piers are 60FSW.

COMMUNICATIONS: All units will monitor VHF Channels 16, 21a and as an alternative, VHF Channel 83a. Each unit has been equipped with Secure VHF (Sabre). And will make all reports regarding salvage operation via channel B5. GRASP will make all reports to Incident Command Post via STU III or HF 8294 MHz (6254 MHz secondary) from 0800-2000 and 5223 MHz (4417 MHz secondary) from 2000-0800 with U.S. Coast Guard. All the previous frequencies are secure frequencies. Also HF 02182KHz is the International Distress frequency and will be monitored 24hrs a day.
Note: Cellular phone is not recommended as a medium of discussion due to interception possibilities

GRASP will be required to submit OPREP 5 Feeder daily. Coast Guard Group Woods Hole is required to submit a daily SITREP. Additionally every day at 0600 and 1900, every unit will monitor secure VHF (Sabre) for conference with OTC to discuss plan of the day, progress made that day and plan for the following day.

LOGISTICS: U.S. Coast Guard Station Menemsha is the closest activity, only 5NM from the site. However, Menemsha is not manned 24hrs a day, so most logistic needs will be met by U.S. Coast Guard Station Woods Hole, located 20NM from the site. They have cranes and the depth at the pier is 60FSW. U.S. Coast Guard will support operation with 41ft boats and conduct transfers.

EMERGENCIES: All hospitals are within 30 minutes of the site and U.S. Coast Guard will coordinate any MEDIVAC for mechanical injuries. Any diving injury will be treated onboard GRASP.

COMMAND: COMSECONDFLT retains OPCON. COMLANTAREA is onscene commander and GRASP is the OTC. GRASP will direct all search elements. Once an acquisition has been made, GRASP will designate diving elements to investigate possible targets.

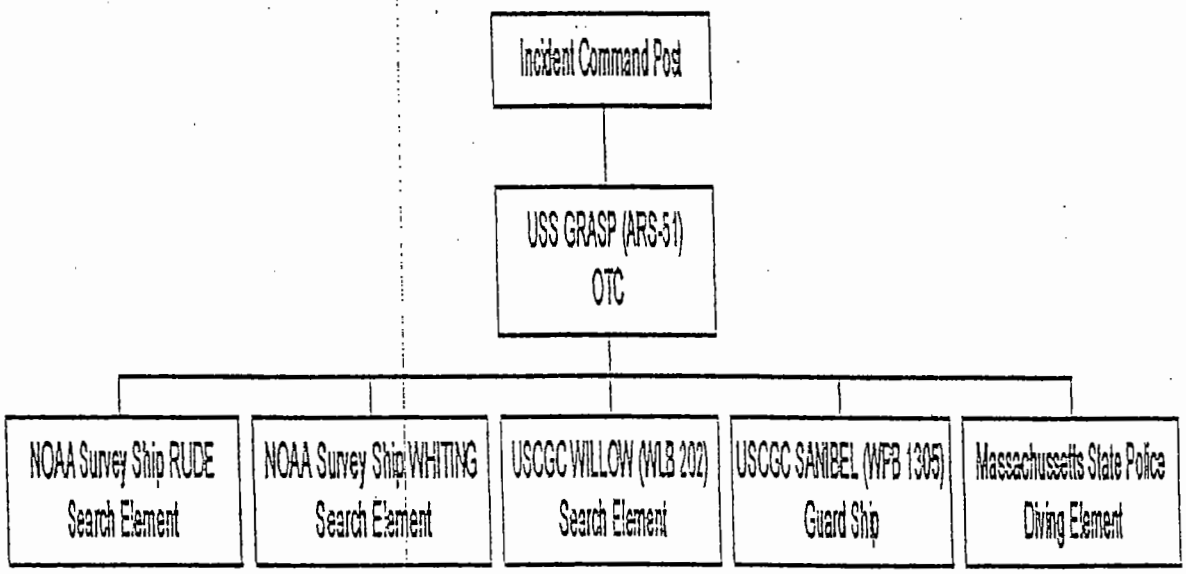
EXECUTION: All search elements will make reports to GRASP upon acquisition of possible targets. GRASP will determine whether target should be investigated and designate diving elements or ROV to identify. Once wreckage is found, GRASP will receive further instructions on recovery and salvage.

SUPPORT ELEMENTS:

- U.S. Coast Guard
  - Incident Command Post
    - Ultimate reporting authority
    - PAO control
  - U.S. Coast Guard Station Woods Hole
    - Logistics support
  - USCGC SANIBEL (WPB-1305)
    - Patrol Boat
    - Control scene/guard ship
  - USCGC WILLOW (WLB-202)
    - Buoy Tender
    - Search element
- NOAA
  - NOAA Survey Ship RUDE
    - Survey Ship
    - Search element
  - NOAA Survey Ship WHITING
    - Survey Ship
    - Search element
- Massachussetts State Police
  - Diving element
  - 2 boats of 5 divers
- U.S. Navy
  - NAVSEASYSCOM:
    - Lee Wolford and three techs
    - MR2 ROV
      - 1000ft max depth
      - 1000ft umbilical
      - SONAR
      - Real time video
      - 35mm still camera
      - Manipulator arms
  - USS GRASP (ARS-51)
    - OTC
    - Diving Element
      - 17 Divers (SCUBA and MK21 SSDS)
      - Hyperbaric chamber
    - Salvage Element
      - 40 Ton boom aft
      - 7.5 Ton boom fwd
      - Multi-point moor

COMBATCAMLANT:
PHC(DV) [redacted]
PH1(DV) [redacted]
PH3(DV) [redacted]
Videos
Still photos

SALVAGE OPERATION



COMMUNICATIONS PLAN DURING SALVAGE OPERATION

CIRCUIT	CHANNELS	SECURE/ NONSECURE
VHF	16	Non secure
VHF	21a	Non secure
VHF	83a	Non secure
VHF (Sabre)	B5	Secure
SATHICOM		Secure
HF	8294 MHz (0800-2000) 5223 MHz (2000-0800)	Secure
STU III	(508) 968-6682 Incident Cmd Post (508) 457-3230 USCGS Woods Hole 011-874-153-6363 USS GRASP (ARS-51)	Secure

CONTACT REPORT

TIME _____

FROM _____

LAT _____

LONG _____

DEPTH _____

CONFIDENCE LEVEL _____

CONTACT REPORT

GRASP THIS IS _____. CONTACT REPORT TO FOLLOW.

DESIG __ - _____.

LAT _____

LONG _____

DEPTH _____

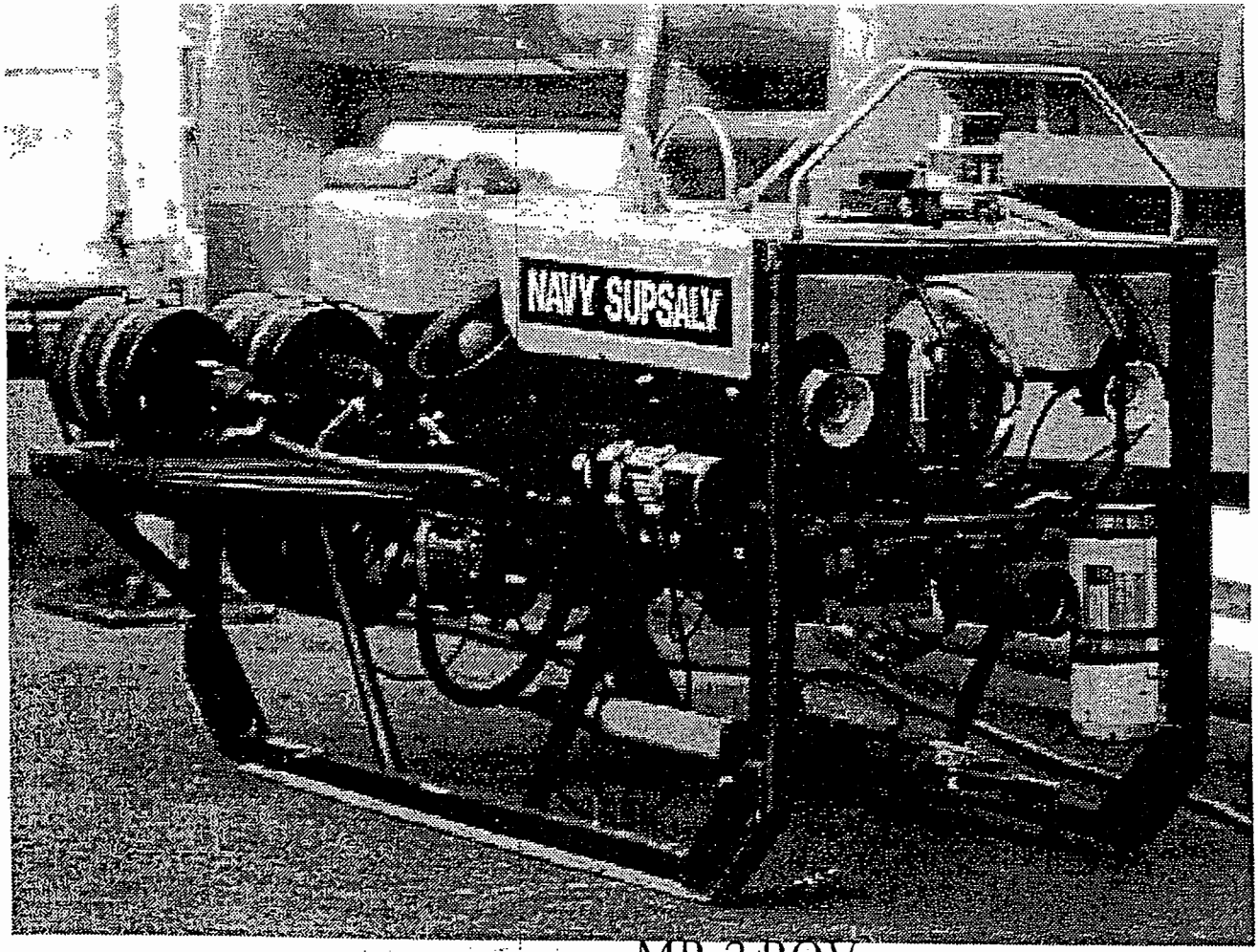
CONFIDENCE LEVEL OF CONTACT (1 THROUGH 10) ___

Salvage Operation Points of Contact

USS GRASP (ARS-51) INMARSAT: 011-874-153-6363 Cellular: (757) 434-9670

COMMAND	P.O.C.	TELEPHONE	REMARKS
COMSECONDFLT	LCDR [redacted] (J357)	(757) 444-5162 (757) 445-5577	MSG to J3/J35/J357
COMSECONDFLT Joint Operations Center	OSC [redacted]	(757) 445-5162	
CINCLANTFLT	CAPT Rikard	(757)836-5326/5414	
Naval Sea Systems Command	Lee Wolford	(703) 850-0912	Member is onboard GRASP
COMLOGRON TWO	CDR Pauls	[redacted] (732) 866-7546 Work	
COMLOGRON TWO	LTJG Paulk	(732) 866-7143 (732-)866-7200/01/02 OPS (732)866-7295 SDO	
U.S. Coast Guard Incident Command Post	Mr. [redacted]	(508)968-6684/85	Law Enforcement Rep
U.S. Coast Guard Logistics Support	LCDR Classen	(508)968-6684/85	
U.S. Coast Guard Operations Planning	LTJG Jaramillo	(508)968-6656/48/82	(508)968-6682 is STU III capable
U.S. Coast Guard Menemsha			Appx 5miles from site *** Station is not manned 24hrs ***
U.S. Coast Guard Woods Hole	LT [redacted] OPS M [redacted] Law Enforcement Rep	(508) 457-3210/11/12 (508) 457 - 3230 is STU III Capable	Appx 20miles from site Monitor CH16, 21 alt 83 HF 6227MHz (08-20) 4417MHz (20-08) Int'l distress 2182KHz
U.S. Coast Guard District	LT King	(617)223-8555 (508)457-3214	POC in regards to HF transmissions
U.S. Coast Guard Telecommunications Center	Chief Novak	(508) 968-6656/6648	
USCGC Willow		(401) 862-0786	
USCGC Sanibel		(508) 564-1562	
NOAAS Whiting		(757)647-0187	
NOAAS Rude		(757) 615-6465	
USS GRAPPLE (ARS-53)	LT [redacted] (XO)	(757) 462-7150 QD (757) 563-9013 XO [redacted]	All persons not onboard GRASP will report to GRAPPLE
EOD Mobile Unit Two	LT [redacted]	(757)462-8462	Furnished two GPS pluggers and two AN/PQS 2A.
Mobile Diving and	LT [redacted] (OPS)	(757)462-8801	

Salvage Unit Two			
SURFLANT PAO	LCDR Moynihan JOC Rourke	(757) 836-3600.	
CINCLANTFLT PAO	LCDR Mark MacDonald	(757) 836-3600 [redacted]	
USCG PAO	CAPT Fagerholm	(202)267-6399/2178	
Combat Camera	PHC(DV) [redacted]	(757) 444-2971 Work [redacted]	PH1(DV) [redacted] & PH2(DV) [redacted] are onboard GRASP
Little Creek NAB Port Ops	QM1 Jefferson	(757)462-7791	
COMNAVSURFLANT	LT Sandy Bowes	(757)836-3133/32	

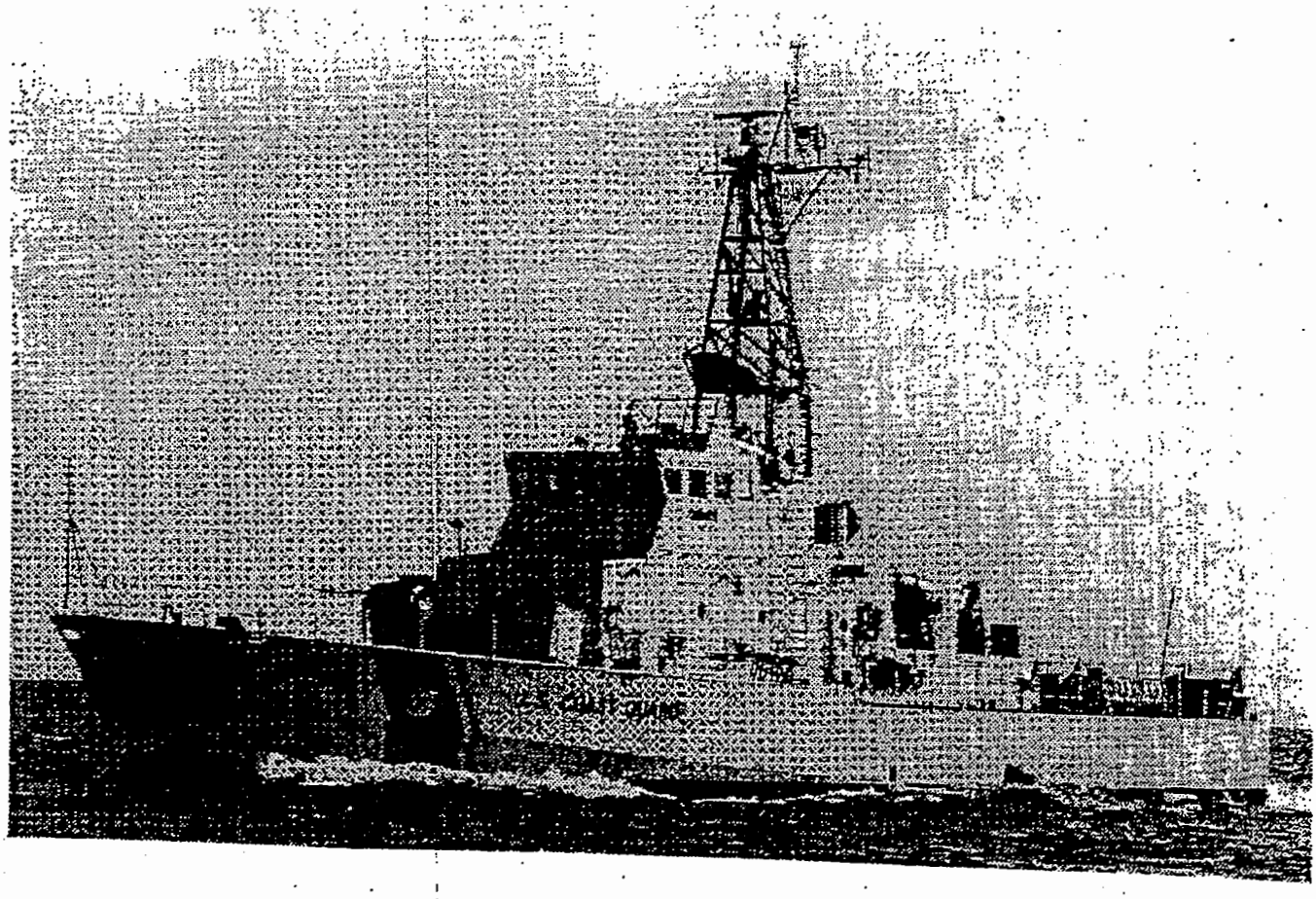


MR-2 ROV

CAPABILITIES: 1000 Ft Depth
Limited by 1000 Ft umbilical

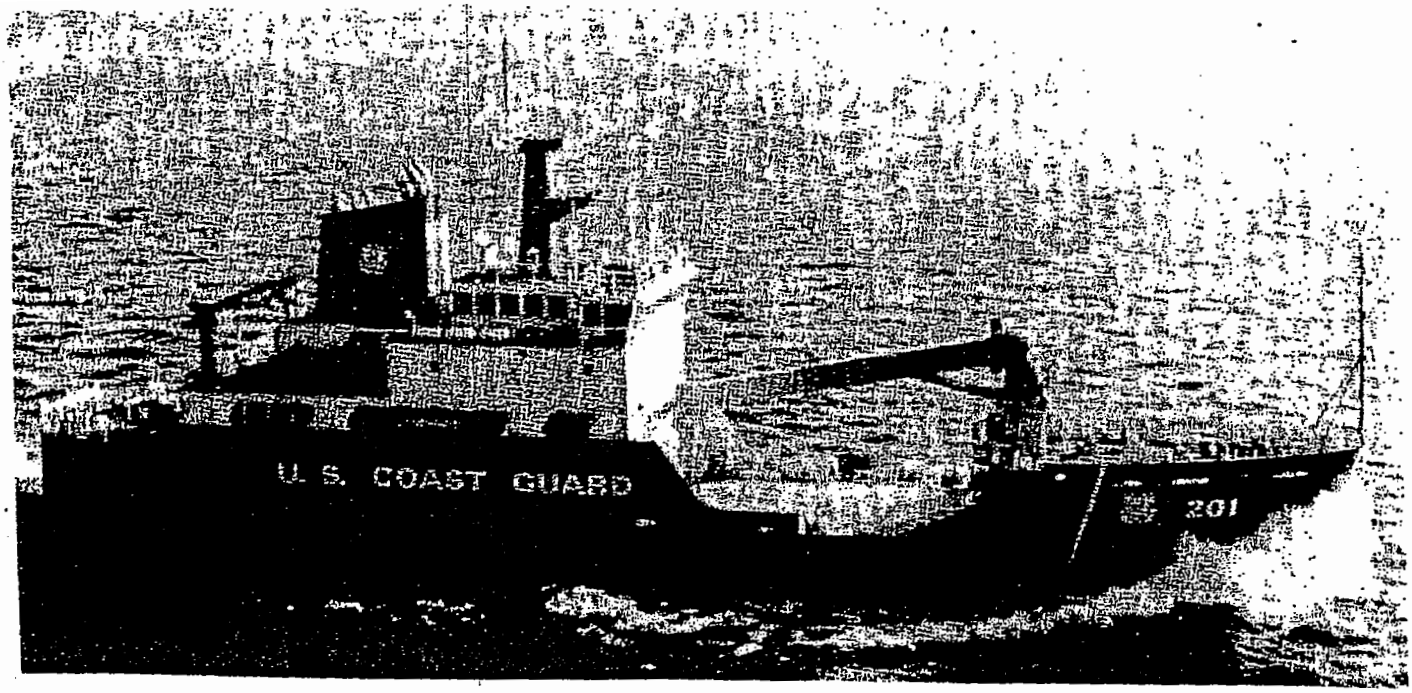
EQUIPMENT: Sonar
Real time video
35 mm still camera
Manipulator arms - can be used for small tasks

SUPPORT: Uses ship's 440V
Controlled by conex box



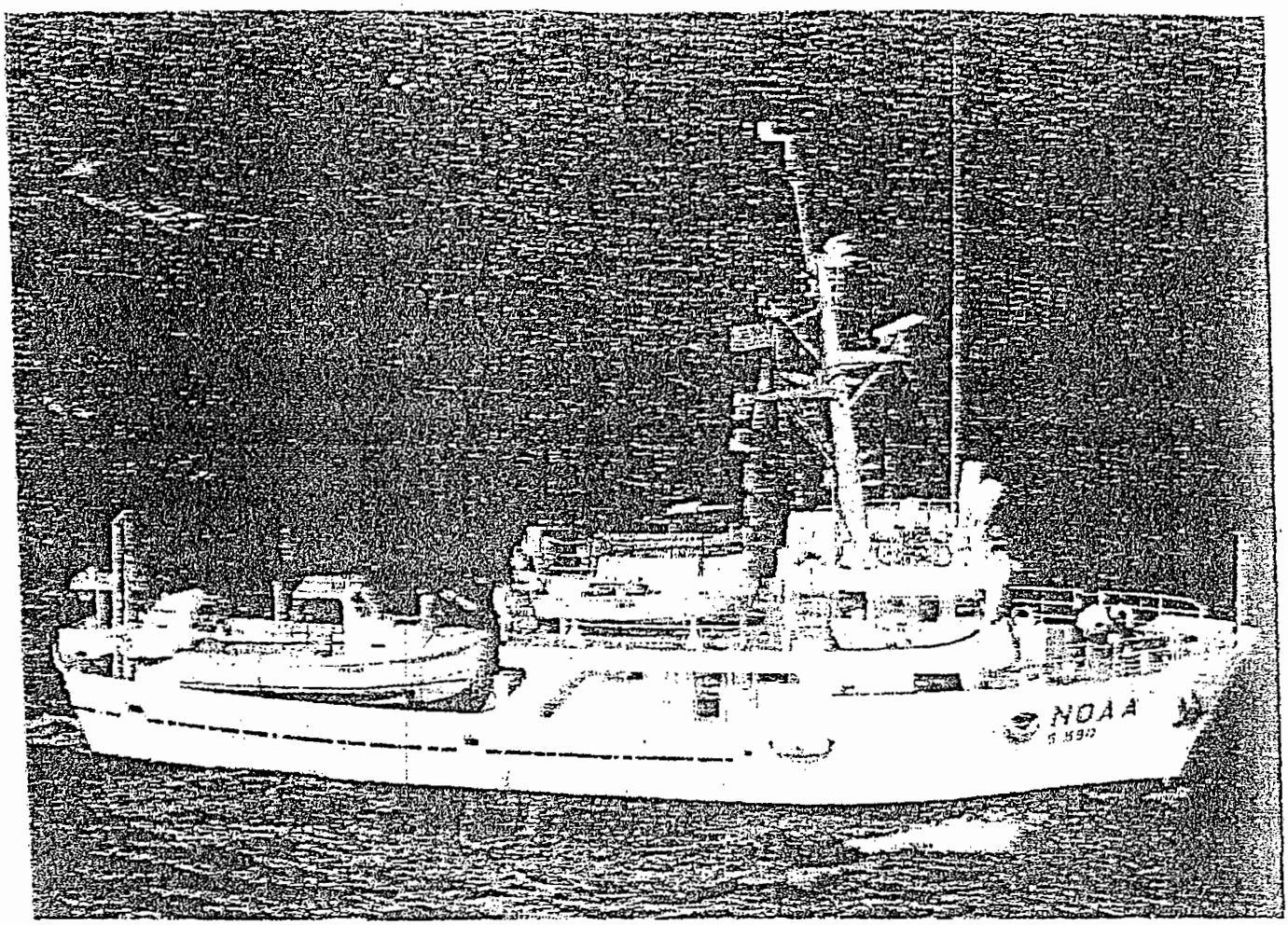
USCGC SANIBEL WPB 1305

LOA: 110 Ft
Beam: 21 Ft
Draft: 7.5Ft
Propulsion: 2 MPDE
Max Speed: 30 Kts
Complement: 2 Officers
14-16 Enlisted



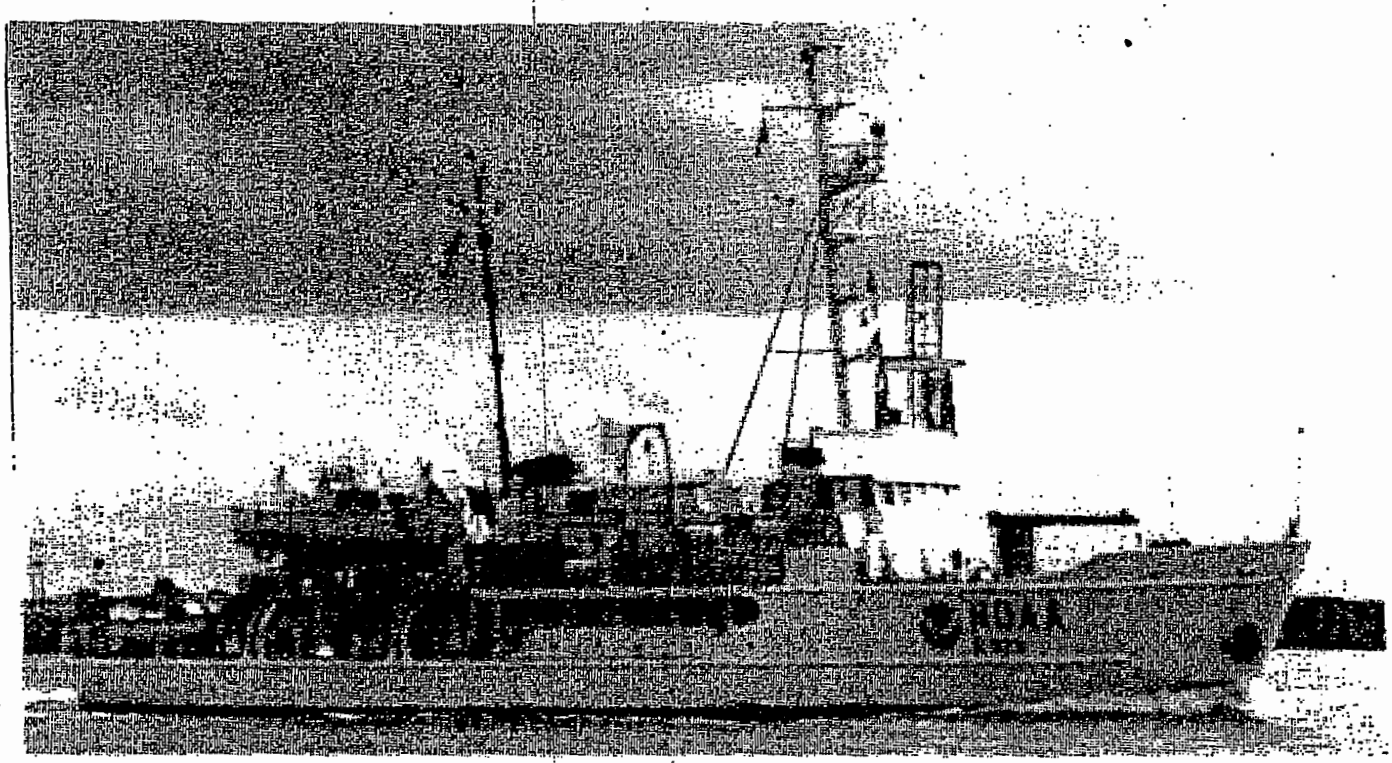
USCGC WILLOW WLB 202

LOA: 225 Ft
Beam: 46 Ft
Draft: 13 Ft
Propulsion: 2 MPDE
Max Speed: 15 Kts
Complement: 6 Officers
34 Enlisted



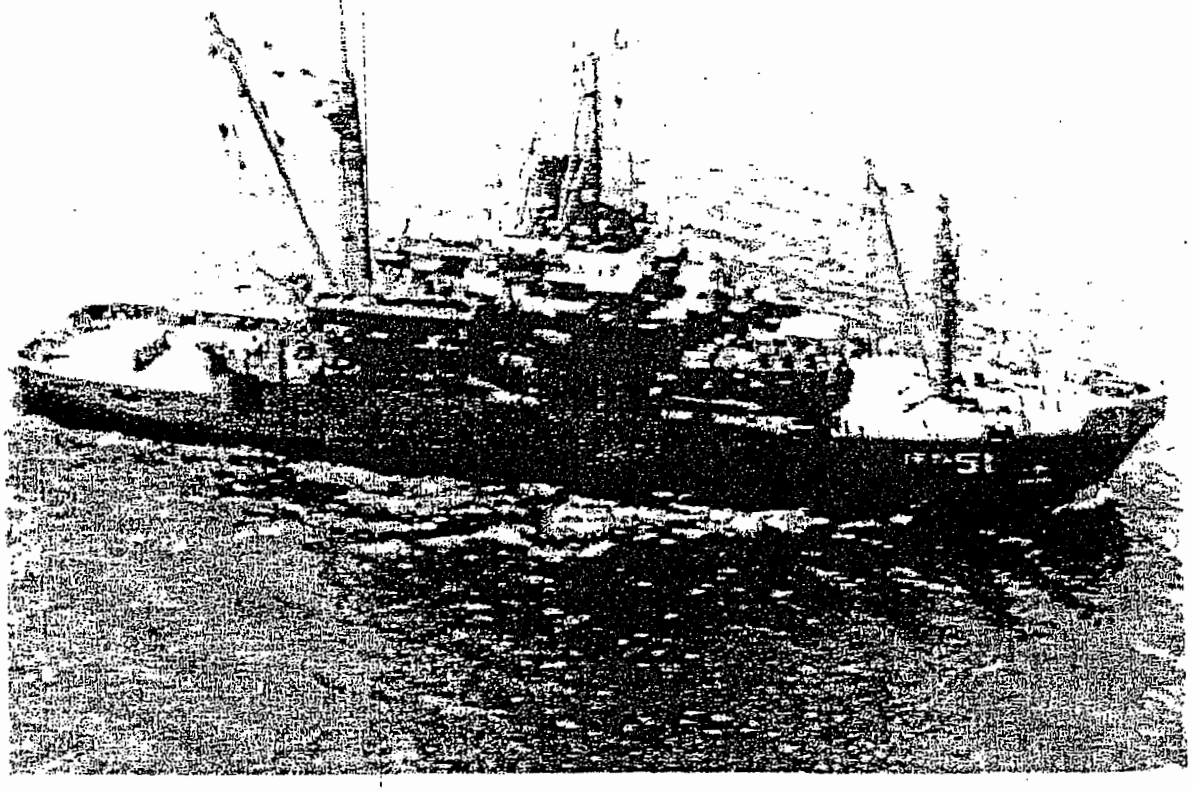
NOAA Survey Ship RUDE

LOA: 90 Ft
Beam: 22 Ft
Draft: 7 Ft
Propulsion: 2 MPDE
Max Speed: 11.5 Kts
Complement: 3 Officers
8 Civilians



NOAA Survey Ship WHITING S329

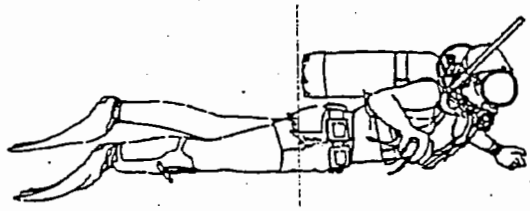
LOA:	164 Ft
Beam:	33 Ft
Draft:	10 Ft
Propulsion:	2 MPDE
Max Speed:	12.5 Kts
Complement:	8 Officers
	33 Civilians
	2 Scientists



USS GRASP (ARS-51)

LOA:	255 Ft
Beam:	55 Ft
Draft:	18 Ft
Propulsion:	4 MPDE
Max Speed:	15 Kts
Complement:	8 Officers
	100 Enlisted
Diving:	SCUBA - 130 FSW
	MK-21 - 190 FSW (Std Air)
	- 300 FSW (Mixed Gas)
Salvage:	40 Ton Boom Aft
	7.5 Ton Boom Fwd
	Stern and Bow Rollers

SCUBA General Characteristics



- **Principle of Operation**
  Self-contained, open-circuit demand system

- **Minimum Equipment**
  Open-circuit SCUBA
  Life preserver
  Weight belt
  Dive knife
  Face mask
  Swim fins
  Submersible wrist watch
  Submersible depth gage

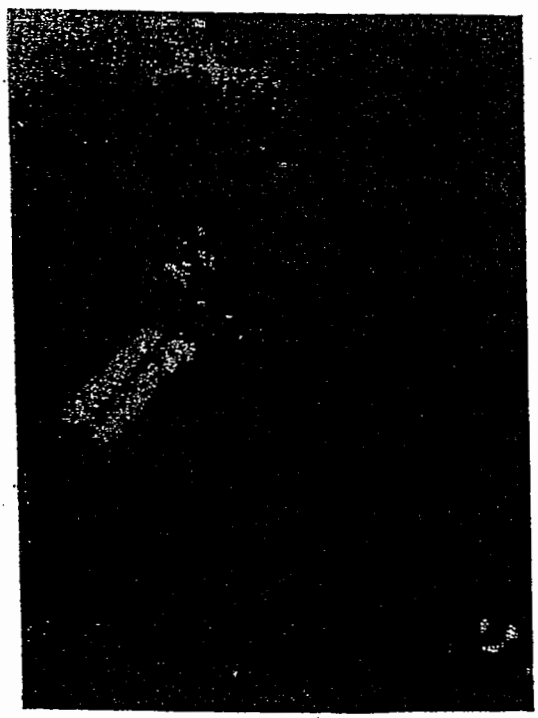
- **Principal Applications**
  Shallow water search
  Inspection
  Light repair and recovery

- **Advantages**
  Rapid deployment
  Portability
  Minimum support requirements
  Excellent horizontal and vertical mobility
  Minimum bottom disturbances

- **Disadvantages**
  Limited endurance (depth and duration)
  Relatively high breathing resistance
  Limited physical protection
  Influenced by current
  Lack of voice communication (unless equipped with a through-water communications system)

- **Restrictions**
  Work limits:
  Normal 130 fsw
  Maximum 190 fsw, with Commanding Officer's Permission
  100 fsw with single SCUBA bottle, twin bottles required below 100 fsw
  Within no-decompression limits
  Current - 1 knot maximum
  Diving team - minimum 4 persons

- **Operational Considerations**
  Standby diver required.
  Small craft mandatory for diver recovery during open ocean diving.
  Moderate to good visibility preferred.
  Ability to free ascend to surface required (see paragraph 5-4.7.2).



Open-Circuit SCUBA Divers at Work.

Figure 4-22. SCUBA General Characteristics.

MK 21 MOD 1 General Characteristics



- **Principle of Operation**
  Surface-supplied, open-circuit lightweight system
- **Minimum Equipment**
  MK 21 MOD 0 Helmet
  Harness
  Weight belt
  Dive knife
  Swim fins or shoes
  Surface umbilical
- **Principle Applications**
  Shallow water search
  Inspection and light salvage
  Major ship repair
- **Advantages**
  Unlimited by air supply
  Good horizontal mobility
  Voice and/or line pull communications capabilities
  Fast deployment
- **Disadvantages**
  Limited physical protection
  Limited vertical mobility
  Large support craft required
- **Restrictions**
  Work limits: 190 fsw
  Current - 2.5 knots maximum with extra weights
- **Operational Considerations**
  Adequate air supply system required
  Standby diver required



MK 21 MOD 1 Helmet.

Figure 4-23. MK 21 MOD 1 General Characteristics.