

rector Schlesinger to "recruit, train, accept, and utilize, without regard to the civil service and classification laws, rules and regulations" an unlimited number of "volunteers" still on company or foundation pay rolls. A well informed Capitol Hill source described these powers as an "absolute prerequisite for enforcing Carter's energy program." Particularly important, he added, is the provision authorizing the use of the volunteers, which will bring "Nader's raiders" of every stripe directly into the Department. An assistant to Braylock pointed out in an interview that the Ford Foundation's zero-growth president, McGeorge Bundy, for example, could join the Department in a top position and "do as he damn pleases without being subject to conflict of interest regulations." The legislation also designates Schlesinger — not Congress — the task of defining the functions of five out of eight assistant secretaries in the new department.

At a March 1 White House press conference where the Energy Department legislation was first unveiled, Schlesinger tried to pass off the Administration's proposal as being "purely a reorganization statute... What we are talking about today, I should stress is not policy," Schlesinger said. "It is an instrument."

Yet following Schlesinger's briefing, one quick-witted reporter asked him why "the same agency would be setting home installations standards and producing nuclear weapons." Others chided him on leaked specifics of his energy package.

#### *The Fourth Branch*

Beginning as early as 1832 with the passage of the British Reform Act, government reorganization actions have characteristically been instituted to further the looting and plundering rights of monetarist actioneers. From the World War I era, the War Industries Board and similar extra-constitutional bodies created during Roosevelt's New Deal to the Hoover Commission restructuring of government during the Korean War, the fundamental premise of these bodies have been based on carrying out

Locke's "fourth coercive power of government."

The proposed Department of Energy most strikingly resembles President Woodrow Wilson's War Industries Board (WIB) created during World War I to conserve resources, set prices and determine priorities of production and distribution in industry — exactly the charges of Carter's Department of Energy. Implementation of the WIB's full war powers was rammed through Congress in an atmosphere of crisis following the severe 1917-18 winter when heavy snows blocking the railroads resulted in East Coast fuel shortages. WIB power was further enhanced when Wilsonites in Congress, like George E. Chamberlain (D-Ore.), charged that the war effort was collapsing because of "inefficiency in every bureau and in every department of the Government." This crisis-induced control of industry was repeated by President F.D. Roosevelt in the National Recovery Act and World War II's War Production Board. In fact, New York Times columnist C. L. Sulzberger has praised Schlesinger as a "more intellectual" reincarnation of FDR braintruster Harold Ickes.

#### *GAO: Not Far Enough*

On March 24 the Brookings Institution-founded General Accounting Office — the Administration's own Capitol Hill think tank — issued a report, "Energy Policy Decisionmaking, Organization, and National Energy Goals," which urged Congress to amend the legislation by giving the Secretary of Energy even greater powers! Specifically, the GAO report urged Congress to place "health and safety" regulations, a code term for environmental regulations, under Schlesinger's control since it is these regulations which will "more than anything else... pace nuclear development in the years ahead." The GAO also recommends that sections of the legislation be reversed to give the Energy Secretary veto power over the automobile fuel economy standards program" rather than the Secretary of Transportation who would be left with an advisory role.

## GAO Urges Congress To Toughen Up Energy Dept. Bill

The General Accounting Office (GAO) issued a report on March 24 which characterizes the Carter Administration proposal to create a new Department of Energy with wartime powers over U.S. energy use as a "step in the right direction." The report, in fact, urges Congress to amend the legislation to give the Secretary of the new department even more power. The report, "Energy Policy Decisionmaking, Organization, And National Energy Goals," was written at the request of Senators Ribicoff (D-Conn.) and Percy (R-Ill.), chairman and ranking minority member of the Senate Committee on Governmental Affairs which has jurisdiction over the energy reorganization legislation.

In summary, the GAO report urges Congress to view the Administration's reorganization proposal as a first step towards enacting a more comprehensive Depart-

ment of Energy and Natural Resources (DENR) which would give the Secretary of Energy and Natural Resources control not only over energy functions but power over policy making now invested in the Department of Agriculture, the Army Corp of Engineers, the Water Resources Council, the Environmental Protection Agency, the bulk of the Department of the Interior and other agencies dealing with Natural Resources. The GAO — the government's Capitol Hill thinktank which has been under the control of Wall Street financial interests from the time it was formed by the Brookings Institution in 1921 — first proposed the DENR in 1974. On Jan. 15, 1975, a bill to create such a department was introduced into the 94th Congress as S. 27.

"Nothing in the (energy reorganization, ed.) legislation proposed by the Administration is inconsistent with

the movement toward the establishment of a Department of Energy and Natural Resources," the GAO report states. "We generally endorse its enactment." The GAO asks Congress, however, to consider "several residual issues" in enacting the legislation. These issues include:

**Energy Conservation:** The GAO report is concerned that the Secretary of the Department of Energy would have "only an advisory role in recommending goals for the automobile fuel economy standards program which would continue to be the responsibility of the Department of Transportation." The GAO recommends that this arrangement be reversed with the Department of Transportation having an advisory role. This recommendation is fully consistent with an amendment to the reorganization act introduced by Sen. Kennedy (D-Mass.) on April 7.

**Energy Regulation:** The report urges Congress to carefully examine the "implications of the inclusion of energy regulatory functions within an energy department." It specifically analyses the role of economic and health and safety related functions and recommends that these functions be handled jointly, while the policy and promotional aspects of energy are considered elsewhere in the department. The GAO attacks the Administration's proposal for placing economic regulation within the Department while leaving health and safety functions of both the Nuclear Regulatory Commission and

Department of the Interior within those agencies.

"We remain somewhat skeptical as to whether so-called 'health and safety' regulation can any longer be construed as truly 'noneconomic' in nature. Most, if not all, energy health and safety regulatory decisions affect the cost and timing of various forms of energy... More than anything else, the regulatory decisions of the Nuclear Regulatory Commission are likely to pace nuclear development in the years ahead."

**Energy Coordination:** The report urges the formation of a "high-level coordinating council" in the Executive Office of the President to be headed by the Secretary of the Department of Energy.

**GAO Oversight:** The GAO asks Congress to grant it the power to monitor the activities of the Department of Energy for Congress. "Because of the importance of energy as a national issue, the Congress may find it useful to reaffirm GAO's existing authority and statutorily assign GAO the responsibility to continuously monitor, evaluate, and report as it deems appropriate on the policies, plans, and programs of the Department of Energy with particular emphasis on the aspects needing close congressional scrutiny. As part of this reaffirmation, specific authority should be provided for access to all data and information within the possession or control of the Department."

## Congress Snipes At Carter Energy Plans — But Won't Fight Whole Package

President Carter received a number of stinging setbacks to his most cherished legislative programs in the Congress last week, but won passive acceptance of fundamental institutional "reforms" which erode constitutional government. Thus, a House committee voted to maintain the Clinch River breeder reactor project which the Administration wants to shut down, but committees on both sides of the Hill passed the Dept. of Energy bill giving James Schlesinger police-state powers to impose the Carter energy austerity program.

The House Science and Technology Committee answered Carter's demand for an "indefinite delay" on the demonstration Clinch River (Tenn.) breeder reactor with a unanimous vote (37 to 0) to maintain the project. The committee action came after the Administration's proposed ban on plutonium (the fuel used in fast breeder reactors) technology was forcefully rejected at the International Atomic Energy Agency conference in Salzburg by the USSR, and the West Europeans and Japanese followed suit at the London summit.

Reflecting this international climate, the chairman of a fossil fuel and nuclear research subcommittee of the Science and Technology Committee Rep. Walter Flowers held a press conference after the vote and declared: "I'm convinced that every nation will have to go ahead with the breeder program... for economic development."

Asked by a reporter if he expected a call from Mr. Schlesinger, Flowers replied, "The administration is in the audience, and I don't think they're going to be very happy."

The Senate counterpart to the Flowers subcommittee, chaired by Frank Church, is expected to follow the House example and vote to restore Clinch River and the plutonium reprocessing at Barnwell, S.C. In a telephone interview with the Washington Post the day of the House vote, Church said, "I don't think there's anything to be gained by the U.S. renouncing the breeder and stopping developing the technology if the rest of the world is not going to follow suit."

At a recent speech at the Massachusetts Institute of Technology, Church doubted that Carter could convince even U.S. allies to forego reprocessing plants that produce plutonium and breeder plants that produce it. The breeder reactor is the "only technology which holds out the promise of relieving Europe and Japan of an unremitting dependence on foreign-held fuel supplies," Church said. "The flaw in the Administration's plan is that it fails to offer a satisfactory substitute for the world's diminishing supply of oil."

Despite brave talk, however, the House Committee voted the week before to retain Carter's 20 percent cuts in ERDA's nuclear energy budget, and even the Repre-