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NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 Rayburn House Office Building

Washington, D.C. 20515

March 4, 1976

MINORITY MEMBERS

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MAJORITY—225-5051
MINORITY—225-5074

MEMO TO: The Honorable James M. Cannon,
Assistant to the President
for Domestic Affairs

FROM: Representative Frank Horton
Ranking Minority Member,
House Government Operations
Committee

copies -
1) Mr. Cannon
2) My on
3) Leach -

Attached is a discussion about the possibility of an Administration initiative for job stimulation at the State and local level for your consideration. I think the recommendations I have suggested merit additional discussion as soon as possible.

Attachment



INTRODUCTION

Despite the substantial improvement in the economy, the national unemployment level remains high. The problem is particularly acute in central cities where private sector joblessness has been exacerbated by substantial layoffs in the public sector.

The sustained veto of H. R. 5247 in the Senate has left the Democrats without a major jobs bill for which to claim credit. However, they still have the issue of unemployment to base a substantial amount of their campaign upon. For example, Senator Jackson's victory in Massachusetts is being attributed to his emphasis on the jobs question.

Therefore, a major initiative by the Administration which demonstrates responsiveness to the public sector unemployment problem could take advantage of a lack of consensus within the Congressional Democrats in support of a jobs program, as well as substantially neutralize the "jobs" issue nationally.

BACKGROUND

Immediately after the veto of H. R. 5247 was sustained, there was no substantial initiative by the various interest groups supporting the legislation. Title II of the legislation, the so-called counter-cyclical assistance proposal for State and local governments, was strongly supported by the U. S. Conference of Mayors. It was viewed by some majority Members as the glue which held support for the other Titles of H. R. 5247 together. The AFL-CIO, along with the State and local government employee unions, strongly supported Title II of the legislation.

UNIONS

The unions supporting H. R. 5247 are anxious to press for another consideration of the entire bill. One proposal is to re-introduce the legislation and move it quickly through the House Public Works Committee so that the Government Operations Committee will have to act within 10 days.

The unions believe they can sustain the veto this time and even if they do not, they will still have the issue of jobs.

PUBLIC INTEREST GROUPS

The U. S. Conference of Mayors, dominated by big-city Democratic Mayors, have worked closely with the AFL-CIO on the jobs bill. After the veto was sustained, there was concern by some supporters of General Revenue Sharing that an attempt would be made to add counter-cyclical assistance to the General Revenue Sharing proposal.



The public interest groups, however, have unanimously agreed not to push for this. The reason is not because of fear for General Revenue Sharing, but rather a desire to preserve the jobs issue for the Democrats.

CONGRESSIONAL DEMOCRATS

While the Democratic Members support a Federally stimulated jobs program, there was some opposition to the counter-cyclical proposal. Part of the opposition was related to a jurisdictional question in the House. But a substantial part of the opposition was based on the manner in which the program operated.

CONGRESSIONAL REPUBLICANS

Those Republicans in the House that opposed H. R. 5247 and specifically Title II, did so in response to Administration's concerns about cost and effectiveness of the program. However, upon final passage in the House, substantial numbers of GOP votes in support of the bill.

If H. R. 5247 is re-introduced, Congressional Republicans will be under even greater pressure to support the legislation because it will be that much closer to the election.

ADMINISTRATION INITIATIVE

Private sector job stimulation is being accomplished quite effectively through tax cuts, and other Administration policies. However, the problem with public sector employees remains. The prospect for further layoffs is considerable since improvement in the revenue picture for many units of local government will lag behind the general economic recovery.

To respond to both the economic requirements and the political realities of the situation, consideration should be given to the initiation of a "State and Local Government Job Development Act of 1976." Such a program should be based on the following principles:

1. Funded at \$1 billion,
2. Operated through the existing Office of Revenue Sharing,
3. Distributed to most needy local governments, only based on an indicator of need such as general unemployment or declining revenues.
4. Generally unencumbered funds, perhaps targeted to the "protective" services of police, fire, and sanitation,
5. Administered on an entitlement basis.
6. Terminated at a date certain unless specifically extended by Congress.

The proposal should be distinctive not only from what the Democrats have proposed but also from the proposal of Representative Garry Brown and Senator Robert Griffin.

It should be consistent with the de-centralization philosophy of block grants and General Revenue Sharing.

It should carry the distinctive imprimatur of the Administration as a positive, thoughtful response to the employment problems of certain communities.

The results could be substantial if the initiative were properly executed.

- It would show understanding, sensitivity and responsiveness of the President

- It would in all likelihood remove any possibility of H. R. 5247 Title I and III being resuscitated;

- It would substantially neutralize the "jobs" issue currently benefitting the Democrats.

The issue will have to be faced. It would be most beneficial to initiate rather than react.



THE WHITE HOUSE

WASHINGTON

March 8, 1976

MEMORANDUM FOR: JIM CANNON

FROM: DAVID LISSE *DL*

SUBJECT: Lunch With Bill Usery -- Tuesday,
March 9 at Noon

Bill Usery will be accompanied by:

John Read -- Executive Assistant

Hank Perritt -- Deputy Under Secretary for Economic
Policy Review

Dick Lukstat -- Director, Public Affairs

All three held the same positions under John Dunlop.
Lukstat is more involved in substance than his title
would indicate.

I think we want to emphasize our interest in knowing
Usery's views and our regret that two major positions
were announced recently without any advance word to
Usery. They were the President's opposition to repeal
of Section 14B (Right to Work) and his support for a
youth minimum wage differential.

In addition to the substantive issues to be discussed,
I hope you will get a moment or two alone with Bill
Usery to discuss his selection of a new Under Secretary.

There is some background which I will give you orally
before the lunch.

Substantive issues to be discussed include:

1. Black Lung -- Legislation has been passed by the House
(but with clear strength to sustain a veto) and Senate
hearings are set for later this month. We have pre-
viously indicated no interest in compromise solutions.
Usery may have some views on this.



2. Minimum Wage -- The Democrats are likely to push a more modest proposal than that of last fall, presenting the President with a tough issue. DOL staff have considered a proposal to link the minimum wage to an automatic index, in exchange for Congressional agreement to not raise the minimum before linkage. I do not know Usery's personal assessment of this. We should also discuss any further action on the President's statement on youth differential.
 3. Workers Compensation -- There is an effort in the Congress to get national legislation. We have been successful in resisting this before and have argued that while changes are necessary we should give the States more time to act. We should get Usery's latest evaluation of the situation.
 4. Section 13c of UMTA (the Pete Schabarum issue) -- You should let Usery know you are seeing Schabarum later this week. We do not want to get involved in a specific local issue, but you should encourage Usery to talk to Bill Coleman about a national re-evaluation of 13c.
 5. Problems of youth and veterans unemployment -- Does Usery have any thoughts?
 6. Job creation and the economy -- If we have time, you might ask Usery's views.
-



MEETING WITH SECRETARY USERY

1. Labor ought to get paper on minimum wage question.
2. We need Labor's recommendations and analysis on what we should do about the Summer Youth Program. President should take a position before April 1.
3. Unemployment statistics.



Labor

THE WHITE HOUSE
WASHINGTON

Date 3/13

TO:

Jim Cannon

File

FROM: DAVID LISSY

Attached is the Tip O'Rell
statement on unemployment
figures which you asked about
as well as a rebuttal from
Barber Conable.

ML



	Budget authority	Outlays	Budget authority	Outlays
4. Conference agreement ratified by both Houses: Supplemental legislative branch appropriations, 1976 (H.J. Res. 811).....	33		396,738	3
			408,000	3
			11,262	

¹ Less than \$500,000.

STATUS OF FISCAL YEAR 1976 BUDGET CEILINGS, BY FUNCTION, AS OF MAR. 4, 1976

[In millions of dollars]

Function	Current level (as of Mar. 4, 1976)		2d bud.
	Budget authority	Outlays	
050—National defense.....	100,578	92,184	101,0
150—International affairs.....	4,056	4,534	6,0
200—General science, space, and technology.....	4,653	4,572	4,7
300—Natural resources, space, and energy.....	17,998	10,946	18,7
350—Agriculture.....	4,120	2,883	4,1
400—Commerce and transportation.....	15,760	17,367	19,0
450—Community and regional development.....	5,417	5,903	9,5
500—Education, training, employment, and social services.....	18,529	19,561	21,3
550—Health.....	33,278	32,809	33,6
600—Income security.....	137,531	128,251	137,5
700—Veterans' benefits and services.....	19,674	18,886	19,9
750—Law enforcement and justice.....	3,211	3,326	3,3
800—General government.....	3,451	3,295	3,3
850—Revenue sharing and general purpose fiscal assistance.....	9,553	7,252	7,3
900—Interest.....	35,401	35,400	35,4
Allowances.....	625	890	50
950—Undistributed offsetting receipts.....	—17,100	—17,100	—17,1
Total.....	396,738	370,958	408,0

Note: Detail may not add to totals due to rounding.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT RUNS ON ADULTERATED UNEMPLOYMENT FIGURES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1976

Mr. O'NEILL. Mr. Speaker, President Ford is running in the Florida primary on an economic platform built on adulterated unemployment figures.

For the second month in a row, the administration has used a new formula that minimizes unemployment. They call it a seasonally adjusted formula, but the only season it is adjusted to is the political season. It was dreamed up and introduced right at the start of the 1976 primaries.

The administration continues to ignore the real jobless, including the hardcore unemployed who are so discouraged they have quit looking. And the administration fails to point out that the size of the work force has expanded and contracted like an accordion over the past year—a sure sign of instability in the economy.

Any bookkeeper who juggled figures as much as this administration would be liable to fraud.

Instead, President Ford runs in a Florida primary on a return-to-prosperity campaign that is as shaky as Herbert Hoover's.

The President, as the head of the bureaucracy, campaigns against the size of it and disparages the people who work for him. The President, who opposes Democratic legislation to create jobs, runs in a State that has more than its

share of Government contracts that produce jobs.

The Republican leopard has not changed his spots—you have to pay attention to what he does, not what he says. President Ford may defeat his Republican challenger tomorrow, but the real victory for people will come in November when they put a Democrat in the White House.

PAPER TO PRINT RETRACTION

HON. GUNN MCKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 8, 1976

Mr. MCKAY. Mr. Speaker, I would like to call to the attention of my colleagues an article in the February 4 issue of the Santa Cruz Sentinel, which described two bills that are currently before the House as antigenealogical legislation. Mr. James D. Walker, an archivist with the National Archives, was paraphrased in the article as saying that "either the Simon (McKay) bill (H.R. 10686) or the Wilson bill (H.R. 2556) will destroy the right of the general public to research their family lines in the national census." The article goes on to say that in one case, access to material "could be achieved only through the medium of professional genealogist and at high cost," while in the other, access would be "completely banned." This is totally incorrect. The Simon bill would allow access to census material after 75 years. On the other hand, the other proposal would not allow census data to be released at all. The information given in

the article
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SAVE

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IN THE

Mr. R. R. R.
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applaud
March 7

This, of course, is the attention to the needs of the individual and the social program and the determination of the ages of the child also should be a health care better eye.

The Program importance to better vision is as

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the Committee on Rules may have until midnight tomorrow to file privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, may I ask what the report is?

The SPEAKER pro tempore. The gentleman from Maryland (Mr. BAUMAN) reserves the right to object.

Mr. BAUMAN. May I ask what the report is?

Mr. DOWNEY of New York. Mr. Speaker, I understand this is for the Committee on Rules, to give them time to file a report on the resolution having to do with the Magna Carta.

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

ELECTION YEAR UNDERMINING OF THE UNEMPLOYMENT STATISTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, I have recently noted a pattern of criticism from majority party members questioning the validity of the unemployment statistics issued monthly by the Bureau of Labor Statistics of the U.S. Department of Labor. I find this mischievous, a disservice to public understanding, and clearly a political attempt to offset the favorable impact of our improving economic conditions. When the unemployment figures were distressingly high, there was no challenging their correctness; now that they are recording the economic improvement, we have this effort to discredit and confuse. I hope it will stop, for the BLS statistics are too important to be treated in this irresponsible fashion.

One of the means employed is to question the updating of seasonal adjustment factors, seeking to portray them as some devious gimmick being employed by the administration to mislead. Like other statistical agencies that produce economic time series, the Bureau of Labor Statistics routinely updates its seasonal adjustment factors once a year as another year's experience becomes available. It is necessary that the adjustment factors be updated on a yearly basis in order to take into account any changes in these seasonal patterns. This practice has prevailed for many years.

The annual updating of the seasonal adjustment factors for employment and unemployment were introduced at the beginning of this year, just as they are every year. The basic purpose of seasonal adjustment is to take out the usual, recurring movements in time series that are related to seasonal factors such as opening and closing of schools, weather patterns, industry production schedules, and the like. After seasonal adjustment, the data are essentially devoid of these purely seasonal changes and thus are more useful in revealing the underlying economic changes. The seasonal component of unemployment is especial-

ly pronounced and needs appropriate adjustment.

In addition to the routine revision, I understand the BLS introduced a small modification in its procedures this year, relating to the seasonal adjustment of teenage unemployment. This refinement can be expected to improve the measurement of overall unemployment in the spring and summer months, but has had almost no impact on the data for January and February of this year.

According to Labor Department officials, the effect of the new updated seasonal factors might produce rates of unemployment for the first 5 months of 1976, lower than would have occurred if they had not been introduced, but higher rates for June through September, closer to this year's election. Certainly this is not the type of change that an administration would make if it were attempting to utilize the data for political advantage.

Mr. Speaker, employment has increased by 925,000 jobs in the past 2 months, so that 86.3 million Americans are now working. The unemployment rate has dropped from 8.3 to 7.6 percent in those 2 months. The major improvement has come in jobs for heads of households.

These are not statistics that satisfy us: unemployment is still too high. But they comprise an encouraging trend and provide evidence that the current national economic policies are effective and responsible. Sound public policy must be based on sound information and I hope we will all recognize the importance of that in dealing with the information on employment and unemployment.

AMENDMENT TO POSTAL REORGANIZATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. BAUCUS) is recognized for 15 minutes.

Mr. BAUCUS. Mr. Speaker, I rise to introduce an amendment to the Postal Reorganization Act of 1970. I propose to limit the closing of rural post offices in order to protect the quality of postal service provided both to Montanans and to rural Americans everywhere.

My amendment seeks both to reinforce existing prohibitions against closing rural post offices, and to delineate a process to be followed in those limited circumstances where a closing might be appropriate. The most important feature of this new process would be to give postal patrons a veto power over proposed closings of their post offices.

My proposal was prompted by the efforts of the U.S. Postal Service to expand the statutory conditions for closing post offices. The pertinent part of the existing postal service law states that:

The Postal Service shall provide a maximum degree of effective and regular postal service to rural areas, communities and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

In the past, the Postal Service interpreted this language. That is, it would not close an office except where the postmaster was vacant. Post offices would be closed then if it was found to be necessary to find a new postmaster. The quality of service to be good as or better than the old post office. The Postal Service held rural post offices to annually.

In June, the General Accounting Office, recommended that the Postal Service shut down 12,000 and fourth class post offices in areas with an average of one family respectively. The GAO asserted that service to rural areas or even improved the service as rural delivery service, with a savings of \$100 million.

Citing the GAO, General Benjamin J. Davis, in November new guidelines for rural post offices. He recommended that the office be vacant, the new guidelines under one or more conditions: First, equal service can be provided; second, another facility is available at a reasonable distance and with equal service; third, a majority of the voters approve a closing; or fourth, the conditions relating to the staffing or the office make it impractical to maintain the post office.

Clearly, these guidelines, particularly the fourth category, could result in the sale closing of American post offices. Bailar himself said the fourth justification that would enable the closing of offices as it sees fit.

The response of rural communities to this threat has been both local and national. From my district, I have received hundreds of letters from the new postal guidelines. Montanans have described the importance of post offices to their communities.

Mr. Speaker, rural post offices serve a purpose far greater than the simple mail distribution to sparsely populated areas. They are essentially a town square where people gather to enjoy a little of the life of their fellow citizens. The post office, in addition to its basic function of mail delivery, is of a community's life. It could also cut off its life. For business and industry, the post office is rural and small towns must be a foundation for their services. The corner office is the cornerstone of the community.

Further I question the wisdom of replacing these post offices with "equivalent service," as the Postal Service. Besides processing mail, the post office often function as the center of a community, providing information on taxes, social



EDWARD I. KOCH
18TH DISTRICT, NEW YORK

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
FOREIGN OPERATIONS
TRANSPORTATION
DISTRICT OF COLUMBIA

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

John
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WASHINGTON OFFICE:
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PHONE: 202-225-2436

March 22, 1976

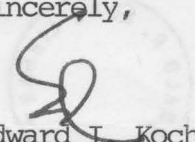
James Cannon
Assistant to the Vice President
Executive Office Building
Washington, D.C.

Dear Jim:

On Saturday night I attended a wedding and had as my dinner companion Mrs. Iphegenie Sulzberger who is a wonderful lady and who asked why it is that we can't have another Civilian Conservation Corps (CCC). I asked that question too and have asked it for eight years. I have introduced such legislation as have a whole host of other Members - and it will go no place I am certain, unless the President supports it. Doesn't it make sense particularly with the high unemployment in the youth bracket and particularly among non-white youth (up to 40% I am told in some areas) that this idea be pushed? Can't we work together on it?

All the best.

Sincerely,


Edward I. Koch

EIK:bgw



THE WHITE HOUSE

WASHINGTON

4/28/76
Replied by phone -
Told Ed we
were continuing
to consider
the idea.
Jani

Dear Ed:

I can certainly appreciate the concern which prompted your letter about the youth unemployment problem and the proposals for a Civilian Conservation Corps.

The Administration is sensitive to the high levels of youth unemployment. The President commented on the difficult nature of this problem when he transmitted his request to the Congress for \$528 million to support some 888,100 jobs for disadvantaged youth in the coming summer months. However, we do not believe the Civilian Conservation Corps approach is a good idea for several reasons.

The issue of youth unemployment is very complex, and calls for attention to more than the absolute numbers unemployed at any given time. Some of those shown as unemployed are members of households where there is already one adult working full time, and whose added income, while desirable, is not essential to the family's well being. Others are youths whose future development is really best served not by employment, but by continuing education. Still others, although counted as unemployed by the monthly surveys, are really engaged in the normal movement from job to job which is typical of the ways young people learn about work.

Another set of issues relates to the kind of jobs our economy makes available for youth and changing perceptions among the young about the desirability of such jobs.

The Administration has been seeking ways to understand better the employment situation of youth, with special attention to the relationship of youth to work and to education. At the President's request, the National



Commission for Manpower Policy has a major project underway to develop better insights into this issue. The Secretary of Labor has been asked by the President to take the lead among Federal agencies in trying new program approaches and other devices to help communities work with all levels of government to address this problem.

It is also important to keep in mind that we have many income replacement and manpower programs now that did not exist in the 1930's. Chief among these is the network of unemployment compensation programs. These and other programs have been key to maintaining income in many families. In addition, we have a range of employment and training programs already in place. For example, under Title I of the Comprehensive Employment and Training Act over 165,000 youths were enrolled in various types of work experience, training and other services in the first half of fiscal year 1976 alone. Other youths are in the many programs of the Community Services Administration and HEW.

Finally, the cost of a Civilian Conservation Corps-type program would be enormous if it were to enroll any significant numbers. The pressures on the Federal Budget are already very great. Recent Congressional action on fiscal year 1977 budget resolution levels suggest that amounts substantially over the President's Budget may be sought by the Congress even without a major new spending program like a Civilian Conservation Corps. Added Federal spending, and its resultant increases in the deficit, may only work against the gains we expect the economy to make. It is these gains which are critical for material improvement in the employment for all workers.

There are no easy solutions to the problems of youth unemployment and we are constantly searching for ways to do a better job. I do not think, however, that a Civilian Conservation Corps is an approach which is desirable.

Sincerely,

James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable Edward I. Koch
House of Representatives
Washington, D.C. 20515



THE WHITE HOUSE
WASHINGTON

April 30, 1976

File
CCC

MEMORANDUM FOR: JIM CANNON
FROM: ART FLETCHER

It should be pointed out that many of the Job Corps camps that were located in the Pacific Northwest and other thinly populated areas were modelled after the old CCC approach. It is my understanding that the U.S. Forest Service is currently operating Job Corps type facilities modelled along these lines. Although they have not been considered failures, it is my understanding that they leave much to be desired and fall short of being an unqualified success. I am further of the opinion that the CCC camps of the depression era were not the success that nostalgia suggest they were. It think it would be fair to say that World War II saved them from ultimate failure by recruiting most of their resident trainees into the military.

4 Should the effort be tried again, youngsters should be assigned to these camps with the clear understanding that the skills they acquire and the work they do would qualify them for membership in the various craft and trade unions. This means the craft and trade unions ~~must be supportive of the~~ effort before the programs are launched. One of the failures of the Job Corps approach was the fact that the skills acquired for the most part were not acceptable as pre-apprenticeship and/or apprenticeship training. Thus, the trainees were not receiving credit for their training which would qualify them for their membership in any of the many craft and trade unions of the country. This is significant because the training and experiences they are gaining were designed in many instances to prepare them for the type of work performed by craft and other trade unions.

Finally, it should be pointed out that many of the Job Corps facilities placed in rural and other areas throughout the country were not greeted with open arms. The local citizens looked upon Job Corps residents as losers and frequently resented their presence in their areas. I can see little reason and/or hope that CCC camps would be anymore welcome than recently experienced with Job Corps facilities indicated.



THE WHITE HOUSE
WASHINGTON

March 31, 1976

MEMORANDUM FOR: JIM CANNON
FROM: DAVID LISSY 
SUBJECT: Indiana Occupational Safety and Health Program

You asked for specifics on the Indiana OSHA problem.

At Tab A is the two page introduction to the OSHA report on Indiana. I think it will give you some idea of the nature of the problems.

cc: Steve McConahey





THE WHITE HOUSE
WASHINGTON

March 29, 1976

MEMORANDUM FOR: JIM CANNON
STEVE McCONAHEY

FROM: DAVID LISSY *DL*

SUBJECT: Indiana Occupational Safety and Health Program

I thought you should know that the Department of Labor has sent a letter to the State of Indiana advising that the implementation of the State's Occupational Safety and Health Program is so poor that DOL will require its regional office to provide monthly progress reports on Indiana. If at the end of 90 days substantial progress has not been noted, DOL says it will be compelled to initiate action to withdraw approval of the Indiana plan.

*David -
illustrative specifics pls.
Jim*





SECTION I: INTRODUCTION

This third evaluation report appraises the conformity of the State of Indiana's Occupational Safety and Health Program, as it operated from April 1 through October 15, 1975, with the objectives and provisions of its Plan. Region V increased its activities in all monitoring areas during this period.

Although the State has enacted enabling legislation and has established procedures for setting standards, granting variances and ensuring adequate avenues of appeal there are still numerous areas in the program where improvements are required.

Major Achievements

At present, the basic structure of the Indiana program is in place. A complement of 64 safety inspectors has been formed, thus approaching the committed figure of 69 field officers. The Director position in the Division of Industrial Hygiene has been filled.

Fully 63% of all inspections are in the TIP category; this is in accordance with the Plan priority schedule. The State has attained the prescribed level of inspection productivity, so that the State can anticipate a 20% coverage of all eligible Indiana establishments by January 1, 1978. Approximately 18% of all inspections are follow-ups, as is consistent with the Plan. Safety orders are promptly issued to cited employers, the issuance time being 7.6 days and 7.0 days for, respectively, general industry and construction. Procedures have been initiated which preserve the anonymity of complainants. Complaints are responded to promptly, and no complaint backlog exists. The Public Safety Program plan has been prepared, and it will be implemented upon approval by the OSHA National Office.

Major Problem Areas

Despite the progress made, the State's program remains seriously impeded by deficiencies in nearly every area of its operations. The establishments typically chosen by the State for inspection have relatively few employees. Of all establishments inspected, 82% had fewer than 51 employees, with a State average of 26 employees. The Federal average is 173. Staffing schedules, with regard to both numbers and qualifications, have not been properly filled. Only at the termination of the third evaluation period did the State employ a number of safety inspectors approximating that which is required. In the Bureau of Building and Factory Inspection, 4 of 6 area supervisor positions are not filled. In the Industrial Hygiene Division, only 2 of the 11 positions are held by individuals meeting the education and experience requirements prescribed by the Plan.



There are significant deficiencies in opening and closing conferences. Employees have not been afforded their full rights to participate in inspections; in 24% of all on-the-job evaluations, they were not informed of their participation rights under the law, and in 26% of these inspections, employee representatives were not offered the opportunity to point out hazards.

In this period, the State suffered a slight deterioration in its ability to recognize hazards. While in the second evaluation report 95% of all State on-the-job evaluations showed a failure to recognize hazards, the figure for the third report is 96%, with 367 district violations unrecognized. Spot-checks confirmed this, indicating a 97% failure rate in the third period.

The State continues to perform incomplete inspections. In 35% of all on-the-job evaluations, sections of establishments were ignored.

Fully 65% of all safety orders issued by the State were legally insufficient. This was usually due to inadequate referencing, the inability of documentation to establish a violation, or the inadequacy of the violation description.

The State's failure to issue serious violation safety orders is a matter of grave concern. The State issued only 8 for the entire period. There has yet to be even one issued in the health area.

In informal conferences there is clear evidence of bargaining so that penalty reductions are offered in return for the employer's withdrawal of contest.

The State's Industrial Hygiene Program is deficient in a number of areas. For example: no follow-up inspections have been performed; procedures for evaluation exposure to noise, asbestos, carbon monoxide, and other agents are improper; the State Industrial Hygiene Laboratory has not been accredited, thus adversely affecting the validity of analytical results.

The conduct of the Standards Commission in variance hearings is questionable. The Commission does not seek to verify that an alternative means of abatement, equally effective, is proposed by the company requesting a variance.

Only 21 on-site consultation visits are recorded for the period. Monitoring indicates that they are often of poor quality.

Conclusion

In view of these deficiencies and considering the mandate of Congress to provide adequate protection for working people in the State, OSHA will continue its enforcement responsibilities in Indiana.



THE WHITE HOUSE

WASHINGTON

April 5, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: DAVID LISSY *DL*
SUBJECT: President's Meeting With Bill Usery

Usery is likely to raise the following topics:

1. Review of DOL Personnel Matters: Usery is planning a number of personnel shifts including the selection of a new Under Secretary. There is also a question of procedure relating to the proposed switch of Bernard DeLury from Assistant Secretary for Employment Standards to Assistant Secretary for Labor-Management Relations. The issue is whether he has to be reconfirmed by the Senate. I would imagine Doug Bennett is doing a briefing paper on these issues.
2. Relationships with organized labor.
3. Report on the Teamsters/Trucking negotiations and other pending negotiations -- such as in the construction industry.
4. Discussion of Issues:
 - a. Minimum Wage -- Usery is doing a memo for the President which should arrive this afternoon. The issue he will most likely want to discuss is the question of linking the minimum wage to an automatic index. Usery will want to get the President's reaction to such a possibility to see whether or not DOL should do more work on the subject. Since Usery's paper will not have been circulated for comment and the issue is a complicated one, the President is not likely to want to make any decisions. Usery is not looking for a decision, just some indication of the President's reaction to the whole notion of indexing.
 - b. Job Creation



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

March 29, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: JIM CONNOR
SUBJECT: Usey meeting with the President

Jim, the Usey meeting with the President is scheduled
for ~~2:00 pm on Tuesday, April 6th.~~

I'd appreciate your material for the briefing paper
by Monday, April 5th. Thanks.



THE WHITE HOUSE
WASHINGTON

ACTION

April 6, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

Statement on Drug Abuse

Attached for your consideration is a proposed statement to be issued following your 11:00 a.m. meeting on drug abuse.

Max Friedersdorf, Counsel's Office (Lazarus), NSC and I recommend approval of the proposed statement which has been cleared by Bob Hartmann. OMB (O'Neill) suggests the last paragraph of the statement be omitted.

RECOMMENDATION

That you approve the statement at Tab A.

Approve _____

Disapprove _____



THE WHITE HOUSE
WASHINGTON

DECISION

April 6, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: JIM CANNON

SUBJECT: Canadian purchase of swine-type
influenza vaccine

This is to present for your consideration the attached memorandum from Secretary Mathews recommending the purchase of swine-type influenza vaccine by the Canadian government from U.S. manufacturers.

BACKGROUND

On March 30th, shortly after your announcement of a nationwide influenza immunization program, the Canadian government announced that it too would undertake a similar effort. In this case, however, Canada is entirely dependent upon the United States for a supply of swine-type virus vaccine.

The Canadian government has indicated privately that it would like to purchase about 15 million doses so that they may inoculate the high risk portion of their population. This request represents approximately 7 percent of the U.S. production capacity.

The vaccine can be provided to the Canadians without jeopardizing our own production and delivery capabilities. Also, from an international relations point of view, it would be very difficult to deny the Canadian government's request.

The vaccine would be provided after sufficient supplies are assured for our own high risk groups.

RECOMMENDATIONS AND COMMENTS

The Secretary's memorandum has been reviewed and approved by OMB (O'Neill) and NSC (Scowcroft).



WHITE HOUSE

WASHINGTON

April 5, 1976

ACTION

Last Day: April 9

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 10624 - Bankruptcy Act
Amendments

Attached for your consideration is H.R. 10624, sponsored by Representative Rodino and five others. The enrolled bill amends the Bankruptcy Act to provide revised procedures under which a financially distressed municipality or other subdivision or agency of a State may seek the protection of the Federal courts while negotiating a plan of reorganization and adjustment of its debts with its creditors.

A discussion of the provisions of the bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), Bill Seidman, Alan Greenspan and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 10624 at Tab B.



*Flagged by Judy
then to show
but morning
report*

THE WHITE HOUSE

WASHINGTON

April 6, 1976

MEMORANDUM FOR:

JIM CANNON

FROM:

ART QUERN

SUBJECT:

Morning Report: Wednesday, April 7, 1976

I. MAJOR ITEMS FOR THE PRESIDENT

1. New River Project
2. Drug Briefing
3. Meeting with the President, Vice President and Jim Lynn - Oval Office

NEXT 5 DAYS

1. Memo to the President re: Social Security
2. Memorandum to the President suggesting a meeting re: Office of Intergovernmental Affairs
3. H.R. 10624 Bankruptcy Act (Last day of action: 4/9/76) *Cavanaugh has*
4. Predator Control memo
5. Signing Ceremony for 200-Mile Limit Bill -- Still under consideration but not likely -- Scowcroft recommends against.
6. Report on Section 13(C) Urban Mass Transportation Act (Hope and Lissy - Should be to you late Wednesday, 4/7/76)
7. Summer Youth Employment Signing (Thursday) *Lissy Comments due today*
8. We need your approval on a transmittal memo to the President re: Letter to Dr. Mark Vasu for Presidential signature. (Massengale)

KRISTINE BUCHANAN
2723 South Grove Street
Arlington, Virginia 22202
684-8397

PERSONAL

Birthdate: 1/9/52
Marital Status: Single
Health: Excellent

Height: 5'2"
Weight: 115

EDUCATION

Ricks College, Rexburg, Idaho, 1970-72, Major: Secretarial
Brigham Young Univ., Provo, Utah 1972-73, Major: Secretarial

WORK EXPERIENCE

Colton and Boykin
1133 15th Street, N.W.
Washington, D.C. 20005

Sept. 1975 - present

Secretary to Senior Partner; duties include typing of correspondence and lengthy legal documents, extensive filing, phones, use of Mag Card II, making travel arrangements, shorthand, use of telecopier.

National Water Resources Assn.
955 L'Enfant Plaza, North, #1202
Washington, D.C. 20024

May 1975 - Sept. 1975

Secretary to the Executive Director; duties included typing, extensive filing, shorthand, phones, keeping mailing lists current, ordering supplies, making travel arrangements. This was a one-girl office.

Brigham Young University Law School June 1973 - May 1975
Provo, Utah 84602

Secretary to 10 law professors; duties included extensive typing on Mag Card I, filing, use of dictaphone, copying machines - xerox and duplicating, preparation of class materials, some legal work, extensive typing of legal publications, shorthand.

Grants Pass Bookkeeping
Grants Pass, Oregon 97526

January 1973 - April 1973

Temporary help during tax time; duties included light bookkeeping, typing federal income tax reports, making deposits, filing.

Ricks College
English Department
Rexburg, Idaho 83340

August 1971 - May 1972

Secretary to department head; duties included typing, shorthand, filing, phones, taking minutes at departmental meetings.

THE WHITE HOUSE

WASHINGTON

April 19, 1976

MEMORANDUM FOR:

JIM CANNON

THROUGH:

MAX FRIEDERSDORF *M.F.*

FROM:

CHARLES LEPPERT, JR. *CLJ.*

Attached, for your information, please find the attached letter and attachment from Rep. George Hansen concerning "Blowing the Whistle on OSHA."

V

Attachment

cc: Tom Loeffler
Pat Rowland

GEORGE HANSEN
SECOND DISTRICT, IDAHO
1125 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
TEL: (202) 225-5531



APR 15 1976

IDAHO DISTRICT OFFICES:
UPPER SNAKE RIVER VALLEY
211 FEDERAL BUILDING
Box 740, IDAHO FALLS 83401
TEL.: 523-5341

SOUTHEASTERN IDAHO
305 FEDERAL BUILDING
Box 671, POCATELLO 83201
TEL.: 232-0900

MAGIC VALLEY
1061 BLUE LAKES BLVD. N.
TWIN FALLS 83301
TEL.: 734-6466

WESTERN IDAHO
442 OLD FEDERAL BUILDING
BOISE 83701
TEL.: 345-2866

COMMITTEES-SUBCOMMITTEES
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(RANKING MEMBER)
DOMESTIC MONETARY POLICY
VETERANS' AFFAIRS
HOSPITALS
CEMETERIES AND BURIAL BENEFITS

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

April, 1976

Dear Friend:

Some two hundred years ago John Hancock, John Adams and many others joined together in a fight against oppressive government. These men were concerned about being denied trial by jury, illegal search and seizure, and the loss of other basic rights.

Great sacrifices were made in this struggle which finally resulted in a Declaration of Independence and a Constitution with a Bill of Rights to assure each person due process of law.

Now in the year of our 200th birthday we find a similar struggle again in process against an oppressive government which would authorize warrantless searches and deny trial by jury. Indeed it is time for a new dedication to preserving our basic rights.

Because of this I am launching Operation Paul Revere to alert the citizens of this nation to avenues and actions which can protect their legal rights and individual liberty.

The Occupational Safety and Health Act is a natural place to begin as you will note from the information in the enclosed reprint from the Congressional Record. I hope you will thoroughly acquaint yourself with this material and lend your support as defined in the five-point outline. Your interest and assistance in this cause will be greatly appreciated.

Yours for individual liberty,

GEORGE HANSEN
Member of Congress





United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

Vol. 122

WASHINGTON, FRIDAY, APRIL 2, 1976

No. 49

House of Representatives BLOWING THE WHISTLE ON OSHA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Very Important
Please Note!*

Mr. HANSEN. Mr. Speaker, the high costs and high-handedness of big Government are ruining the Nation's economy and imposing severe economic hardships on all Americans, destroying the country's business and industrial climate with the resulting massive loss of employment opportunities.

On behalf of the oppressed, I am today launching "Operation Paul Revere," a national effort to alert citizens to avenues and actions which can protect their legal rights and individual liberty against bloated bureaucracy and unconstitutional Government regulations.

It is time to take on the reckless Congress and high-handed regulators through every remedial constitutional avenue open to the American citizen, whether it be legislative, executive, or judicial. The individual citizen is limited in his ability and means to fight the massive might of the Federal Government, but through coordination and organization, it has been done, it can be done, and we are going to see that it is done.

The first project for "Operation Paul Revere" is to stop the abuse of American citizens by the Occupational Safety and Health Administration. This agency is acting in oppressive, arbitrary, and unconstitutional fashion in direct contravention to due process, individual liberty, and right to privacy, and protection from selective enforcement of the law. To stop OSHA is to open the door to hopeful action against other similarly abusive Government agencies and actions.

"Operation Paul Revere"—or OPR—plans to deal with all aspects of OSHA's oppressiveness but its first action is to announce to the business community of the Nation that by recent court decision they can now reject the much hated OSHA warrantless searches under the shield of the fourth amendment.

Every businessman should consult his attorney to see how the possibility of joining this action will benefit him, and to strengthen this action as it passes final review before the Supreme Court.

Two fourth amendment cases are paving the way which can be used as patterns for other citizens to follow—one in Texas handled by Attorney Robert E. Rader, Jr., of Dallas, and one in Idaho with the law firm of Runft & Longeteig of Boise.

The Dallas case—Gilbert's Products, Inc.—recently established a court opinion that the Occupational Safety and Health Act attempted "a broad partial repeal of the fourth amendment" and is "beyond the powers of Congress." The Idaho case—Barlow's, Inc.—pending before a three-judge district court panel involves similar logic and is an especially clear case for constitutional determination.

Although the U.S. Department of Labor has appealed the ruling to the U.S. Supreme Court, the law of the land now is on the side of any citizen who cares to join the effort against OSHA under proper guidance by legal counsel. It is clear OSHA does not intend to be bound by the fourth amendment and we now need to unite and fight in every way possible.

At issue is the Government's right to search without warrant or to have search

authority without establishing probable cause as determined by a magistrate. Congressional authorization of such so-called fishing expeditions is a violation of constitutional fundamentals.

In OSHA, Congress has compounded its folly of continual unconstitutional delegation of powers by attempting to delegate authority to the Executive which they have usurped from the judiciary—a serious violation of the separation of powers doctrine and a person's right to due process.

Two other significant cases against OSHA under the Bill of Rights—Atlas Roofing Co., Inc., and Frank Ivey Jr., Inc.—involve Attorney McNeill Stokes, of Atlanta, Ga. These have been received by the Supreme Court and contend OSHA violates the right to trial by jury as guaranteed by the seventh amendment to the Constitution.

The issues in these cases are very grave and far reaching, involving a head-on collision with the power of the executive branch of Government to impose unilateral, self-executing fines on citizens without affording the fundamental requirements of procedural due process of law, the right to confront his accusers, and the right to be tried by jury in the courts, not by administrative officials of the executive branch of Government.

Another case against OSHA of note was won by Rapid City, S. Dak., businessman Ray Godfrey in a U.S. District Court which made it possible to give the Federal Government a taste of its own medicine—red tape. The judge ruled that a business does have a right to protect itself against phony inspectors and a written record of answers to questions "reasonably related" to the identification is permissible.

It is time to challenge OSHA and I intend for my office to serve as a clearinghouse for those seeking information on what has been done and can be done. Also, I am spearheading support for legitimate citizen efforts to help fund the efforts of those people of principle who are waging these expensive legal and constitutional questions to OSHA's authority.

"Operation Paul Revere" is designed to encourage united and coordinated citizen effort to reestablish in this Bicentennial Year the basic rights our Founding Fathers fought for and won for the people of this land 200 years ago.

Mr. Speaker, an excellent analogy of two of the cases I noted was recently made by Columnist James J. Kilpatrick, which I include at this point:

TWO BATTLES WON AGAINST THE BUREAUCRACY

The war against bureaucratic excess, as countless Americans know, is mostly a series of losing battles. You don't win many, but you do win a few. The business community, it is pleasant to report, has just won a major engagement in Texas and a brisk skirmish in South Dakota.

In both cases, the fight involved the Occupational Safety and Health Administration (OSHA). It is perhaps worth emphasizing that no businessman, in principle or in practice, is opposed to health and safety. The pervasive criticism of OSHA is not based on the need for safety, but on the abuse of power.

In the view of many employers, OSHA issues regulations without number and often without reason. Some of the agency's inspectors, it is charged, are both stupid and

arrogant. Under the law, these inspectors have power to function virtually as prosecutor, judge and jury; the inspectors, in effect, can impose fines that can be appealed only at heavy cost. In many cases, the federal inspections duplicate or conflict with inspections by insurance companies and by state agencies. But to the extent that OSHA has made employers more safety-conscious, it may do good.

The major victory came Jan. 26 before a three-judge federal court in the Eastern District of Texas. The case involved Gibson's Products, Inc., a discount store in Plano. On Oct. 23, 1974, OSHA inspectors presented themselves at the stores and demanded admission to non-public areas. Gibson's refused, and they all wound up in court.

The 1970 act creating OSHA says that inspectors are authorized "to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer."

Gibson's took the view that the quoted provision violates the Fourth Amendment's prohibition against unwarranted searches. The three federal judges agreed. In an opinion by Circuit Judge Thomas Gibbs Gee, the court found that the act attempted "a broad partial repeal of the Fourth Amendment," and this is "beyond the powers of Congress."

In certain limited circumstances, said the court, federal agents may enter private property without a warrant. By way of example, agents may reasonably inspect such regulated and licensed activities as distilleries and gun dealerships. Agents may enter coal mines; they may inspect a pharmacist's records on drugs. But the Constitution does not permit "broad and indiscriminate inroads on Fourth Amendment safeguards, wrought in the name of administrative expedience." In brief: If an employer chooses not to admit OSHA inspectors voluntarily, the agents will have to get a judicial warrant under the familiar rules of probable cause.

In Rapid City, S.D., Ray Godfrey won his skirmish Feb. 19 before U.S. District Judge Andrew Bogue. Godfrey runs a small brake service. When a stranger purporting to be an OSHA inspector showed up last December, Godfrey demanded that the visitor prove his identity by filling out a detailed questionnaire that Godfrey had prepared for just such an occasion. The stranger balked, and OSHA took Godfrey to court.

Godfrey won a victory that was substantial if not total. Judge Bogue ruled that an employer may indeed demand that an intrusive public servant fill out a form of explicit identification, including such questions as "How long have you worked for this agency?" The court outlawed such impertinent queries as "Have you ever used an alias?" and "Do you have a criminal record?" and "What are your qualifications for your job?"

"It is the feeling of this court," said Judge Bogue, "that it might be possible, but not easy, to compress into the total lines contained in the OSHA law more fertile opportunities for doubt, error and abuse of individual liberties. The execution of this law, as opposed to the intent of it, leaves much to be desired."

The two judgments, and especially the Texas judgment, should relieve employers of some of the petty harassment that has rubbed them raw. OSHA inspectors, having been informed of specific violations, can still get warrants on a showing of probable cause. Well and good; but it won't be quite so easy, from now on, for them simply to throw their weight around.

Continued

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

IDAHO ATTORNEYS' CASE AGAINST OSHA

Mr. HANSEN. Mr. Speaker, in order to clarify the fourth amendment case now pending against the Occupational Safety and Health Act, I submit a partial review of Barlow Inc. against Dunlop, et al., as outlined by Mr. Barlow's attorney:

Barlow's, Inc. is an Idaho corporation located in Pocatello. The business of the corporation involves the installation of electrical wiring and fixtures, plumbing and fixtures, and heating and air conditioning equipment. The corporation purchases much of its supplies, particularly rolled steel, from sources outside the State of Idaho and is, therefore, engaged in interstate commerce. Mr. Ferrol G. "Bill" Barlow serves as the President and General Manager of the corporation and takes an active part in the day-to-day conduct of the business.

During the late morning of September 11, 1975, while Mr. Barlow was occupied at the customer service counter of the corporation's business establishment, he was approached by Mr. T. Daniel Sanger who identified himself as a Compliance Officer for the Occupational Safety and Health Administration. After concluding an initial interview, Mr. Sanger announced that he was ready to conduct a general inspection of the private portions of the corporation's business premises. Upon learning that the Compliance Officer had no search warrant, Mr. Barlow refused Mr. Sanger the right to conduct such an inspection.

It appears that Mr. Sanger sought only to conduct a routine inspection of the corporation's business establishment. The development of the case has disclosed that there have been no complaints by Barlow's, Inc.'s employees concerning possible violations of the Occupational Safety and Health Act, nor have any facts come to light giving rise to "probable cause" to believe that an OSHA violation exists on the corporation's business premises.

On December 30, 1975, an Order was entered by the Federal District Court in a case entitled, *In the Matter of Establishment Inspection of Barlow's Inc.*, which required Barlow's to submit to the OSHA inspection. That Order was served on Barlow's, Inc., on January 5, 1976, and once more Mr. Barlow denied the officer admission to inspect and search the premises.

On January 6, 1976, the day after service of the above mentioned court order, suit was filed in the same Federal District Court seeking a determination of the constitutionality of the pertinent provisions of the Act and an injunction against their enforcement.

ISSUES PRESENTED BY THE CASE

The Fourth Amendment to the Constitution of the United States provides as follows:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The United States Supreme Court has long since established the basic rule that all warrantless searches are presumed "unreasonable" unless proven otherwise. The flexibility of this proposition reflects the Court's recognition of the fact that there are times when the requirement of seeking a search warrant from a judicial official must be relaxed as "unreasonable" in the face of emergency situations. Thus, an automobile reasonably (i.e. "probable cause" exists) suspected to contain contraband may often be searched without a warrant because of the danger that the automobile might be moved and the evidence of the crime destroyed.

Further, it is recognized that certain government licensed businesses such as liquor or gun dealerships may be inspected and searched by government officers upon the theory that those persons who have chosen to engage in such "pervasively regulated and licensed enterprises" have at least impliedly consented in advance to such warrantless inspections.

The question presented by this case is whether these two general exceptions to the warrant requirement may be applied to every business enterprise subject to OSHA regulation.

First, it is Barlow's position that Congress may not dispense with the constitutional requirement of search warrants by the legal fiction of finding "probable cause" to believe

that violations of OSHA regulations exist in every business sought to be inspected.

Second, Barlow's contends that the "licensed enterprise" exception to the need for search warrants may not be constitutionally applied to each and every enterprise subject to OSHA regulation. Barlow's has not expressly or impliedly consented to searching of its private premises as a condition to its right to purchase materials from outside Idaho.

HISTORY OF THE CASE

As mentioned above, the case of *Barlow's, Inc. vs. Dunlop, et al.*, constitutes an independent attack upon the government's right to conduct a warrantless search, which the government sought to establish in the case of *In the Matter of Establishment Inspection of Barlow's Inc.*

It is notable that since the date of the Idaho District Court's decision, a three judge district court panel in Texas concluded in a somewhat similar case that Section 8(a) of the Act is constitutional but only because the court construed the Section to require the Government to seek and obtain a search warrant from a neutral magistrate.

Mr. Speaker, the court in the Texas decision, dated January 26, 1976, concluded with this statement:

"While we recognize that our approach is subject to criticism as remedial to the verge of redrafting, if there is a place for unusual deference anywhere in the relations between the branches of our Federal Government it surely exists where a court of first instance is required to pass upon the constitutionality of a broad national enactment of the Congress. We think it reasonable to assume that Congress intended nothing beyond its constitutional powers and that the requirement of a search warrant for resisted inspections was not made explicit in part because the need for a warrant was clear in those days before *Biswell* and its progeny appeared. And after all, Congress need not re-enact the bill of rights as a preamble to every statute to be sure that the statute will be construed against its background and with a recognition that Congress' fidelity to fundamental rights is as firm as ours."

Mr. Speaker, the Idaho lawyers went on to say:

The court's willingness to stretch the language of the Act in order to incorporate the constitutional requirement of a search warrant is probably based on the peculiar fact situation of that case; but in any event, the court's reasoning strongly supports Barlow's theory of the case and significantly increases the likelihood of receiving a favorable decision from the three judge district court.

While it is not certain that the defendants in this matter would appeal an adverse lower court's decision, Barlow's intends to take this matter to the Supreme Court if it should be defeated in the lower court. The reasoning behind the parties' possible different approaches lies in the unique character of this case. It is remarkably clean and free of confusing and diverting side issues which might have served to prevent a final resolution of the constitutional questions. It is a basic canon of constitutional construction that such major issues of law should be considered if and only if the court cannot decide the case on other grounds. This tends to give stability and predictability to the basic law of the land. This case presents no other issues which would require or allow the Supreme Court to avoid a final determination of the constitutionality of Section 8(a) of the Act.

WHAT PRICE SAFETY

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HANSEN. Mr. Speaker, the nightmare of the Occupational Safety and Health Act is put in excellent perspective by Mr. M. Stanton Evans in the April 3, 1976, issue of *Human Events*. His column follows:

WHAT PRICE SAFETY?

(By M. Stanton Evans)

The road to ruin for American business is paved with the good intentions of federal bureaucrats.

At least you're supposed to assume they're good. Sometimes I wonder. Take the Occupational Safety and Health Administration (please). The stated object of this agency is to improve safety conditions for American workers. There is precious little proof that it has done so—but plenty of proof that it has caused immeasurable grief for their employers.

Consider, first of all, OSHA's record of metastatic growth. The law that gave it birth runs to a modest 31 pages, which could, of course, be troublesome but not impossible for average citizens to master. As usually occurs, however, Congress permitted executive agents in the Department of Labor to run amok—pumping out an endless batch of OSHA regulations in the *Federal Register*.

At last count, there were some 800 pages of such regulations, setting forth the safety standards that strike the bureaucrats as proper. These standards number no less than 4,400—2,100 devoted to business generally, 2,300 focused on the maritime and construction trades. They are enforced by an army of a thousand-plus inspectors.

These standards are not only voluminous, they are often of eye-glazing complexity. One of the most notable, isolated by Prof. Murray Weidenbaum of Washington University in St. Louis, consists of gobbledygook on ladders, including this delectable specimen: "The angle (a) between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation: $\text{Sine } a = \text{difference in deflection } 9 / \text{ladder width.}$ "

Small wonder that the Federation of American Scientists says: "Regulations are voluminous and complex, the language convoluted beyond recognition except by a scientist or lawyer. . . . Businessmen who have no legal or scientific training are unable to understand OSHA regulations. Unfortunately, few efforts are being made to translate the information into readable language. . . . Equally unnerving to the businesses is the sheer volume of the regulations—thousands of them apply to one small operation."

That the average citizen doesn't understand the mumbo jumbo is of small concern to OSHA. The important thing is that you be in compliance. OSHA agents make unannounced pop inspections and issue citations on the spot that can lead to fines of hundreds or thousands of dollars. There is no provision for advisory opinions on whether a given ladder, exit or trash can is out of sync with OSHA's mysteries. In fact, it is a criminal offense for anyone without authority to do so to give you notice of an OSHA inspection.

Even assuming the standards can be understood and met, the costs can be prohibitive. Robert Stewart Smith, formerly in charge of safety and health evaluation for the Department of Labor, has examined the costs and benefits of OSHA in an excellent analysis for the American Enterprise Institute (1150 17th St., N.W., Washington, D.C. 20036). On his showing, the costs are heavy, the benefits negligible.

Smith quotes findings by the National Association of Manufacturers that OSHA compliance costs range from \$35,000 (for businesses with 100 employees or fewer) to \$350,000 (for businesses with up to 1,000 employees). This estimate is confirmed by the fact that the first 33 businesses obtaining small business loans for the purpose of OSHA compliance averaged loans of \$200,000 apiece.

Such costs are reflected in prices charged to consumers, and they are growing rapidly. Total costs of compliance came to \$2.5 billion in 1972, \$3.2 billion in 1973. And this is just for openers. Full compliance with existing OSHA noise standards would cost \$13.5 billion, and under one proposed noise standard it would cost \$31.6 billion. (This doesn't count the additional millions in levied fines.)

Over against these heavy costs are Smith's findings that OSHA had apparently done little or nothing to improve the industrial accident record. Sifting OSHA's own inadequate data with other figures, Smith discovered (a) that injury rates were higher, not lower, in industries with good compliance ratings, and (b) that between 1970 and 1973, industrial accidents in OSHA's so-called "target industries" fell by less than 1 percent more than they would have in the absence of the program.

"At the very least," Smith concludes, "the results cast serious doubt on the effectiveness of the target program. . . . A more ominous, but still speculative, implication . . . is that OSHA, whether because of its standards or because of its failure to discover violations, may not be affecting the conditions which cause injury."

"Given the limited potential of a perfectly enforced set of standards and the likelihood that inspectors discover only the most obvious violations, it is perhaps not surprising that the estimated effects on injuries are so small that they cannot be distinguished from zero."

The net of it is that we are administering a vast bureaucracy, armed with constitutionally questionable powers, costing consumers untold millions—to achieve a statistically insignificant impact on the safety record of American industry.

Unions

THE WHITE HOUSE
WASHINGTON

May 3, 1976

MEMORANDUM FOR: JIM CANNON
JIM CAVANAUGH
ART QUERN
JUDY HOPE
BILL DIEFENDERFER

FROM: DAVID LISSY *[Signature]*

FYI. The attached is the form letter being used to respond to mail critical of the Teamsters' settlement because of its potential inflationary impact. Many of the letter writers are unhappy with what they percieve to be the Administration's pleasure with a 30% increase.

Attachment



Re: Teamsters Settlement

THE WHITE HOUSE

WASHINGTON

April 23, 1976

Dear

The President has asked me to thank you for your letter providing us with the benefit of your views on the settlement by the teamsters' union and the trucking industry. The President was pleased that agreement was reached through collective bargaining without government intervention or a prolonged strike.

He has requested the Council on Wage and Price Stability to analyze the economic impact of the settlement and report to him on the matter. The Administration considers inflation a major economic problem facing our nation and will continue to pursue policies designed to create the conditions for sustained economic growth without inflation.

Sincerely,

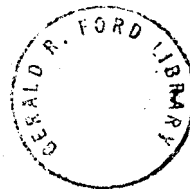
L. William Seidman
Assistant to the President
for Economic Affairs

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proofed - nm/rba

recd 4/23/76

LWS:



THE WHITE HOUSE
WASHINGTON

May 5, 1976

MEMORANDUM FOR: JIM CANNON
JIM CAVANAUGH
ART QUERN

FROM: DAVID LISSY 

The attached Q&A from Dallas last week may imply the existence -- or the planned existence -- of a study of the need for some kind of anti-trust law to be applicable to unions. I know of no such study.

I have sent copies of the attached to Bill Usery and Mike Moscow.

Is any further action necessary?







Attachment



4.30-76
Dallas, Tex

Page 9

Secondly, what we had to do -- and I think wisely so -- in the New York City situation was to make New York, after a struggle of some six months, to pull itself up by its bootstraps.

Now, they have taken certain actions to put a ceiling on future pay increases, to get revision in their pension contracts with their employees which were way out of line, to get some of the creditors to hold back and to make some modification on the interest payments that were to be made by the city for those security holders.

They have taken some drastic action, including the State of New York putting more money up to help and assist them. They are going to modify the no tuition situation for the city university. They have done a lot of things.

The only problem they had after they had pulled themselves up by their bootstraps was a cash flow problem, and I suspect some of you businessmen know a little bit about the cash flow problem. We finally agreed -- and I think wisely so -- and let me tell you why -- that they do borrow from us on an interim basis with the agreement they would pay us 1 percent over what our borrowing cost would be.

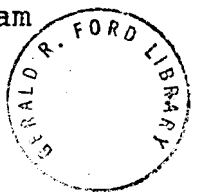
They borrowed money for the first two or three months. They have paid their first payment back and they have to pay everything back by June 30. They paid us back \$270 million, and they paid us back \$5 million in interest. So, it is a good deal for the Federal Government. They bailed themselves out. We are loaning them temporary money, and they are paying us interest on it, and Uncle Sam made \$5 million. That is not a bad deal for us.

QUESTION: Thank you.

QUESTION: Mr. President, my question is simply this: You have a reputation for being an equitable person, and I would like to ask you if you agree that from an equity point of view labor unions should be subject to the same anti-trust laws as business, no more, no less?

THE PRESIDENT: The proposition has been raised that the anti-trust law should be applicable to labor organizations. There is a great deal of controversy on it. There are many people in the business community who don't believe that is the right way to approach the situation.

I personally feel that this whole matter ought to be reviewed in light of the expansion of a number of our labor organizations and the powers that they now seem to have in the economic field.



I would hope that such a study and analysis on an updated basis would be undertaken both by the Executive Branch and the Congress. We can't just have the views of the past as we meet the problems of the future. But, it is not unanimous in the business community that that should be done.

So, we ought to get the best mind in both management, as well as labor, and take a look at it from the point of view of the executive as well as the Congress. As long as I feel that way, I don't think I should prejudge the decision-making. But, I would like to remind the people here that I have strongly supported the Taft-Hartley Act. I have strongly supported those who would fight repeal. I strongly support the improvements that were made in 1958 of the Landrum-Griffin bill.

So, my views are not any great sympathy for some of the things that I see done by major unions. I think we ought to take into consideration the diversity of views even in the business community, and we will by such an undertaking.

QUESTION: Thank you.

QUESTION: Mr. President, I understand that recently you wrote to Minority Leader John Rhodes objecting to the so-called parens patriae concept in antitrust legislation which would allow State Attorneys General to bring large, terribly damaging lawsuits on behalf of the residents in their States.

You said that parens patriae was properly a matter for State legislatures rather than for Federal legislation. My question is, do you still hold that view?

THE PRESIDENT: I strongly feel that the Federal Government should not turn over the prosecution responsibilities to State Attorneys in 50 States. I think if there are violations of our antitrust laws, the prosecution ought to be undertaken by the Department of Justice. I don't think we should at the Federal level give this responsibility to a State official who can or cannot use it for his own political benefit.

I think that the Federal Government ought to assume the responsibility and not turn such a major responsibility over to State officials. I think that is a wrong concept and what I said to Congressman John Rhodes I reiterate here today.



*Wash
Dulles, Tex
41-30-72*

Secondly, what we had to do -- and I think wisely so -- in the New York City situation was to make New York, after a struggle of some six months, to pull itself up by its bootstraps.

Now, they have taken certain actions to put a ceiling on future pay increases, to get revision in their pension contracts with their employees which were way out of line, to get some of the creditors to hold back and to make some modification on the interest payments that were to be made by the city for those security holders.

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MORE



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MORE



THE WHITE HOUSE
WASHINGTON

May 11, 1976

*Mike Doral -
How should
we handle?
Jim*

MEMORANDUM FOR: JIM CANNON
FROM: DAVID LISSY *DL*
SUBJECT: Civil Service Commission Internal Investigation

This is in the nature of an advance alert.

For the last several months the Civil Service Commission has been conducting an internal investigation into allegations of improper personnel activities throughout the government being condoned or even encouraged by the CSC itself. This investigation is a post-Watergate development.

The final report was filed with Bob Hampton on Friday. He will review it and plan to make it public probably the middle of next week -- but not earlier. Hampton will provide us with a summary of the report and its recommendations a few days in advance of its becoming public. Hampton says there is nothing in the report which is particularly new but he agrees that its publication is likely to dredge up old stories about Nixon Administration personnel practices.

cc: Jim Cavanaugh
Art Quern



Labor - Civil Service

THE WHITE HOUSE
WASHINGTON

sent

May 19, 1976

MEMORANDUM FOR: JIM CANNON
FROM: DAVID LISSY *[Signature]*
SUBJECT: Civil Service Commission Merit Staffing Report

I would suggest you send the attached memorandum to the President today with copies to Phil Buchen and Ron Nessen.

I should discuss this with you before you sign the memorandum.

Attachment

cc: Jim Cavanaugh
Art Quern



Labor

THE WHITE HOUSE
WASHINGTON

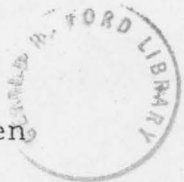
May 19, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: JIM CANNON *JAC*

SUBJECT: Civil Service Commission Merit Staffing Report

The Civil Service Commission's internal review of its practices and operations has been completed and has been released to the press with an embargo time of 6:30PM this Thursday. (Tab B)



The review, initiated in October 1975, looked into alleged actions that may have tended to bring about preferential treatment to certain candidates for employment in career positions. The CSC in a statement to be released along with the report (Tab A), acknowledges "the report cites deviations from merit practices and identifies certain organizational and procedural problems within the Commission that cause us deep concern."

The emphasis in the report is on internal CSC procedures and many of the cases cited are already public knowledge. Nevertheless, the publication of the report is apt to lead to stories which refer to allegations about actions of the previous Administration.

The CSC statement indicates agreement "that things happened which should not have happened." It says that in retrospect it believes problems developed because of "Commission efforts to assist Federal agencies in meeting their management needs and of a growing emphasis on utilization of flexibilities of the personnel system in the interest of increasing the effectiveness of government operations."

The Merit Staffing Report makes 14 recommendations, only one of which could require any specific action on your part. That one is a suggestion that the CSC propose to you that prohibi-

tions against racial, political, or religious discrimination which apply to positions in the competitive service should also apply to Schedule A and B positions (these are positions for attorneys and other positions which do not lend themselves to the general testing and rating process). There should be no need for you to comment on this recommendation until CSC makes a proposal and we can evaluate its impact.

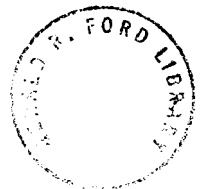
We should treat this report as the internal CSC matter it is. The CSC should get credit for being thorough in investigating itself. It is an independent body and we should refer all questions directly to the CSC. It is also important, however, to place the findings of the study in a proper perspective. As the CSC statement indicates, the problems developed over a long period of time and reflected a CSC emphasis in the late 1950's and the 1960's on flexibility and service.



cc: Phil Buchen
Ron Nessen

CIVIL SERVICE COMMISSION INVESTIGATION

- Q. What comment do you have on the Merit Staffing Report issued by the Civil Service Commission? Isn't the President concerned by the reported abuses of the system within the CSC's own operations and does the President still have confidence in Chairman Hampton?
- A. The Civil Service Commission is an independent agency. The review of CSC procedures to which you refer was an internal review and the CSC is to be commended for its willingness to undergo such extensive and public self scrutiny. I understand that many of the recommendations presented in the report have already been implemented and that others are being considered by the Civil Service Commission. The specific recommendations deal with internal CSC matters and you would have to get the details from the CSC itself. We are certainly encouraged, however, by the fact that the CSC was so thorough in its own analysis and the President strongly reaffirms his commitment to an independent merit staffing procedure for career government positions.
- Q. What about Chairman Hampton?
- A. As Chairman he is ultimately responsible for the nature and thoroughness of the review of CSC procedures. The President has confidence in Chairman Hampton's dedication to do the best possible job and to maintaining the integrity of the career system.



Report of the
American Assembly

**MANPOWER GOALS
FOR
AMERICAN DEMOCRACY**



May 20-23, 1976
Arden House
Harriman, New York

PREFACE

Manpower Goals for American Democracy was the subject of an American Assembly at Arden House, Harriman, New York, May 20-23, 1976. With the cooperation of The National Commission for Manpower Policy the meeting brought together 75 Americans representing varying pursuits and viewpoints to discuss how jobs might be made available for all Americans who want to work.

Background reading for The Assembly was prepared under the editorial supervision of Dr. Eli Ginzberg, Professor of Economics at Columbia University, with authors and chapters as follows:

Moses Abramovitz	<i>The Employment Record, 1946-74</i>
Barbara Bergmann	<i>The Pervasiveness of Discrimination</i>
Andrew Brimmer	<i>Economic Growth and Employment Opportunities for Minorities</i>
Juanita Kreps	<i>Time, Work, Leisure</i>
Robert Lampman	<i>Jobs Versus Income Maintenance</i>
Arthur Okun	<i>Conflicting National Goals</i>
Robert Solow	<i>The Potentialities and Limitations of Macro Policy</i>
Lloyd Ulman	<i>The Interface of Manpower and Economic Policy</i>

The report which follows on these pages is the result of review and modification in a final plenary session after extensive discussion in small groups. The report represents the views of the participants collectively, and no individual is committed to any portion of it.

The Ford Foundation and The National Commission for Manpower Policy, which provided financial support for the project, as well as The American Assembly have no official positions on the contents herein. This American Assembly report is not to be construed as a Commission report.

CLIFFORD C. NELSON
President
The American Assembly

The volume *Jobs for Americans* (ed. Ginzberg), containing the chapters described on the next page, will appear in public print in Fall, 1976, and may be ordered from the publisher, Prentice-Hall, Inc., Englewood Cliffs, N.J. 07632.



FINAL REPORT
of the
AMERICAN ASSEMBLY ON MANPOWER GOALS
FOR AMERICAN DEMOCRACY

At the close of their discussions the participants in *The American Assembly on Manpower Goals for American Democracy*, at Arden House, Harriman, New York, May 20-23, 1976, reviewed as a group the following statement. The statement represents general agreement; however no one was asked to sign it. Furthermore it should not be assumed that every participant subscribes to every recommendation.

The severe recession of 1974-75 has left this nation with unacceptably high levels of unemployment. High unemployment diminishes the lives and aspirations not only of the unemployed and their families, but of all Americans. The nation is poorer by virtue of the lack of goods and services which the unemployed could have produced; and by the social problems, including vandalism and crime, which accompany high unemployment.

One possibility is to tolerate the human, economic, and social waste of unemployment in the hope of avoiding a rekindling of inflation. The alternative is to adopt as the primary objective the development of policies aimed at providing a productive job for every person able and willing to work; at the same time we must constantly monitor and review these policies to avoid overheating the economy and precipitating a new recession. We opt for the second course.

We believe that the United States should not continue to condemn many millions of its citizens to enforced idleness, poverty, and isolation. The commitment to provide a useful and productive job for every American who wants to work carries the obligation of broadening access to educational, training, and advancement opportunities to all individuals, irrespective of sex, race, age or ethnic origin. It is imperative that current gross inequities in the opportunities available to different groups to compete for jobs and income be eradicated. Equal opportunity for minorities and women is a necessary element in the nation's employment policies. Such opportunity will encourage people to put forward their best efforts to acquire, develop and utilize their skills. It demands the elimination of any and all policies restricting entry to jobs and trades.

The achievement of a full employment economy requires improved articulation among economic, manpower, welfare and education policies, and improved cooperation between the private and public sectors. Commitment to full employment is not enough. Implementation of a full employment goal is our real challenge.

The achievement of full employment requires a mix of policies including stimulating the growth of the economy; special efforts directed at speeding the

absorption of young people into productive work; enhancing the employability of the hard-to-employ; strengthening work incentives; improving the manpower system so that it can be more responsive to the challenges of a dynamic economy; and enlarging the options that people have with respect to the uses of time for work, education, family life, and leisure.

This Assembly has met after one year of economic expansion from the deepest and longest of the postwar recessions, and yet the unemployment rate—at 7.5 percent—remains extraordinarily high by post-World War II standards. Continued rapid improvement in general economic conditions is a precondition for reaching the nation's goal of full employment.

Accordingly, we urge the following actions:

1. Fiscal and monetary policies adapted to promote economic expansion at a pace that would reduce the overall unemployment rate by 1.5 percentage points a year until the general unemployment rate reaches 5 percent early in 1978. During this period, there should be continuing and systematic reassessment of employment and unemployment, and the behavior of wages and prices, so that the pace of further progress can be geared to the nation's unused human and capital resources.

This is an ambitious but, we believe, reasonable short-run target that has the advantage of putting first things first. Signs of bottlenecks, overheating, or accelerating inflation should be attacked with innovative techniques of selective demand and supply management, and joint public and private efforts to restrain inflationary pressures. We must not abjectly retreat from the goal of high employment. These anti-inflationary techniques must be developed in advance and we urge the prompt preparation of standby programs.

The most successful economic policy will not, however, reduce to an acceptable level the excessively high unemployment rate particularly among inner-city youth, averaging more than 30 percent over the past decade. A continued tolerance of such high unemployment can lead to only more alienation, drug addiction, and crime among many youths who, having no stake in the society, strike out against it for treating them as nonpersons. Accordingly, we propose the following program, recognizing that it involves significant costs and hard choices and therefore requires a review of existing manpower expenditures and overall budget priorities.

2. The establishment of a National Youth Service which would involve: (a) a substantially enlarged commitment primarily to assist poorly prepared youth to become productively employed in the regular economy; (b) a strong emphasis on performing useful work in the community; (c) the creation of a separate organizational entity within the Department of Labor; (d) the inclusion of a broad spectrum of the youth population; (e) an emphasis on full-time jobs with job counseling and training to the fullest extent possible; and (f) a reprogramming of some funds for existing youth employment programs.

The Service would be primarily for out-of-school youth but with openings also for other young people. All would be engaged in productive work aimed at the visible improvement of their physical and social environment. The Secretary

of Labor should be authorized to enter into contracts with public (including Comprehensive Employment and Training Act prime sponsors), nonprofit (including community based organizations), or private firms with the capability of managing such work efforts. There should be a stipend and graded wage scale congruent with the youth wage scales in the community. Funds should be provided for materials and competent supervision so that the work performed will be recognized by the community as warranting its support. Service should be limited to two years. Opportunities for skill acquisition during the course of such work and transition into regular employment should also be provided. Provision should be made, with appropriate safeguards, for inclusion of youthful offenders for whom such a program would be appropriate. Cities, counties, states, and the national government should be encouraged to eliminate laws that serve no social purpose which bar exoffenders from many desirable jobs.

3. Curriculum and counseling in many junior and senior high schools serve many young people poorly. Elimination of educational and occupational segregation by sex, race, and social class is essential. Expansion of work/study programs and improvement of occupational preparation can facilitate the transition of many students from school to work.

4. To encourage employers in the private and public sector to employ and train underqualified and needy youth, we recommend, on an experimental basis, the provision of vouchers to young job-seekers whereby an employer would be subsidized for hiring and training them in jobs which have a long-term promise for advancement in skills and responsibility, provided, however, such payments do not undermine the minimum wage.

Equally important as the need for special programs for young people are the following priority calls on manpower policy:

5. We suggest a public service employment program involving work projects for the long-term unemployed (over 15 weeks) many of whom may have exhausted their unemployment insurance benefits. This program would include the following major features: (a) eligibility would be limited to persons whose family income is below the Bureau of Labor Statistics lower family income standard; (b) employment under this program would not exceed two years; (c) wages would be set at a level of about 50 percent above the national average unemployment insurance benefit; and (d) large families would receive income supplementation.

6. Experimental programs to provide sheltered or supported work for those with special employment problems, such as exoffenders, former drug addicts, the severely handicapped, followed by efforts to place as many as possible in regular employment after they have acquired work habits and marketable skills.

7. Early attention to the special needs of older persons forced into premature retirement and women at home, many of whom would welcome an opportunity to work part or full-time.

8. Early attention to the special occupational skill training and employment needs of Vietnam era veterans.

High levels of employment can be achieved and maintained only if we strengthen the incentives and rewards that make work more attractive than the receipt of income transfers. Many millions of Americans work full-time, yet are unable to earn enough to lift their families out of poverty. They require income supplementation. To this end, the Assembly recommends:

9. The expansion of earned income supplementation for families with incomes between \$4,000 and \$8,000 and a liberalization of the food stamp program to aid the working poor.

10. The articulation and appropriate revisions of unemployment insurance, welfare, food stamps, child care, and the earned income tax credit so that they are supportive of manpower goals.

11. Reassessment of publicly supported manpower programs with an aim of optimizing incentives for employment while maintaining respect for the worth of each American citizen.

12. Publicly subsidized adult occupational training opportunities to enable persons trapped in disagreeable low-paying jobs to acquire skills and to improve their prospects of securing more desirable employment.

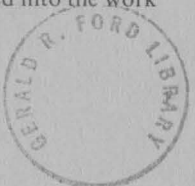
13. The impact of several million illegal immigrants who are currently employed—primarily in the labor markets of the Southwest and Northeast—should be corrected by imposing sanctions on employers who hire illegal aliens.

14. Public policy and private initiatives to improve the quality of life in the workplace.

The ability of the nation to meet its manpower goals depends on having in place a comprehensive and flexible manpower system. The *ad hoc* nature of many of the responses to the recession of 1974-75 underscores the need for action in this area. The nation needs a system which can effectively meet the continually changing challenges which are characteristic of our dynamic economy. Individuals who receive unemployment insurance benefits with little or no prospect of being recalled to their former jobs should be encouraged to enter a retraining program or to make use of other manpower services to speed their reemployment.

There is merit in having the public service employment program triggered on and off according to the condition of the national and local labor markets. The nation's skill training resources must be maintained at an effective minimum level of capacity if they are to be capable of expanding in periods when additional skill training is indicated.

During the past several decades more and more members of the labor force have preferred to work less than full-time, full year. This includes young people, men and women with family responsibilities or who face mid-career changes, and older persons. Recently, flexible employment schedules, extended periods of paid vacations for long-time employees, leaves of absence for study and child-rearing are among the arrangements which have been introduced into the work



environment. Increased experimentation with the more constructive use of time can lead to increased worker satisfaction with no loss in productivity.

By this statement, the Assembly affirms a commitment to a policy of jobs for all Americans. We would be derelict, however, if we did not emphasize to the American people that this commitment entails costs and difficulties: it requires that we cope successfully with possible renewed inflationary pressures; it involves aggressive government action at a time when many suspect government; it may involve heavy expenditures and a need for increased revenue; and it will require difficult individual and institutional changes that some will find unacceptable. But it is our conviction that these costs are overshadowed by the human and economic costs of continued high unemployment. No worthy goal is attained with ease, and the overriding challenge to the United States today is to establish a system whereby free men and women, through their own efforts, can improve their lives and their society.

PARTICIPANTS

The American Assembly on Manpower Goals

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**MICHAEL J. McMANUS
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Associate Director of Research
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ABOUT THE AMERICAN ASSEMBLY

The American Assembly was established by Dwight D. Eisenhower at Columbia University in 1950. It holds nonpartisan meetings and publishes authoritative books to illuminate issues of United States policy.

An affiliate of Columbia, with offices in the Graduate School of Business, the Assembly is a national, educational institution incorporated in the State of New York.

The Assembly seeks to provide information, stimulate discussion, and evoke independent conclusions in matters of vital public interest.

AMERICAN ASSEMBLY SESSIONS

At least two national programs are initiated each year. Authorities are retained to write background papers presenting essential data and defining the main issues in each subject.

A group of men and women representing a broad range of experience, competence, and American leadership meet for several days to discuss the Assembly topic and consider alternatives for national policy.

All Assemblies follow the same procedure. The background papers are sent to participants in advance of the Assembly. The Assembly meets in small groups for four or five lengthy periods. All groups use the same agenda. At the close of these informal sessions participants adopt in plenary session a final report of findings and recommendations.

Regional, state, and local Assemblies are held following the national session at Arden House. Assemblies have also been held in England, Switzerland, Malaysia, Canada, the Caribbean, South America, Central America, the Philippines, and Japan. Over one hundred institutions have cosponsored one or more Assemblies.

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Home of The American Assembly and scene of the national sessions is Arden House, which was given to Columbia University in 1950 by W. Averell Harriman. E. Roland Harriman joined his brother in contributing toward adaptation of the property for conference purposes. The buildings and surrounding land, known as the Harriman Campus of Columbia University, are 50 miles north of New York City.

Arden House is a distinguished conference center. It is self-supporting and operates throughout the year for use by organizations with educational objectives. The American Assembly is a tenant of this Columbia University facility only during Assembly sessions.



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The background papers for each Assembly program are published in cloth and paperback editions for general readership. In this way the deliberations of Assembly sessions are continued and extended. Subjects to date are:

- 1951-1952 — United States-Western Europe. Inflation
- 1953 — Economic Security for Americans
- 1954 — The United States' Stake in the United Nations
 - The Federal Government Service
- 1955 — United States Agriculture. The Forty-eight States
- 1956 — The Representation of the United States Abroad
 - The United States and the Far East
- 1957 — International Stability and Progress. Atoms for Power
- 1958 — The United States and Africa. United States Monetary Policy
- 1959 — Wages, Prices, Profits, and Productivity
 - The United States and Latin America
- 1960 — The Federal Government and Higher Education
 - The Secretary of State
 - Goals for Americans
- 1961 — Arms Control: Issues for the Public
 - Outer Space: Prospects for Man and Society
- 1962 — Automation and Technological Change
 - Cultural Affairs and Foreign Relations
- 1963 — The Population Dilemma
 - The United States and the Middle East
- 1964 — The United States and Canada
 - The Congress and America's Future
- 1965 — The Courts, the Public, and the Law Explosion
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- 1966 — State Legislatures in American Politics
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- 1968 — Uses of the Seas
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 - Overcoming World Hunger
- 1969 — Black Economic Development
 - The States and the Urban Crisis
- 1970 — The Health of Americans
 - The United States and the Caribbean
- 1971 — The Future of American Transportation
 - Public Workers and Public Unions
- 1972 — The Future of Foundations
 - Prisoners in America
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 - Choosing the President
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