

NOMINATIONS OF GEORGE H. DIXON AND WILLIAM H. TAFT IV

HEARING
BEFORE THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
NINETY-FOURTH CONGRESS
SECOND SESSION
ON
THE NOMINATIONS OF
GEORGE H. DIXON, TO BE DEPUTY SECRETARY OF THE
TREASURY
AND
WILLIAM H. TAFT IV, TO BE GENERAL COUNSEL OF THE
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FEBRUARY 26, 1976



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NOMINATIONS OF GEORGE H. DIXON AND WILLIAM H. TAFT IV

THURSDAY, FEBRUARY 26, 1976

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C.

The committee met, pursuant to notice, at 10:12 a.m., in room 2221, Dirksen Senate Office Building, Senator Russell B. Long, (chairman of the committee) presiding.

Present: Senators Long, Talmadge, Byrd, Jr., of Virginia, Mondale, Curtis and Fannin.

The CHAIRMAN. The committee will come to order.

We have before us Mr. George Dixon, nominated to be Deputy Secretary of the Treasury, I will insert in the record at this point biographical information about Mr. Dixon.

(The biographical information of Mr. Dixon follows:)

BIOGRAPHICAL INFORMATION OF GEORGE H. DIXON

Personal

Born October 7, 1920, in Rochester, New York. Married to the former Marjorie Freeman of Providence, Rhode Island. They have twin sons, George Elliott and Andrew Taft, age 24; and a daughter, Candis Hall, age 21.

Education

Attended John Marshal High School, Rochester, New York; graduated from the Wharton School of Finance, University of Pennsylvania, in 1942 with a B.S. degree; received an M.B.A. degree in 1947 from the Harvard University Graduate School of Business.

Military

Served in the United States Army Quartermaster Corps in World War II in the European Theater. Honorably discharged with the rank of captain.

Business career

Employed by Brown Brothers Harriman & Company in Boston, Massachusetts from 1947 to 1950; then became a general partner in the investment firm of Davis and Davis, Providence, Rhode Island, from 1950 to 1956. From 1956 to 1968 employed by the Sperry & Hutchinson Company, New York, New York, achieving the title of Vice President-Finance and Treasurer.

Joined the First National Bank of Minneapolis in 1968 as President and Chief Administrative Officer. Is presently Chairman, President and Chief Executive Officer.

Business affiliations

Currently serves as a director of—

- First National Bank of Minneapolis, Minneapolis, Minnesota.
- First Bank System, Inc., Minneapolis, Minnesota.
- First Computer Corporation, St. Paul, Minnesota.
- Soo Line Railroad Company, Minneapolis, Minnesota.
- International Multifoods Corporation, Minneapolis, Minnesota.

Donaldson Company, Inc., Minneapolis, Minnesota.
 Fingerhut Corporation, Minneapolis, Minnesota.
 Honeywell, Inc., Minneapolis, Minnesota.
 Brown Harriman and International Banks Limited, London, England.

Professional associations

Member and Director of the Association of Reserve City Bankers, and Trustee of its Banking Research Fund. Member of the Federal Advisory Council representing the Ninth Federal Reserve District.

Is a member of: National Banking Review's Editorial Advisory Board; American Bankers Association; Minnesota Bankers Association.

Civico

Currently is serving as a member of the Mayor's Commission on Municipal Finance.

Director and 1976 General Campaign Chairman of the United Way of Minneapolis Area.

Director and former President of The Greater Minneapolis Metropolitan Housing Corporation.

Trustee of Carleton College, Northfield, Minnesota.

Trustee of Minneapolis Foundation, Minneapolis, Minnesota.

Member of:

Consultative Council of the University of Minnesota's College of Business Administration.

Blake School Business Advisory Board.

Business Advisory Committee of the Minnesota Opera Company.

Advisory Board of the Viking Council of the Boy Scouts of America.

Regional Committee (North Central Region) of the Boy Scouts of America.

Former Trustee of the Minneapolis Society of Fine Arts, Minnesota Orchestra Association and Hanover College, Hanover, Indiana.

The CHAIRMAN. We will be pleased to hear any statement you might care to make, Mr. Dixon.

Senator MONDALE. First, Mr. Chairman, I would like to make a brief statement in support of this nominee.

I am pleased to introduce to the committee Mr. George Dixon, the nominee for Deputy Secretary of the Treasury. A position of this importance demands a man be perceptive and dedicated. Mr. Dixon fulfills these requirements. He is a graduate of the Wharton School of Finance of the University of Pennsylvania; received an M.B.A. degree from Harvard University Graduate School of Business.

During a distinguished career in business, he has been successively a general partner with Davis & Davis investment firm in Providence, the vice president for finance, and treasurer of Sperry & Hutchinson Co. of New York. He is currently the chairman, president, and chief executive officer of the First National Bank of Minneapolis. He is also a member and director of the Association of Reserve City Bankers and a member of the Federal Advisory Council, representing the Ninth Federal Reserve District.

He has also been a remarkable citizen of our area. He has been involved in a wide range of leadership roles in civic affairs. He was on the Mayor's Commission on Municipal Finance for the City of Minneapolis. He was director in 1976 and general campaign chairman of the United Way for the Minneapolis area. He held a position as director and former president of the Greater Minneapolis Metropolitan Housing Corp.

I am very pleased to endorse Mr. Dixon's nomination as Deputy Secretary of the Treasury and congratulate the President on his wise choice.

Mr. Dixon has been an extraordinary citizen of our State. He is very well liked and very influential in the course of the life of our State. We are proud to have him as this nominee.

The CHAIRMAN. Do you care to make a statement about your nomination, Mr. Dixon, and your thoughts in connection with this job?

**STATEMENT OF GEORGE H. DIXON, NOMINEE TO BE DEPUTY
SECRETARY OF THE TREASURY**

Mr. Dixon. Yes; thank you, Mr. Chairman.

Senator Mondale, thank you very much for your very kind comments you have made. You already have the brief statement that I had regarding my biographical background.

May I simply add that in the performance of my duties as Deputy Secretary of the Treasury, whenever Secretary Simon calls upon me to work with you and your able staff, it is my intent to do so as closely as possible. It is also my aim to work effectively with your other colleagues in the Senate.

In addition to the biographical statement which has been provided to you, I have given the committee for its files a copy of a detailed personal financial statement.

On the announcement of my nomination I resigned not only from my position at the First National Bank of Minneapolis, but also from all outside directorships and civic and community responsibilities (the sole exception being a trusteeship in Carleton College), all such resignations to become effective upon my full qualification and swearing-in. The bulk of my assets will be either placed in a blind trust or given to an attorney in fact. The blind trustee and attorney is a partner in the Minneapolis, Minnesota, law firm of Dorsey, Marquart, Windhorst, West & Halladay. In addition to having the responsibility for management, without my knowledge, of personal assets so set apart, the blind trustee and attorney will be responsible for the preparation and filing, also without my knowledge, of my personal income tax returns.

There are two matters pertaining to my personal financial affairs of which you should be particularly aware, Mr. Chairman. One of them is that I am the owner of 10,000-odd shares of First Bank System common stock. Those shares were acquired pursuant to the exercise of a stock option in 1973. The movement of those shares to a blind trust would trigger a taxable event and the taxable event would result in the realization of ordinary income because the 3-year holding period to establish a capital gain for those shares will not expire till later this year. Therefore, I propose to put those shares with an attorney, in fact, with the power of sale.

The other aspect of my personal financial affairs of which you should be aware is that I have held stock options to acquire 16,000 shares of First Bank System common stock at varying prices and over varying periods of time. The nature of these options, of which there are three, are such that I cannot exercise those options in all likelihood during my period of Government service. It is also true that 91 days after my resignation from my position at the First National Bank of Minneapolis these options will become disqualified and therefore sub-

ject to the realization of ordinary income tax on the date that they are exercised.

I propose that at the time the options are exercised, that I make a charitable contribution of the difference between the market price at the time I enter Government service and the time that I leave Government service, the net of the income tax impact on that charitable contribution.

The CHAIRMAN. As far as I am concerned, that is all right with me, Mr. Dixon. I don't know that I would have insisted on that, frankly, but if you want to do it, go ahead. I myself wouldn't think of that as a requirement.

Senator CURTIS. Mr. Chairman, I want to commend Mr. Dixon for his forthrightness and candidness in this regard. I share the position of the chairman, that I see no reason for the committee laying down such a rule or requirement. At the same time, I respect the judgment and the intentions and desires of Mr. Dixon and commend him for it.

I happen to believe that with the vast problems facing this Government we need the services of this individual's business, finance, judgment and experience, very much. I think we will be rendering a disservice to our country if we let the road blocks accumulate to the point that it would be difficult or impossible to secure the services of such an individual as you.

Mr. DIXON. Senator, thank you.

The CHAIRMAN. If you are going to make that charitable contribution, I hope that you won't confuse the issue by making it to a family foundation.

Mr. DIXON. I will not confuse the issue.

Senator CURTIS. If you run out of requests, I will be glad to add some fine institutions out in Nebraska.

The CHAIRMAN. I applaud your laying out before the committee exactly what that technical conflict of interest would be. To me, I think it is a matter of confusing a technicality with reality. For example, I have never known anybody in the Treasury to favor one policy over another just because he had a few shares of stock in a bank.

I think the way you propose to handle that conflict is a very fine way. I am perfectly willing to go along, if the committee is.

I tend to agree with Senator Ribicoff's thought that if a man is honest, he is going to do an honest job, and if he is not honest, we can't pass a law to make him honest. I think the way you propose to handle the conflict of interest, as far as I am concerned, is satisfactory. If any members of the committee have a differing opinion, I would be glad to hear from them.

Are there any further questions, gentlemen?

Senator TALMADGE. I have none, Mr. Chairman. Mr. Dixon paid a courtesy call in my office and I had an opportunity to talk with him at that time and also to review his biography and background. I think he is well qualified for the appointment.

The CHAIRMAN. As far as I am concerned, you have covered the point. The Secretary of the Treasury has been insisting he needs that man aboard.

Mr. DIXON. Thank you, gentlemen, very much.

The CHAIRMAN. Thank you.

[The prepared statement of Mr. Dixon follows:]

STATEMENT OF GEORGE H. DIXON, NOMINEE TO BE DEPUTY SECRETARY OF THE TREASURY

Mr. Chairman, members of this distinguished committee, I am here today as the President's nominee for the post of Deputy Secretary of the Treasury.

I was born in Rochester, New York, and attended high school there. In 1942 I received a Bachelor of Science degree from the Wharton School of the University of Pennsylvania, and in 1947 a Masters of Business Administration from the Harvard Business School.

From 1947 to 1950 I was employed by Brown Brothers Harriman and Company in Boston, Massachusetts. Then from 1950 to 1956 I served as a General Partner in the investment firm of Davis and Davis, Providence, Rhode Island.

In 1956 I joined the Sperry and Hutchinson Company in New York City where I was employed until 1968, achieving the title of Vice President of Finance and Treasurer.

In March 1968 I joined the First National Bank of Minneapolis as President and Chief Administrative Officer, subsequently becoming Chief Executive Officer and Chairman as well as President. My resignation from the bank will become effective upon my full qualification as Deputy Secretary of the Treasury.

Whenever Secretary William E. Simon calls upon me to work with you and your able staff, it is my intent to do so as closely as possible. It is also my aim to work effectively with your colleagues in the Senate.

In addition to the biographical statement which has been provided to you, I have given the Committee a copy of a detailed personal financial statement.

On the announcement of my nomination, I resigned not only from my position at the First National Bank of Minneapolis, but also from all outside Directorships and civic and community responsibilities (the sole exception being a Trusteeship in Carleton College), all such resignations to become effective upon my full qualification and swearing-in. The bulk of my assets will be either placed in a blind trust or given to an attorney in fact. The blind trustee and attorney is a partner in the Minneapolis, Minnesota, law firm of Dorsey, Marquart, Windhorst, West & Halladay. In addition to having the responsibility for management, without my knowledge, of personal assets so set apart, the blind trustee and attorney will be responsible for the preparation and filing, also without my knowledge, of my personal income tax returns.

I am ready to answer any questions which you may have.

STATEMENT OF WILLIAM HOWARD TAFT IV, NOMINEE TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The CHAIRMAN. Next we will call Mr. William H. Taft IV, of Virginia, nominated to be General Counsel of the Department of Health, Education, and Welfare.

Your biographical sketch will appear at this point in the record.
[The biographical information of Mr. Taft follows:]

BIOGRAPHICAL INFORMATION OF WILLIAM HOWARD TAFT IV

Date of birth—September 13, 1945, Washington, D.C.

Home address—308 Kentucky Avenue, Alexandria, Virginia 22305.

Marital status—Married to Julia Vadala Taft.

Education—1966-69: Harvard Law School, Cambridge, Massachusetts J. D. *cum laude*, 1969. 1962-66: Yale College, New Haven, Connecticut B. A., *cum laude*, 1966.

EMPLOYMENT HISTORY

February 1973 to Present: Executive Assistant to the Secretary, Department of Health, Education, and Welfare.

As the Secretary's immediate assistant, my duties covered the entire range of his responsibilities, with an emphasis on reviewing and participating in all significant

cant policy decisions; preparing policy memoranda and speeches; and advising the Secretary on administrative structures and issues throughout the Department. During the past six months I have been particularly concerned with legal issues.

May 1972–February 1973: Executive Assistant to the Director, Office of Management and Budget.

I assisted the Director in fulfilling his responsibilities over the budgetary process, policy review, and Federal program management oversight.

August 1970–May 1972: Special Assistant to the Deputy Director, Office of Management and Budget.

As the Deputy Director's only staff assistant, I assisted him in the development and management of the budget process.

January 1970–August 1970: Attorney-Advisor to the Chairman, Federal Trade Commission.

The CHAIRMAN. I see you have served as Executive Assistant to the Secretary of the Department of Health, Education, and Welfare in the past.

Mr. TAFT. That is right, for the last 3 years.

The CHAIRMAN. William H. Taft IV—are you a descendant of President Taft?

Mr. TAFT. He was my great grandfather.

The CHAIRMAN. Mr. Taft, this committee was responsible for writing the provisions in the law to make parents support their children. One of those provisions requires your Department to help in locating an absent parent through the use of his social security number. I understand that there have been some differences of views in the Department concerning this use of a social security number. Would you please furnish the committee with copies of all the opinions prepared or received by the Office of General Counsel over the past 2 years which concern disclosure of social security numbers of absent parents?

Mr. TAFT. Mr. Chairman, I am familiar with the issue, that it is an issue. I am not aware of what the back-and-forth has been. I have talked with Mr. Galvin about it in the past and intend to talk with him in the future. I would like to return to the Department and see what those opinions are and, subject to the Secretary's concurrence, we would work with the committee to discuss those problems.

I didn't write the opinion. It may be that there is no problem with providing them to the committee. I would hope we could be able to do that, but not having seen them and not knowing what they contain or to whom they were addressed, I think the people to whom they were addressed, particularly the Secretary, would want to decide whether they can be made available to the committee.

The CHAIRMAN. The thing that is important to us is this: As a matter of law, this Government is entitled to know who you are. I don't care whether you are the great grandson of a President of the United States or whether you are anybody else. If you seek employment somewhere, you have to identify yourself because you are entitled to draw social security benefits after you pay the tax. We are entitled to know who you are when you collect the money to ascertain that you paid your tax liability. We are entitled to know who you are for a great variety of other reasons.

When it comes down to a point that some man happens to be a person who has some children somewhere, is refusing to contribute one solitary cent to their support, and has an obligation to support those children, then, I think that no agency of this Government has a right to withhold from us the fact that it knows where that man is.

We are looking for him to ask him to do his duty as an honorable person. If he won't, we have some people working for various and sundry law enforcement authorities and child support enforcement agencies in this Nation who would like to see if they can't persuade or, if necessary coerce him into doing the first honorable, decent act he can do in his lifetime.

It is sort of ridiculous to me to find someone who is not doing his duty by trying to skip it based on some theoretical right of privacy. He doesn't have any right to withhold from us any information as to who he is and he has no right to withhold it when he, or those for whom he is responsible, is seeking benefits from the Government.

This committee and this Congress have said he has no right to withhold that information for the purpose of victimizing his own children. We have some upside-down thinkers in various places in Government who give us more trouble than some of us can overcome from time to time. If you are one of those, I don't think you ought to be the General Counsel. I would then oppose your confirmation.

Mr. TAFT. Mr. Chairman, I have no disagreement at all with what you have said just now. We support, the Department has supported, the title IV-D program, and we have sought appropriations for it. I am sure we will continue to do so. I have been working with two Secretaries now who strongly support that legislation.

What I understood you to ask me was whether I would provide the committee not with social security numbers of individuals or information as to whether we were going to be pursuing them but rather with the legal opinions that have been provided to the Secretary on the subject.

What I would like to do, Mr. Chairman, would be to work with the committee on the legal questions involved, if there are any.

If the Secretary has no objection to sharing those materials you have requested with the committee, that would be perfectly fine. I don't think that I am in a position to say that I will share his papers with you. I will certainly present to him your request and be delighted if he agrees to share them with you, which I have no reason to doubt he will.

The CHAIRMAN. You served over there in HEW as the Executive Assistant to the Secretary of the Department of Health, Education, and Welfare. Your biographical sketch says, "As the Secretary's immediate assistant, my duties covered the entire range of his responsibilities, with an emphasis on reviewing and participating in all significant policy decisions; preparing policy memoranda and speeches; and advising the Secretary on administrative structures and issues throughout the Department. During the past 6 months I have been particularly concerned with legal issues."

I am concerned about a legal issue that has to do with this question of whether anybody over in the administration, you or the Secretary or anybody else, is under the impression that there is a right of privacy that entitles somebody to insist that the Secretary of Health, Education, and Welfare or anybody else can withhold information as to the social security number or whereabouts of someone who owes support to his children we are having to support, directly or indirectly.

Mr. TAFT. I understand the legal issue. I have not personally looked into it. I would be delighted to do so. I have no doubt about the inten-

tion of the law. It would be my strong desire to support that. I believe very strongly in the law's objectives and will be working with the committee to that end.

The CHAIRMAN. I hope that you will provide that information for us as soon as possible. I would like to have it when we act on your confirmation, so that it will be of help.

Mr. TAFT. Very good. I will ask the Secretary if he will provide it.

The CHAIRMAN. All right. I regret I have to do this, but Senator Byrd has had this same type of problem. We write a letter and send it down to the Department and it looks like the only time we can get the answer to the letter is when somebody comes up here seeking confirmation. Senator Byrd has complained about that difficulty from time to time, writing to the Secretary of Health, Education, and Welfare and getting no answer to his letter. About the only way to get their attention is to wait until somebody comes up for confirmation any say, "I will be glad to give you an answer on this confirmation. Would you please answer my letter."

I would like to know about this issue also: as General Counsel, you and your staff will review some of the legislation passed by Congress and write opinions interpreting the law. Will you provide the committee or its staff copies of such opinions as they are requested?

Mr. TAFT. I would look forward to doing that, certainly, sir.

The CHAIRMAN. You will do it.

Mr. TAFT. I will do that; yes, sir.

The CHAIRMAN. Also, will you provide copies of briefs that you prepare or receive for court cases when they are requested?

Mr. TAFT. This would be a brief that we would file somewhere? Of course, we would be delighted to provide that to the committee.

The CHAIRMAN. Yes, these are briefs that you prepare and briefs that you receive for court cases which come completely within your responsibility.

Mr. TAFT. We would be glad to do so.

The CHAIRMAN. We would like to know what you are contending to be the law and what you are contending not to be the law, what you are contending your duties are and what you are contending they are not. We want that information.

Mr. TAFT. I would be pleased to do that.

The CHAIRMAN. Are there any questions?

Senator CURTIS. Mr. Chairman, I have no further questions I would suggest that this one-sheet résumé be placed in the record.

The CHAIRMAN. It has been.

Senator CURTIS. I think Mr. Taft has qualifications that enable him to do a fine job, and I support his nomination.

The CHAIRMAN. I would like to receive this information before the Senate confirms this nomination.

Senator BYRD. Mr. Chairman, if no one else has a question, I would like to ask one question.

Mr. Taft, as General Counsel, what would be your responsibility, if any, in regard to pressing before the courts compulsory busing of schoolchildren to achieve a racial balance?

Mr. TAFT. As the responsibility within the Department is divided, the Office of Civil Rights has the principal responsibility for that. When they reach a point where they feel that there is a violation of title VI, which cannot be resolved by voluntary negotiations, they refer

it to the General Counsel's Office, which pursues the case before an administrative law judge.

We do that within the guidelines of the law. That has been recently changed. In terms of the remedies that we would be seeking, they would not be in violation of the Byrd amendment—the amendment sponsored by the other Senator Byrd.

Senator BYRD. Yes.

Mr. TAFT. We would be seeking remedies within that.

Senator BYRD. What is the policy of HEW in regard to forced compulsory busing?

Mr. TAFT. We do not support forced compulsory busing for the purpose—I believe you added originally—of racial balance. We only arrive at the busing question after a finding of a violation of title VI and a need arises for a remedy to be proposed for that violation.

When we seek to devise a remedy, it is within the guidelines of Senator Byrd's amendment. That is we would not require busing beyond the nearest school. It used to be the next nearest school. Essentially busing would not be one of the remedies that we would be applying.

Senator BYRD. The amendment offered by the Senator from West Virginia, Mr. Robert C. Byrd, and adopted by the Congress is attached to a bill which expires on June 30. My question would be: Would it be the policy of the Department of Health, Education, and Welfare to continue what is obviously the intent of Congress, namely, the Byrd amendment, even though technically it may have expired at the end of this fiscal year?

Mr. TAFT. I really could not speak beyond the fiscal year. We certainly will be applying it, not only during the fiscal year but also as long as any continuing resolutions may be in effect.

When that provision of law expires, I guess what you fall back to is the next nearest school, which is in permanent law passed in 1974. We will be working with the Congress to see what extension of the Byrd amendment would be appropriate when it expires, as we work on the entire appropriations bill.

The Secretary just testified a week ago, I believe, before the House Appropriations Committee on that subject and on the extension of the Byrd amendment. They specifically questioned him about that.

Senator BYRD. How many cases does HEW currently have before the court seeking to force compulsory busing for the purpose of bringing about an artificial racial balance?

Mr. TAFT. I am aware of none. There would be none for racial-balance purposes.

Senator BYRD. Thank you. I am glad to support your confirmation.

Mr. TAFT. Thank you.

Senator BYRD. Thank you, Mr. Chairman.

The CHAIRMAN. Any further questions, gentlemen?

Senator FANNIN. Mr. Chairman.

The CHAIRMAN. Yes.

Senator FANNIN. I was very impressed with your biographical sketch, Mr. Taft, and with your experience. I noted you had quite a bit of experience in budgetary activity. Were you involved, as Executive Assistant Secretary, with the budget requests of the Department?

Mr. TAFT. This year I was not.

Senator FANNIN. You were not.

Mr. TAFT. Since August I have been focusing more on legal issues for Secretary Mathews. I was not involved in the budget this year.

Senator FANNIN. Now that you will be General Counsel, will you be involved in any budgetary request activity?

Mr. TAFT. Only the General Counsel's budget request, which is modest.

Senator FANNIN. That is what I am afraid of. The hope was, with your experience, we might have a better handle on the budget requests of HEW. It is the most costly Department of our Government. My personal observation has been that we have not been doing all that needs to be done as far as a careful review of that budget and a reporting to the Congress on the absolute needs that exist. It has just been growing and growing with very few controls, as I can see it, being applied. I can understand, as General Counsel, that you may not be too involved although I would hope that you would be somewhat involved.

Mr. TAFT. Thank you.

The CHAIRMAN. Thank you.

[Whereupon, at 10:40 a.m. the committee adjourned, to reconvene at the call of the Chair.]

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