definition of integrity: voluntary and total compliance with a rigorous moral code.

It goes without saying that in fulfilling our police role integrity must be our watchword. It is our sworn duty to be honest and incorruptible. Right action—ethical conduct—is the very substance of a police officer's job. And integrity is more than just not taking graft, or not committing any other kind of malfeasance. Integrity is also doing an honest day's work for a day's pay—not shirking, not cutting corners on performance. Integrity is also not misusing physical force.

But our responsibility does not begin and end with our own behavior alone. In the matter of integrity we are our brother's keeper. We must refuse to countenance any form of corruption, from any quarter, any time it rears its ugly head. We must all stand ready to clean our own house. Painful as it may be, we must be willing to act against any officer who would befoul it, recognizing that he who would do so can no longer be deemed a colleague. He has become instead a criminal in a uniform. Therefore, the "code of silence" must be repudiated and to speak out against the wrongdoers in our midst must be considered an ethical imperative. This is a matter of integrity and, like all matters of integrity, it is in the immediate and ultimate best interests of the public and the police profession.

Everything I have been saying boils down to this: knowledge, courage and integrity are inseparable from the proper delivery of police service and the proper delivery of police service is essential for gaining, regaining, or maintaining public confidence and support. Good intentions and sincerity and exhortations are not enough. Consistently right actions are needed.

I think there is every reason to be optimistic. In police agencies throughout the country, much progress is being made toward increasing efficiency and improving the climate of integrity. Better educated than ever before, today's police leaders are becoming more expert managers of their departments' resources. An ever growing number of them—inspired and trained at institutions such as this one—are making the words of the FBI Academy motto a reality in the day-to-day work of their departments.

In closing let me say, I am confident that every graduate here today will take his rightful place among these leaders and carry on in what I earnestly believe will become a new tradition of professional police service. My congratulations to all of you.

SAXBE ASSESSES CRIME CONTROL

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

Mr. PEPPER. Mr. Speaker, you will permit me to call to the attention of our colleagues and the readers of this RECORD a recent editorial in the Washington Post which deals with Attorney General William Saxbe's recent assessment of where we stand in America on crime control.

As chairman of the former House Select Committee of Crime I was deeply concerned with the problem of crime and the possibilities for bringing this social cancer under control. I regret that the Attorney General has not been able to give a more favorable reading on where we stand in our fight against crime, but I think it is vitally important that we face the fact that the crime problem is still a very serious challenge to our society.

I request permission therefore to include the Post editorial of September 1, 1974, in the RECORD at this point:

MR. SAXBE AND CRIME CONTROL

Before a group of police chiefs in Chicago the other day, Attorney General William Saxbe unburdened himself of some thoughts on the subject of crime, its causes and its potential consequences. On the whole, it was a more balanced and thoughtful presentation than you might have supposed from the passages of the speech that gained the greatest national attention. Mr. Saxbe said that crime was increasing at a frightening rate and that some dark—but unnamed—forces within our society might one day use the fact of increasing crime to push for the creation of a national police force, a force Mr. Saxbe warned would jeopardize our liberty.

Unfortunately, the Attorney General's theorizing on the possible need for a national police force made the biggest splash. This, together with his dire view of the crime statistics, was almost all the nation learned about his speech, and perhaps for understandable reasons; the notion of a national police force does tend to concentrate the mind. But a careful reading of his full text reveals much more that is useful as a measure of what the nation's chief law enforcement official really has on his mind. Indeed, the implications for national policy in what Mr. Saxbe said are far too important to ignore, especially in a new administration.

Mr. Saxbe spoke of a reported increase in serious crime of 5 per cent for this year over last year. He was speaking of such offenses as murder, rape and assault with a deadly weapon, and he said such an increase in these crimes was alarming to him. Now we all know that the manner in which local police forces tabulate those figures is far from uniformly accurate. Moreover, we have seen in the past how crime statistics can be manipulated, depending on the political exigencies of the moment. The Nixon administration, for example, would have had us believe the problem was under control many months ago—at the time of the last election.

So, even though the statistics are disturbing, they are probably less interesting, in terms of coming to grips with the crime problem, than some of the things Mr. Saxbe had to say about the causes of crime. He began and ended by confessing to a certain mystification with which we can all commiserate. He did, however, draw a direct connection between serious crime among young people and unemployment among the same age group, especially those in the central cities. He pointed out that three of every four persons arrested for serious crimes were under 25 years of age. Using the data of the Bureau of Labor Statistics, Mr. Saxbe told the police chiefs that unemployment among minority youths was "awesomely high" and that in some age groups in the inner city it was 33 per cent. It is important to note that if BLS says one in every three young blacks is out of a job, the figure is probably closer to half of the young black population. The reason is that BLS bases its figures for unemployment on those "actively seeking" work, and after a certain period large numbers of unemployed persons of all ages who have not acquired jobs are somewhat arbitrarily held to be no longer "actively" seeking work and therefore technically no longer unemployed.

"One lesson," Mr. Saxbe said, "is that we are not going to solve the crime problem among the young—especially in the cities—until they are brought into society's mainstream." And he added:

To do that, a basic step is to impart real education and employment skills and couple it with actual jobs. This is not only needed to help control crime. It is also the decent, the humanitarian, thing to do. This approach alone will not solve all crime problems related to poverty and discrimination. But unless we succeed in this, other efforts have little potential for lasting success.

Mr. Saxbe's observations on crime's relationship to unemployment are important because the Ford administration is in the midst of an internal debate about public works employment and its impact on the economy. Crime control would hardly be reason in itself to take such a step. And there are economic reasons for seriously considering it irrespective of its connection with crime control. But it logically follows that those with something to do have less reason to commit crimes and that those with a sense of a stake in their society are less likely to act in defiance of its rules.

Mr. Saxbe went on to take note of increasing white collar crime and crime among government officials at the state and local level, to say nothing of the federal level. He asked what sort of example the successful of the society were setting for the young: "The young learn from us and what they see and what they must be learning are sources of growing dismay."

He was constrained as well to mention the outpouring of violence on television and in films: ". . . the average 8-year-old has seen more violence on television than the average soldier encounters during a hitch in the army." He castigated the television industry for wrapping itself in the First Amendment when called to account for its practices, and he criticized parents for permitting their children to be exposed to "the unending deluge of such garbage."

From the Attorney General's viewpoint, then crime is a problem with many causes and few solutions. He described a pattern of national frustration about crime, and it was in this context that he expressed his fears that if "we go on as we are, there is every possibility that crime will inundate us. The nation would then be faced with the prospect of falling apart or devising a national police in one final effort to restore domestic order. We should never doubt for a moment that there are men and forces at work in this country eagerly awaiting an opportunity to devise such a program as a first step toward total control over our lives."

Mr. Saxbe distinctly warned against that notion: "Any nation can stop crime if it is willing to have an internal army of occupation," he said, "but there has never been a government which stopped crime by oppression that eventually did not live to regret it." He argued instead that those "that have survived and flourished have done so by developing an inner strength in their people and in their institutions."

It goes almost without saying that most persons would agree. We certainly do. And we also think Mr. Saxbe's speech, in its entirety, should be given serious attention by those within the Ford administration who will be dealing with such matters as public works employment, the control of handguns and the problem of television and motion picture violence. The control of crime has to be looked at in a larger context. President Ford has expressed himself as having the goal of trying to make us more of a nation of one people. We think that the manner in which he goes about that task may well assist in shedding light on the problem of what we do about rising crime.

INDUSTRIA TURISTICA

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

Mr. PEPPER. Mr. Speaker, you know the vital importance of tourism to the

sufficient time to participate actively in efforts to reach a compromise.

Subcommittee Counsel Alan A. Parker said Chairman Don Edwards, D-Calif., still supports a less complicated bill such as H.R. 188, which he introduced, setting restrictions on use of arrest records.

Rep. Charles E. Wiggins, R-Calif., ranking Republican on the subcommittee, said privacy legislation is a "priority" item for the subcommittee but predicted there would not be time to act before the next Congress convenes. Wiggins has stressed that the bill should not endanger the policeman on the street by depriving him of needed information.

Outlook: Although there is practically no chance that congressional, Justice Department, and administration officials will be able to reach a final agreement this year on legislation to set standards for the use of criminal history records, their efforts this year have made more likely enactment of a proposal by the 94th Congress. Many of the participants in the drafting process privately voiced frustration with the pace of their tolls but continued hope for long-term success.

Republicans Prepare Own Agenda

At the same time that the executive branch was studying initiatives to protect individual privacy, a task force on privacy of the House Republican Research Committee prepared its agenda for legislative action.

Task force Chairman Barry M. Goldwater Jr., R-Calif., said "privacy rights have become subservient to concerns of utility and pragmatism." The task force report was intended to increase public awareness of privacy concerns in the hope that specific reforms will be adopted, he said.

Some of the report's recommendations are similar to the initiatives that are being pursued under the direction of the Domestic Council Committee on the Right of Privacy. The similarities include support for greater protection of the privacy of bank records and consumer credit information, and scaling down of government information requirements.

On several issues, the GOP task force proposed steps that would go considerably beyond proposals now being studied by the White House committee:

The use of the social security number should be limited to the operation of old-age, survivors, disability insurance and other programs as required by federal law.

No surveillance or wiretapping of any citizen should be permitted without a court order.

Tougher steps should be taken to guarantee the confidentiality of Census Bureau information.

Juvenile court records should be disseminated only to officials directly connected with the child's welfare and rehabilitation.

No arrest records without a conviction may be used in a federally-supported computerized system.

A federal "privacy protection agency" should be established to enforce the proposed legislation.

FIELD OF CRIME

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

Mr. PEPPER. Mr. Speaker, on September 13 a nephew of my wife's graduated from the FBI National Academy is Quantico, Va., which my wife attended. On that occasion an outstanding address having to do with the whole field of crime was delivered by the police commissioner of the city of New York, Michael J. Codd. Having chaired the House Select Committee on Crime for 4 years, I have found the address of Commissioner Codd very enlightening and informative. He speaks out of broad experience with wide vision. I commend Commissioner Codd's address to my colleagues and to my fellow countrymen and ask that it appear in the body of the RECORD immediately following my remarks:

Address by Michael J. Codd

It is an honor and a privilege to have been chosen to address this 98th graduating class of the FBI National Academy. I myself was a member of the 69th class and, as it happens, I delivered the student address at that graduation ceremony.

My theme on that occasion was: "Eternal vigilance is the price of freedom." Not an original theme perhaps, but an enduring one—one that will always have relevance in a democratic society.

In considering the selection of a subject for this occasion I looked through several talks that were given here in the recent past and I was particularly struck by the fact that no matter what subject was being expounded—police professionalism, the importance of training, advances in police technology—almost every speaker linked his theme to the motto of the FBI National Academy, "Knowledge, Courage, Integrity." I decided to make those words the theme of my talk. I hope I can bring some special meaning to them that may prove helpful to you in your future operations.

To characteristically exhibit knowledge, courage, and integrity in one's private affairs does not necessarily coincide with exhibiting these same virtues in one's vocational affairs. For instance, it is entirely possible for a police officer to be a model citizen without being an effective public servant. It all depends on the *kind* of knowledge, courage, and integrity he possesses and, just as important, on the *way* he puts these attributes into practice.

A private individual is responsible to society for his actions only insofar as they may injure others. When prompted by religious belief or conscience or some benevolent feeling he may try to actively help others. But he is not required to do so; it is not his duty as a private citizen to do so. If, however, he becomes a police officer, he automatically assumes the responsibility of helping others, of providing police service simply as a matter of sworn obligation to the public.

Moreover, I believe that police officers have a higher duty even than other civil servants. We are society's guardians and protectors. We are the agency charged with enforcing the law, the strongest bond of a civilized society. The service we give is absolutely essential to its stability.

Never in our history has the police function been so important. For the past decade our social climate has been rapidly changing. A rancorous ill-will, often violent, has come to mark the conduct of even the most routine community affairs. Many of our citizens seem to have lost faith in the ability or willingness of established institutions to meet their basic needs. They see neglect and decay everywhere, and are convinced that they have been abandoned by public officials who, they claim, have to be practically coerced into providing even minimal public services. This is the environment in which today's police officers work, and it presents a great obstacle that we must work to overcome.

I am not for a moment suggesting that the police should become primary agents of social change or that we should attempt to cure social ills. Only the *people* can do that, the people acting through their elected representatives. Police officers are neither agents of, nor impediments to, social change but we must set an example for others to follow. We are duty bound to be neutral—and properly so. It is our job to step in where necessary to prevent public injury and to maintain public peace—and this includes protecting people in their right to dissent and to advocate and promote even the most unpopular causes. This kind of intervention does *not* affect the underlying conditions of society.

However, by performing our true functions in a professional manner—that is, by fighting crime, preserving order, and rendering aid—we are able to make a vitally important contribution toward improving the quality of community life. And this, I submit, forms the true basis of our indispensability as public servants.

All of which leads me back to the words "Knowledge, Courage, Integrity," and their special significance in police work. Let us consider knowledge, where it all begins.

Police work encompasses law enforcement, order-keeping, and non-enforcement services. A police officer must know the applicable laws, the powers and limitations of legal authority, and the rights of the individual. He must also know how to handle emergency matters, group events, interpersonal disputes, and miscellaneous requests for information and help.

But laws change, technology improves, communities grow and decline, new ways of policing are developed. In order to maintain competence in his increasingly complex job the police officer must keep abreast of all professional developments in the field. He must be open-minded and receptive to learning and to new experience. He must continue to study and keep sharpening his skills throughout his career.

In addition to *acquiring* knowledge and *applying* it, which every police officer must do, the superior officer has the continuing responsibility of *imparting* knowledge to his subordinates. In other words, training them. Most of you graduates here today are supervisors, commanders or chiefs—or you soon will be—and of all your supervisory or command responsibilities you will find that training always remains one of the most important. Training encompasses the direct instruction of subordinates in job content and the continuous monitoring of their performance to correct mistakes. It also involves acting as adviser and counselor in personal as well as vocational matter, if need be, in order to improve performance.

Thus, in the interests of the public and the law enforcement profession, all of us must view knowledge not as an end in itself, not as a stepping stone to career advancement, but as the sine qua non of quality police performance.

As for courage, every police officer is presumed to have physical courage. And I believe that every one of them does. In all my experience I have never found it otherwise. But I'm really talking about other kinds of courage—intellectual and moral courage.

I think each of us must from time to time do some soul-searching and ask himself, do I have the courage to take responsibility and face consequences; the courage to break with tradition; the courage to rally support for unpopular position; the courage to try something new and overcome resistance to change; the courage to stand on principle when it might be easier to capitulate to expedience. And then, perhaps the most difficult question of all, do I have the courage to speak out against a fellow officer known to be corrupt or brutal or derelict.

That brings us to the matter of integrity, which is often inseparable from courage. Integrity is easier to recognize than to define. Among the dictionary definitions are: "state or quality of being complete, undivided or unbroken"; "unimpaired or unmarred state"; "purity"; "moral soundness"; "honesty"; "freedom from corrupting influence or practice." In all, I think they add up to my own

Whichever way the initiatives and working relationships turn, officials at both ends of Pennsylvania Avenue agree that privacy will remain a live issue in the post-Watergate climate and that bureaucrats in every part of the government will have to adjust their practices on the handling of citizen records.

They also indicate that the results of the federal privacy regulation program will help dictate future regulation of privately operated data banks. OMB associate director Marik said "the privacy concerns on federal data systems are certainly applicable in the private sector," but added that the federal government should first "put its own house in order and determine the impact of the regulations so that the private sector is not impaired by costly or cumbersome proposals."

SUPPORTERS FIND DRAFTING OF CRIMINAL FILES PROPOSAL A PATH FILLED WITH BOTTLENECKS AND COMPLEX ISSUES

Securing agreement on a bill to regulate the use of FBI criminal history records has consumed thousands of hours of attention from congressional, White House and Justice Department officials and staff. But most participants agree that they are no closer to passage of a meaningful bill than they were a year ago when they began the agonizing effort. They may even be farther apart as a result of the greater understanding of the issues which they have gained.

The drafting process also has been a victim of the Watergate scandal which brought a new Attorney General and Deputy Attorney General who did not feel themselves bound to the earlier Justice Department position on the key issues, consumed the time and attention of the Senator with the most ardent interest in the bill, and made it impossible for the House Judiciary Committee and its staff to consider the proposal during the past six months.

The legislation (S. 2963, S. 2964, H.R. 9783) is designed to set the first national rules on the use and dissemination of criminal justice information and impose restrictions on the exchange of criminal records between the Federal Bureau of Investigation (FBI) and thousands of police departments across the country. Interest in the bill was aroused by the absence of specific laws on the subject, leading many critics to cite a serious threat to personal privacy. (*For background on the controversy and details of the proposals, see Vol. 5, No. 43, p. 1599, and Vol. 6, No. 7, p. 246.*)

Negotiations: The effort to move ahead on the legislation has been marked by a continual series of meetings between congressional and Justice Department staff, attempts to put on paper what tentatively was agreed to orally, and renegotiations of supposedly final provisions.

"When the crunch comes, the Justice Department is not making decisions, and the White House is not there to push it along. Either the Administration's concern for privacy is a 'paper tiger' or there is a calculated effort to stymie action. In either case, there would be the same result of Congress's inability to act," said Lawrence M. Baskir, chief counsel and staff director of the Senate Judiciary Subcommittee on Constitutional Rights, chaired by Sen. Sam J. Ervin Jr., D-N.C. (Baskir plans to resign soon and become general counsel of the Presidential Clemency Board.)

Deputy Attorney General Laurence H. Silberman, who has headed the Justice Department's review of the bill since his March confirmation by the Senate, disagreed with Baskir. "We have been working hard for the past month to reach an Administration position. With President Ford's accession to the presidency, the issue became of greater importance, and it became possible to get an administration position. That was difficult under President Nixon because an attempt was tried earlier and it failed."

Silberman was referring to the drafting last fall of the original Justice Department bill (S. 2964) under the direction of Associate Deputy Attorney General (1973-74) Martin B. Danziger. The bill was sent to Congress as a "Justice Department bill' because of the inability to resolve opposition of several agencies, including the Civil Service Commission and Defense and Treasury Departments. Silberman said that the recent review of the bill has resulted in a change in the Justice Department's position in S. 2964.

Staff meetings—The first extended discussions on the bill between congressional and Justice Department staff were 60 to 80 hours of meetings in May and June between Mark H. Gitenstein, counsel of the Senate subcommittee, and Mary C. Lawton, deputy assistant attorney general (Office of Legal Counsel).

They redrafted Ervin's bill, S. 2963, in order to make it more amendable to the Justice Department. However, when Ms. Lawton forwarded the proposed compromise to others at Justice, she found "parts of the department were not happy with the result." In an interview, Silberman said she was only giving the congressional aides "technical help" without indicating the Administration's position.

Several weeks later, a delegation of officials from the FBI, led by John B. Hotis, an FBI attorney who serves as its liaison for legislative issues, went to the Senate subcommittee staff with suggested changes on many of the issues that had been earlier discussed. "We were upset, as was Sen. Ervin," said Gitenstein.

Silberman meetings—In an Aug. 15 letter to Silberman, Sens. Ervin and Roman L. Hruska, ranking Republican on the Judiciary Committee, said the problems with S. 2963 "are not insurmountable" and added "it is incumbent upon the Department to come forward with proposals for changes in this markup." They suggested a task force be created to develop a compromise bill by the first week of September.

Three or four meetings were subsequently held in Silberman's office including representatives of the Senate and House Judiciary Committees, Justice Department, FBI and Douglas W. Metz, deputy executive director of the Domestic Council Committee on the Right of Privacy.

At the same time, Silberman chaired a series of meetings with representatives of federal agencies that opposed the bill. According to informed sources, some of the most vigorous opposition to the bill came from within the Justice Department, including Assistant Attorney General Henry E. Petersen of the Criminal Division.

Following those meetings, Silberman directed Lawton and Hotis to draft a bill reflecting the consensus of views exchanged at the working sessions. They finished that process Sept. 27 and their draft bill was circulated to several Justice Department officials. In the following two weeks, additional department and executive branch meetings were held to review the revised proposal.

Senate bill: At the same time that Justice Department and congressional negotiators were trying to find common ground on the many controversial issues in the legislation, staff members of the Senate Constitutional Rights Subcommittee met regularly to draft a bill acceptable to the subcommittee members.

Gitenstein and J. C. Argetsinger, subcommittee minority counsel, held a series of meetings resulting in a memorandum listing proposed changes, which was sent to Sens. Ervin and Hruska. The differences between Ervin and Hruska are reportedly narrower than those between Ervin and the Justice Department. As a result, there has been tentative staff agreement on a number of amendments to S 2963, the original Ervin bill, and the Senators are expected to meet and develop new plans for Senate passage this year.

Arrest records—A central issue has been whether police should be permitted to disseminate criminal records which show an arrest but no conviction. S 2963 would have permitted this practice only in limited circumstances or if the arrest had been pending less than one year. The latest draft of the bill permits use of arrest records if the local law enforcement agency adopts federal minimum standards. One standard permits use of arrest records or criminal histories not resulting in a conviction if the facts of the case "warrant the conclusion that the individual has committed or is about to commit a crime and that the information may be relevant in that act." The test is taken from the 1968 Supreme Court opinion in *Terry* v. *Ohio* permitting police to "stop and frisk" on the basis of "reasonable suspicion."

Dissemination—The original Ervin bill generally permitted non-criminal justice agencies to receive only conviction records. Under the revised bill, they may receive arrest records less than one year old if there has been an indictment and the charges are still actively pending. A report prepared at Ervin's request by the General Accounting Office showed that only 7 per cent of the requests to the FBI for criminal records are made by police prior to an arrest. Ervin said the report "confirms my suspicions" that FBI records are used primarily for licensing and employment in state and local government.

Gitenstein of the Senate subcommittee staff said the report shows the FBI runs the criminal records system but it is used primarily for non-police purposes, demonstrating the need for civilian, court, and prosecutorial agencies to be a part of the system's management. However, an FBI official said "I don't think most people are upset with the way we handle our records."

Enforcement—S. 2963 proposed a federal-state administrative system to enforce the bill, while the Justice Department strongly believes the FBI should continue to run the criminal records files. The subject reportedly is one of those causing the most debate. Silberman said the issue is "one of the most complicated subjects I have ever seen in legislation." Ervin has stressed that enforcement should reflect the "federal" nature of criminal records by ensuring the states a role in determining policy on their use. The most recent draft of his bill prohibits a federal agency from control of any records other than an index of the criminal files five years after the bill's enactment.

Sealing—The provision in S. 2963 requiring that all records be "sealed" seven years after their original entry to prohibit their further use has been changed to permit the use of an index of the sealed records. The sealed files could be used by police officials where an individual is subsequently charged with a more serious offense or as the result of a court order.

Intelligence files—Another controversial issue is desemination of intelligence and investigative information, which includes confidential reports compiled by police officers. The revised Ervin bill has relaxed its previous proposal by permitting the exchange of such information among law enforcement agencies where a "need to know" or "right to know" has been demonstrated by the requestor, or if "rational inferences . . . warrant the conclusion that the individual has committed or is about to commit a criminal act and that the information may be relevant to that act."

House: While the House Judiciary Subcommittee on Civil Rights and Constitutional Rights held hearings on the subject last winter, its members and staff have been so preoccupied with the impeachment inquiry and the confirmation of Nelson A. Rockefeller as vice president that they have not had

the two ranking subcommittee Republicans, Reps. John N. Erlenborn of Illinois and Paul N. McCloskey Jr. of California.

The bill, which has as its principal aim the limitation of the use of personal records by the government, was drafted as an amendment to the Freedom of Information Act of 1966 (80 Stat. 383). Ironically, that law is designed to encourage the government to make public more information. Norman G. Cornish, the subcommittee's deputy staff director, explained that the drafting decision was made on the basis that the 1966 law is the only current federal law dealing with information practices.

According to the committee's report accompanying the bill, the legislation "recognizes the legitimate need of the federal government to collect, store, use and share among various agencies certain types of personal data" but provides safeguards to remedy misuse of the information and "reassert the fundamental rights of personal privacy of all Americans."

The keystone to the bill is that, with limited exceptions, a federal agency cannot divulge to another agency personal information about an individual without his consent. Among the exceptions are the activities of law enforcement agencies, the Census Bureau's official surveys, emergency situations and information needed by Congress for legislative and investigative reasons.

In an interview, Rep. Erlenborn said the bill is important because "technology has progressed to the point where a government agency can push a button and get a mass of information on almost anyone. There should be an assurance that the information is used only for the purpose for which it was collected." He added that while there have been some abuses in the past, passage of the bill is necessary primarily because of "a fear of the future."

Cornish said that "for the first time in the country's history, Americans will have some control over how the federal government utilizes information concerning them and can ensure that the information is used by the government only for the purpose for which it was knowingly submitted."

White House assistance—The drafting of HR 16373 was noteworthy for what all sides acknowledged was a substantial and generally amicable contribution by President Ford's privacy committee and the Office of Management and Budget.

Subcommittee Chairman Moorhead said: "We don't want to interfere with good management of government. The privacy committee staff and OMB were helpful to us and we resolved a number of issues with them." Erlenborn said he had "never seen better cooperation" between OMB and a congressional committee on the drafting of legislation.

OMB Associate Director Marik said there was a "magnificent working relationship" between the subcommittee and the White House, and that the subcommittee was "very responsive" to the points made by OMB. With the exception of one section, he said he supported enactment. Metz of the privacy committee expressed similar views.

Federal employees—The principal outstanding point of contention between the subcommittee and the White House is whether the bill should be applicable to the records of federal employees and whether, for example, they should be entitled to review their employment records.

During the committee debate, Erlenborn said that unless the exemption were adopted, "the bill will wipe out the confidentiality of the civil service system and compromise the commission's testing process." Rep. Dante B. Fascell, D-Fla., responded that "case after case has shown that you can't get to the root of why an individual employee is not qualified without access to his records." The committee rejected Erlenborn's amendment to add the federal employees exemption by an 11-22 vote.

One controversial section that was struck from the House subcommittee bill would have permitted court awarding of punitive damages against the government in case of a violation of the act. The bill's principal supporters conceded that such a provision would likely provide an unprecedented citizen remedy against the government but argued that it was a necessary "club" against the government.

Senate: The Senate Government Operations Committee Aug. 20 unanimously approved S 3418. Although much of the bill is structured similar to HR 16373, the drafting process has been considerably more strenuous and has lacked the cooperation with the Administration that marked the House action.

The committee's report is more critical of current government abuses of privacy than is the House committee report. "The lack of self-restraint" by some agencies "has demonstrated the potential throughout government for imposing coercive information burdens on citizens or for invading areas of thought, belief or personal life which should be beyond the reach of the federal data collector," the report said.

The bill, introduced by Chairman Ervin and co-sponsored by Sens. Edmund S. Muskie, D-Maine, and Charles H. Percy, R-Ill., had three days of hearings in June and the one committee markup session in August. In both cases, the House committee gave the bill significantly more lengthy attention.

Criticism—According to several Administration critics of the bill, this quick action reflected the bill's vagueness and inadequate attention to specifics. One White House aide said "there is a genuine commitment among Senators to the bill, but the problem is that the bill needs considerable tightening."

A private attorney who observed the committee's markup session and did not wish to speak for attribution said: "I had a strong feeling that the Senators and staff did not understand the bill and its implications." He said that he sympathized with the staff because of the "enormously complex problems" and suggested that legislation may not now be the answer to the privacy concern.

Lawrence M. Baskir, chief counsel and staff director of Ervin's Constitutional Rights Subcommittee, who participated in the drafting of the bill, disagreed that S. 3418 was more unusual or complex than other legislation approved by Congress. "All of the proposals in the bill have been discussed since at least 1970. Our staff is very familiar with them and has been working on privacy longer than anyone in the executive branch," he said.

He was particularly critical of what he called "last minute quibbling suggestions" from the White House. "The executive branch is good in suggesting changes but it still has not prepared its final position even though the bill has been pending for several months," he said Sept. 25.

A 35-page memo commenting on the bill was sent Sept. 16 to the Government Operations Committee staff by Metz. Two days later, the committee received a seven-page listing of "major concerns" from OMB Director Roy L. Ash.

Commission—A principal point of dispute in S. 3418 is its proposal to establish a Privacy Protection Commission as an independent agency. Its purpose would be two-fold—to adopt guidelines to assist government agencies in implementing the acts, and study federal data bank practices and recommend necessary changes to Congress and the President.

James Davidson, counsel to Muskie's intergovernmental relations subcommittee, said the commission is necessary because of both the need for a central point of expertise in implementing privacy rules and the fact that there has never been a full-fledged study of privacy problems in both the public and private sectors.

The White House response to the Senate committee is that the commission would be "another layer of bureaucracy" that would slow the initiation of the new regulations, and might also be "a handy excuse for delaying the implementation of some important privacy safeguards."

White House: In the event that the House and Senate do not reach agreement on a federal privacy standards bill before the 93rd Congress finishes its work, President Ford will issue an executive order modeled on the standards of the pending legislation.

Metz said the executive order would be "nearly identical" to the House committee bill. "We are committed to action—either executive or legislative—to show the good faith of the Administration to act."

Metz said there was no White House preference for an executive order instead of legislation and that Ford and his aides will continue to push for a bill until it is clear that there is "no opportunity for legislative action in this Congress."

Baskir, Ervin's chief aide on privacy legislation, criticized the White House for having an executive order ready to be issued in lieu of the legislation. He said this and the "last-minute criticisms" of S. 3418 led him and others in Congress to believe "the Administration position on privacy is to cooperate but still obstruct progress in order to prevent the bill from being passed."

The result, he said, would be that the Democratic Congress would pass no privacy legislation and the President could issue his own executive order and "steal the thunder."

Baskir's contention was denied by OMB's Marik who said Ford's intentions are "genuine."

ASSESSMENT

A review of privacy developments during the first nine months of 1974 demonstrates the involvement of a substantial number of executive and congressional officials in the struggle to develop regulations to deal with the real and potential threats to individual liberties posed by the growth of computer technology.

President Ford has several times since he became President referred to his abiding interest in the privacy issue and he gives every indication that he intends to keep the issue alive. Nelson Rockefeller may give new direction to the White House privacy committee but it is probably too late to move it in the direction of less activity rather than more.

Key questions remain, however, as to the extent to which the White House can and will attempt to budge the often recalcitrant agencies from their traditional positions of adhering to "tried and true" bureaucratic practices.

There is also the question as to the extent Ford is willing to share the privacy limelight with Congress.

Rep. Litton of Missouri, a principal supporter of greater confidentiality of tax returns, said Ford and Buchen were extremely interested in his proposal during the summer. This changed after Ford became President, Litton said.

"The more they looked at the issues, the more they realized it wasn't so easy as they thought, and the pressure from the agencies got to them," he said.

Norman Cornish of the House Government Operations Committee staff emphasized that OMB and the White House were cooperative with his committee in trying to work out legislative problems.

But he said "the Administration inclination to turn to executive orders is a bad omen" of a possible lack of full cooperation between the President and Congress.

for the protection of the individual in America and I intend to continue my efforts to press for action on this measure immediately following our return in November.

The bill was reported on a 39-to-0 roll-call vote by the House Government Operations Committee on September 24. The report (H. Rept. 93–1416) was filed and printed on October 2. Our request for a rule was heard by the Rules Committee on October 8 and an open rule was granted that date providing for 1 hour of general debate. It was scheduled for House floor action last week, but because of the hectic schedule and the great number of conference reports to be acted upon before our recess, it was not called up. A similar problem during our sessions this week has prevented its formal consideration.

Mr. Speaker, the privacy issue is of vital concern to many millions of Americans and cuts across party and ideological lines. So that Members may be better informed about the broad ramifications of this issue I include the text of an excellent article—"Justice Report/Protection of Citizens' Privacy Becomes Major Federal Concern"—by Richard E. Cohen, and which appears in the National Journal Reports of October 12, 1974. The article follows:

JUSTICE REPORT/PROTECTION OF CITIZENS' PRIVACY BECOMES MAJOR FEDERAL CONCERN

(By Richard E. Cohen)

A concern that government and business accumulate too much data on private citizens is making the protection of individual privacy an issue high on the priority list of scores of government policy makers.

While part of the rush to action is in response to abuses of government power documented in the Watergate scandals, it also is an inevitable result of the rapid growth of government record keeping made possible by the increasingly sophisticated use of computers. A three-year study by the staff of the Senate Judiciary Constitutional Rights Subcommittee revealed the existence of 858 federal data banks containing 1.246 billion separate records of American citizens.

Under the leadership of a White House committee chaired by Gerald R. Ford when he was Vice President, government agencies have been strongly encouraged to deal with a broad variety of privacy invasions. The issues range from the use of medical and employment records to the implications of a "cashless society."

This review of the government's impact on privacy may bear results similar in scope to those generated five years ago by the concern for protecting the environment. And, as with the ecology boom, privacy may be an issue that is easy to support in general terms but raises complex policy and cost questions when the specifics are analyzed. Action also has been frustrated by bureaucratic inertia in many federal agencies.

One result has been a difficulty in securing agreement on legislation whose goals both congressional and executive branch officials say they support but whose provisions may affect a gamut of unrelated areas.

And some Members of Congress who have been in the forefront of the privacy movement have begun to question the motives of the Administration initiative, wondering whether it is designed primarily to serve the White House's political interests rather than to buckle down on agency abuses.

Background: Until about a year ago, privacy was an issue that drew scant public or congressional attention. A few Members of Congress used their committee leadership posts to hold hearings on subjects such as wiretapping and other electronic eavesdropping, consumer credit practices, and the use of lie detector tests. Widespread fear about the creation of a "national data bank" arose in the mid-1960s, but faded after the glare of publicity shined on the proposal.

Without any discussion of policy or attempt to set operating standards, the steady growth of federal data banks continued unabated. The only guidelines on federal computer use came from the Office of Management and Budget and the General Services Administration who were interested primarily in procurement practices.

The abuses of individual liberties documented by Watergate have dramatically changed that picture.

"Watergate has made it easier to get the interest and votes of other Members of Congress on privacy issues because they are concerned about the 'plumbers unit' and the use of Internal Revenue Service records, and are responding to it," said Rep. William S. Moorhead, D-Pa., chairman of the Foreign Operations and Government Information Subcommittee of the Government Operations Committee.

"There was a crisis for the past few years in communications and data collection. It took awhile for the counterforce to catch up, but, Watergate made people more receptive to the issue of what the government is collecting," said Henry Goldberg, general counsel for the White House Office of Telecommunications Policy.

Coincidentally, the Member of Congress with the longest and most active interest in privacy regulation is Sen. Sam J. Ervin Jr., D-N.C., chairman of the Senate Select Committee on Presidential Campaign Activities, which uncovered many of the Watergate abuses. As chairman of the Senate Government Operations Committee and the Judiciary Subcommittee on Constitutional Rights, he has been in a unique legislative position to secure privacy legislation prior to his retirement at the end of 1974.

Ervin's two principal bills are designed to regulate the use of criminal history information and provide rules for the gathering and disclosing of non-criminal information by government agencies. His position as a principal nemesis of the Nixon White House and Justice Department added political complications to the passage of those bills, but his staff has intensified efforts on each of them since the resignation of President Nixon.

FORD COMMITTEE

Acting to anticipate further danger to civil liberties posed by the pervasiveness of government has proved to be a task easier said than done. A few legislative and administrative steps already have been taken, with increased intensity since the Aug. 9 resignation of Nixon, but many problems will continue to be studied while a growing corps of government privacy experts attempts to set more definite standards for identifying privacy problems and providing solutions.

Until seven months ago, the executive branch lacked an identifiable individual or institutional leader to study privacy issues and coordinate proposed initiatives. Responding to the increasing public interest in privacy, President Nixon Feb. 23 created the Domestic Council Committee on the Right of Privacy and named then Vice President Ford as its chairman.

Geoffrey C. Shepard, associate director of the Domestic Council and the initial coordinator of the privacy committee concept, said following its creation that the committee "will not establish a broad philosophy but will produce a series of recommendations and actions that pursue the theme of restricting the government's demand of information from individuals."

Ford, who demonstrated little interest in the privacy issue during his 25 years in the House, seized the opportunity and appointed his own staff to run the committee. He soon had the committee studying more than a dozen areas and he made several speeches focusing on the need for government action to protect privacy.

In a June 26 speech to the National Broadcast Editorial Association, Vice President Ford said "the problem of insuring personal privacy in a computerized society which threatens to open the most personal affairs of each of us to anyone with access to computer-stored information" is one of the "most serious" and "least realized" problems facing the nation.

In the committee's early months, Ford succeeded in having President Nixon rescind an executive order permitting the Agriculture Department to review the income tax returns of farmers and strongly criticized a General Services Administration (GSA) plan to develop a data network with the capability of linking federal agencies. The GSA plan was subsequently shelved by Administrator Arthur F. Sampson. (*For background on the GSA "Fednet" proposal, see Vol. 6, No. 23, p. 856.*)

Committee operations: In addition to the Vice President, Nixon appointed six Cabinet members and four sub-Cabinet officials to the committee and asked the committee to give him "a series of direct, enforceable measures" within four months. The committee members included the Secretaries of Treasury, Defense, Commerce, Labor and HEW, the Attorney General, the chairman of the Civil Service Commission, and directors of the Office of Management and Budget, Office of Telecommunications Policy and Office of Consumer Affairs.

The committee held its first meeting at the White House Feb. 26, three days following Nixon's nationwide radio address. According to Shepard, Nixon attended 70 per cent of the two-hour meeting and told the group the government collects too much information that it has no reason to have and cannot use.

Initial activity—Ford appointed Philip W. Buchen, his close friend and former Grand Rapids law partner, as the committee's executive director. It was the first significant government post for Buchen, who Ford named his counsel shortly after he became President.

With the assistance of a staff of three professionals, Buchen supervised the selection of the committee's initial targets. Task forces were established containing representatives of the agencies involved in a specific problem area. The task forces were told to meet as often as possible in order to develop firm Administration policy in the 14 areas initially identified by the staff and endorsed by the committee.

Although the committee members did not meet again until July 10, and have not met since then, the committee's over-all progress is reviewed once every three or four weeks by a "liaison group" of assistants to the 11 committee members.

According to Carole W. Parsons, a committee staff member, the existence of the committee, its creation of task forces and the elevation of its first chairman to the presidency have caused "agencies all over the executive branch to take notice of the privacy issue and begin to address it." She estimated 200 to 300 persons are directly involved in committee projects.

Douglas W. Metz, deputy executive director of the committee and the principal staff officer since Buchen became counsel to the president, said the committee views its role as providing "leadership in the implementation and coordination of the initiatives which it has endorsed."

One agency official, who is familiar with the work of the committee, said it has been handicapped because its small staff has had to rely heavily on the agencies whose policies

Mr. HANLEY. Mr. Speaker, as Members of the House of Representatives, I trust you will agree that one of the more important services we perform for our constituents is helping them resolve difficulties they may be having with agencies of the Federal Government. In this regard, I have been deeply distressed recently by the response, or shall I say the lack of response, which I have been receiving from the Social Security Administration in Baltimore. It is regrettable that individuals should be compelled to seek assistance from their elected representatives in regard to their dealings with the Social Security Administration. However, when taking into consideration the problems which I, as a Congressman, have had with the Social Security Administration in Baltimore, I can certainly appreciate the exasperation and frustration which private citizens must encounter in attempting to deal with this Agency.

During the 10 years I have served in Congress, I have had thousands of inquiries from constituents concerning disability, retirement, and survivors' benefits. For about the first 6 years I could expect prompt action from Baltimore, and my office would be immediately contacted by phone or telegram whenever a determination was made on a claim. However, about 4 years ago, the responses which I received from Baltimore began to deteriorate, and in the past year the situation has become deplorable. While determinations on disability claims were formerly made in 3 to a maximum of 6 months, the same process is now taking 6 months to a year, or even more.

For example, on October 20, 1973, I was contacted by an individual with several minor children concerning a claim which he had filed for disability benefits. Over a year later, in January 1974, his claim was allowed. This was his original claim, not a request for reconsideration. I cannot help but wonder how that individual and his family managed to buy food and pay for utilities and medical bills during that time.

It deeply concerns me that individuals with little or no income and high medical expenses, such as the disabled and retired, are suffering because of the Social Security Administration's lack of responsiveness. While my dealings at the district office level have been most satisfactory, it has gotten to the point where, if a claim cannot be handled at that level, I might as well forget about it as contact Baltimore. Practically all of my recent dealings with Commissioner Cardwell and his office in Baltimore have been unsatisfactory. However, there are several cases which I would like to cite as glaring examples of the inefficiency and ineptitude of that office.

My office contacted Baltimore on December 22, 1973, concerning a claim for a wife's benefits which was filed by a lady in her seventies. A determination establishing her eligibility for these benefits was made about 9 months later, on September 3, 1974. Fortunately, this lady had relatives who helped her out during that time, but not everyone has a family who is willing and able to help.

Another disability claim was promptly forwarded from the district office of the Social Security Administration to the State disability agency on March 1, 1974. Repeated phone inquiries from my office regarding the status of this case produced no responsive information until recently, when I received notice from Baltimore, on October 7, that the claim had been disallowed. Apparently, it is easier to get information from the CIA these days than to obtain status reports from the Social Security Administration.

On August 31, 1973, a disabilty claim which I had been working on was forwarded to the State disability agency. My office called Baltimore repeatedly inquiring about the status of this claim. These calls were either not acknowledged or were put off with a reply that "the case was pending further evaluation." No substantive information was received until June 19, 1974, when I was advised that the claim was approved on reconsideration. This was about 10 months after my original inquiry.

Bungling is also another Baltimore specialty. A medicare claim which I had been actively involved with from the reconsideration level in January 1973, through the final appeal in March 1974, had many inconsistencies which were never adequately explained. I personally wrote to Commissioner Cardwell on June 4, 1974, requesting his assistance in clearing up the discrepancies. On June 19, I received a routine acknowledgment of my inquiry, and on July 22, I received a letter from the Commissioner advising that he had contacted the Director of the Bureau of Health Insurance, who advised that the claimant's records were pending in the Bureau of Hearings and Appeals. The Commissioner stated he had asked the Director of that Bureau for a report and would contact me again as soon as it was received. On August 23, after no further word was received, my office contacted the Bureau of Health Insurance and was informed that they had no knowledge of the case. They suggested that the Bureau of Hearings and Appeals be contacted. From August 23 to September 18, several calls were made to the Bureau of Hearings and Appeals. These calls were either unanswered or referred to another individual who promised to call back and never did. Finally, the Bureau of Hearings and Appeals advised that they had no knowledge of the claim.

Subsequently, on September 18, the liaison office in Baltimore was called, and they replied that a final letter had been sent to me on September 9. Later that same day a call was received from another office in Baltimore apologizing for the fact that my inquiry was inadvertently filed and never responded to—a reply would be expedited to me in about a week. More time passed and nothing was received, so my office made some additional phone calls. As a result, photocopies of my original letter to Commissioner Cardwell were forwarded to the Bureau of Hearings and Appeals on September 30. This past Friday, October 11, I received a reply from the Bureau of Hearings and Appeals which completely ignores the questions posed in my original letter to the Commissioner.

Misinformation is another Baltimore specialty. A case which my office had been involved in for quite some time concerned a disability claim filed by a lady in her late fifties. This lady was single, lived alone, and had no outside source of income. On March 29, 1973, previous denials of her claim were overturned by the decision of an Administrative Law Judge. My office contacted Baltimore to ask that I be advised when an award was made on this lady's claim, and was advised that the claim would automatically be "flagged." When nothing further was heard, my office called Baltimore on May 15, and May 22. These inquiries were not responded to. Another inquiry was made on June 8, at which time Baltimore advised that they were still awaiting a determination on the award. Finally, on June 11, Baltimore called to advise that an award had been made on the claim, and a check had been mailed to the claimant at the end of May.

In one last instance, an individual whom I know personally filed a request for reconsideration on the denial of his disability claim. To me, this case appeared to be one of clear-cut disability, and I felt justified in writing a rather lengthy letter to Commissioner Cardwell on July 29, requesting his personal attention in making certain that the claim was handled as expeditiously as possible. My letter was acknowledged on August 15. When no further reports were received, a call was made to Baltimore on October 1. To date, there has been no response to that call.

Previously, complaints from my office to Commissioner Cardwell have produced no improvements in service, only rationalizations. Therefore, I urge each Member of Congress who has experienced similar difficulties to join me in personally taking the time to write or call Commissioner Cardwell to demand that immediate action be taken to correct the existing situation, and to establish the type of responsiveness and responsibility which the public deserves from the Social Security Administration.

LACK OF ACTION ON PRIVACY ACT IS REGRETTED

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

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I deeply regret that it has not been possible to consider H.R. 16373, the Privacy Act of 1974 before our October recess. This important and timely legislation—the product of more than 2 years of bipartisan effort by our committee—will take a giant step in preserving the privacy of individual Americans from the threat of "big brother" tendencies of the executive bureaucracy. It will provide an individual access—in most cases—to records about him being held by Federal agencies and give him the right to correct misstatements of fact in those records. It will provide him with civil remedies against Government bureaucrats who abuse his rights of privacy. H.R. 16373 is truly landmark legislation