SENATE—*Tuesday, October 14, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose kingdom is everlasting and whose power is infinite, we thank Thee for our fathers who through peril, toil, and pain brought forth this Nation, "Conceived in liberty and dedicated to the proposition that all men are created equal." Make us worthy of this high heritage and fit to follow in their labors unafraid. Lift our spirits now above the frenzied noise of the world into the light and calm of Thy presence.

To the guidance of Thy wisdom and the keeping of Thy love we commend our Nation. We beseech Thee so to rule the hearts of Thy servants, the President, the Vice President, the Members of Congress, and all others in authority that they may know whose servants they are, and may above all things seek Thy honor and glory. Grant them strength for their burdens, wisdom for their responsibilities, insight for our times, and faith sufficient for each day's duties. And may they walk in the steps of Him who was the way, the truth, and the life.

In whose name we pray. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 13, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC OPPORTUNITIES ACT OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of morning business, the unfinished business, S. 3016, the Economic Opportunities Act of 1969, be laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL INDUSTRIAL HYGIENE WEEK

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 448, Senate Joint Resolution 150.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 150

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the need to preserve the Nation's primary natural resource—its employed population—and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–452), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

STATEMENT

Industrial hygiene is that part of occupational health concerned with the anticipation, evaluation, solution, and prevention of health problems arising out of industrial operations. It reflects the attempt of industry to work in concert with scientists and engineers from related fields to develop sound scientific knowledge and to aid in the application of this knowledge to the protection and conservation of the health of workers in all types of industry.

The leader in the research in this large and growing field is the Industrial Hygiene Foundation of America, a nonprofit research organization with headquarters at Mellon Institute in Pittsburgh, Pa. This organization was organized originally in 1935 because of a concern over the silicosis problem in industry. Since that time the organization has a greatly broadened agenda that addresses itself to the ever-expanding list of recognized industrial health problems, including air quality, noise abatement, mental health, and other matters related to the total industrial and community environment.

This joint resolution designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week" coincides with the foundation's annual meeting which will be held in Pittsburgh, Pa., on October 14–15 of this year. This resolution would focus public attention to the field of industrial hygiene so that the average citizen could better understand and appreciate the past and present benefits he and his family may be receiving. Such knowledge will provide the basis for improved public confidence in the willingness and ability of American industry to solve not only current health problems, but such new problems as may be expected to arise out of future industrial technological progress.

The committee is of the opinion that this joint resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Joint Resolution 150, without amendment.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, is the pending business now S. 3016?

The PRESIDENT pro tempore. It has not been laid down, but it will be the pending business at the conclusion of the morning hour.

S. 3025—INTRODUCTION OF THE URBAN LAND IMPROVEMENT AND HOUSING ASSISTANCE ACT OF 1969

Mr. JAVITS. Mr. President, I introduce today, for appropriate reference, the Urban Land Improvement and Housing Assistance Act of 1969.

This bill is cosponsored by the Senator from Michigan (Mr. HART) and the Senator from Pennsylvania (Mr. SCOTT).

This omnibus bill would authorize Federal incentive grants to State and local governments to strengthen their capacity to utilize land more productively and, thereby, to increase housing opportunities within their jurisdictions.

In the Housing Act of 1968, Congress established a national housing goal. In the past several years, we have enacted numerous housing and urban development programs. Yet, we seem to be further and further away from our objective of providing every American family with a safe, sanitary, and decent place in which to live.

The housing crisis is particularly serious in the central cities where the available land is most limited and most expensive. The poor are effectively locked into a decaying inner-city housing stock through fragmented, outmoded, and restrictive suburban zoning ordinances. These conditions impose ever-increasing burdens on urban services and make it increasingly difficult for the cities to meet necessary demands with ever-shrinking financial resources.

However, as the National Commission on Urban Problems—the so-called Douglas Commission—reported the "urban problem" is not essentially a "slum problem." It is a problem of deteriorating central cities and sprawling suburban growth. "What is happening in the slums and the rest of the central city cannot be

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separated from the kind and the pace of growth in the suburbs," the report said.

Under these circumstances it is crucial that States and localities be encouraged to reform their laws in institutions and be assisted in overcoming the obsolescence and fragmentation in zoning, taxing, and building standards which have effectively inhibited full utilization of land in metropolitan areas, have contributed to the contrasting picture of decaying urban slums and sprawling suburbs, and have prevented the establishment of a true housing market and fredeom of choice within a metropolitan area.

The bill I introduce today would not inhibit the States and localities in the implementation of their land use and taxing powers. Rather, it would utilize Federal supplementary and incentive grants to strengthen local will and capacity to modernize those laws and practice which have such an enormous effect on land use and development.

In addition to strengthening local capacity to utilize land and to expand housing opportunities, title I of the bill would seek to stimulate a greater commitment of State and local funds to the housing and land development areas and, thereby, would establish a pattern of shared governmental responsibilities.

Section 101 of the bill would establish supplementary Federal grants—to pay 50 percent of the local share—for those assisted local programs and services which would be affected by more intensive land utilization and expanded housing. To be eligible for such supplementary assistance, a locality would have to reform its zoning or tax laws, or undertake a program to develop new construction systems and materials in order to increase the supply of low-cost housing. A locality would also be eligible for such an incentive grant if it were to adopt and enforce a building code comparable to nationally accepted standards. Under these circumstances, supplementary Federal grants would be available for such impacted local services as transportation, education, water and sewers. This section also would permit Federal grants, in addition to supplements, for up to 50 percent of the amount of local tax abatement for low and moderate income housing. Such tax abatement would permit substantial reductions in per unit costs and rental rates for such housing.

Section 103 would deny Federal assistance under certain HUD programs to those localities which exclude publicly-assisted housing for low- and moderate-income persons through restrictive land use practices. Federal support would thus not be available to subsidize land development in localities with overly restrictive, unreasonable, and discriminatory patterns of land use control.

These programs, aimed at eliminating through incentives unreasonable and discriminatory restrictions on the use and development of land, are essential if the Department of Housing and Urban Development's "Operation Breakthrough" is to establish a workable program of technological progress in low-cost housing and if national housing goals, particularly for low- and moderate-income persons, are to be achieved.

Section 102 of this bill would assist localities in making full use of vacant and abandoned units.

As has been testified to before various committees of both Houses of Congress and special study commissions, thousands of such units exist in our major cities. In New York City, alone, it has been reported that there are 13,000 abandoned buildings, containing over 250,000 units.

The present administration contemplates a major effort to expand the stock of housing through a program of rehabilitation. No such program could ignore these vacant buildings—or the thousands of buildings throughout the Nation which cities have acquired through code enforcement, condemnation, tax proceedings, and otherwise. In many instances the city does not have the available capital to make use of these properties, and they simply sit idle.

Accordingly, section 102 authorizes Federal grants for the "write-down" of such properties, provided they are turned over to a nonprofit cooperative or limited dividend institution which would rehabilitate and use them for low- and moderate-income housing. This section would also provide for incentive supplementary grants to localities to upgrade the neighborhoods in which such properties are located.

Section 104 of the bill seeks to increase significantly State participation in the effort to rebuild our cities. This would be accomplished through matching Federal grants to those States which establish State housing agencies, programs of assisting local tax abatement for low- and moderate-income housing, programs for the training and employment of low-income persons and for the utilization of minority enterprises in connection with housing and urban development projects, and research and demonstration projects of new low-cost construction materials and techniques.

All of these programs seek to plan and guide urban growth. Almost three out of every four Americans live in metropolitan areas, but, as both the President's Commission on Civil Disorders and the Douglas Commission have reported, that population is increasingly divided into crowded, poor, decaying, and often predominantly black cities—and more affluent white suburbs. Certainly, Federal assistance to cities and towns should aim at ending—or at least minimizing—this division. We must aim at complete utilization of urban land and structures and at rehabilitation and low-cost housing techniques in order to reverse the process of decay and overcrowding in the housing stock of the central cities. But, beyond that, land must be made available for balanced housing and related facilities in other parts of metropolitan areas.

Inevitably, this requires a greater involvement of the States, not only in specific housing assistance programs, but also in broader programs for the acquisition, assembly, and planned development of land. The National Committee on Urban Growth Policy noted:

> The process of spontaneous urbanization by which metropolis has been formed is both wasteful and destructive of natural resources. The most precious of them—land—has been treated not as a resource at all, but as a commodity to be bought, sold, and speculated upon just like any other.

Population growth is an opportunity—and vacant land is a resource with which we can meet that opportunity. To put these two elements together and to establish viable and balanced new communities, we will require new mechanisms at the State level.

Accordingly, section 105 of the bill would authorize Federal assistance and loans to States for the establishment of land development agencies—which may be corporations. Such State agencies must be empowered to acquire, assemble, hold, plan, and develop land so as to create new communities. Moreover, in order to attract industries and employees to such new developments, grants for land "write-down" for commercial and industrial infrastructures purposes and employee recruitment and training would be authorized.

This program, if implemented by the various States, would go far to carry out the recent recommendations of the National Committee on Urban Growth Policy.

The total funds authorized to be appropriated for the programs established by title I are $50 million for the present fiscal year, $100 million for fiscal year 1971, and $150 million for the fiscal years thereafter. It is the objective of these programs to stimulate the expenditure of far more money at the State and local level. Thus, the amounts authorized could have a considerable multiplier effect.

Title I proposes few changes in existing law. Rather, the objective of these programs is to stimulate such change at the State and local level as will make the success of existing Federal housing and urban development programs more realizable. Only in the area of "new communities" does this title add significantly to an existing program—title IV of the 1968 Housing Act, a program of Federal guarantees for the financing of private new community developments. The bill I introduce today would approach this problem in a different way—that is, by stimulating States to establish public development corporations empowered to acquire, hold, and develop land.

Title II of the bill would establish other Federal programs.

Section 201 authorizes grants for technical assistance and training for tenant management, operation, and services. A similar program for tenants in public housing was authorized in the 1968 Housing Act, but it has never been funded. Such programs should receive adequate Federal support, since they represent a way of meeting legitimate demands for community control and of stimulating a sense of tenant responsibility for the buildings which they occupy. Given the absentee landlord status of so many slum structures, a tenant services program of this nature can be a significant step in upgrading the safety, appearance, and conditions in central city neighborhoods.

Section 204 authorizes the multi-development and multiuse of air rights and land in the right-of-way, in connection with the construction of facilities in

urban areas, so as to provide housing and related facilities for persons of low and moderate income.

Two sections would make technical amendments to existing housing laws—the first, would amend the section 235 and 236 programs so as to determine income eligibility with the same deductions from minors as are presently available in the public housing program; and the second would authorize the conversion of entire public housing projects to cooperatives.

Finally, in recognition of the fact that the direct activities of the Federal Government cause and affect urban growth, this bill would require two reports to the Congress: The first, by the President, for the establishment of a national policy on the location of Federal buildings and offices which shall give consideration also to social impact; and the second, by the Secretary of Housing and Urban Development, after consultation with the Secretary of Defense, on the possible use of military installations located in urban areas for housing and related community facilities.

Under present law, decisions on the location of Federal agencies are made on cost grounds, alone. However, in many cases, a move by a Federal agency to a particular urban area can contribute to its future stability, renewal and growth. It can create new opportunities for minority enterprise and for jobs for the unemployed and the underemployed.

I note, with approval, that the Administrator of the General Services Administration has amended the Federal Property Management Regulations to make availability of low- and middle-income housing a key factor in selecting sites for new Federal buildings and in leasing office space for Federal agencies. Certainly, there is every reason to believe that GSA and this administration would seek to bring these broader considerations to bear in making decisions as to location. However, the power and the necessary expertise may be lacking under present statutes. Accordingly, I believe that the administration should make a thorough study of this matter and make recommendations for the necessary statutory and administrative amendments as will permit these social factors to be considered.

Recent proposals to permit the use of Federal property for housing and related facilities are quite appropriate. However, such recommendations do not deal with the status and possible use of military installations located in or near urban areas which have not yet been declared "surplus" by the Federal Government. In New York City alone, there are hundreds of acres of land owned by the Federal Government and supposedly used for national security reasons. Given the very great shortage of land in our cities, I believe it crucial that the Federal Government be certain that it must maintain the military status of such land and that such facilities could not be relocated without impairing the national security. Just as we must establish priorities for the use of funds, so we should establish priorities for the use of that most scarce resource—vacant urban land. Accordingly, section 203 of this bill would require the Secretary of Defense to report to the Congress as to the status of military installations located in or near urban areas and the possible usefulness of any installation determined to be no longer necessary for national defense purposes as sites for housing and related facilities.

In conclusion, Mr. President, Congress has repeatedly established goals and objectives for the provision of housing and the renewal of our cities. We must recognize, however, that even if the funding were adequate—and it has not been—the achievement of these objectives has been and will be frustrated by significant institutional obstacles. The Federal Government must be more sensitive and farsighted in judging the impact of its own construction programs on the pattern of urban growth and of the effect of the use—and misuse—of the land that it owns. Local zoning ordinances, building codes, and taxing powers must be significantly reformed, so as to promote maximum housing opportunity and proper land utilization. And the States must play a more aggressive role in the full utilization and planned development of land, so as to meet the population explosion, not with programs which contribute to contrasting patterns of decaying cities and suburban sprawl, but with those which guarantee orderly urban growth.

The consideration and enactment of such programs should not detract from efforts to support housing in other ways. Existing housing and urban development programs must be fully funded. We must develop the means to insure that housing will not always bear more than its share of the burden of anti-inflationary monetary and tight credit policy. And we must adopt new tax incentives for the construction and rehabilitation of low-cost publicly-assisted housing.

The urban crisis and the housing and development programs which have been enacted over the past several years will and must have an early and high priority claim on the "peace dividend" which will be available as a result of the reduction of our forces in Vietnam and the eventual end of the war. For too long we have starved the housing and urban programs we have enacted, and today our goals for the city seem farther away than ever.

Nevertheless, new programs must be established to create the authority for action in those areas in which such authority is now lacking. Certainly, State and local governments must receive greatly expanded Federal assistance—assistance which will stimulate them and enable them to implement necessary housing and urban land utilization programs.

Our expanded population and our exploding cities represent a challenge to our commitments and to our innovative energies. I remain confident that we can meet that challenge, that we can provide every American with a decent shelter and, in so doing, preserve and enhance our urban environment.

Mr. President, I ask unanimous consent that the text of the bill I introduce today be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the text of the bill will be printed in the RECORD.

The bill (S. 3025) to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Land Improvement and Housing Assistance Act of 1969".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "locality" means any State, or any county, municipality, or other political subdivision of a State.

(3) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States.

ADMINISTRATIVE PROVISIONS

SEC. 3. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402, except subsection (c)(2), of the Housing Act of 1950.

(b) The Secretary shall include in his annual report to the Congress a comprehensive and detailed review of his operations under this Act.

TITLE I—GRANTS TO ENCOURAGE IMPROVED LAND UTILIZATION AND EXPANDED HOUSING PROGRAMS

SUPPLEMENTARY GRANTS TO LOCALITIES

SEC. 101. (a) The Secretary is authorized to make grants to any locality for not to exceed 50 per centum of the aggregate amount of local contributions otherwise required to be made by such locality to all projects or activities assisted by Federal or State grant-in-aid programs which are carried out in connection with a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income, subject to the following limitations:

(1) No such grant shall be made for the general administration of local governments.

(2) No such grant shall be made with respect to any project or activity carried out in connection with an approved comprehensive city demonstration program and for which assistance is available under section 105 of the Demonstration Cities and Metropolitan Development Act of 1966.

For purposes of this section, "a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income by a locality" (hereinafter referred to as the "program") may include (A) a restructuring of the real estate tax laws of the locality by granting tax abatements for low and moderate income housing, and by assessing and taxing real property so as to provide incentives for the improvement of property to increase the supply of housing; (B) the adoption of zoning ordinances which will effectively afford an opportunity for persons of all income levels to have decent, safe, and sanitary housing; (C) the adoption and enforcement of building codes conformable to nationally accepted standards and approved

by the Secretary; or (D) the establishment of a program of research and demonstration for the development of new construction systems and materials for low cost housing.

(b) In the case of any locality the program of which includes a restructuring of local real estate tax laws in the manner described in clause (A) of subsection (a), the Secretary is authorized to make annual grants to the locality of sums equal to 50 per centum of the amount by which the real estate taxes received or receivable by the locality were reduced in any taxable year as a result of the implementation of that part of such program which involves the granting of tax abatements. Grants under this subsection to any locality shall be in addition to any grants as to which the locality is eligible under subsection (a). No grants shall be made under this subsection with respect to any such program unless—

(1) the tax abatements provided by the program apply only to real estate utilized solely for low and moderate income housing and such related facilities as may be necessary or desirable to serve the occupants;

(2) such abatements are provided only for so long as the real estate is used for such housing and related facilities;

(3) under the program there is an abatement of at least 90 per centum of the real estate taxes otherwise payable with respect to such housing and related facilities; and

(4) the benefits under the program are available to all persons, in accordance with such reasonable regulations as the locality may prescribe, who own or otherwise provide such housing and related facilities, and who are subject to real estate taxes imposed by the locality.

GRANTS TO ENCOURAGE THE UTILIZATION OF CERTAIN UNUSED OR LOCALLY-HELD LAND

SEC. 102. (a) The Secretary is authorized to make grants to any locality for not to exceed two-thirds of the cost to the locality (1) of acquiring unimproved and abandoned real property and disposing of such property for a nominal consideration, and (2) of disposing for a nominal consideration of real property acquired by the locality as the result of code enforcement activities or otherwise, in any case where the disposition of such property is made to a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or a cooperative housing corporation, which is receiving assistance under any Federal, State, or local program in order to provide rental housing for persons of low and moderate income, and which has entered into a binding agreement with the locality to repair, rehabilitate, or improve such property so as to provide housing and related facilities for such persons.

(b) In addition to grants under subsection (a), the Secretary is authorized to make grants to any locality equal to—

(1) 50 per centum of the aggregate amount of non-Federal contributions otherwise required to be made by such locality to all projects or activities assisted by Federal grant-in-aid programs which are carried out in connection with a program being carried out by the locality to increase the supply of rental housing for low and moderate income persons with assistance under subsection (a); and

(2) 50 per centum of the aggregate costs incurred by the locality in arresting decline in an area in which low or moderate income rental housing is to be provided with assistance under subsection (a), including any demolition and removal of improvements, or the installation, construction, or reconstruction of streets, sidewalks, utilities, or other facilities designed to enhance the liveability of such area.

DENIAL OF CERTAIN BENEFITS

SEC. 103. Effective upon the expiration of one year after the date of enactment of this Act, no grant shall be made (except pursuant to a commitment made prior to such date) to any locality, or instrumentality thereof, under title VII of the Housing and Urban Development Act of 1965, or title VII of the Housing Act of 1961, unless there exists under the zoning ordinances or other land use regulations in effect in, and as administered by, such locality a reasonable opportunity, as determined by the Secretary, for carrying out in such locality a program of publicly-assisted housing for persons of low and moderate income.

INCENTIVE GRANTS TO THE STATES

SEC. 104. The Secretary is authorized to make grants to any State for not to exceed 50 per centum of—

(1) the administrative costs of any agency of the State which is designated and empowered under State law to carry out a program for financing the construction and operation of low-income public housing at such places within the State as may be determined by the agency without regard to local jurisdictional boundaries;

(2) the aggregate cost to the State of carrying out a program of reimbursing municipalities and other political subdivisions of the State for not more than 50 per centum of the amount by which the real estate taxes received or receivable by the local jurisdictions concerned were reduced as a result of tax abatements granted by such jurisdictions for the purpose of increasing the supply of housing for low and moderate income housing;

(3) the aggregate cost to the State of carrying out a program of recruiting, training and employing in connection with any publicly-assisted housing and urban development project lower income persons residing in the area of such project or of carrying out a program of assisting and utilizing to the greatest extent feasible in connection with any publicly-assisted housing and urban development project business concerns, including but not limited to individuals or firms doing business in the fields of design, architecture, building construction, rehabilitation, maintenance, or repair, located in or owned in substantial part by persons residing in the area in which such project is being carried out; and

(4) the aggregate cost to the State or carrying out a program of research and development of new construction systems and materials for low-cost housing.

ASSISTANCE TO STATES FOR LAND DEVELOPMENT

SEC. 105. (a) The Secretary is authorized to provide technical asistance to any State land development agency, and to make grants to such agency, during the first three years of its operations, for not to exceed 50 per centum of its administrative costs incurred in carrying out such operations. As used in this section, the term "State land development agency" means any public corporation or other entity established under the laws of any State and empowered (1) to carry out the planning, financing, and development of land in the State without regard to local zoning ordinances or other land use regulations, or local building codes; (2) to assemble land for planned and balanced development through condemnation or otherwise without regard to local jurisdictional boundaries; and (3) to acquire and hold land for use in new community development which meets the objectives specified in section 402 of the Housing and Urban Development Act of 1968, and the requirements (relating to feasibility, contribution to orderly growth and development, and planning) specified in section 404 of such Act.

(b) In order to encourage the timely acquisition of land needed for future development, the Secretary is authorized to make loans to any State land development agency for use by such agency in acquiring land to be held for a period of at least five years prior to development. Any such loan shall be repaid with interest upon commencement of the development of the land with respect to which the loan is made. Interest on any such loan shall accrue at the rate of one per centum per annum.

(c) The Secretary is authorized to make grants to any State land development agency for not to exceed two-thirds of the net cost to such agency of (1) conveying land assembled and acquired by it for planned and balanced development (including new community development) to commercial or industrial enterprises for purposes consistent with the development plan at a price which is not less than the value of the land for the use contemplated, (2) providing public facilities (including water, sewer, streets, and utilities) for any land so assembled and acquired in order to make possible the location in the area developed of such commercial or industrial enterprises as may be consistent with the development plan; and (3) making payments to commercial or industrial enterprises located in the development area to defray some portion of the costs incurred by such enterprises in recruiting and training personnel for employment in such enterprises, such portion to be determined in conformity with such standards and criteria as the Secretary shall by regulation prescribe.

(d) Any area comprised of land assembled by a State land development agency for planned and balanced development and with respect to which assistance under this section is provided shall be deemed a "redevelopment area" for purposes of section 202 of the Public Works and Economic Development Act of 1965.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 106. (a) There are authorized to be appropriated for grants and loans under this title not to exceed $50,000,000 for the fiscal year ending June 30, 1970, not to exceed $100,000,000 for the fiscal year ending June 30, 1971, and not to exceed $150,000,000 for any fiscal year thereafter. Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

(b) The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made under this title.

TITLE II—MISCELLANEOUS TENANT MANAGEMENT, OPERATION, AND SERVICES

SEC. 201. (a) The Secretary is authorized to enter into contracts with public or private organizations to pay all or part of the costs of projects designed to provide technical assistance and training for tenant management and operation of, and services for, rental and cooperative housing. The Secretary may make advances or progress payments on account of any contract, notwithstanding the provisions of section 3648 of the Revised Statutes.

(b) Such sums as may be necessary to carry out this section are hereby authorized to be appropriated. The aggregate amount of payments made pursuant to such contracts shall not exceed $------ in any fiscal year.

LOCATION OF FEDERAL OFFICES

SEC. 202. The President shall report to the Congress not later than January 1, 1971, setting forth recommendations with respect to the establishment of a national policy on the location of new Federal buildings and the leasing by the Government of space in privately owned structures for Federal purposes giving due consideration to social and community priorities, including the affect of such Government activities on patterns of urban growth and the stability or renewal of urban areas.

USE OF FEDERAL LANDS

SEC. 203. The Secretary shall, after consultation with the Secretary of Defense, report to the Congress not later than January 1, 1971, on the status of appropriate Fed-

eral military installations which are located in or near metropolitan areas and indicate whether (1) such installations are currently being utilized for national defense purposes, and (2) any installations which are no longer necessary for national defense purposes may appropriately be sold or otherwise transferred for use as housing and related educational, community, or industrial purposes for persons of low and moderate income.

MULTI-USE DEVELOPMENT

SEC. 204. The Secretary shall consult with all agencies of the Government which construct or assist in the construction of facilities in urban areas to determine the feasibility of the multi-development and use of such facilities for housing and related facilities for persons of low and moderate income. Whenever the Secretary determines, after such consultation, that such multi-development and use is feasible in the case of any such facilities, he shall notify the agency concerned and such agency shall cause the project site to be developed, by the provision of air rights, land in the right of way, or otherwise as may be appropriate, so as to provide housing and related facilities for persons of low and moderate income. Land and interests in land, including air rights sites, so developed for such purpose may be transferred by sale, lease, or otherwise by such agency to any State or local public agency, or any private nonprofit, limited dividend, or cooperative entity which agrees to develop and use the same only for such housing and related facilities. Any such transfer shall be made subject to a reversionary interest in the Government in the event the property or rights transferred are ever put to a use other than that for which the transfer was made.

INCOME LIMITATIONS UNDER SECTIONS 235 AND 236 OF THE NATIONAL HOUSING ACT

SEC. 204. Section 235 (h) (2) and 236 (1) (2) of the National Housing Act are amended by inserting after the first sentence of each such section the following: "Any part of the income of any family which is excluded for purposes of applying the income limitations prescribed pursuant to such sections 2 (2) and 15 (7) (b) (ii) shall be excluded in determining family income for purposes of applying the limitations of this paragraph."

SALE OF PUBLIC HOUSING PROJECTS TO CERTAIN COOPERATIVES

SEC. 205. Paragraph (9) of section 15 of the United States Housing Act of 1937 is amended by inserting "(a)" after "(9)" and by adding at the end of such paragraph the following:

"(b) Notwithstanding any other provisions of this Act, but subject to the provisions of any contract with the Authority, any public housing agency may permit a cooperative to enter into a contract for the acquisition of a low-rent housing project from the public housing agency upon the terms set forth in subparagraphs (A), (B), and (C) of paragraph (a); except that for the purposes of this paragraph (b) the term 'purchaser', as used in such subparagraphs, refers to the cooperative acting on behalf of its members, and the term 'dwelling unit', as used therein, refers to the housing project in its entirety. Admission to membership in any such cooperative shall be limited:

"(A) to those who intend to reside in the project which is to be owned and operated on a nonprofit basis; and

"(B) to those whose incomes do not exceed the limits prescribed by the Secretary for occupants of projects financed with a mortgage insured under section 221 (d) (3) which bears interest at the below-market interest rate prescribed in the proviso of section 221 (d) (5).

In such admissions to cooperative membership, preference shall be given first to eligible present residents of the low-rent housing project being acquired by the cooperative, and second, to residents of other low-rent housing projects under the jurisdiction of the public housing agency involved whose incomes have increased beyond the approved maximum income limits for continued occupancy in such low-rent housing.

"(c) Before approving the disposition of any dwelling unit or project pursuant to paragraph (a) or (b), the Authority shall make a finding that such disposition will not adversely affect the low-rent housing program of the public housing agency involved.

"(d) The Authority shall continue to pay up to the amount of the guaranteed annual contributions pledged to payment of a public housing agency's outstanding obligations issued in respect to any dwelling unit or project acquired or contracted to be acquired pursuant to paragraph (a) or (b) until such obligations together with interest thereon have been fully paid."

SENATE JOINT RESOLUTION 161—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING NATIONAL SCHOOL BUS SAFETY WEEK

Mr. JAVITS. Mr. President, I introduce for myself and Senators CRANSTON, MURPHY, PELL, and PROUTY, a measure to designate the period of April 20 through April 25, 1970, as School Bus Safety Week.

Each day some 18,000,000 American youngsters—one out of every four school children—travel to and from school in more than 200,000 school buses. This total may be expected to mount as suburban education systems grow and as our population expands. However, as the number of school bus passengers increases, the accident rate climbs still faster. The Senate Committee on Labor and Public Welfare, commenting on my schoolbus safety study amendment to the Elementary and Secondary Education Act, declared in 1967 in its report that "school bus safety standards throughout the Nation are spotty, substandard, and lax." This finding gives further force to the statement of the president of the Physicians for Automotive Safety who observed that in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also indicated shock in discovering that safety measures to safeguard young people in school vehicles are largely being ignored at the local level.

The National School Bus Safety Week Committee is seeking to focus needed public attention on improved school bus safety.

President Nixon endorsed the week earlier this year; and his words are worthy of note. The President said:

> This week focuses public attention on the need for skilled, responsible drivers, and on the importance of effective inspection and reliable repair services for these vehicles. And finally, it reminds each of us that it is the duty of every motorist to cooperate with school bus drivers to make our highways as safe as possible for the one out of every four American pupils who ride buses to and from school every day.

I am not suggesting that school bus transportation is unsafe. It is not. School bus drivers have by and large a good safety record. However, the increasing accident rate and the fact that each year more and more children travel on school buses makes it imperative that the safety record of school buses be as near perfect as humanly possible—indeed, the safest form of transportation in the Nation. The lives of our children are at stake.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 161) to authorize and request the President to proclaim the period April 20, 1970, through April 25, 1970, as "School Bus Safety Week," introduced by Mr. JAVITS, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

THE PROBLEM OF LOCAL CUTBACKS IN THE FEDERAL SCHOOL LUNCH PROGRAM

Mr. JAVITS. Mr. President, President Nixon has proclaimed this week, October 12–18, as National School Lunch Week. As the ranking Republican on the Select Committee on Nutrition and Human Needs, I am pleased that the President has once again reaffirmed his commitment to end hunger and malnutrition. Our school lunch program is a most important and crucial factor in bringing nutritious meals to needy children.

The school lunch program, just as the breakfast and nonschool feeding programs, must be greatly expanded to meet the needs of the many millions of poor children who do not yet participate in these programs. It is for this reason that I recently introduced the Child Nutrition Act of 1969, S. 2982, to establish national eligibility standards for children to participate in free and reduced price meals in our child feeding programs. The Federal Government must take a leadership role in this area.

However, there is also a great responsibility at the local level to implement school lunch programs and to maintain them once established. Recently, I have become quite concerned because many communities—including some in my own State of New York—have been voting down local school board budgets, which include funds for the school lunch programs. Unfortunately, the school lunch programs often suffer as a result of this "tax revolt." Many children—especially needy children—are being forced out of the program because of higher charges to them for meals or because of outright elimination of the programs.

In New York State, the law is such that if a local school district votes down a school budget, then the special milk and the school lunch program cannot be operated unless the voters subsequently vote either to restore the budget or act favorably on separate provisions which include school lunch. I have been informed by the New York State Department of Education, School Lunch Division, that many of the State's school districts have this problem.

As of September 5, 137 or approximately 20 percent of New York's 690 school districts had voted to defeat school board budgets at least once this year, which also meant defeat of school lunch proposals. Of these 137 districts, 71 approved the budgets on the second vote,

31 approved the budgets on the third vote, and one approved the budget on the fourth vote. Twenty other districts subsequently approved propositions relating to school lunch but did not approve the total budget, 11 districts were on a contingency budget and will not have lunch programs, and three other districts will vote again. In New York, a school district may have from 5 to 200 schools, and this makes the school lunch situation even more grave for the children—especially needy children in these districts.

I can understand the economic pressures which are causing taxpayers to "tighten their financial belts." However, I cannot too strongly urge both my fellow New Yorkers and residents of States which face similar situations, to give close scrutiny before imposing such blanket defeats. The school lunch program must not become a "scapegoat" of the "tax revolt," and I am hopeful that in the future, voters will look closely at the school lunch proposals before them and demand that, if the entire budget is just too great a fiscal burden, that at least the school lunch proposals may be given a lease on life.

Our school lunch programs must be considered a crucial part of our educational process.

It has been stated that "a hungry child cannot learn" and that "an empty stomach leads to an empty mind." Let us strive, especially in our local school budget balloting, to see that we meet the nutritional needs of our children. They are our hope for the future, and they cannot and must not be sacrificed.

When school lunch programs are cut or substantially reduced, facilities lie idle, children no longer are able to receive the benefits of a nutritious meal at least once a day—unless they bring lunch from home or go home for lunch—and many dedicated people, who work in school lunch service, are put into the streets. In New York, there are approximately 50,000 school food service employees. Each and every one is making an outstanding and valuable contribution to their communities and to the children of those communities. All school food service employees throughout the United States are to be commended during this National School Lunch Week.

I am hopeful that taxpayers will place school food service at a priority equal to that of the quality of education in their schools, for this is truly where it belongs.

Mr. President, I ask unanimous consent to have printed in the RECORD the President's proclamation and an article from the October 20 issue of U.S. News & World Report which further illustrates the problems of growing protest against school costs.

There being no objection, the proclamation and article were ordered to be printed in the RECORD, as follows:

OCTOBER 3, 1969.

A PROCLAMATION

Our land has been blessed by an abundance of food and by the genius and industry of our food-producers. Yet, despite the rich and varied diet available to us, there are still many Americans who are malnourished, whether due to poverty or to uninformed purchase and preparation of food.

It is one of the major tasks confronting the American people to eliminate malnutrition whether it be caused by the curse of poverty or the blight of ignorance.

A vital step toward this goal is the provision of ample food and proper nutrition for the American child. Safeguarding the health and well-being of school children has been a hallmark of the National School Lunch Program during its 23 years of operation. Last year it provided nutritious lunches to more than 20 million youngsters, including some three million from low-income families who were served at no cost or at a greatly reduced price.

It is unfortunate that many thousands of children seriously in need of better nutrition do not now have the benefit of either the school lunch or school breakfast service. All of us—professional and volunteer workers alike—at federal, state and local levels must use our abilities and resources in an effort to bring better nutrition to these children. There can be no more important or far-reaching use of the abundance of food produced by America's farmlands than to feed our children.

To recognize the value and achievements of the National School Lunch Program the Congress, by a joint resolution of October 9, 1962 (76 Stat. 779), has designated the seven-day period beginning on the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue a proclamation annually calling for the observance of that week.

Now, therefore, I, Richard Nixon, President of the United States of America, call upon the people of the United States to observe the week beginning October 12, 1969, as National School Lunch Week.

In witness whereof, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred sixty-nine, and of the independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

GROWING PROTEST AGAINST SCHOOL COSTS

America's public schools are in deep and growing trouble with the taxpayer.

In one local election after another, voters are turning down proposed issues of school bonds. Pleas for increases in school levies and budgets are being rejected. Dissatisfaction also is coming to the surface over lack of discipline in schools and the quality of education being offered.

The rising wave of disaffection is prompting educators to review their relationship with the public at large. What they find is a situation that promises even more troubles ahead.

Gallup survey of 1,505 adults, conducted for CFK, Ltd., an educational group headed by Charles F. Kettering, Jr., showed this:

FAILURES OF DISCIPLINE

The problem of school facilities, long uppermost in the minds of educators and taxpayers, now has been replaced by discipline—or lack of it—as the major worry of America's adults.

Of those questioned, 49 per cent thought discipline in the public schools of their community was not strict enough—compared with 44 per cent who considered it "just about right" and 7 per cent who either thought it too strict or offered no opinion.

Disapproval ranged significantly higher among key elements within the general community.

Belief that discipline in public schools was not strict enough was voiced by 58 per cent of those with children in parochial schools, 52 per cent of adults without children in schools, and 69 per cent of all nonwhites. Contrarily, a majority of parents with youngsters in public schools thought the present state of discipline satisfactory.

Fifty-six per cent agreed that a classroom shortage existed in their community—and 52 per cent admitted that the local school system was having a hard time getting good teachers.

Yet, dissatisfaction showed up strongly—in views and deeds—when it came to providing money for the schools.

Only 41 per cent of the interviewees voted in their last school-bond election. Only 26 per cent voted for the bond issues. In both categories, persons without children in school were even more lukewarm than others toward bond proposals.

The most significant answers came in response to the question: "Would you vote to raise taxes if schools said they needed more money?"

Saying they would approve such a request were 45 per cent of all those interviewed, but 49 per cent said no. Negative answers rose to 53 per cent among adults with no children in school, and 56 per cent among parents with children in parochial schools, compared with only 44 per cent of parents with children in public schools.

Regionally, strongest indications of support came in the South—50 per cent—and weakest in the Midwest—40 per cent. Support tended to dwindle with advancing age, but to increase with a rise in occupational status and schooling. Opposition ran as high as 64 per cent in towns with population between 25,000 and 49,999—and as low as 46 per cent in cities from 50,000 to a half million in population.

TROUBLE IN SEVENTIES

This survey and others like it made in recent years are suggesting to many educators that the nation's schools are entering a new era, financially.

In the years after World War II, a "baby boom" and big shifts in population forced taxpayers to spend lavishly on buildings and to hire teachers as enrollments soared.

During the fiscal year 1949–50, when the enrollment squeeze was just starting, the national outlay on public schools—elementary and secondary—came to 5.8 billion dollars. This represented an increase of 150 per cent over school spending per year a decade earlier.

The 1950s brought even bigger jumps in spending, as outlays nearly tripled to a figure of 15.6 billion dollars in 1959–60. By 1965–66, as declining birth rates brought signs of the first tapering-off in enrollment gains, spending on public schools totaled 26.2 billion.

Today, with elementary-school enrollment showing an actual decline, the figure comes to around 30 billion. And it is expected to pass 40 billion by 1975, even with the expected tapering off in high school enrollment.

Why is this so?

EXPENSIVE SCHOOLING

Educators provide a variety of explanations. Inflation is adding heavily to building costs year by year. Pressure grows to provide more and more "compensatory" schooling for children of the poor, especially in cities. The rising costs of interest rates on bonds is a big factor. So are innovative programs ranging from computerized instruction to physics laboratories.

These explanations for spiraling costs appear not to satisfy voters. As the chart on these pages shows, proposed issues of school bonds are winning less and less acceptance at the polls. Voter approval, which was given to 74.7 per cent of the issues submitted in 1964–65, dropped to 56.8 per cent of issues offered in the last fiscal year.

Bigger issues are fairing worst of all, with the result that the approval rate in terms of total dollar value of bond issues submitted to voters nationwide came to only 43.6 per cent last year, compared with 79.4 per cent in 1964–65. In Missouri, only 6.1 per cent

of the total dollar value of bond issues submitted to voters won approval.

DEFERRED HOPES

There is little hope that this trend will reverse itself in voting on 465 million dollars' worth of school bonds nationwide between now and December 31. Hostility of voters coupled with the rising rates of interest on the bond market, is prompting many school districts to forgo plans to submit issues to the electorate—especially in districts where a two-thirds majority is required for approval.

Voters are taking a harder line on school finances in other ways. In the State of New York alone, local voters have rejected proposed school budgets in more than 100 districts so far this year—compared with 76 such rejections in all of 1968 and only 69 turndowns in 1967.

Increases in tax levies are meeting with defeat in one community after another. Latest instance has provoked a crisis in Fremont, Ohio, where city officials are closing school doors to 7,000 pupils starting in mid-November—with the promise of keeping them closed unless voters approve a twice-rejected increase in school taxes when they go to the polls on November 4.

"INSTANT REFERENDUM"

A U.S. Office of Education authority noted this:

"Many voters see these elections as an instant referendum on policies and tax burdens that they don't like, and which they blame on State or federal agencies over which they have little or no influence."

Federal spending on public schools has gone up from 1.4 per cent of the total cost of those schools in 1945–46 to about 8 per cent at present. This spending often is tied to compliance with guidelines on integration or educational policies—a situation causing deep resentment among some voters.

The State role in public schools has increased somewhat, too, largely with the aim of equalizing standards of poor and rich districts. On September 30, Michigan's Governor William G. Milliken proposed that the State take over the local share of costs entirely.

Some educators are saying that even greater reliance on State and federal help is necessary to avoid periodic crises in school financing.

A NEW ALIENATION

Population shifts and the race issue, it is argued, have damaged if not destroyed the sense of identification that citizens once felt with their schools. In that situation, the argument goes, local support henceforth will remain rather unreliable.

Other experts, however, insist that educators and school boards themselves can do far more to win greater understanding and support from the voters.

An Indiana University study of bond-issue defeats in the Far West in 1966–67 noted that many citizens complained of being left out of basic decisions related to their schools. The report noted:

"Informed community leaders perceived that decision making had often taken place with little or only token involvement of the citizen and patron. Decisions had been announced after discussions in which [citizens] had not been involved. Channels of communication too often were one-way streets."

This feeling gets some backing from the Gallup poll for CFK, Ltd., which found that 61 per cent of adults interviewed said they had not received any informational material from schools on what they were doing in the previous year. A majority—57 per cent—of parents with youngsters in public schools said they had received such material. But the proportion declined to 16 per cent of adults without children in school. And more than 80 per cent of adults in all categories said they had never attended a meeting of the school board. This study concluded:

"A better way must be found to reach those persons in the community who do not happen to have children in the public schools. . . . The future of the schools to a great extent depends on success in achieving this goal."

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I wish to address myself momentarily to the distinguished Senator from West Virginia (Mr. BYRD), who is the representative of the leadership at this time in the Chamber.

The Senator from Rhode Island (Mr. PELL) and I have a resolution in connection with Vietnam. I would like to have 10 minutes at the convenience of the leadership. That time could be in the next 10 minutes or later; whatever the Senator from West Virginia finds convenient.

Mr. BYRD of West Virginia. Mr. President, in response to the query by the able Sentaor from New York I would suggest that he and the Senator from Rhode Island (Mr. PELL) take their 10 minutes as soon as possible.

Mr. JAVITS. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be recognized for 10 minutes and that the Senator from Rhode Island (Mr. PELL) may be similarly recognized after I have completed my remarks.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that he be recognized for 10 minutes in the morning hour, and that at the conclusion of his remarks the Senator from Rhode Island (Mr. PELL) be recognized for 10 minutes. Is there objection? The Chair hears none and it is so ordered. The Senator from New York is recognized for 10 minutes.

SENATE CONCURRENT RESOLUTION 40—SUBMISSION OF A CONCURRENT RESOLUTION REPEALING THE TONKIN GULF RESOLUTION, WITHDRAWING U.S. TROOPS FROM VIETNAM BY THE END OF 1970, AND ARRANGING ASYLUM FOR SOUTH VIETNAMESE POLITICAL REFUGEES

Mr. JAVITS. Mr. President, I submit for myself, and the Senator from Rhode Island (Mr. PELL), a concurrent resolution relating to the struggle in Vietnam, and I ask that it be appropriately referred; and I ask unanimous consent that the concurrent resolution be printed in the RECORD.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 40) to terminate Public Law 408 of the 88th Congress—Tonkin Gulf Resolution—was referred to the Committee on Foreign Relations, and is printed in the RECORD, as follows:

S. CON. RES. 40

Whereas the armed forces of the United States have been involved in warfare in Vietnam, pursuant to Public Law 408 of the 88th Congress, on a scale resulting in the third highest combat fatalities in United States history, and:

Whereas the Army of the Republic of Vietnam is being trained and equipped to take over from the United States forces in Vietnam, and;

Whereas domestic and world conditions do not warrant further prolongation of the present United States combat involvement in Vietnam, and;

Whereas the moral obligation the United States bears to the people of South Vietnam is to provide asylum for those whose lives would be endangered by our withdrawal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should withdraw all American combat troops by the end of 1970; and be it

Resolved further, That upon such withdrawal, unless the President shall have previously determined that peace and security in Southeast Asia is reasonably assured pursuant to Section 3 of Public Law 408 of the 88th Congress, such Joint Resolution shall terminate on December 31, 1970; and be it

Resolved further, That it is the sense of the Congress that the remaining United States forces should be withdrawn in a reasonable time thereafter and that during this period steps should be taken by the United States in cooperation with the United Nations or other international organizations to provide asylum for those in South Vietnam whose lives would be endangered by such action.

A WAY TO TERMINATE U.S. COMBAT INVOLVEMENT IN VIETNAM

Mr. JAVITS. Mr. President, the public is not confident that the Nixon administration's present policy will bring an early end to the Vietnam war. There is a growing danger that the division between the people and the administration, which characterized the last 18 months of the Johnson administration, may be developing between the people and the Nixon administration. Administration appeals for a period of moratorium in the debate will not help, nor will assertions that the administration will pursue its course whatever the people may think.

The Nation is not prepared to accept the stalemate in the Paris negotiations as a block to other means of ending the intolerable continuation of this war. The United States cannot rely on policies which are dependent upon the cooperation of both Hanoi and Saigon. Primary emphasis must be placed upon measures which the United States can effect unilaterally. In essence, this means the phased withdrawal of U.S. combat troops.

The resolution which I am introducing today with the Senator from Rhode Island (Mr. PELL) would provide the President with an outside time limit of December 31, 1970, to complete the disengagement of U.S. combat troops. Cer-

tainly that provides ample leeway to effect an orderly withdrawal, and to prepare the South Vietnamese forces—insofar as it is in our capacity to do—to assume the full combat responsibility if a negotiated settlement has not been achieved. The withdrawal of American combat troops is the key to ending the war.

The effect of the Javits-Pell resolution is to return the situation to the status quo before the Tonkin Gulf resolution. It terminates the authorization given to the President by Congress in the Tonkin Gulf resolution to engage U.S. forces in combat in Vietnam, as of December 31, 1970. Following that date, the President would have no congressional authority for combat operations but there would be no change with respect to providing assistance, training, and logistical support to the South Vietnamese forces.

Another important provision of the Javits-Pell resolution deals with the so-called blood bath thesis by assuming a moral obligation to arrange asylum for South Vietnamese citizens whose lives might be endangered consequent to the termination of U.S. combat participation in the war.

The real issue now is whether we are to follow the line indicated in the resolution introduced by the Senator from Kansas (Mr. DOLE)—to shape our Vietnam operations with the hope of inducing, influencing, or coercing North Vietnam and the NLF to negotiate along specified lines; or whether to follow the course indicated in the Javits-Pell resolution. It is our view—and that of many others—that the United States at this stage must rely on measures which are in our power to carry out unilaterally.

In my judgment, this is properly the issue for debate. I am deeply convinced that the only path after all these years of struggle and sacrifice is to phase our troops out of the combat responsibility in accordance with a definite timetable—coordinated with a timetable for the assumption of the combat responsibility by the South Vietnamese forces.

This is a course which I have advocated for a long time. More than 2 years ago, in a Senate speech of July 13, 1967, I said:

> We need to begin phasing out of the major responsibility for fighting the war . . . a beginning must be made following the September 1967 Vietnamese elections.

The question of timing has become all the more urgent in the ensuing 2 years.

A recognized timetable for the withdrawal of U.S. troops from combat is necessary if we are to avoid a repetition of the kind of domestic strife which we witnessed in 1967 and 1968. It is also necessary as a means of letting the Saigon government know in unmistakable terms that it must rely on itself for combat and must decide to seek a compromise political settlement with the NLF. Yet, the intransigence of the Thieu government on the question of peace negotiations has increased over the past several months.

There is mounting evidence that President Thieu has chosen to pursue policies which challenge basic tenets of President Nixon's Vietnam peace strategy, and it is becoming apparent that the Saigon government is a major roadblock to a compromise settlement of the war. Recently, we witnessed the long-awaited South Vietnamese cabinet reorganization which the Nixon administration hoped would significantly broaden the base of government support, but which in fact narrowed the government base and concentrated its support within the military and the supporters of former President Diem. Following the decision to aline his regime even more closely with the military, President Thieu has articulated a harder line on the conduct of the war and the Paris peace negotiations. In recent public statements Thieu has opposed a cease-fire, ruled out any political role for a Vietcong party in South Vietnam and predicted a breakup of the Paris negotiations.

The moment of truth with the Saigon government has arrived. President Thieu and his colleagues must be disabused of the idea that the United States will continue to fight the Vietnam war in the same old way for the same old objective of a military victory. The refusal of the Saigon government to accept this—and its apparent confidence that it can win a test of political will with the Nixon administration—force the conclusion that the Thieu government will not cooperate in the Nixon peace strategy.

We have long heard the contention that Hanoi believes it can manipulate U.S. public opinion for its own ends. It is now apparent that Saigon seems equally confident that it can manipulate political decisions in the United States for its purposes. There have been many reports over the past months that President Thieu believes his refusal to join the Paris peace talks before the election last November was responsible for President Nixon's election. It is not surprising, therefore, to read that he feels that the Nixon administration is in debt to him politically and that its peace strategy can be opposed with impunity.

The main point now is that President Thieu must understand that the United States is not committed to the perpetuation of his government and that it will no longer provide the combat shield to protect a government unless it enjoys the support of its own people.

It is for this reason that I again urge President Nixon to announce the withdrawal of an additional 40,000 troops this year and to announce his intention to withdraw at least another 100,000 troops by the end of 1970, bringing the total by that time to 200,000. Only when it is clear that the United States has a timetable for withdrawal of a significant proportion of the American combat troops in Vietnam can we expect either Saigon or Hanoi to believe that the United States is, in fact, committed to a prompt compromise solution of the war.

With the mood of the Nation once again outpacing the actions of the Congress, the time has come to move beyond mere exhortations. The Congress must face up to its responsibilities and capabilities for bringing an end to the war. It is for this reason that I have introduced a resolution which links the withdrawal of U.S. combat troops with a termination of the Tonkin Gulf resolution, according to a fixed timetable.

The Tonkin Gulf resolution has been the subject of much retrospective debate and controversy. In my judgment, the Congress will not be fully free to bring its powers and influence to bear until it has faced up to the fact that as it passed this resolution by an overwhelming vote—and the resolution remains in force to date—it must terminate it according to its terms to have any real effect on ending the war.

Section 3 of the resolution provides for its own expiration "when the President shall determine that the peace and security of the area is reasonably secured." The resolution also states: "that it may be terminated earlier by concurrent resolution of the Congress."

The Tonkin Gulf resolution provides the only congressional authorization for U.S. combat participation in the Vietnam war. While the resolution would never have passed had the course been known that President Johnson would subsequently follow with respect to Vietnam, it is true that the resolution does give the President a virtual free hand for the use of U.S. troops in Southeast Asia.

It is becoming increasingly apparent that there is no conceivable settlement to the Vietnam war which is worth the cost in lives and treasure to the United States of continuing the war to attain it. The Vietnam war has been extravagantly costly in these terms. And another great cost has been in terms of the things it has prevented us from doing at home and abroad—and in the wounds it has opened in the body politic of our Nation.

It is inconceivable to me that the Government of the United States can continue to be more solicitous of the views and interests of the Saigon generals than of the young people of our own country, who feel the burden and the agony of this war most acutely. They are the ones most anxious and determined to get on with the unfinished business of our society—to make a reality of the ideals of dignity and worthy for all our citizens.

The unresponsiveness of the Johnson administration to the burning and anguished idealism of the student generation gave birth to the passions of radicalism which have not previously been a part of the American tradition. Radicalism and polarization of our society will find deeper roots in this country if the Nixon administration should fall into the errors of the Johnson administration and continue to place a higher priority upon continuity of Vietnam policy than upon fulfilling its mandate to achieve an early end to the war. That mandate must be met so that the vital task of restoring domestic tranquillity and national unity can begin in earnest.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Rhode Island (Mr. PELL) is now recognized for 10 minutes.

Mr. PELL. Mr. President, I am very pleased and proud to be cosponsoring this resolution with the Senator from New York. I hope the fact that we are on different sides of the aisle and both members of the Committee on Foreign Relations bodes well for our efforts.

The resolution which the Senator from New York and I have presented today provides, I believe, for a responsible and realistic course of action for the United States in Vietnam.

The resolution takes cognizance of the training of South Vietnamese forces to assume the combat role in their own country and provides for the withdrawal of all U.S. combat forces by the end of next year—a goal earnestly desired by the great majority of the American people, and, I believe by the administration.

At the same time, the resolution specifically places upon the United States an obligation to see to it that no bloodbath ensues from the withdrawal of U.S. forces. I am confident that the forces of the Republic of Vietnam, properly trained, equipped, and above all, properly motivated, can protect the true interests of the people of South Vietnam. But, as stated in the resolution, I believe the United States should take steps, in cooperation with the United Nations, to provide asylum for those in South Vietnam whose lives might be endangered by such a withdrawal.

And finally, the resolution provides for a termination by the end of next year of the excessively broad authority we granted the President of the United States in the Gulf of Tonkin resolution. The authority granted in that resolution should not, at any rate, be allowed to stand indefinitely, and the existing conditions of the U.S. involvement in Vietnam make an early termination of that authority most timely and desirable.

It also gives us an opportunity to take action as the congressional arm of the Government. This is a strange war, in that it is a war that has never been declared by the Congress. It is not unique in that regard, because we have had other wars and other actions in which Congress has not declared war, either. But, the fact remains that, if Congress has not declared the war, then it is difficult for it to declare the peace.

One way of resolving the legal dilemma is through this resolution which, as the senior Senator from New York has pointed out, would be a means of bringing about a state of legal peace, prior to even the wishes of the Executive, if this were the judgment of the Congress. In fact, this is the only way we can do it.

I would emphasize that I have believed—and this is a belief I have expressed for several years now—that our only real obligation to the people of South Vietnam is to make sure that they are not slaughtered, that their throats are not cut, that a bloodbath does not result, when we depart from that unhappy country.

We have no real obligation, in my view, to the Ky-Thieu government. We have more than carried out our obligations to the SEATO alliance when you consider the fact that not another allied nation, at least of the Western World, has participated with us in actual action in South Vietnam to any great extent in that alliance.

It does not matter that the South Vietnamese who, if we left, would be slaughtered had sided with us for reasons of patriotism or cupidity. The result is the same. Their throats would be cut. And because of that, we have this obligation.

Some will say that, if they have sided with us only for reasons of cupidity or greed, we should not be too concerned. I disagree. The opportunity for the expression of their cupidity or greed would not have arisen if we had not been where, in my view, we should not have been. When we provided this opportunity for the satisfaction of cupidity on their part, then even so we have the obligation to look after the people when they leave.

Let us think also what asylum means. It does not mean asylum only in the United States, where I understand we have taken in almost three-quarters of a million Cubans. It could mean a safe haven elsewhere in the world. There were times before when this happened. I recall the resettlement of the Greeks from Anatolia after World War I. I participated, as Vice President of the International Rescue Committee, in the resettlement of Hungarians after their short and aborted revolution.

We could buy some land elsewhere. Once I suggested Borneo, which had a similar climate and is not too far away. In fact, I would think that for 1 month's cost of the war, $2.5 billion, we could buy several Borneos. So it is not inconceivable that this would be a far less expensive course than the cost of continuing the war.

It seems to me that if we carried this policy out, we could carry our heads high, because I think Americans place more emphasis on "face" or prestige than do the Orientals, or certainly as much. What we want to do is to extricate ourselves from the war so we can do it and hold our heads high. If we can get out without Vietnamese being slaughtered, we can hold our heads high.

This is another reason why I feel we should do it. It is our real responsibility. This is what we can do. Yet, we see, from the way we are moving now, with the moratorium coming up tomorrow, with the growing pressure of American public opinion toward which the thought of extrication, we find again that Congress is a couple of years behind our people.

I remember when I ran for election in 1966 as one who opposed our Vietnam war policy. I felt very lonely. Now I find myself rather almost American public opinion. I think we are rather emotional people at times. I see dangerous things happening as the pendulum swings, because we can well respond with isolationism; we can well respond by turning inward. That is the danger we face. If that pendulum swings too much and too far, we can witness the dissolution of our social fabric. We would then see—God forbid—all our young men refusing to serve—a step which brought about the final dissolution of the Russian empire during World War I.

Before public opinion is brought to that point, we must make sure that we extricate ourselves, and more rapidly than we are doing now. If we keep up at the present rate of extrication, it will be too many years—it will be 7, 8, or 9 years—and that would be too long a time, looking at the fact of the force and the speed with which the pendulum of public opinion is swinging.

Our President faces the same problem as his predecessor. He is surrounded by the same men. He has the same Ambassador to Vietnam. He has the very loyal and able Cabot Lodge, but who is also committed to the same old policy. He has the same generals and the same officials in the State Department, all giving him the same advice.

Only we, the American people, can give him counterveiling advice. We would be very remiss in not doing it, because if we did not do it, there would be no way for him to realize that, not only was the policy he had been following a mistake, but the American people will not stand for it indefinitely.

The burden of the decisions made about Vietnam does not rest only on President Nixon. It does not rest alone on President Johnson, or President Kennedy, or President Eisenhower. It is a composite mistake made by all of us. We are all equally responsible. Some of us spoke up opposing the war long ago, but even we did not speak up in 1962 or 1961 when we should have.

I think for those reasons, if we can extricate ourselves and hold up our heads proudly—and this we can do by making sure no Vietnamese are murdered—then we can follow that course. But let us not fool ourselves. We have no obligation to President Thieu or Vice President Ky and their corrupt regime.

I would hope this resolution, offered by the senior Senator from New York—a man I much admire, whose principles are very much the same as mine—will be one of the centers of focus of the Foreign Relations Committee.

I yield the floor.

Mr. JAVITS. Mr. President, I just wish to express my satisfaction to the Senator for speaking as he has. I think he puts his finger on the problem when he says the pendulum could swing far beyond what we hope will be the moderate voices here. That is one thing that may be happening already.

One of the things that deeply disturbs me is a tendency to lump together and downgrade our military leaders for what has happened in Vietnam.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to have 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. That is aided and abetted by the way in which we have seen fit to go after certain weapons systems on the floor of the Senate. I think that would be a loss of perspective of the professional military people themselves. I think they, too, must appreciate the consequences to the American system. I think that, as an added consideration, lends even more force to the Senator's view that on our side of the debate, moderate voices will become a real necessity as the pendulum swings from one side to the other.

Mr. PELL. I thank the Senator from New York. In this regard, I think we should bear in mind that our criticism is not directed to the military officers, the generals. I said the same generals are there. That is correct. But the job of a general is to advise in regard to military

solutions and to carry out the policy that is laid down for him.

But we must remember that the policy they have been following—though it may occasionally seem that different generals follow different policies—has been a civilian policy. And our criticism has not been directed at the military officers, but of the administration policies they have been ordered to follow.

I represent a State which has one of the largest military installations in the United States. I have sought to make this point to my friends and constituents there; we have nothing against the military leaders or officers. What we are criticizing is the civilian policies they are being asked to follow. When we on the civilian side set forth a policy, then they have no choice but to carry it out. For example, referring to the aircraft carrier debate, if the Navy wants 14 or 15 attack aircraft carriers to fulfill our present national policy, that may well be justified. It is our job to cut the policy to fit the cloth of our real national interests.

So I would emphasize the point the Senator from New York has made, that the changes in policy that justify criticisms are not directed at the generals or the admirals; they are directed at us, the civilian leaders in this country who have not expressed strongly enough in the past the convictions and views that we hold. However, the recent shifts in Vietnam toward deescalation are the results of the changing views of the composite civilian leadership of our country.

Mr. METCALF subsequently said: Mr. President, I had the privilege of presiding when the distinguished Senator from New York and the distinguished Senator from Rhode Island introduced the concurrent resolution. It was introduced with eloquence, with logic, and with strong and forceful arguments.

I was especially impressed by the argument of the Senator from Rhode Island that in concluding our efforts in Vietnam we have to protect our friends and we have to prevent a blood bath. We have to withdraw those people who have been friendly to us, in those areas in the villages, and so forth, to some area that is safe, so that as some other group might approach, the disaster, assassination, and throat cutting that would inevitably follow would be avoided.

I was so impressed by the arguments of both the Senator from New York and the Senator from Rhode Island that I ask unanimous consent that I may be included as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I am very grateful to the Senator. I know it is very gratifying to me and to Senator PELL that the Senator from Montana heard us and was persuaded by what we said.

Mr. METCALF. I thank the Senator.

Mr. PELL. Mr. President, I share the honor and gratification of the Senator from New York, and I am delighted that the Senator from Montana feels this way.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEW THREATENS DESTRUCTION OF CHOCTAW COUNTY, ALA., SCHOOL SYSTEM

Mr. ALLEN. Mr. President, the public school system in Choctaw County, Ala., has a responsibility for educating close to 5,000 children and it is threatened with destruction. This tragic situation is one wholly contrived by Federal Courts and the U.S. Department of Health, Education, and Welfare.

Congress has an interest and a responsibility in this matter because many of the unbelievably wierd things which have taken place in Choctaw County are supposedly authorized by legislation enacted by Congress and are being financed from funds provided by Congress. Let me briefly state the background.

Mr. President, most Federal courts in the South have washed their hands of responsibility for destructive effects of their racial edicts and decrees relating to public school education in the Southern States. This washing of hands is typified in the language used by the Court of Appeals for the Fifth Judicial Circuit in absolving the court of blame for consequences:

> The Department of Health, Education, and Welfare, with its staff of trained educational experts with their day to day experience with thousands of school systems is far better qualified to deal with such operational and administrative problems than the court presided over by judges who do not have sufficient competence—they are not educators or school administrators—to know the right questions much less the right answers.

This is from the Court of Appeals for the Fifth Judicial Circuit—the court that has passed on many of these questions in the Southern States.

Mr. President, Federal courts now request the Department of Health, Education, and Welfare to accept responsibility for working out plans to overcome racial imbalance in particular school jurisdictions which are already desegregated but which fail to produce the racial balance demanded by Federal courts.

Mr. President, this procedure might appear at first glance to be reasonable and one suggested by consideration of the education of the children involved. However, experience demonstrates that agents of the Department of Health, Education, and Welfare who undertake this role for Federal courts are neither education experts nor are they experienced in planning sound education programs. As a matter of fact, it has been made abundantly clear by now that these people are concerned only with devising plans to achieve racial balance in the schools.

Mr. President, one of these so-called experts was sent by HEW into Choctaw County, Ala., to prepare a plan on request of the Federal district court. Let us take a look at the procedures used by the HEW experts and examine the plan to see if it can be justified in terms of education standards or criteria.

This expert spent all of one single day riding over the county viewing schoolbuildings and collecting enrollment figures for the prior school year. None of his valuable time was spent in consultation with any member of the local board of education. No time was wasted with such mundane things as inquiring about the sources of school revenue and school budgets or determining whether or not funds were available to the local board to implement any sort of plan. Transportation facilities were not inspected or even considered. Neither parents, pupils, nor teachers were consulted or even interviewed. No thought or effort was given to determining whether or not the public might support the plan.

The plan was presented to the Federal district court as one prepared by an education expert paid for and approved by the U.S. Department of Health, Education, and Welfare, and it was panned off on the public as the work of an education expert and one that presented a sound plan from the standpoint of educational considerations. In doing so, the people were deceived, and it is my judgment they were defrauded. In support of this judgment, I submit the following facts for consideration by the Senate and the public.

First of all a question concerning the qualifications of the expert must be disposed of. There is reason to believe that his education might have been deficient in geography if nothing else because in the plan presented to the court he referred to Choctaw County, Ala., as being a Louisiana parish and to a Louisiana university as the source of assistance to local boards of education in implementing the plan. At another place in the plan, Choctaw County, Ala., is referred to as being located in Mississippi. Of course, this is not conclusive evidence of a deficiency in the expert's knowledge of geography, it could be evidence of a disorientation as to time and place. This last conclusion is supported by a substantial amount of additional evidence throughout the plan.

On the other hand, I have been assured by the Department of Health, Education, and Welfare that this particular expert is not deficient in his knowledge of geography and that he is in touch with reality. If we accept these assurances, there is but one remaining conclusion assessable from the facts. That is that the plan presented by this expert as being one designed to meet the local education requirements of the schoolchildren of Choctaw County, Ala., was not that at all but rather a plan drawn up by somebody for Louisiana and Mississippi schools and panned off on the Federal district court and the public in Alabama as the result of an indepth study of local conditions by an education expert.

I think this last explanation to be most likely. It demonstrates conclusively that

the plan was not designed on the basis of education considerations in Choctaw County, Ala., but only as a sham to meet the single racial balance criteria.

This is the point I want to emphasize. The so-called plans submitted by so-called education experts of the Department of Health, Education, and Welfare in Alabama and in the South are not even remotely concerned with improving educational opportunities for anyone but have the sole objective of overcoming racial imbalance in the public schools. Yet, Mr. President, Federal statutes forbid such activities by the Department. Even a disoriented education expert in the Department of Health, Education, and Welfare can understand the plain language of the statute which states that the Department shall not spend funds appropriated to it by Congress for the purpose of seeking to overcome racial imbalance in schools.

Mr. President, if the Department were merely violating the law, a remedy would be readily available. But the Department is doing more than that. It is also rejecting education standards in formulating plans it submits to Federal courts and because of that the Department is systematically destroying public school education in the South.

Mr. President, let me demonstrate just how completely these disoriented education experts disregard sound education criteria in formulation of plans to be enforced by Federal courts.

Two high schools in Choctaw County, Ala., are—or were—accredited by the Southern Association of Secondary Schools and Colleges. The association is the highest accreditation agency in the South. Four additional high schools in the county were accredited by the State of Alabama. One school was not accredited by either of these agencies.

Now, the expert submitted his plan, supposedly the result of an indepth study and evaluation, and proposed abandonment of the two high schools enjoying the highest accreditation and recommended to the court that the one school with no accreditation should be retained. Such idiocy can be understood only when it is realized that these people are not concerned about educating the children but only with plans to achieve racial balance in the schools.

Mr. President, this is a type of plan which no Senator would tolerate in his own State. It is the type of plan which no Federal judge and no education expert in the Department of Health, Education, and Welfare would recommend for a school system for their own children. This is the type of plan which the U.S. Attorney General sends so-called civil rights lawyers into Federal courts to defend as educationally sound and in the best interest of all the children of the school district.

This is the type of plan which the Department of Health, Education, and Welfare brags about as representing "the services of professional educators at the Office of Education in the Department of Health, Education, and Welfare." And this is the disgraceful sham of a plan which is being imposed upon the schoolchildren of Choctaw County, Ala., and upon schoolchildren throughout the Southern States. The injustice and stupidity of it makes the blood boil.

Mr. President, that is not all. The evidence of willful, reckless, and wanton disregard for the education and welfare of children in the South continues to unfold in one sorry episode after another. These demented experts from the Department of Health, Education, and Welfare come up with plans which are physically impossible of implementation. How are school boards supposed to bus pupils all over the county without school buses? How are they to buy school buses without the money to pay for them? How are they to borrow money without authority to borrow it? Who is going to lend a school board money when anyone can see that the board is being driven to bankruptcy and ruin? Where is a school board to get the money to tear down and rebuild, and convert schools as recommended by HEW incompetents posing as education experts?

The truth is that these helpless school systems are dealing with people who do not care enough about education or the welfare of the children involved to consult with local school officials, or even inquire about the financial resources of the county. They slap down a fantastic plan as a temporary expedient without a second thought about the future of public education in the areas.

Consider this. To implement the plan submitted for Choctaw County, Ala., would unconditionally bankrupt the school system. Let me show why this is so.

In Alabama the major portion of the public school funds for rural schools comes from the State. State funds are allocated under an equalization formula which takes into account a number of factors, but the amount received is largely determined by the number of pupils in average daily attendance. In round figures Alabama provides close to $400 per pupil in average daily attendance. Consequently, if a school system loses half of its enrollment, it will lose half of its support from the State. Fixed operating expenses of the system remain fairly constant so any loss of operating funds must be absorbed by reduced operating expenses. That means fewer teachers and less equipment, supplies, and less money for transportation. It means no more capital expenditures which would add fixed costs.

Since September of this year, the Choctaw County school system has already lost close to 1,000 pupils. As a result, it stands to lose approximately one-fifth of its operating funds. As the cutback is applied more and more will drop out because of the inability of the system to maintain an adequate education program.

Under these circumstances, the idea of trying to compel local boards to buy more buses and to assume the added cost of the fantastically expensive business of busing pupils hither, thither, and yon over the county—is the epitome of absurdity.

Mind you—all of this for the sole purpose of overcoming racial imbalance in the schools. These people are not talking about desegregation, a term which after 15 years the Supreme Court has never gotten around to defining and which Congress has not defined except to say that whatever it means, it does not mean that Congress delegated to the Department of Health, Education, and, Welfare the power to overcome racial imbalance in public schools. These people are not talking about a unitary school system. Alabama has a unitary school system and it has desegregated schools. These racials experts in the Department of Health, Education, and Welfare and sociologists in the Federal courts are concerned with but one thing and one thing only, and that is racial imbalance in schools and both have demonstrated that they do not care about alienation of public support of education or the ruin and wreck they leave behind.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Alabama is recognized for an additional 5 minutes.

Mr. ALLEN. Mr. President, unless the Department of Health, Education, and Welfare gets rid of its quacks and disoriented experts and unless some evidence of commonsense and human compassion can be demonstrated by these people—the public schools of the South are on the way out. It is only a question of time. It is difficult to convey in words a sense of the depth of the feeling of the people on this subject, dealing as it does with matters relating to the health, safety, and welfare of their children. In most rural areas of the South the public schools are community schools. Most contain the first through the 12th grades in a single school building. In most, the parent-teacher associations and civic clubs and other organizations contribute substantial funds and services to provide improvements in school programs and facilities.

Children in the same family naturally attend the same school from the first grade through the 12th grades. Under the irrational racist plan submitted by the befuddled HEW expert, some children in the same family would have to be bused to four separate schools before they finish the ninth grade. Some children would be compelled to ride buses for distances up to 90 miles and spend up to 4 hours a day riding a school bus. Under the bankruptcy producing plan sponsored by and recommended by the Department of Health, Education, and Welfare, school libraries, science laboratory facilities and fixtures, improved playing fields would be abandoned and converted to other uses. School bands, glee clubs, and honorary societies would be disbanned. High school seniors who have already purchased their class rings would be scattered and bused into different high schools. Many teachers who have invested life savings in homes in local communities would be displaced and ordered to accept dictation as to

where they will teach or else quit teaching. Cherished teacher tenure rights secured by law are ordered sacrificed.

Local school board members are ordered to abandon their sworn duty and moral obligation to children and the communities and to implement plans and decrees imposed by total strangers and which are contrary to reason and commonsense and contrary to their best judgment under pain of confiscatory fines and imprisonment. In short, the will and wishes of parents and teachers are overridden and conscientious public servants are compelled to preside over the liquidation of the public school system to which they have dedicated their lives. That an agency of Federal Government is the author of this ruin is a tragic fact.

Yes, Mr. President, it is a tragedy. It is an appalling tragedy. That a situation such as this could have developed in our Nation is cause for grave concern.

One cause for concern lies in the fact that Federal officeholders claim a power to impose racial solutions and another concern is the readiness to use calloused means to impose and enforce those solutions in local public schools.

Consider the weapon of deprivation used against innocent children by Federal officials. Federal funds used to provide hot breakfasts and lunches and education benefits for children of the poor are ruthlessly withheld by the Department as a means of enforcing its racial solutions. These HEW brutalitarians have become immune to the use of this hideous weapon and like a vice in the words of Pope, "We first endure, then pity, then embrace," it. The weapon of deprivation is embraced by the Department and its use is stoutly defended by the Department. Just a week or two ago, Secretary Finch announced his intention to oppose efforts of Congress to deprive him of this weapon.

Yes, Mr. President, this is a matter of deep concern, and the role Federal courts play in this experiment in racism is cause for concern, and resort by Federal district courts to injunctions to enforce racial decrees is a cause for concern. And it is cause for concern when Federal district courts threaten elected public officials with confiscatory fines and imprisonment without benefit of trial by jury to compel unwilling pubic officials to execute racial decrees handed down by the courts.

Of course, some will say that there is a vast difference between compulsory integration of races and compulsory extermination of races. Indeed, there is a vast difference. But there are also similarities. In both instances the decrees are racial and the end is rationalized by a social collectivist theory. In both instances the decrees are enforced by the coercive powers of Government. In both instances there is an attempted evasion of moral responsibility for the consequence by washing of hands by courts and shifting the responsibility to the collective will of the State. In both instances there is a ruthless disregard for the custom, tradition, and belief of a minority. In both instances the methods of implementation—deprivation of innocent children, confiscatory fines, imprisonment of public officials—are inhumane and barbaric. Furthermore, one might reasonably ask if the principal difference between State enforced extermination and State enforced integration is not in the long run but a difference in the time it takes to achieve the same end.

Yes, Mr. President, these are causes for concern. We had better back up and take a hard look at these sad, tragic, and dangerous trends.

American people are beginning to ask once again, where do we draw the line on Federal powers? When do we draw the line? Are we prepared to accept as a principle of constitutional law the right of Federal agencies to withhold necessities of life from citizens of this Nation as a legitimate means to any end? Are 12 million more Americans to be placed under the mercy of HEW brutalitarians who withhold food from the mouths of children as a means of enforcing regulations? Are we prepared to accept the principle of rule by injunction over the lives of our children?

Mr. President, much more could be said on this subject and much more should be said. Doubtless, much more will be said. I am going to close these remarks by saying that the Department of Health, Education, and Welfare has demonstrated incompetence and stupidity in its performance in Choctaw County, Ala., and throughout the South.

It is clear to me that Federal courts and these HEW incompetents are hung up on the silly absurdity of the racial balance as some kind of panacea that will instantly equalize educational opportunities.

Mr. President, the people of no civilized nation on the face of this earth believe it. And there is no evidence or other reason to believe it. Other nations considered racial balance and the idea has been rejected as both irrational and impractical. More and more black citizens are also beginning to realize that racial balance is not worth a row of beans from the standpoint of improving education opportunities. In fact, there is no responsible evidence from any source to indicate that racial balance contributes anything constructive in the way of equalizing education opportunities. On the other hand, there is overwhelming evidence from throughout the United States that arbitrary actions to achieve racial balance in schools are dismal flops and costly failures.

Mr. President, the U.S. News & World Report, in its issue of October 13, 1969, has published the results of a nationwide survey on the subject of busing to achieve racial balance. The survey shows conclusively that this arbitrary and artificial device is being rejected throughout the United States as too costly, impractical, and devoid of education benefits.

Mr. President, I ask unanimous consent that the article from the U.S. News & World Report be printed in the RECORD.

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

[From the U.S. News & World Report, Oct. 13, 1969]

WHY SCHOOL BUSING IS IN TROUBLE

The school bus is running into trouble as a vehicle for racial integration.

Once, only a few years ago, busing was being hailed by civil-rights leaders as the answer to Northern-style segregation—the so-called *de facto* segregation that occurs when children living in all-black or all-white neighborhoods attend neighborhood schools.

The idea was to bring about racial mixing in the classroom by busing children back and forth—bus Negro youngsters out of their black neighborhoods to schools in white areas, and bus white youngsters to schools in black areas.

There was opposition, often bitter. Battles over busing split many communities. But opponents, frequently denounced as racists, lost in city after city. And the idea spread. Busing has been adopted as an integration method in scores of cities around the U.S.

Now, however, attitudes are changing. The tide of the battle appears to have turned—against busing.

This new trend shows up in a nationwide survey by members of the staff of "U.S. News & World Report." According to that survey:

Among civil-rights leaders, educators and Negroes themselves, doubts are growing about the value of busing, either as a method of integration or as a method of improving education.

Interest is growing in a different idea—that Negroes may benefit more from an improvement of schools in their own neighborhoods than they do from being bused into white schools.

You find this change in many cities.

"A definite change." In Baltimore, Associate Superintendent of Schools William Tinderhughes told "U.S. News & World Report":

"There has been a very definite change in thinking about busing for integration in recent years. A few years ago, there was demand for busing. But not now.

"Parents now are more concerned with the quality of the education that their children are getting. The same group that at one time was speaking for integration now is speaking about curriculum, about teachers and about the quality of the educational program."

In Chicago, Assistant School Superintendent David J. Heffernan said this:

"The integration battle now has taken a different turn. Busing, as such, is almost completely out of the picture. It has proved effective neither for integration nor for better education."

In Minneapolis, this comment came from Floyd Amundson, school-board consultant in community relations:

"The trend here is away from busing because it doesn't solve anything. The blacks themselves apparently would prefer to have their own schools improved rather than have their children bused to mostly white schools."

On the West Coast, a school official in Los Angeles reported:

"Fewer blacks have been showing up at board meetings to demand integrated schools this year. The 'Black Power' movement, with its emphasis on the isolation of black people, may have something to do with it."

"Climate has changed." The trend toward racial "separatism" shows up in several places. In Pittsburgh, John March, director of public relations for the board of education, said this:

"The climate has changed. The most militant, outspoken blacks are not interested in integration. They want separation. You wonder how you can justify busing under these conditions.

"This puts the school boards right in the middle. We are under pressure from the State Human Relations Commission to desegregate. But the militants don't want it. The children even segregate themselves in our high-school cafeterias. We have separate black and white areas that the blacks are mostly responsible

for creating. The old rules just don't seem to work any more."

Black separatists, however, are far from being the chief causes for the diminishing popularity of busing.

Civil-rights leaders with long and strong commitments to the cause of integration are questioning the value of the bus. One is James Farmer, former head of the Congress of Racial Equality (CORE) who now, as Assistant Secretary of Health, Education and Welfare, is the highest-ranking Negro in the Nixon Administration. Mr. Farmer announced last March that he had changed his mind on integration by bus. He said:

"Our objective should be to provide a high-quality education. The real problem is not integration or segregation. It is the quality of education. Busing is not relevant to high-quality education. It works severe hardships on the people it affects. In the South, I found blacks complaining of being bused to school."

Where busing works. All this does not mean that busing is being abandoned as a way of integration.

In a number of smaller cities, where black pupils are a minority, busing has worked with considerable success in improving what educators call "racial balance." It has been accepted without serious protest in many such cities.

One city which advocates of busing cite as an example is Berkeley, Calif. There, in a city of 121,000 population, 3,500 pupils—whites and blacks—are "cross-bused" to achieve in each school a racial mix that is almost in exact proportion to the city's school-age population: 49.6 per cent white, 42.8 per cent black and 7.6 per cent Oriental or American Indian. Complaints are mostly over the cost: $530,000 a year for the total integration program, with $204,000 for the actual busing.

Another success story is told in Elmira, N.Y., a city of approximately 50,000 population, with 1,000 Negroes among 14,000 school students. There some 300 white and 200 black pupils are bused outside their home areas to balance enrollments racially. Elmira's Superintendent of Schools Charles E. Davis reported:

"Our troubles have been few. Our over-all conclusion is that no one has suffered and many people are gaining.

"I think that in any moderate-sized city with a relatively small black population, some plan similar to ours could be made to work."

The New York story. It is in larger cities or in cities with big proportions of Negroes in the schools that busing encounters its greatest problems.

New York City, where the whole busing experiment started a dozen years ago, has had more turmoil than success.

That city has tried almost every integration device known—busing, school "pairing," "open enrollment," redrawing of school-attendance districts, even elimination of junior high schools and substitution of new "intermediate" schools to draw youngsters from wider areas of the city at an earlier age.

Busing alone costs New York City some 3 million dollars a year.

After all this effort there is more segregation, not less. There are more all-black or nearly all-black schools in New York today than there were before. And tests have shown no clear academic gains among children who are bused.

New York's integration attempts have stirred massive protests, have been the targets of numerous lawsuits. Many thousands of white parents have moved out of the city to suburbs.

Now Negroes and Puerto Ricans outnumber white in the city's schools.

New York, however, is still trying. About 14,500 pupils are riding chartered buses under "free choice—open enrollment" programs designed to improve "racial balance."

In New York State, outside New York City, the State education department reports that 30 to 35 school districts have systems for correcting "racial imbalance." Most involve busing.

Much of New York State's integration effort is made under pressure of a policy laid down by former State Commissioner of Education James E. Allen, who now is U.S. Commissioner of Education in the Nixon Administration. For New York, he defined any school more than 50 per cent Negro as "racially imbalanced," and ruled "there must be corrective action in each community where such imbalance exists."

New York State's general assembly, however, put restrictions on forced integration with a so-called "antibusing" law which was passed last spring and went into effect September 1.

That law forbids appointed school officials or boards to change district boundaries or pupil-assignment plans for the purpose of changing racial balance without consent of parents. This requires programs to be voluntary in many cities, including New York City.

Massachusetts is another State that requires local action against "racial imbalance." State aid can be cut off from schools over half Negro.

Boston, with a number of predominantly Negro schools, is busing about 2,000 pupils at public expense to comply with this law. About 5,000 other pupils are riding buses at their parents' expense in a program of "open enrollment."

Boston also has a new "magnet" school in a Negro area that draws 340 white children—by bus—to take advantage of the special facilities it offers.

All of Boston's bus riders for integration are volunteers. Parents have protested angrily against busing in the past. Mrs. Louise Day Hicks, a leading opponent of busing while head of the school board, recently led all candidates in a preliminary election for the city council.

Cities that balk. Several large cities with districts that are heavily Negro have refused to follow New York's example of massive busing.

Despite years of heated demands by civil-rights groups, the Chicago school board has insisted on maintaining the "neighborhood school" concept, which results in dozens of schools being nearly all-white or all-black.

The sole busing program there is a small one to relieve overcrowding.

Instead of busing, the school board plans to erect a series of "magnet" schools where specially trained teachers will use the latest methods and equipment to teach a cross-section of children of all races and economic levels.

In Philadelphia, this report came from Oliver Lancaster, assistant director of the board of education's office of community affairs:

"We have no pressure—from either whites or blacks—for massive desegregation. It isn't possible to make the massive shifts it would take to accomplish that quickly. Our trend is toward quality schools."

At present, Philadelphia's only busing is to relieve overcrowding in some black schools. A proposed program for integration would involve some busing. But it stresses improved schools—and some specialized schools—in Negro areas to attract white pupils.

Pittsburgh and Baltimore also bus primarily to relieve overcrowding. But the result usually is the mixing of more Negroes into white schools.

California opposition. In California opposition to compulsory busing for integration is mounting steadily. A Statewide campaign is under way to place on the November, 1970, ballot a proposal to prohibit such busing.

San Francisco may win the right to elect its school board, mainly as a result of opposition to an integration plan recently adopted by the city's appointive board. That plan calls for busing 4,500 pupils next year.

The Concerned Parents Association has succeeded in putting the proposal for a school-board election on the November 4 ballot. Its hope is to elect enough advocates of "neighborhood schools" to block the busing program.

San Francisco's Mayor Joseph Alioto is on record against the busing plan, saying:

"I don't believe the black community wants it. I don't believe the white community wants it."

In nearby Richmond, voters last April elected three school-board members who campaigned against a forced-busing plan. The new board has replaced the force plan with one which calls for voluntary busing on a smaller scale.

In Pittsburg, Calif., five Negro families have sued to block busing of their children to white schools. They say they prefer an integration plan that does not put "the entire burden on the Negro pupils."

Sausalito has integrated its schools by a program of busing both white and Negro pupils. School costs have skyrocketed, and some families have sought to transfer out of the district.

Los Angeles has a voluntary busing program which some hail as a success, others as a failure. It affects fewer than 1,000 pupils and was adopted under pressure of threatened suit.

California's State board of education has ruled that any school is "imbalanced" if its minority enrollment varies more than 15 per cent from the percentage of minority students in the school district.

In Los Angeles, school authorities estimate that 160,000 students would have to be bused at an initial cost of 100 million dollars, followed by a yearly cost of 20 million, to comply with the letter of that ruling. Most school officials take the position that the State board's ruling has no force as law.

Colorado controversy. Denver has been torn by a controversy over busing. The school board adopted an integration program calling for transfers of several thousand children—both black and white. Voters then elected two new board members who swung a vote to rescind the program. But advocates of busing sued and won the program's temporary reinstatement. Now the busing is being done despite continued protests.

Michigan's problems. In Michigan, there may be as many as 70 school districts that bus for racial balance.

One city that does is Grand Rapids. There, about 1,500 black students ride buses from their black-neighborhood homes to schools that are mostly white. And busing has become a focal point of discontent with the school system.

White parents helped elect three opponents of busing in a bitter school-board election last spring.

When classes opened this autumn, a group called Blacks United for Survival (BUS) organized a temporary boycott of the schools. Busing was not the only issue. Some Negroes demand a complete return to neighborhood schools. Some object to "one-way busing" and want whites bused, too. Others complain that the plan does not provide enough integration. Still others demand more emphasis on quality of education.

Here, in a single community, you find most of the problems and controversies that beset busing as a means of integrating Northern schools.

Views in Washington. It is not only in cities that busing is losing favor. It has acquired some powerful opponents in the Federal Government, too.

President Nixon recently said, "It's never been the policy of the Administration to

impose busing as a way to achieve racial balance." In his 1968 election campaign he criticized busing as "forced integration rather than putting emphasis on education."

Congress has forbidden the Department of Health, Education and Welfare to require busing in order to overcome "racial imbalance."

Representative Edith Green (Dem.), of Oregon, a member of the House Education and Labor Committee, is known as a civil-rights supporter. In an interview in "The Urban Review," she said:

"I seriously question busing for social reform—taking a youngster from a disadvantaged home in a ghetto area . . . transporting him to another school where he spends five or six hours of the day and then is picked up and taken back to the same disadvantaged home, the same tenement area. I have serious questions of how much we're really helping that child."

What Negro parents "are entitled to," Representative Green suggested, is "quality education for their children in the area in which they live."

SENATOR WILLIAMS OF NEW JERSEY OBSERVES HOW ISRAEL TREATS ITS ELDERLY

Mr. JAVITS. Mr. President, a very interesting article about the activities of the Senator from New Jersey (Mr. WILLIAMS), in respect of his work in the Special Committee on Aging, of which he is chairman, appeared in the New York Sunday News magazine issue of October 12, 1969. As he is my colleague on the Committee on Labor and Public Welfare, I ask unanimous consent that the article be printed at this point in the RECORD.

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

HOW A YOUNG NATION TREATS ITS ELDERLY

(By Jack Leahy)

The chairman of the U.S. Senate Committee on Aging, Sen. Harrison A. Williams (D-N.J.), feels that Americans have a lot to learn from the people of Israel about the respect and services which should be accorded to senior citizens. A country which has a tough enough job creating cropland from desert while being on constant guard against military conquest, Israel somehow finds the resources to care for a rapidly increasing aged population.

"I was deeply moved by what I saw and by what I was told in Israel," says Sen. Williams, who recently attended a United Nations symposium there. "Despite the fact that many elderly immigrants came from many nations to a place which offered them few amenities, there is a cohesiveness among both the old and the young of Israel in terms of their attitudes toward advanced age.

"Israelis seem to think that it is only natural for the elderly to have secure and satisfying lives. What's more, they are willing to contribute to a national effort to achieve that laudable objective."

According to Sen. Williams, the following were among the major items of interest about Israel and the aged which emerged from symposium discussions:

In 1948, those over the age of 65 represented only 3.8% of the Jewish population or 30,000 people. By 1980, these figures will be 8% and 300,000.

First immigrants to arrive in Israel after World War II were mainly young people. Nevertheless, a comprehensive Old Age Insurance program was established and pensions became payable more than a decade ago.

In some respects, U.S. Social Security coverage is inferior to its Israeli counterpart.

A program know as "Hameshakem" (Rehabilitation) has had remarkable success in finding thousands of jobs for people whose employability is limited by age or illness.

The immigrant nature of Israel's aging population poses some unique problems. One survey found that oldsters who came from African and Middle Eastern countries tended to segregate themselves from those who came from Europe. This creates difficulties in setting up housing projects and nursing homes for the aged.

The loneliness which seems to be a universal complaint of all older people is apparently even more severe in Israel. In their flight from persecution, a majority of older Israelis lost or were separated from families and friends. In the struggle to survive and make a new life in a foreign land, many were not able to adjust by forming new and lasting friendships.

These and other problems have been taken into consideration, however, by government planners. Their innovations and experiments are worthy of careful analysis by sociologists everywhere, in the view of Sen. Williams.

"We in the United States seem quite often to have a guilt complex about our older population," says the lawmaker. "We think we should do more, but somehow we don't. I didn't sense that feeling among the people of Israel."

To Sen. Williams, the standard bearer of senior spirit in Israel is Golda Mier, the pioneer state's 71-year-old Premier.

"She's as impressive and as young in outlook as the nation she leads." asserts the legislator. "We on the Senate Committee on Aging have found that adjustment to the later years depends very much on the individual, and that there is no norm for aging. Some people feel old and act old in their 50s. Others, like Golda Mier, find something new in each day."

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PELL. Mr. President, I rise in support of the measure to extend the economic opportunity program for 2 years.

As a member of the Subcommittee on Employment, Manpower, and Poverty which considered this legislation, I am proud of the bipartisan effort which was undertaken by my colleagues on the Committee on Labor and Public Welfare in reporting this bill. I hope that this spirit of bipartisan concern for the Office of Economic Opportunity will be continued in debate here on the floor.

I believe that the measure which the Labor and Public Welfare Committee has brought to the floor represents a reasonable and moderate bill designed to foster experimentation in the application of our many social programs. The bill which we are considering contains both the flexibility which the administration has requested and additional funds for those successful programs, such as Headstart, which have shown particular promise for the future. As chairman of the Education Subcommittee, I am particularly proud of the success of the Headstart program, although I realize there are still many unanswered questions with regard to it.

In conclusion, I would extend my congratulations to the chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON), for the very level-headed and equitable way in which he conducted the meetings of the subcommittee concerned with this problem, and also extend my congratulations to the ranking minority member, the Senator from New York (Mr. JAVITS), who did all he could to bring out as unified a bill as possible; and when it was agreed to disagree, he always did so in the greatest of good spirits.

I hope that the Economic Opportunity Act of 1969 will receive the full support of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department procurement from small and other business firms for fiscal year 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Federal Savings and Loan Insurance Corporation supervised by the Federal Home Loan Bank Board for the year ended December 31, 1968, dated October 14, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Wayland, Mich., praying for the rejection of any proposals that would change the present tax exempt status of municipal bonds; to the Committee on Finance.

A resolution adopted by the Little Red School House, and Elizabeth Irwin High School, New York, N.Y., supporting an immediate end to the war in Vietnam; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

S. 2910. A bill to amend Public Law 89-260 to authorize additional funds for the Library

of Congress James Madison Memorial Building (91–454).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

S. 2452. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services (Rept. No. 91–455).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS (for himself, Mr. SCOTT, and Mr. HART):

S. 3025. A bill to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. PELL:

S. 3026. A bill for the relief of Nicola Violante; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3027. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Finance.

By Mr. CRANSTON:

S. 3028. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Commerce.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3029. A bill to amend title I of the Act of October 15, 1966 (80 Stat. 915); to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FONG:

S. 3030. A bill for the relief of Romeo Farley Tanjuaquio;

S. 3031. A bill for the relief of Angel Gamo Enriquez; and

S. 3032. A bill for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. CRANSTON, Mr. MURPHY, Mr. PELL, and Mr. PROUTY):

S.J. Res. 161. Joint resolution to authorize and request the President to proclaim the period April 20, 1970, through April 25, 1970, as "School Bus Safety Week"; to the Committee on the Judiciary.

(The remarks of Mr. JAVITS when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 3028—INTRODUCTION OF A BILL ON A TULE ELK WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to study the feasibility of a national wildlife refuge in the Western United States for the preservation of the California tule elk.

Among the many rare and endangered species listed by the Bureau of Sport Fisheries and Wildlife is the tule elk or dwarf elk. The Bureau's brief summary of the elk's current status is a good outline, and I ask unanimous consent that it be printed at this point in the RECORD.

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

SUMMARY ON TULE ELK BY THE BUREAU OF SPORT FISHERIES AND WILDLIFE

Tule elk or dwarf elk: Order, Artiodactyla; *Cervus nannodes*, Merriam; family, Cervidae.

Distinguishing characteristics: Slightly smaller, paler, and with more narrow rumppatch than Rocky Mountain elk.

Present distribution: Three scattered herds in California; two of these—one in the Cache Creek area (Colusa, Lake and Yolo Counties) and one in Owens Valley (Inyo County)—are free-roaming. The third herd is fenced in the Tule Elk State Park near Tupman (Kern County).

Former distribution: Common prior to 1860 in nearly the entire San Joaquin and Sacramento Valleys, California (Butte to Kern Counties); restricted to the Buttonwillow Ranch, western Kern County by 1905; total in 1932, 170.

Status: Rare. Restricted in range, reduced in numbers.

Estimated numbers: In the wild, 1964, about 300 in Owens Valley, Inyo County, and about 80 in the Cache Creek area, Yolo County.

Breeding rate in the wild: One (rarely two) calves per cow annually. Gestation period approximately 250 days.

Reasons for decline: Hunted for meat and hides during Gold Rush of mid-1800's; total population about 28 in 1885; encroachment of civilization and cultivation have reduced available range, and cattlemen and farmers claim competition with stock and damage to crops.

Protective measures already taken: Herds are carefully managed and protected from indiscriminate hunting by State law; establishment of Tule Elk State Park; organization of the Committee for the Preservation of the Tule Elk, dedicated to the protection of this species. Livestock grazing on portion of Inyo National Forest used by Goodale segment of Owens Valley herd restricted since 1965.

Measures proposed: The Committee for the Preservation of the Tule Elk is attempting to set aside 240 square miles in Owens Valley (owned by the City of Los Angeles, but leased to cattlemen) as a refuge; initiate studies to determine the optimum numbers of elk that a given habitat can support.

Number in captivity: In semi-domestic state, in 1964, are 35 on the Tule Elk Reserve, Kern County. In addition, 5 males and 5 females are in 3 American zoos.

Breeding potential in captivity: Good.

Remarks: Transplants to Sequoia National Park (1904), Yosemite Valley, Monterey County, the Alvord Ranch, Harney County, Oregon, were abandoned because of low calving percentages. Transplant to Owens Valley (1933) succeeded. Today supplemental feeding of hay pellets is necessary on the Tule Elk Reserve, and 10 or 15 are shot yearly to guard against overpopulation; since 1943, in the Owens Valley, legal hunting has cropped the surplus over 300, regarded as the maximum the range can support. In the Owens Valley range, an adjudication of livestock numbers by the Bureau of Land Management (U.S. Dept. of the Interior) will be completed in 1965, which should result in lessened livestock on the elk range. The Cache Creek herd, while low in numbers, periodically causes depredation on several large ranches within its range.

REFERENCES

Allen, G. M., 1942: 273–275.

Amaral, Anthony A., 1964. Struggle in Owens Valley. Amer. Forests, 70 (8): 26–27, 53–55.

Hall & Kelson, 1959: vol. 2, p. 1003.

Rintoul, William T., 1964. Last of the ghost herd. Westways, 56 (1): 8–9. January.

Mr. CRANSTON. Mr. President, it should be obvious why there is controversy associated with the tule elk. With less than 400 animals alive today, numerous conservationists, particularly including the Committee for the Preservation of the Tule Elk, believe that it is dangerously unrealistic for the California Fish and Game Commission to allow 20 percent of the Owens Valley wild herd to be killed in an annual authorized hunt. While the tule elk is protected under California State law, annual hunts have been permitted during the past few years to keep the Owens Valley herd within the range limit of 250.

Others, including some responsible Government officials, point to the tule elk's amazing survival record. From a minimum of 28 animals in 1885, the species has grown to its present size. Given this remarkable resurgence, it is difficult to criticize the classification of the tule elk as not endangered, but only rare.

The fact remains that an animal can become extinct only once. No theory about an animal's tenacity can excuse our failure to plan for the long-range preservation and propagation of a rare animal.

The key to the tule elk's preservation is obviously range. The purpose of my bill is to investigate the possibilities of other suitable range areas where one or more new herds might be established. At present, with only one existing herd, an epidemic might easily end the species overnight. There is much vacant land in the West, and I am asking to know whether any of it is suitable for tule elk conservation.

In mentioning only the tule elk in the bill itself, it is not my intention to preclude other uses for the wildlife refuge. However, normally wildlife refuges preserve a habitat where the protected animals are indigenous. Since this will not be the case in the areas to be considered, I believe the thrust of the study must be to seek out lands where the tule elk can adapt and survive.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3028) to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk, introduced by Mr. CRANSTON, was received, read twice by its title and referred to the Committee on Commerce.

S. 3029—INTRODUCTION OF A BILL TO AMEND TITLE I OF THE ACT OF OCTOBER 15, 1966 (80 STAT. 915)

Mr. JACKSON. Mr. President, on behalf of my self and the Senator from Colorado (Mr. ALLOTT), I introduce, for

appropriate reference, a bill submitted by the Secretary of the Interior to amend title I of the act of October 15, 1966, relating to national historic preservation.

This bill has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the text of the letter accompanying the legislation be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3029) to amend title I of the act of October 15, 1966 (80 Stat. 915), introduced by Mr. JACKSON (for himself and Mr. ALLOTT), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 10, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed herewith is a draft of a bill "To amend Title I of the Act of October 15, 1966 (80 Stat. 915)."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Act of October 15, 1966 (80 Stat. 915, 16 U.S.C. 470), broadened the scope of the national historic preservation policy enunciated in the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461 *et seq.*), as amended. Among the principal features of the newer law are (1) Grants to the States for three purposes: (a) statewide surveys contributing to the expansion of the National Register, (b) statewise preservation plans, and (c) individual preservation projects; and (2) Grants to the National Trust, which bring together 827 public and private preservation groups throughout the Nation, for acquisition and development of Trust-owned properties and expansion of Trust educational and technical assistance programs. One major purpose of the Act—substantive Federal aid in the preservation of individual historic properties—cannot proceed until the surveys are well underway and preservation plans completed.

The Act of October 15, 1966, *supra*, authorized a total of $32 million to be appropriated over a 4-year period which terminates in 1970. No appropriations were made in the 1967 fiscal year. In the 1968 fiscal year, $447,000 was appropriated for the new programs authorized by the 1966 Act, of which $147,000 was for the Advisory Council on Historic Preservation and administrative overhead; and $300,000 for grants-in-aid to the National Trust for Historic Preservation. Appropriations for the 1969 fiscal year remained at the same level for all items except grants-in-aid, for which $100,000 was provided.

Legislative and professional activity stimulated by the Act have raised the level of State appropriations for preservation. Thus, in 1967, approximately $300,000 in new non-Federal funds was made available in seven States in support of accelerated historic site surveys and related planning activity. The level rose at an accelerated rate in 1968, with 38 States seeking or receiving appropriated funds to the total of $1.5 million. Total figures for 1969 are not yet available but promise to continue upward based on expectation of Federal support. Similarly, National Park Service activity has increased substantially to meet actual and anticipated demands.

Within the next 12 months, we expect that 25 States will nominate up to 200 historic sites and buildings each while another 20 anticipate nominations to the National Register in larger numbers to a total of 16,000 properties during the 1-year period.

In sum, a mechanism has been put in motion by the National Historic Preservation Act to which the States and the National Trust for Historic Preservation have responded with increasing interest and activity. Continuing Federal support becomes necessary as the effort matures from an initial survey activity to the financially more demanding project phases.

State capacity to match Federal funds may be expected to expand as the initial, less costly survey and planning phases give way to individual preservation projects. We have requested information from the States as to their projected 5-year program for meeting their historic preservation needs. Their responses demonstrate an ambitious interest in pursuing the preservation of what are often the too fragile physical indicia of the heritage.

On the basis of information supplied by the States, we anticipate a National Register exceeding 100,000 properties representing the substance of the Nation's heritage of historic sites and buildings.

The Department of the Interior would expect to present, in the budget request and appropriations hearings, firm data gathered from the States and the National Trust in justification of the funding level needed for the coming fiscal year together with evidence of accomplishments yielded by the appropriations of the preceding fiscal year.

The proposed legislation thus provides the necessary flexibility to anticipate the pattern of growth in State participation in historic preservation.

We believe that this method represents a logical way to insure the culmination of national aspirations regarding historic preservation.

The Bureau of the Budget has advised that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

ADDITIONAL COSPONSORS OF BILLS

S. 338

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. SAXBE) be added as a cosponsor of S. 338, a bill I introduced to increase the rates paid to veterans for educational assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1279

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Ohio (Mr. SAXBE), and the Senator from New Jersey (Mr. WILLIAMS), be added as cosponsors of S. 1279, to provide that any disability of a veteran who is a former prisoner of war is presumed to be service-connected for purposes of hospitalization and outpatient care.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1607

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at the next printing, the name of the Senator from New Hampshire (Mr. MCINTYRE) be added as a cosponsor of S. 1607, to deem veterans who were prisoners of war to have service-connected disabilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2986

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. MATHIAS) be added as a cosponsor of S. 2986, the Family Assistance Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2993

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from California (Mr. CRANSTON), I ask unanimous consent that, at the next printing, the names of the following Senators: Mr. YARBOROUGH, Mr. EAGLETON, Mr. HUGHES, Mr. JAVITS, Mr. KENNEDY, Mr. MONDALE, Mr. NELSON, Mr. SAXBE, Mr. SCHWEIKER, and Mr. WILLIAMS of New Jersey be added as cosponsors of S. 2993, a bill to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, in conjunction with this request, I ask unanimous consent that a statement prepared by the Senator from California (Mr. CRANSTON) be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement of Mr. CRANSTON is as follows:

STATEMENT BY SENATOR CRANSTON

On October 6, 1969, I introduced S. 2993, a bill to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional under-graduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes.

As I indicated on that day, that bill, which would be entitled "The Veterans Education and Training Assistance Amendments Act of 1969," incorporates the principal provisions of eight other bills.

Such a consolidated bill was reported to the Labor and Public Welfare Committee on October 2 by the Veterans Affairs Subcommittee and was unanimously ordered favor-

ably reported to the Senate on October 9 with a nonsubstantive amendment.

The text of S. 2993, as amended, will be incorporated in an amendment in the nature of a substitute to H.R. 11959 as that bill will be reported to the Senate this week.

Accordingly, I ask unanimous consent that at the next printing of this bill the names of the Senator from Texas (Mr. YARBOROUGH), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of S. 2993.

SENATE CONCURRENT RESOLUTION 40—SUBMISSION OF A CONCURRENT RESOLUTION TO TERMINATE PUBLIC LAW 408 OF THE 88TH CONGRESS—GULF OF TONKIN RESOLUTION

Mr. JAVITS (for himself, Mr. PELL, and Mr. METCALF) submitted a concurrent resolution (S. Con. Res. 40) to terminate Public Law 408 of the 88th Congress—Gulf of Tonkin resolution—and for other purposes, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. JAVITS when he submitted the concurrent resolution appear earlier in the RECORD under the appropriate heading.)

SENATE CONCURRENT RESOLUTION 41—SUBMISSION OF A CONCURRENT RESOLUTION URGING THE ADOPTION OF POLICIES TO OFFSET THE ADVERSE EFFECTS OF GOVERNMENTAL MONETARY RESTRICTIONS UPON THE HOUSING INDUSTRY

Mr. SPARKMAN (for himself, Mr. ALLEN, Mr. EASTLAND, and Mr. ERVIN) submitted the following concurrent resolution (S. Con. Res. 41); which was referred to the Committee on Banking and Currency:

S. CON. RES. 41

Whereas, the use of monetary restraint as the principal device with which to curb excessive inflation has had and is now having the effect of curtailing and postponing the construction of residential and commercial buildings normally subject to mortgage financing; and

Whereas, the consequent substantial reduction in the annual rate of new housing starts has produced a corresponding decline in the requirements for products and commodities, such as, ceramic tile, manufactured in the United States principally for consumption and use in newly constructed units; and

Whereas, products and commodities so utilized are also in certain instances imported in large quantities from foreign countries, the consumption and utilization of said imports not being affected by restrictive monetary policies in the same manner and to the same extent as products of domestic manufacture; and

Whereas, as a consequence of these factors, domestic industries, whose continued strength and viability is essential to this Nation's pursuit of the housing goals enunciated in the Housing and Urban Development Act of 1968, are being forced to operate with substantial idle production capacity:

Now, therefore, be it resolved by the Senate of the United States (the House concurring), That it is the sense of Congress that the public interest requires emergency measures to prevent elimination of, or serious injury to, United States firms as a result of the current serious contraction of the housing market;

It is further the sense of Congress that during periods of monetary restraint, the Government of the United States should exercise other statutory powers to prevent injury to United States industries and to offset advantages accruing to firms and industries in foreign countries engaged in exporting to the United States;

It is the further sense of Congress that, as to the aforesaid domestic industries so affected, such as ceramic tile, where (a) imports in the most recent years have accounted for twenty percent or more of the United States market, and (b) the industry currently has idle capacity, specific steps should be taken to preserve the competitive opportunity of United States firms that bear the brunt of import competition while the United States construction market remains artificially restricted;

It is further the sense of Congress, that, the Executive Branch shall take immediate steps to effect a reduction in imports of products and commodities, such as ceramic tile, whose principal use is in such construction, and such reduction shall be sufficiently great to assure the continued existence and viability of United States firms in the domestic industry affected.

HOUSING CONTRACTION IMPERILS AMERICAN MANUFACTURERS FACING HEAVY IMPORTS—OFFSETTING ACTION NEEDED

Mr. SPARKMAN. Mr. President, today, I submit a concurrent resolution expressing the sense of Congress that the executive branch should take steps to negotiate voluntary quota arrangements with foreign countries to effect such reductions in imports as are necessary to protect the ceramic tile industry and others, until such time as free market conditions are restored to the U.S. housing market.

The industry we are discussing is a small one—consisting of slightly more than two dozen companies. Most of the tile plants are located in small communities where the impact on the local economy is significant.

For example, in my State of Alabama, Mosaic Tile Co. has a plant in Florence which employs 429 area citizens and had a payroll in 1968 of $2,370,728.

Historically, the U.S. ceramic tile industry has faced fierce competition from foreign manufacturers. Far too often, this competition has consisted of unfair competitive practices, which, if engaged in by domestic firms, would result in prosecution under our statutes dealing with antitrust and unfair trade.

Unfortunately, these practices have taken their toll. Through widespread violations of the Antidumping Act and failure to comply with assurancs given to avoid increases in tariffs on ceramic tile, the Japanese were able to capture over two-thirds of the floor tile market and 20 percent of the wall tile market in this country by the mid-1960's.

Customs Bureau action finally brought a halt to Antidumping Act violations by the Japanese. However, no sooner had this been accomplished than the British manufacturers, spotting an opportunity to make significant inroads in the American market, launched a major export campaign featuring widespread violations of this same act.

Having been formally charged, the two major British manufacturers, doing business as a giant cartel, are now being investigated by the Customs Bureau. In the meantime, during the past year these manufacturers doubled their share of the U.S. ceramic tile market.

The nature and extent of competition from foreign manufacturers has taken on new significance as a result of the recent serious contraction in the housing market.

As my colleagues no doubt know, new housing starts have plunged from a level of 1.9 million in early 1969 to what Housing Secretary Romney and others indicate could be a level of under 1 million by year's end. This is compared with a national housing goal averaging 2.6 million units per year for the next 10 years.

The same forces within the money market which have produced this contraction have tended to encourage apartment development as opposed to individual residence construction. Apartments are the principal market for foreign-made ceramic tile—while builders of private, single-family dwellings prefer U.S. tile. The result—Government-imposed monetary restraints have, in a very real sense, produced a situation in which foreign manufacturers of tile are not sharing equitably in the burdens resulting from our fight against excessive inflation.

Domestic manufacturers do not seek to avoid competition. They do, however, feel that fairness dictates foreign manufacturers should not be given unfair competitive advantages traceable to Government actions.

Through adoption and implementation of the resolution which I today introduce and in which I invite each of my colleagues to join, this unfair advantage can be offset.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 245

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at the next printing, the name of the Senator from New Hampshire (Mr. MCINTYRE) be added as a cosponsor of Senate Resolution 245, calling for the release of American prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 245

Mr. SPARKMAN submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT NO. 247

Mr. HART submitted amendments, intended to be proposed by him, to House

bill 13270, supra, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF THE TARIFF SCHEDULES RELATING TO TAX ON PARTS OF STETHOSCOPES

AMENDMENT NO. 246

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 7311) to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 228

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Kansas (Mr. PEARSON) be added as a cosponsor of Amendment No. 228 to Senate Joint Resolution 158, to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS ON THE FREDERICK DOUGLASS HOME

Mr. BIBLE. Mr. President, for the information of the Senate and those interested I wish to announce that hearings have been scheduled before the Parks and Recreation Subcommittee on S. 835 and H.R. 5968, bills to increase the authorization for the establishment of the Frederick Douglass Home as a part of the national park system in Washington, D.C. on Friday, October 17, 1969, room 3110, New Senate Office Building at 10 a.m.

Anyone interested in testifying should advise the staff of the committee.

MASSACHUSETTS LOCAL BOARD 114, SELECTIVE SERVICE SYSTEM

Mr. KENNEDY. Mr. President, the Boston Herald Traveler of Sunday, October 12, contains an informative article about Massachusetts Local Board 114 of the Selective Service System. Local boards play a central role in the structure of the Selective Service System, as the hearings before the Subcommittee on Administrative Practice and Procedure will attempt to show; therefore, the decisionmaking process at this level should receive close attention.

Local Board 114 is of particular interest since the U.S. Supreme Court yesterday agreed to hear United States against Sisson, a case involving a conscientious objector registered with this particular board.

I ask unanimous consent that the article be printed in the RECORD.

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

LOCAL BOARD NO. 114—AND ITS PROBLEM REGISTRANTS

(By Jack Reed)

There are 128 Selective Service Boards in Massachusetts. Their records list 1,800,388 men, of whom 23,000 are classified 1–A, subject to immediate callup for service wherever the Pentagon chooses. Most go to Vietnam.

Each month every Selective Service Board is notified by the state office of the number of men it must provide for the armed forces. Last month in Massachusetts it was 566; the October quota is down to 285. In all, Massachusetts has drafted 21,896 men into the armed forces since 1963.

Members of the individual Selective Service Boards are appointed for no more than 25 years (or until such time as they reach 75) by the President. They are not paid for their work. If they can be classified in any general way, they are mostly middleaged or retired men and World War I or II veterans. They are sincere, conscientious and generally a-political. They realize theirs is a thankless task—and becoming more so as opposition to American participation in the Vietnam war grows.

This is the story of one such Selective Service Board—and some of the men who come under its jurisdiction.

Local Board No. 114 of the Selective Service System operates out of a plateglass storefront on West Commonwealth avenue, West Concord. Its power reaches over six outlying western suburbs of Boston: Concord, Lincoln, Sudbury, Maynard, Acton and Wayland.

The office is shuttered from the street by Venetian blinds. You'll have to step inside, therefore to meet Miss Agnes Grudinski, the diligent, rather shy and soft-spoken clerk who keeps tabs on the 10,000 men—give or take a few—within the board's jurisdiction.

It is Miss Grudinski and Michael Gormely, the chairman of the board, who sign the orders which deliver the young men of this area to the Army.

As this is written, the Pentagon has not announced the local October quota, but in September it extracted 12 men from Local Board No. 114. Forty-nine men, classified 1–A, "qualified and examined," were up for grabs. How were the dozen selected?

"Standard operating procedure," answers Gormely, who becomes annoyed by more than two questions in a row. He did allow that there was a vacancy on the board, that it would be filled by the President's appointment—and that was all.

His reluctance is understandable. Members of Selective Service Boards are not the most popular people in town in these days of draft resistance, student demonstrations and growing demands for our withdrawal from Vietnam.

Gormely, a gray-haired and granite-jawed man, has been chairman of Board No. 114 since its inception in 1949. A World War II veteran himself, he is the senior municipal examiner for the State's Bureau of Accounts. He is married, and both of his sons have served their military duty.

His fellow members on the board are Laurence Smith, William McMahon and Howard Schreiber.

Altogether Selective Service Board No. 114 has sent 251 men into the armed services since 1963. It seems safe to say that most of them wound up in Vietnam.

How many failed to return? How many were killed in Vietnam?

I put the question to Col. Paul F. Feeney, Deputy State Director of the Selective Service System. The colonel is a trim, happy man who hums to himself between sentences. Although he said he would be glad to be of service, he could not help me.

"No records are maintained in this area," said the Colonel.

"Six dead," Mrs. Pam Shea will tell you. Mrs. Shea, an energetic, blonde Concord housewife and mother and an admitted admirer of the late Cuban revolutionary Che Guevara (she proudly displays a poster of him in her home), is the organizer of the Bedford Draft Information Center at 140 Great Road. The quizzical tones of her voice merely blur the outrage she feels. "Five deaths and a suicide," she says. "You oughta ask about that one. Frederic Brown."

I asked Mr. Gormely.

"I don't remember individual cases," he said.

It seems unlikely, however, that he could forget Frederic Brown, 20 years old, dead by his own hand in protest against the war.

"He applied for a C.O. (deferment as a conscientious objector)," Mrs. Shea says. "They turned him down, and then they turned him down again."

After Brown's death, his parents, by then living in Placerville, Calif., wrote a letter to Local Board No. 114. The letter was published in the Concord Journal on October 3, 1968.

"He was not afraid of death for himself, as he has demonstrated," the letter said in part, "but he would not be driven to inflict death on another. He knew that you would pursue him relentlessly, and finally corner him in prison, and that the end of this shameful slaughter in Vietnam would not be the end of the evil military machine that you blindly serve . . .

"You gave him only three choices—to become a trained killer of his fellow men, or a fugitive from what you call justice, or imprisonment for refusing to be part of your highly organized 'Murder incorporated.' How can we hope for a better world when this is the harshly imposed destiny of our young men?

"Has your conscience become so distorted, so taken with what you imagine to be a patriotic duty, that you continue to play at this terrible game as if it were merely chess or checkers?"

Despite the Browns' letter, Local Board No. 114 had no choice but to continue sending young men under its jurisdiction into the armed services. It was the law. And the vast majority of those called up went off to the fighting forces with no more than the routine grumbling that always accompanies such a summons.

But now more and more of those called before the board are seeking deferment, and most of these visit or are visited by Mrs. Shea or her colleagues.

"When we began going down to the draft board on pre-induction physical morning," says Mrs. Shea, "to explain to the boys their rights and to give them coffee and doughnuts, I'd say less than half the kids were friendly to us. Now it's ninety per cent. But there are always two or three who haven't learned good manners, and they make it hard for everybody."

For two years, with such volunteers as she can muster, Mrs. Shea has maintained her insurgent outpost, five miles down the road from Local Board No. 114. On her desk is a box of colored pencils inscribed "Don't Wait Until the Last Minute . . . there are 13 legal deferments to the draft."

Those listed include:

1—Dependency—you are supporting someone else. "You have to be literally supporting someone," explains Mrs. Shea. "Suppose you're married, with a little kid, and both the wife and the kid need you—a psychological dependency, it's called. In other words, you'd rather have a good family than a ruptured one. Forget it at Board No. 114. They don't give psychological dependencies."

2—You have one of several physical or psychological ailments.

3—Your job is important to your community's health, safety, or interest. (Such deferment might cover teachers, doctors, dentists, policemen, veterinarians.)

4—You conscientiously believe that the Vietnam war is wrong and feel that you do

not want to fight in it. (A few men from the area—no more than six—have obtained a 1–O (C.O.) status and are serving their alternate duty. "They never give it to you on the basis of an application," says Mrs. Shea. "They hassle you, call you up for a personal appearance. Of the last five C.O.'s, four were obtained by making appeals over the board to the State Director. Over the last fifteen years you could count the C.O. applications on one hand. Now, they're getting several a week.")

5—You are on parole, probation, or have served time in jail. (Recall "Alice's Restaurant".)

6—Your father or brother was killed in the armed forces and you are the only surviving son.

7—You are a high school or college student, or a minister.

8—You work on a farm.

9—You are an alien.

Slightly more than 200 men from the Board have obtained a deferment on these various grounds.

Thousands of others of the Board's registrants are still in school, protected by their 2–S deferment, and slightly more than 200 men have obtained a deferment on other grounds.

"Sure, I'm cool until I graduate," says a Brandeis student from Concord. We met in the barber shop next door to Board No. 114.

"I'm cool, but what about the kids who aren't in the national interest? I mean, that's kinda fascist, isn't it?

"Some people are necessary. We'll spare them—but you and you, put your boots on and get your ass out there. That's the way they do things in Russia. The whole thing stinks.

"And what about us . . . the college students? After we've learned so much, after they give us four years of being more or less free to follow our dreams, then they try to haul us into the last stronghold of primitive and superstitious men. Now what's the sense in that? If we've been trained as rational men, if we've been set aside in the national interest, how does it happen that it becomes part of the national interest to expend us?"

A Harris survey indicates that, although adults over 30 favor the draft by a narrow margin, those under 30 are dead-set against it. And Concord is no exception to the falling chips. The kids there do not wave to each other; they signal with the first two fingers. V for Victory. War on war.

Thomas Dickey, son of Mr. and Mrs. Robert S. Dickey, Concord, was killed a few months ago in Vietnam. He received the Silver Star posthumously. Mrs. Dickey, who prefers not to suffer through interviews, said only: "We are terribly proud of Tom. We have flown the flag since he joined the Marines, even during the sad days after his death."

But Tom's friends and contemporaries aren't so quick to forgive. Standing in front of a local ice cream shop, I talked to some who had known him. "What can you say?" said one whose pre-induction physical will occur later this month. "Tom had guts and they shot him up. There's no glory in being a veteran. Bunch of old men pat you on the back and crunch your hand. What are they trying to prove? I'm as brave as the next, I think, but nuts to this."

With the attitude of youth hardening against the draft, it will be a crucial fall season, and sometime this month the Supreme Court will be hearing a crucial court case: United States of America versus John Heffron Sisson, Jr.

Not an ordinary case, this one: it seeks to have the highest court in the land rule on the legality of our military involvement in Vietnam.

On April 17, 1968, John Sisson, a Harvard graduate, son of a Lincoln doctor, refused an order from Local Board No. 114 to report for induction into the Army.

A month earlier Sisson had asked the Board to send him SSS Form No. 150 so that he might make his claim as conscientious objector. That form requires an applicant to demonstrate that "religious training and belief" have developed his objection to killing. "As used in this subsection," Selective Service law states, "the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

Sisson decided that his objection was not based on religion. He returned the form and called his lawyer, John Flym of State street, Boston.

In a trial before Federal District Court Judge Charles Wyzanski of Boston, Flym argued—and Wyzanski agreed—that the religious stipulation "violates the provision of the First Amendment that 'Congress should make no law respecting an establishment of religion, or prohibiting the free exercise thereof.' "

In his opinion, the judge wrote, "There is not the slightest basis for impugning Sisson's courage . . . He was as genuinely and profoundly governed by his conscience as would have been a martyr obedient to an orthodox religion.

"On the stand he was diffident, perhaps beyond the requirements of modesty. But he revealed sensitiveness, not arrogance or obstinacy. His answers lacked the sharpness that sometimes reflects a prepared mind. He was entirely without eloquence. No line he spoke remains etched in memory. But he fearlessly used his own words, not mouthing formulae from court cases or manuals for draft avoidance."

The defendant's father, Dr. John Sisson, is a reserved man, a Vermont Yankee who normally keeps close counsel. When the judge had delivered his opinion, Dr. Sisson was moved to rise and kiss his son on the cheek.

The government has appealed. John Sisson, by no means a victim, though not yet a free man, passes the time working at a variety of jobs in Lincoln.

If Wyzanski's ruling is upheld by the Supreme Court, it could mean that any sincere American youth, with some documentation of his pacifist attitude, would legally qualify for C.O. status.

Over at the Draft Center, Mrs. Shea can picture a more civilized future for the moment. "No more soldiers," she says. "Just one C.O. form after another. Thousands of them flowing into the board. A peaceful revolution. Come the evolution."

But the soulful, black-haired Flym—can you imagine Elvis Presley as a lawyer?—is playing a thin wire chess game, and the bishop is not the brunt of his attack.

"Congress has no constitutional power to compel military service in Vietnam without a declaration of war."

There you have it, another of Flym's arguments in his Supreme Court brief. In the Boston trial, Wyzanski rejected this contention. "This court," he wrote, "until otherwise authoritatively instructed, assumes that Congressional power to conscript for war embraces Congressional power in time of peace to conscript for later possible war service."

Citing a long list of Americans who have written about the Constitution and what it means, Flym will press the Supreme Court to concede that the historical record "raises the gravest of doubts about the power of Congress to conscript at any time," and certainly not when there is no "clear and present danger" to render "necessary and proper" the draft.

What Flym is arguing here is that, while the Second Amendment to the Constitution makes provision for "a well-regulated militia, being necessary to the security of a free state," it is by no means clear that the draft is necessary. "If a sufficiently clear and present danger existed, either Congress could declare war or Congress could raise the revenues necessary for an all-volunteer army through additional taxes," Flym says. And how can there be such a danger when President Nixon is withdrawing troops from Vietnam?

In the past, the courts have avoided the ultimate question of the war's legality by saying that Vietnam is a political matter, not a legal one, and therefore not subject to the court's review.

To close this loophole, Flym argues that, because one of Sisson's prime reasons for disobeying the induction order was that he had a reasonable belief in the illegality of war, the courts should rule on this issue in order to give him a fair trial.

That is the Sisson case, so constructed as to force the court to come to grips with the draft law and Vietnam. It is entirely possible, however, that the court will consider only the first argument—which contends that the Selective Service requirements for a conscientious objector are unconstitutional—and avoid the rest.

In that case, the then slightly modified Selective Service law would still require Sisson to serve for two years in "such civilian work contributing to the maintenance of the national health, safety, or interest as the local board pursuant to Presidential regulations may deem appropriate."

"Appropriate"—that's the hook on which Sisson could be caught in his second go-around with Local Board No. 114, just as his friend and neighbor, Richard Boardman, was caught.

Boardman, son of an Acton doctor, applied for C.O. status and, after the customary hassle, received it. For his service he chose to work for the Chicago office of the American Friends—in the capacity of draft counselor!

Quite understandably, his Local Board wasn't about to approve Boardman's activities. Go to work for Massachusetts General Hospital, they said. No, he said, and since you won't let me do what I want, here's my draft card and registration too. In a letter to Local 114, Boardman explained his stand:

"When I applied for recognition of my job as a draft counselor with American Friends Service Committee as suitable civilian work in lieu of military service, I found myself trying to defend my request in terms of my work there being 'in the national interest.' I had tried to defend my work on false grounds. False, not because my work is not in the 'national interest,' but because work in the interest of all humanity has a prior claim to work 'in the national interest' . . . Resisting evil, in whatever form it takes, is in the best interest of mankind."

In sentencing Boardman to three years imprisonment, Judge Francis J. W. Ford of the U.S. District Court said bluntly, "Good or innocent personal motives alone are never a defense where the act committed is an intentional violation of law."

Unless Boardman wins his appeal, he will have to go to jail.

It's not enough to say that the draft wears heavily on the ready, steady, and go soldiers of this area. In more than two weeks of living here, I've met many college students who would like to leave school, but won't for fear of being drafted. I've met doctors who've been ordered to leave their wives and practices and go to war.

I've also met Charlie Q.—"I prefer to remain nameless," he says. He graduated from an Ivy League school in June.

Charlie Q. has a job, working for a small Berkshire newspaper, but because of the enormous pressure he feels, he has taken a leave of absence while he prepares a case of his own against the draft.

"I thought it over pretty carefully," he says, "because it is a pretty big organization I'm bucking. But finally I said to myself, 'Look,

man, who are you kidding? You don't even like cutting down trees and killing cockroaches . . . so why do they want you?' That's the point. They don't know that they don't want me. That's what I'm telling them. I'm having the all-time longest physical of my life—a complete overhaul, you might say. And nobody's perfect, right? So me and the doctors have turned up a few defects—my knees, my eyes, and possibly my blood. They're still debating over the strange engine in my head.

"Enough said," said Charlie Q., turning to leave. "I'm going to do battle for the life of my country."

And his first engagement would be with Mr. Gormely and his associates of Local Board No. 114.

OPEN SEASON ON THE PRESIDENT

Mr. GOLDWATER. Mr. President, I am sure that all Senators are well aware that there are in American journalism certain fads which have to do with the political or philosophical orientation of the editors in question.

Currently, the fad in liberal publications can be loosely defined as an open season on the President of the United States with special reference to his policies in Vietnam. I am happy to join other Senators who have already noted that David Broder, the chief political writer of the Washington Post, is not joining in this particular fad.

The Wall Street Journal takes full note of this today in its editorial entitled "Fads in the Fourth Estate." I ask unanimous consent that the editorial be printed in the RECORD.

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

FADS IN THE FOURTH ESTATE

We're especially happy to see David Broder, whose Washington Post column is reprinted nearby, raise some pointed questions about the current onslaught against President Nixon. Ever since Mr. Nixon took office, the establishment-liberal media have been terribly faddish in their attitude toward him, and it's encouraging to see someone of Mr. Broder's standing bucking the current trend among his peers.

As anyone who reads or listens to television can scarcely have failed to notice, it's currently open season on the President in the establishment media—loosely defined as the Post, the New York Times, Newsweek, Time, the TV networks, Mary McGrory and certain other syndicated columnists. The Nixon-hunting season has periodically opened and closed, and after a bit of research we are able to pinpoint the exact dates.

On January 20, Inauguration Day, the media started their "no horns and tail" period. The pundits discovered, contrary to what they suggested during the campaign, that the President was after all no demon. Some of them even made the startling discovery that "crime in the streets" was something more than a racist codeword.

This period ended on April 7, when everyone returned from Easter holiday. Then started the period of the "do-nothing President" and the "swing to the right." The pundits seemed unable to understand that to have priorities means you don't do everything at once, but they were quite able to put together ideological trends from such events as the replacement of one liberal medical appointee by another of identical stripe.

The next period dawned August 8, with the delivery of the President's welfare-reform speech. Commentators started to talk about a "swing to the left" and a "towering" domestic program. As the media criticism abated, so did the uneasiness in the nation. We remember Max Frankel of the Times appearing on television to say he was beginning to think that the President had a bit more time than he had been given credit for before Vietnam became "Nixon's war."

The period of euphoria ended September 25, when Senator Charles Goodell rose to propose capitulation in Vietnam, and Senator William Fulbright announced that the Senate Foreign Relations Committee was sharpening its ax for the President's Vietnam policy. The tenor of the commentary since was quickly caught by Mr. Frankel's article that weekend, "Now It Is 'Nixon's War'."

These changes are suspiciously abrupt, even allowing that you could see some of them coming awhile before they popped. It scarcely seems that the real world—which the press is supposed to reflect—can change so suddenly. There are of course new developments such as a change in the position of the President or key Senators, but some of the commentators overreact to the point of artificiality, blowing up each new development into a transcendent trend.

This in turn has, in a sort of Heisenberg effect, its own impact on the real world, typically strengthening and intensifying any trend on which the establishment press chooses to concentrate. Recently this effect has become more pronounced than ever, because the changes in mood have been not only abrupt but nearly unanimous among the leading media, as the list above suggests.

One reason for the faddishness is that most correspondents are immersed in the same personal and social circles in Washington; a degree of peer-group interreaction is inevitable. Like Mr. Frankel and Miss McGrory, Mr. Broder has long ago established his credentials as a man who thinks for himself—a leader of the fads, no follower of them. Yet we cannot escape wondering if his stark questioning of the latest fad is somehow related to the fact that he is temporarily residing at Harvard rather than in Washington.

A more fundamental explanation, though, has to do with the competitiveness of the media. Each is trying to be the first to discover the next trend. A correspondent becomes prestigious among his peers and invaluable to his publication by exhibiting a superior "feel for news." Increasingly, however, this comes to mean little more than an instinct for the line the rest of the press corps is about to take—if you will, an ability to spot the next fad.

A further explanation, and the one that makes accurate predictions possible, is that the correspondents of the leading media tend to be cut from the same mold politically, socially and intellectually. Being so alike, they react to any given stimulus in highly similar and highly predictable ways.

If these reactions can be predicted by the smartest correspondents, so can they be predicted by the smartest among those who seek to exploit the correspondents. When Mr. Broder talks about learning how to "break a President," he is talking about learning how to manipulate the fourth estate's faddishness. If fascination with this sport does the damage Mr. Broder worries about, the lack of critical and independent thought in the leading media will have played no small part in the breakdown.

AMERICAN HEALTH CARE SHORTCOMINGS

Mr. YARBOROUGH. Mr. President, the columnist who writes under the initials T.R.B. has written on a timely subject in today's Washington Daily News. His column is headed: "We Are a Backward Country in Health, Though We Have the Best Physicians."

In recent months, the budget squeeze and cuts in Federal expenditures for health care, education, and research have contributed to a crisis in medical education. Soaring hospital costs have contributed to a crisis in paying for health care. T.R.B. rightly calls American health care a "nonsystem" and suggests that we are a backward country needing some expert technical advice from Sweden or elsewhere in Western Europe on how to furnish more and better health care to all the American people.

I ask unanimous consent that the column be printed in the RECORD.

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

T.R.B.: WE ARE A BACKWARD COUNTRY IN HEALTH THO WE HAVE THE BEST PHYSICIANS

My daughter had a baby in Helsinki two years ago and the total hospital bill was $7.50 for five days at $1.50 a day.

Seven of the 10 provinces of Canada now have compulsory health insurance and it will be dominion-wide soon. Every industrial nation in the world today, save one, has some form of compulsory health care. The one exception is the United States. In the United States the cost of hospital and medical care has risen faster than any other item on the cost of living chart; the upward slope is so steep that it is questionable whether an auto could climb it.

The crisis in health care is so severe that it seems worthwhile to turn momentarily from the deepening crisis of President Nixon with Congress, with the campus and with the enlarging segments of the rest of the country to look at it.

Mr. Nixon, at a press conference on health care July 10, said that "the problem is much greater than I had realized. We face a massive crisis in this area and unless action is taken both administratively and legislatively . . . we will have a breakdown in our medical care system affecting millions. I don't think I am overstating the case."

Or, as a Mexican-American in San Antonio, Texas, told a Louis Harris health survey for a recent Blue Cross report, "I went to the county hospital and saw a girl have her baby in the hall. They didn't have the room to take care of her."

Some of the doctors in the District of Columbia General Hospital, which treats mainly poor people, are currently in revolt over crowding and obsolete equipment. In Lincoln Hospital, New York City, some doctors are out picketing current cutbacks. Conditions are near-intolerable in many institutions over the country and this is odd, when you come to think of it, because this is the richest land on earth, and it is all of 86 years old since Otto von Bismarck introduced a national health service in Germany.

So instead of noting the anti-Vietnam war demonstration this Wednesday we just thought we would consider the conference of the Committee for National Health Insurance (CNHI) in New York City, in mid-week, with 35 or 40 organizations represented.

We believe, quite simply, that compulsory national health insurance is an idea whose time has come. Or, at least that the hand points to five minutes of the hour. The point is that it's suddenly respectable to favor national insurance and that it is gathering considerable momentum. We've quoted Mr. Nixon, and the epithets he threw at our lamentable welfare system (before proposing his widely acclaimed family income assistance plan) could go double for America's crazy nonsystem for health care.

The National Governor's Conference just

adopted overwhelmingly a proposed new universal health plan. The Group Health Association of America has come out for national health insurance. The AFL–CIO offers a plan, and so does UAW president Walter Reuther who, incidentally, is chairman of the CNHI conference. On his Committee of 100 are academic, union, church and political representatives, the latter including Senators Cooper, Kennedy and Yarborough.

Even the venerable American Medical Association has a plan. It cried "socialism" in 1953 at federal requirements for state diagnostic services for crippled children, and in 1962 labeled Medicare for the elderly "a cruel hoax and a delusion." Its current proposal seems to be a feint. It is introduced by conservative Sen. Fannin, R-Ariz., and the Medical World News (Sept. 19) says of it: "Hoping to stem the tide toward a government program, the AMA endorses an income-tax-credit health plan similar to one it advocated 10 years ago . . . Lines are being drawn for what could be the bloodiest battle yet between the AMA and liberal forces in the nation."

In fiscal year 1969 the United States spent an estimated $60 billion for health purposes. Despite this huge sum our system is so wobbly that our hospitals would collapse except for the import of foreign medical manpower. Half a dozen of the 91 U.S. medical schools are near closing for lack of funds, while thousands of students can't get funds for the long and arduous course. They graduate only 7,400 physicians a year which is no where enough. So we currently add about 7,000 foreign graduated physicians a year to America's 287,000 doctors in active practice. Many come on temporary visas for training, and foreign trainees hold 30 percent of the filled medical residencies in the country and 27 percent of the internships. "We could not operate our hospitals without them," one hospital head says.

At home we have a tight medical system that is a lot like the white Chicago builders trade union. One-sixth of the active physician manpower pool in the United States consists of graduates of foreign medical schools. A British official said recently that high medical pay in the United States has "affected every country in Africa." It seems strange, doesn't it, to send U.S. foreign aid abroad and drain away its physicians. Some of these underdeveloped countries have only one doctor to 200,000 people; we import him here and make him rich in a land where there is about one doctor per 700.

But never mind Africa. Is our own $60 billion system efficient? No, it's terrible. Private health insurance has done all it could. Millions of poor are cut off from all health services except in serious emergency. Over one-fifth of draftees are rejected for medical reasons. Fees are soaring, and hospital cost per day is $56 and skyrocketing. And the world's richest country ranks behind 13 other industrial nations in infant mortality; ranks 18th in life expectancy of males, and its death-rate among middle-aged males is higher than anywhere in Western Europe.

Really, little Sweden ought to send over teams of tactful Peace Corps volunteers to show us what to do, because we are a backward country in health though we have the best physicians in the world.

This anomaly can't last. It's preposterous. We give it five more years; less, maybe.

WALL STREET JOURNAL ARTICLES DOCUMENT MIGRANT FARMWORKER PROBLEMS

Mr. MONDALE. Mr. President, two excellent articles concerning migrant farmworkers, written by James MacGregor and Raul Ramirez, were published recently in the Wall Street Journal. The articles focus on the working and living conditions of the migrants who harvest crops in the Middle Atlantic and the Middle Western States.

As chairman of the Subcommittee on Migratory Labor, I have visited migrant camps and home base areas in California, Texas, and Florida. From these experiences, I know that the deplorable conditions so clearly described in the articles exist throughout our generally affluent Nation.

The subcommittee is at present conducting a series of hearings in migrant and seasonal farmworker "powerlessness." In the hearings, we have invited migrants themselves to come to Washington to tell their own story "like it is." So I have seen, I have heard, and I know of the despair, the hopelessness, and the poverty, illiteracy, poor health, and injustice which thousands of our hardest working citizens are powerless to change.

Articles such as the two published in the Wall Street Journal are of immeasurable value in informing the public of the irony of the tragic plight of the men, women, and children who harvest our Nation's abundance of food.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 15, 1969]

MIGRANT WORKERS FIND THEIR LIVES CONTROLLED BY FARM CREW LEADERS—SOME OVERSEERS GET $50,000 A YEAR; KEEPING WORKERS IN DEBT A COMMON TACTIC—A LITTLE WINE, MUCH WORK

(By James MacGregor)

EASTVILLE, VA.—It was a long, hard summer for the vegetable growers of Northampton County, what with low prices, a drought that hurt early strawberries and cabbages and, finally, 17 consecutive days of thundershowers. To cut their losses, some farmers let whole fields of waterlogged potatoes and tomatoes go unpicked.

The farmers aren't the only victims, however. Abandoned crops also mean hard times for the Negro migrant workers who pick crops every summer on Virginia's flat, sandy Eastern Shore. Some have found only two or three days work a week this year. Others, working more regularly, are making less money than usual, because muddy fields make vegetables hard to pick.

"I can't recall a year as bad as this one," says Leon James, a 40-year-old Negro who has been traveling here from Florida with the harvest for two decades. While disappointed, Mr. James doesn't seem to be particularly worried, and with some reason. He is neither farmer nor worker.

Mr. James is a migrant worker crew leader, officially called a "farm labor contractor." Vegetable farmers here, in Florida and New Jersey pay crew leaders such as Mr. James for recruiting, transporting, paying and supervising the Negro workers who pick or grade the crops. In good years and bad, farmers need migrant workers—supplied by the labor contractors. Startlingly enough, in good years a crew leader can make up to $50,000. Farmers here contend that this year the crew leaders "are the only ones even breaking even in farming."

Mr. James says he will be lucky to clear $200 a week in Virginia this summer. But, back home in Fort Lauderdale, Mr. James and his brother Louis have "a few investments" which he says with a thin smile, "ought to see us through." They include three small apartment buildings, a fleet of 16 taxicabs and a bus service that delivers domestics to and from work. The seed money for these businesses came from the migrant worker enterprise.

The crew leader is a singular figure in American agriculture. To many a farmer he is indispensable, as the primary—or only—source of labor at harvest time. To the worker he employs, he is an absolute authority. In the labor camp, the crew leader is foreman, paymaster, Dutch uncle, money lender, grocer, policeman, judge and jury. Police and other local authorities leave the operation of the shabby, isolated labor camps almost entirely to the crew leaders.

THE WAYS OF POWER

Wielding that kind of power, crew leaders live very well indeed. Most are former field hands themselves. At best, the crew leader seems to be a benevolent despot, using his control of work, money, housing and transport for the benefit of his workers as well as himself. As crew leaders go, Mr. James is favorably regarded.

But Harvey Robuck, a thin, weathered Negro of 32 in another crew, is unhappy about his crew leader. "He picked me up in Bonita (Florida), where I was drunk at the time," says Mr. Robuck. "When we got to this place, he told me I owed him for driving me up here and for my keep. Then I had to borrow some dollars so I could eat and buy a little wine. Then comes Saturday, and he says I only got $4 coming. Five days I worked, and I only got $4 coming. I went out and had me a good time, and Monday I got to borrow a few more dollars."

Mr. Robuck finds himself trapped in the migrant debt cycle. Only the crew leader can find him work or give him a ride back to Florida. The crew leader also has him constantly in debt, furnishing wine and cigarets on credit ($1.50 for an 89-cent bottle of port and 50 cents for a 35-cent pack of cigarettes). The crew leader's two assistants have warned Mr. Robuck that he will be "cut bad" (with a knife) if he tries to leave the camp while he owes money.

BETTER THAN MOST

Mr. James says he doesn't operate that way. His workers get $1.50 an hour, average for potato graders. And he shuns the petty usury and wine sales used by some crew leadesr to inflate their incomes. Nor does he charge for lodgings and transportation to the fields, as some leaders do.

His workers also enjoy relative comfort and sanitation. They live in a red cinder-block compound put up by Eastville farmer Rob-Hoeffner at a cost of $30,000 last year. Mr. Hoeffner employs the James crew each year. The compound replaced an old, dilapidated labor camp. The Spartan 10-foot-by-12-foot rooms are no cozier than Army barracks, but they are clean, dry and free from bugs and rats. Mr. James insists on periodic cleanups and on keeping the compound neat. When a worker recently broke down a door during a dispute with his wife, Mr. James made him pay the $38 repair bill. Some camps have dismal accommodations: one crew leader has housed his charges in an abandoned potato shed.

The James crew benefits also from the help of outside agencies in the area. Day-care centers tend the workers' infants, and each day a yellow bus hauls children to a special school for migrant families in nearby Accomack County. There is some dispute about the school's quality but it keeps the children out of the fields and feeds them solid, balanced meals to supplement a diet that often consists only of pork, beans, cabbage, rice and bread.

The migrant health project in Nassawadox, 10 miles north of Eastville, sends Dianne Diaz, a young nursing student, to visit the camp every few days to check for sick per-

sons who should visit the project's mobile clinic. "Mr. James is awfully cooperative," she says. "The first time I went there, he went through the camp and shouted, 'We got a nurse outside. Any of you need help, get on out there.' I've had no trouble at all since then."

Mr. James' relative benevolence contrasts with the approach of Ozell Suggs, who has a 47-man potato-grading crew. Mr. Suggs feels he "doesn't need to worry much" about health and sanitation. "If they want to live like animals, I let them," he says. His formula for success: "You keep them happy. You get them work and you pay them. Some of them like a little wine, so you give them some money and let them go get it."

How many of his crew members owe him $20 or more for wine? "I guess pretty much most of them." Does he always get his money back? "I get my money back. I don't have no trouble I can't take care of." Mr. Suggs is six feet, two inches tall, and weighs 285 pounds. The Wellington boots he wears make him look even bigger.

Crew leader Ray Gordon also has an offhand attitude toward the welfare of his workers. The migrant health project recently determined that one of them had tuberculosis and arranged admission to a sanitarium in Charlottesville. Mr. Gordon balked at letting the man—"my best worker"—go for treat-treatment during the harvest, even though the worker's positive sputum test made him a hazard to the other laborers. Only when the county sheriff intervened was the man taken for treatment.

Leon James spends much time recruiting workers, traveling to "the places where migrants hang out" in Norfolk, Baltimore and Philadelphia. But the supply is short. In desperation, he hired 10 local Negroes to help out the crew this year.

"KEEP THEM PRISONER"

Ironically, hard-bitten crew leaders like Mr. Suggs seem to have less trouble keeping workers than "humane" ones like Mr. James, who reports a high turnover. Since May 1, he has employed more than 100 different workers in his 35-to-40-man crew. "To keep migrants today, you've virtually got to keep them prisoner," says one veteran Eastern Shore farmer.

This old hand might have added that he, and the other farmers relying on migrant labor, are in something like economic bondage to the crew leaders themselves. The five trucks that haul potatoes from Mr. Hoeffner's fields belong to Mr. James. For every 100 pounds of potatoes unloaded from the trucks, Mr. James gets 29 cents. The price doesn't change, regardless of the price that Mr. Hoeffner gets for the produce on the market.

This summer Mr. James showed up at the Hoeffner farm a week late and a few workers short. That cost Mr. James and his crew of potato graders some money, but it hurt Mr. Hoeffner and Raymond Briggs, the other local farmer using Mr. James' crew, far more. Most of their potatoes had to be shipped in bulk by the truckload, fetching a lower price than if there had been time to grade out the better-quality potatoes in 50 or 100 pound bags.

Mr. Hoeffner acknowledges that Mr. James "has his faults," but, he says, "I don't think I could find a better crew leader." That was a reason for the new housing that Mr. James' workers got, and it also accounts for the 29 cents per hundredweight paid Mr. James. Some crew leaders offer to work for as little as 15 cents a hundredweight.

Mr. James and his brother Louis started the crew in 1946 when they respectively were 17 and 19. The business now includes the five potato trucks and a green and black school bus used to transport the workers. Louis, now 42, has retired from crew leading to manage the other family enterprises in Florida. Now Leon is accompanied by his father Allen, a garrulous, 250-pound former field worker, aged 60, who handles many of the dealings with the laborers.

"He cusses at you a lot," says one field hand, "but he don't mean it."

LIVING WITH THE TROOPS

Both father and son live modestly. They stay in the compounds with their crew (Allen is separated from his wife, and Leon leaves his wife and 11-year-old son in Florida during the harvest), drives old-model cars and usually dress in rumpled green work uniforms. "They're kind of like grandpappies to all of us," says crew member Roosevelt Buchanan, to whom the Jameses lent $283 for an auto repair bill before coming north to Virginia.

Not all crew leaders live modestly. On a recent evening, Roscoe Simmons, a Negro crew leader, was observed in a chauffeur-driven, air-conditioned white Cadillac, roaring past a farmer in a battered pickup truck on a local highway.

However, crew leaders, flamboyant or modest, find themselves in a dwindling industry. Migrant labor is fading from the Eastern Shore. A decade ago, there were 14,000 migrant workers in Northhampton and Accomack counties each year; now there are about 6,000.

The families that have grown vegetables here since the days of slavery now find that the sandy soil and unpredictable weather won't support crops large and uniform enough to compete with produce grown by mechanized methods and trucked in from other regions. Many large farmers and farming corporations are switching to rye or soybeans, which don't need migrant labor. Some smaller farmers are quitting the business altogether and using their land for more profitable enterprises, like tourist camping grounds.

Adding to the crew leaders' problems are the unscrupulous "free lance" crew leaders who ignore Federal regulations governing migrant labor. These contractors arrive without a work contract, house their crews wherever they can find a roof and seek work by undercutting the usual prices.

Leon James estimates that migrant laborers—and crew leaders with them—will have vanished from the Eastern Shore within 10 years. But the Jameses will keep at it until the end. Leon says simply, "I like crew leading," and his father Allen says, "I do it to keep busy. It's all I got to do now."

[From the Wall Street Journal, Sept. 19, 1969]

MIGRANT FARM HANDS STRAIN FOR $1 AN HOUR HARVESTING CUCUMBERS—A REPORTER FINDS THE WORK DREARY, HOUSING SQUALID; WORKERS ACCEPT THEIR LOT—"MOTHER SAID I'D BE POOR"

(By Raul Ramirez)

KEELER, MICH.—The migrant farm worker tends to dream of the "nice field" or the "$100 deal" ($100 a week) that lies ahead in a rosier future. "Just wait until we get to Ohio," says an aging Mexican-American laborer. "The tomatoes will be as big as pumpkins, and we'll have work every day."

Listening to such talk is dispiriting, for the plentiful crops, good living conditions and generous pay never seem to materialize. The old worker concedes that he got to the Michigan fields too late last year to do well. "But this year—you wait and see," he says smilingly.

I saw. In a week-long stint as a cucumber picker, I found that the $100 wage is more likely to be $40 to $60 a week, with grinding labor, dreary housing, inadequate food, and an economic system that fixes the worker in bondage to his crew chief. The hopeful chatter in the evenings comes to seem like idle dreaming indeed.

Nobody knows precisely how many migratory farm workers there are in the U.S.; the Senate subcommittee on migratory labor has estimated that there are 276,000, most of them originating in Florida, Texas and southern California. The migrants at my camp came mostly from three distinct groups: Mexican-American families that make a yearly circuit from Florida through Michigan, Indiana and Ohio back to Florida; white Americans who head north from Tennessee and Kentucky in their dilapidated autos each summer in search of temporary work; and rootless single men who roam the countryside working long enough at each stop to buy food and drink. At my camp they ranged in age from five to more than 70.

In this portion of Michigan the crops are cherries, apples, cucumbers and an array of other fruits and vegetables. Picking cucumbers, I found that you have to scramble to make $1 an hour.

On the first morning, a burly Mexican-American overseer thrust a plastic half-bushel basket into my hands and informed me that I would be paid 45 cents for each time I filled it. "Get to work," he snapped, repeating the command in Spanish to make sure I understood.

It turned out that the field in question already had been picked once. The big cucumbers were gone. Left on the vines were the smaller vegetables, and over-ripe ones. A cheerful 13-year-old girl showed me how to beat the system, putting the less desirable vegetables in the bottom of the basket and the acceptable ones on top.

TWO AN HOUR

"That will fool them at the truck," she said smilingly. It did. My baskets were accepted without comment and emptied into a big crate. Even so, I only managed to deliver six baskets in the first three hours of work, for earnings of 90 cents an hour. Occupational hazards included scratches from the prickly vines, cramps in the lower back and eventual aching of the thigh muscles. Other workers said I was proving quite productive, however.

Jesus Flores, the crew leader who had recruited and transported most of the workers to Keeler to work as a team, said that he only got paid 10 cents for each basket of cucumbers delivered by his laborers. "It isn't as easy for me as you think," he said.

Mr. Flores was a better than average crew chief. For instance, he didn't charge for transportation to the field each day, as some chiefs do. But he had extra sources of income. On payday, he deducted 20 cents from my wages, "for the Government." But he never asked for my Social Security number. And I had difficulty collecting from him for my last day's work—90 cents for two baskets of cucumbers. Finally he pulled a $1 bill from his pocket and handed it to me. "Keep the change," he said.

Home for me in this labor camp was a nine-by-12-foot cabin, one of 10 such structures standing back to back in a double row. Fire had blackened part of the walls and roof, but my cabin had two rusty metal beds, a decaying couch, and an old refrigerator and stove—amenities lacking in many camps.

However, it lacked plumbing, shelves and closets. Old paper bags and newspapers had been used in an unsuccessful attempt to plug cracks in the walls and ceiling. It was stifling hot in the daytime, freezing cold at night. On the walls were momentos of earlier residents—drawings of cars, mountains and houses, and the penciled message "Ignacio loves Maria."

AN OLD HAND

One of my roommates, a veteran on the migrant labor circuit, had had the foresight to bring a faded blanket with him. This was Jess, a 24-year-old Mexican-American whose right arm and leg are withered from a childhood disease. Jess has worked in the fields since quiting school in the sixth grade.

My other roommate and I made do without blankets or other bedding. He was Steve, a 19-year-old Tennessean who recently spent 37 days in jail for driving a stolen auto. Now a drifter, he has been trying to save enough money to head for Detroit, Chicago, or back to Tennessee. "Anywhere," he said, "just to get out of here."

The cabinet stank of sweat, grease and rotting fruit. Fully clothed for warmth, I slept on a torn and fetid mattress above springs fastened to the bed with bits of rope, old electrical cord and coat hangers. Flies and mosquitoes circulated freely.

It is an existence that a young single man can endure. For families, it is grim. The camp's four crude privies stand in a nearby apple orchard. They smell awful, and many workers simply wander into the orchard. Water, for bathing, drinking and cooking, comes from two taps at one end of the row of cabins.

Next door a family of nine was crowded into a cabin the same size as ours. Ignacio, eight years old, told of the routine in the cabin: "We just turn off the light to keep mosquitoes away and go to bed. My mother then tells us stories about herself and our family. Then we pray together for a while and go to sleep."

Beans and pork chops were my diet for the week I was at the camp, although my roommates and I occasionally slipped into nearby fields in the early morning or late at night and snitched a few peaches, apples or potatoes. Jess and I ate from a single plastic plate, using the only spoon in the cabin to scoop the food onto pieces of bread. We shared an old water jar.

For medical problems there was a clinic in Keeler, two miles from the camp. But crew leaders weren't eager to have workers take time off for the excursion. Next door a five-year-old boy had received 11 stitches for a cut in his foot, but hadn't returned to the clinic for removal of the stitches. The foot was infected and swollen. "I was supposed to take him back to have the stitches out," said his mother. "I've mentioned it to Jesus (the crew leader) a couple of times, and he's changed the subject."

So resigned are migrant workers to their situation that they often fail to seek out existing facilities. Church groups and state agencies offer various kinds of assistance that the migrants seem not to know about. For instance two miles from the camp the Michigan Migrant Ministry has an office that provides canned food and clothes to migrant families at little or no cost. But most migrants were ignorant of this service.

One reason is that some growers and crew leaders make it difficult for outside agencies to establish communications with the workers, viewing such visits as a possible challenge to their authority. Most of the camps in this region are surrounded by signs reading "Keep Out" or "No Trespassing." One local farmer recently beat up an employe of the United Migrant Opportunity Inc., a Federal Office of Economic Opportunity agency. The agency has vowed to move against attempts to isolate workers from outside help.

The fatalistic outlook of the workers is evident in the words of a Puerto Rican woman, a mother of six: "There just isn't enough work around here, and the pickles are too scarce when we do work. When I was little, my mother told me that we were poor, and no matter how hard I tried, I would always be poor. You know what? She was right. That's why I don't kill myself working. It isn't worth it."

Why don't the workers unionize? "I don't mess around with that," said one Mexican-American man. "Look, the minute you start talking of unions and strikes you'll get kicked out of the camp. And how the hell are you going to feed yourself and your family if you don't have any money, no work and no place to go? It's bad enough the way it is, but it could be worse."

The camp where I worked is owned by Ferris Pierson, a grower member of Michigan Gov. William Milliken's commission on agricultural labor. "I'll be the first to admit that some of this housing isn't the best in the world," Mr. Pierson says. But he believes his cabins are above average. "At least we provide them with bottled gas, stoves and refrigerators," he remarks.

Mr. Pierson says he even allowed some cucumber pickers working for another grower to stay in his cabins. "They literally came to me with tears in their eyes," he says, adding, "What are you going to do with these people? What I want to know is what the Government is going to do with these people—what anybody is going to do for them."

He sees hard times ahead for growers, who are faced with rising costs and diminishing profits. "The farmers are just about at the end of their rope," Mr. Pierson claims. And, he says, the crew leaders are apprehensive too. "I think a lot of them are more worried about what's going to happen three years from now than about the conditions today."

FAMILY PLANNING: PUBLIC PRIORITY AND PRIVATE RIGHT—I

Mr. TYDINGS. Mr. President, I was delighted by the announcement of the Senator from Missouri (Mr. EAGLETON) that he will be the chairman of hearings of the Health Subcommittee of the Committee on Labor and Public Welfare on S. 2108, a bill I introduced with 23 cosponsors to expand, improve, and better coordinate the family planning service and research activities of the Federal Government. The hearings are scheduled to take place on November 12 and 13.

The population problem has become a priority of enormous national and international importance. For, as I shall seek to document in the RECORD each day for the next month, it bears a direct causal relationship to much of the human deprivation and discontent we confront today in this country and throughout the world.

On a global level, the population explosion represents one of the greatest crises currently confronting mankind. Presently, the world's populace is doubling every 35 years. There are approximately 3.5 billion people inhabiting this planet today. By the year 2000, there will be 7 billion. Were this rapid rate of population increase to persist for another 600 years—an insignificant time span in man's million year history—there would be one human being for every square foot of the earth's surface, land and sea.

Needless to say, such a world would hardly be a pleasant place in which to live; it might not even be livable at all. However, for better or for worse, we will never have to contend with such a situation. Nature will not permit this "standing room only" condition to materialize.

Man's day of reckoning with this problem cannot be put off 600 years, or even 50 years. Whether we wish it or not, the present imbalance between births and deaths will be redressed within our lifetime. Either the nations of the world will act in time to defuse the population bomb with humane programs to reduce birth rates sharply, or nature will ruthlessly restore the balance with her traditional culling tools of war, famine, and disease—the feared Horsemen of the Apocalypse. Either a "birth rate" solution, or a "death rate" solution. The choice is still ours, though not for very long.

America's contribution to this global problem must begin right here at home. For the fact is, the United States also has a serious population problem of its own. If we cannot cope with our population problem, we will hardly be in a position to lead the other nations of the world in the fight to preserve the planet for future generations.

The bill on which the Health Subcommittee's hearings will be conducted, S. 2108, will deal primarily with the domestic aspects of the population problem—although there are certainly important international implications as well.

In 1950, 151 million people were living in the United States. Today there are 202 million. By the year 2000—30 years from now—that number will swell to 300 million. In short, the population of this country will have doubled in the last half of the 20th century.

What will the addition of 100 million people over the next three decades mean to us as individual Americans? The very quality of life in this Nation will be threatened. Our already critical environmental and pollution problems will be exacerbated; slums will spread; the crime rate will rise; our public services will be eroded.

This is the problem of aggregate population growth in this country; and it represents the most serious long-term aspect of the population problem. But it is not the most pressing aspect.

The most immediate and pressing aspect is a structural or family problem. It affects particularly that segment of the population which has not followed the national pattern of reduced fertility but rather has continued with high birth rates and has therefore not shared to the full extent in the national prosperity.

Surveys have revealed, popular wisdom to the contrary, that low-income families in the United States desire fewer children than their middle- and upper-class counterparts. But they end up with larger families. Chicago's poor, for example, are saddled with a birth rate which equals that of India. The reason: More than 4 million low-income women who want and would use family planning services and contraceptives are not receiving them.

And the price these women pay is not merely the inconvenience of more children than they desire. The price is increasingly long odds that they and their families will ever escape from the poverty that oppresses them. For family size is a cause of poverty as well as an effect.

The dilemma facing the impoverished family is much like that confronting a developing nation. As the National Advisory Commission on Rural Poverty explained it:

> A vicious cycle of poverty and fertility is at work . . . Because they [the poor] do not limit the size of their families, the expense of raising unwanted children on inadequate incomes drives them deeper into poverty.

The results are families without hope and children without futures.

In other words, any effective campaign to eliminate poverty in this country must include programs which make family planning information and contraceptive devices on a voluntary basis to all who desire them. For the right to be able to plan one's family is as essential a part of full freedom of opportunity as the right to a decent home, the right to an education fully commensurate with ability, and the right to a good job.

Before discussing the status our current family planning service and research programs and the shortcomings S. 2108 is designed to correct, I would like to devote the next few days to a careful description of the related problems of population and poverty in this country. Therefore, I ask unanimous consent that the excellent article entitled "Unwanted Births and Poverty in the United States," written by E. Sherman Adams, be printed in the RECORD.

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

[From the Conference Board Record, April 1969]

UNWANTED BIRTHS AND POVERTY IN THE UNITED STATES

(By E. Sherman Adams)

(A vicious circle of poverty and fertility is at work . . . Because they [the poor] do not limit the size of their families, the expense of raising unwanted children on inadequate incomes drives them deeper into poverty. The results are families without hope and children without future.—National Advisory Commission on Rural Poverty.) [1]

Most Americans are not yet aware that unwanted births are a major factor perpetuating poverty in this country. Moreover, this is an evil which, if we decide to, we can cure—and at small cost.

Reports, speeches, books, articles and TV panels discuss at length other aspects of poverty—squalid housing, decayed neighborhoods, hunger and disease, unemployment, social barriers, and inferior schools. And many billions of dollars are expended annually on programs to alleviate these problems.

In sharp contrast, you rarely hear any reference to the high birth rate among the poor. Seldom does a writer or speaker mention that this intensifies and prolongs poverty in both urban and rural America. And the government spends the merest pittance on family planning services.

One recently published book includes 19 essays on various aspects of poverty in this country. You would search in vain to find a single reference to the birth rate or birth control. This is not unusual; it is typical.

Even the voluminous report of the National Advisory Commission on Civil Disorders contains only one brief paragraph on the subject. One of the three sentences in that paragraph does state that broader provision of family planning services that could make "a significant contribution" to breaking the cycle of want and dependency, but the rest of this 174,000-word report deals with other matters.

IN THE UNDERDEVELOPED COUNTRIES—AND HERE

Considerable attention has been given in recent years to the alarming implications of the population explosion in underdeveloped nations, and there is increasing recognition that rapid population growth breeds destitution, disease and ignorance in those countries. But few realize that the same process is at work in our own disadvantaged areas.

Not long ago, an assemblage of distinguished intellectuals gathered at Arden House, New York, and spent four days discussing "The Population Dilemma" both in the U.S. and elsewhere. But the published report on this convocation hardly even hints that unwanted births among the needy are one of the basic causes of chronic poverty in this country.

Actually, the linkages between fertility and want in the United States are very much the same as in Latin American, Asian and African countries. They are more obvious in those nations primarily because a much larger proportion of the people are poor, their deprivation is greater, and large numbers of poverty-stricken children are much more in evidence than in this country.

In South American cities for example, the visitor is always conscious of the surrounding *barrios* swarming with ragged waifs. But in the United States, poverty is less visible. Many of us rarely see the squalor of slum areas; we keep to the superhighways that bypass them. Most Americans have never visited any of the South's miserable Tobacco Roads.

And there are some who, in their concern about the underdeveloped countries, completely dismiss the problem in this country.

An eminent Stanford professor of demography recently cited the overall population growth rate of about 1.2% in the U.S. and observed: "Surely our affluent society has the resources to cope with this level of growth." [2] The critical problem, however, is not among the affluent, but among the poor. This is not a question of the overall growth rate for the nation as a whole; it is a problem of literally hundreds of thousands of unwanted babies born each year to poor families who become trapped in a subculture of despair.

Economists see plainly that in other parts of the world the disastrous famines predicted by Malthus may materialize, but they are confident that in this country, population will not outrun the food supply—at least not in the immediate future. The urgent problem here is admittedly not famine; it is the role of the high birth rate in perpetuating poverty. And this is something which is not discussed at all in economics textbooks.

"AND THE POOR GET CHILDREN"

There can be no doubt about the seriousness of this poverty-fertility circle. In the first place, there is ample data to document the saying that the rich get richer and the poor get children. Chicago's poor, for instance, have a birth rate on a par with India's. For the nation, the fertility rate—defined as the number of children born per 1,000 women in the 15–44 age group—is 55% greater among the poor than among the nonpoor. It inevitably follows that there is a much higher proportion of large families among the poor.

A recent Census Bureau report shows that 38% of all poor families with children, white and nonwhite, have four or more children, contrasted with only 17% of all nonpoor families. Indeed, among the poor, 24% have five or more children, contrasted with only 7% of all nonpoor families.

And, of course, in a high percentage of needy families, the mother today is still of child-bearing age and will have more children. Many of the poverty-stricken families which presently have fewer than four children will eventually have four or five or six or more, unless they receive family planning assistance.

To put it somewhat differently, less than 10% of all families with only one or two children are poor, whereas 35% of all families with five or more children are poor. And again, the prospect today is that many of the poor families who now have only one or two children will eventually be in the five-or-more category.

According to Census Bureau statistics based on criteria established by the Social Security Administration, approximately 26 million persons in the United States today subsist in poverty. This figure is calculated on the basis of minimum nutritional standards and estimated minimum incomes required by various-sized families.

Some contend that this formula exaggerates the number of persons who really should be classed as being poor, and there would seem to be some validity in certain of these criticisms. On the other hand, one can hardly shrug off Census Bureau figures which show that the 26 million persons classified as poor have an average of only 70 cents per day for food for each member of the family. Moreover, there are almost a million more persons whose incomes would be below the poverty line if they were not receiving welfare.

In any event, the Census Bureau data are the best available, and even though the 26 million figure is debatable, percentage breakdowns based on these data are undoubtedly representatives of very low-income families and individuals, however defined.

One such breakdown shows that of the 26 million poor persons in the country, 10½ million, or 41%, are children under 18, and most of these poor children are in large families. Of all children who are poor, 63% are in families which already have four or more children, and 45% are in families with five or more. And the plight of many of these children will become progressively worse as more unwanted babies arrive.

It is clear that a very high proportion of all poor persons are poor primarily because they were born to poverty. This obviously applies to virtually all of the 41% who are children. It also applies to millions of poor adults who were reared in poverty. Millions who are born poor are doomed to life-long poverty.

To be sure, some who are born to poverty are eventually able to improve their economic status. But many do not, and this is particularly true for those who grow up in large families. These account for a large percentage of the 15½ million adults who are poor. In their case, poverty and unwanted births have led to continuing poverty.

It is plain that if the birth rate were no higher among the poor than among the nonpoor, there would be far fewer poor persons. For one thing, of course, this high natality is responsible for the fact that so many of these persons were born. But there is much more to it than that. Children in large poor families have far less chance of ever escaping from the cycle of want than those in smaller families.

HANDICAPPED CHILDREN

Research shows conclusively that children in large poor families receive less attention from their parents, are less healthy, and are relatively less stable and confident than children in smaller families. In school, they show appreciably lower levels of mental development and therefore have less chance of ever rising themselves from poverty. A higher percentage of them become school dropouts, and some who do sit through high school receive, not diplomas, but "certificates" which are evidence that the recipients never attained eighth grade reading level.

In many instances, truancy and juvenile delinquency are side effects which further reduce the child's chances for economic betterment. All of these factors have psychological consequences which increase the odds that by the time the child reaches adulthood, he will be virtually beyond redemption.

A high percentage of these children will eventually join the ranks of the unemployed. Many will have no qualifications for holding a job. A substantial proportion will go on relief, which has become an inherited way of

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life in an increasing number of localities—a family tradition. Among their number will be some alcoholics, dope addicts, and criminals.

Planned Parenthood Federation tells of a case in point. A court in Brooklyn sent for the father of three juvenile delinquents in trouble with the law. The father told the policeman he could not come; he was too busy taking care of his eight other small children—and his wife was in the hospital giving birth to their 12th. The family was on relief.

Many unwanted children suffer from deep emotional problems. A prominent child psychiatrist writes that a deficiency in maternal care can lead to serious disturbances in mental health and development; unwanted children are subject to such a deficiency. He feels more planned parenthood is needed to prevent this emotional crippling. Unwanted births are, in this sense, a public health hazard of the over-population problem.

And as these children in large families grow up, the vicious cycle of fertility and poverty is repeated. Most of them marry young and immediately start having offspring at a rapid rate, thus insuring a large new generation of seriously disadvantaged children.

The more children poor families have, the poorer many of them become and the less chance they have of escaping from the bondage of poverty. One obvious reason is because each additional child means another mouth to feed and another body to clothe. Resources per child are reduced by every birth even if the family's income does not decline.

But in many cases, income actually declines. In 1966, 35% of all poor children were in households headed by women, the poorest of all the groups among the poor The main source of income of most of these families is what the mother can earn and the more children she has, the less chance she has to work. Census data show that the average income of female-headed households is highest for those with only one child and that it declines sharply in direct proportion to the number of additional children.

A major reason why so many women and children are in this trap is desertion by the father, and a principal reason why many husbands abandon their families is because they have so many unwanted children. Census data indicate that poor female-headed households contain more children, on the average, than male-headed families. The Commission on Rural Poverty asserts:

"Unwanted pregnancies can, and often do, wreck any chance for a better life for either parents or children . . . The resulting stress and disorganization of family life are often too much for the father. In thousands of cases he gives up and deserts the family." [3]

A report by a member of a team of doctors who conducted a study in the Delta counties of Mississippi states:

"The homes visited were usually occupied by mothers, worn and tired and looking much older than their actual ages. Their children would range in number from four to ten. Most often there was no father. Questioned as to his absence the responses would be 'we are separated' or, simply, 'I don't know where he is.' " [4]

FERTILITY AND UNEMPLOYMENT

The high birth rate among the poor is also a major cause of their high rate of unemployment and underemployment. The great majority of disadvantaged youths cannot find employment except in unskilled jobs. Progress in industrial technology has been rapidly reducing the percentage of unskilled jobs in the U.S. economy. This is as true on the farm as in the city. In the span of only seven years, 1959–1966, unskilled jobs as a percentage of total civilian jobs declined from 30% to 23%. The lower rungs of the economic ladder are being lopped off.

Meanwhile, because of the high birth rate among the poor, there has been a correspondingly rapid increase in the number of unskilled youths.

This imbalance between supply and demand in this part of the labor market is a basic reason for the high rate of subemployment among disadvantaged youths. In all probability, it has also tended to hold down wages in unskilled occupations.

This situation will become progressively worse over the years ahead, even under conditions of sustained general prosperity. In New York City, for instance, over half the ghetto unemployed were formerly employed, if at all, as laborers, but less than 1% of the new job openings expected to become available in the city between 1965 and 1975 will fall into this nonskilled classification.

The underprivileged are being left ever farther behind by rising national educational norms. It is estimated that during the 1960's alone, about 7½ million youngsters will have left school without a high school diploma. In a study on *Effects of Family Planning on Poverty in the United States*, Dr. Harold L. Sheppard, an authority in the field of industrial sociology, states:

"One of the results of continued high fertility rates among impoverished families is that a disproportionate number of youths entering the labor force from such families cannot be adequately employed in an economy such as that in the United States of the 1970's and beyond." [5]

Increased efforts will undoubtedly be made to improve the education and training of the disadvantaged, but this is a herculean task that will require many years to accomplish. If natality among the poor remains as high as it is now, the efforts of educators, business and government to alleviate poverty will continue to be largely cancelled out by unwanted births.

A HALF MILLION UNWANTED BIRTHS A YEAR

The number of unwanted births among the poor and near-poor is much larger than is generally supposed. Even if one were to assume that the poor want as many offspring as the nonpoor—which they do not—then the number of unwanted births among the poor would be the number in excess of what would have been produced at the fertility rate desired by the nonpoor. On this basis, it has been calculated by the Natality Statistics Branch of the U.S. Public Health Service that in 1966, the 8.2 million poor and near poor women of reproductive age had 451,000 unwanted births which might have been avoided. Another estimate places the number of unwanted births at 545,000.

One reason for the lack of public concern about this whole problem is the widespread assumption that the poor have large families because they want them, or perhaps do not care how many children they have. This upper-class notion is utter nonsense. Its falsity has been repeatedly proven by careful research.

One authoritative report prepared by three eminent experts in this field was based on interviews with a representative national sample of married women in 1960. The study showed that lower-income couples wanted somewhat *smaller* families than higher-income couples. On the average, nonwhite poor couples wanted even fewer children than whites.

Similarly, a study in 1961 by a Princeton research team showed that most blue collar wives want *fewer* children than white collar wives. A survey by a prominent sociologist among Chicago families substantiated the preference of nonwhites for smaller families than whites. Further corroboration was provided in a 1965 survey by the Florida State Health Department.

An official of the Southern Regional Council who surveyed conditions in Mississippi reports:

"No program of birth control is available to the poor, although every mother with whom I talked expressed a desire for help in limiting her family. A few who did know about 'the pill' had not been able to afford it." [6]

The place of family planning in the hierarchy of needs of the poor is indicated by a survey among 2,081 very low-income families in Detroit, about half of whom were white and half nonwhite. Interviewers found that birth control ranked sixth among the myriad services required by these families, ranking below only such pressing needs as financial assistance and job training.

FAMILY PLANNING DOES WORK

Another common misconception is the belief that little or nothing can be done about the high natality of the poor. Talk with a few doctors, social workers or Planned Parenthood volunteers and you will hear a different story. These people know at first hand that the availability of birth control facilities makes a tremendous difference in the lives of low-income families.

A number of other countries, including some which, ironically, Americans sometimes refer to as being "backward," are more advanced than the U.S. in providing subsidized family planning services. A number of them can already present impressive evidence of the effectiveness of these programs.

For example, South Korea succeeded in reducing its growth rate from 3% per year in 1962 to 2.5% in 1966. Taiwan has seen its annual growth rate drop from 4.5% in 1955 to 2.3% at the end of 1967. In Singapore, the birth rate declined 39% in the decade from 1957 to 1967. In Puerto Rico, natality was reduced nearly 20% from 1956 to 1966.

Official birth control programs are also being developed in India, Egypt, Kenya, Pakistan, Tunisia and Turkey. Some of these have so far been handicapped by the lack of trained personnel. Also, in some of these countries, many of the poor apparently *want* large families—partly from fear that some of their children will not survive—and birth control programs are viewed with deep suspicion.

In the United States, however, it is certain that unwanted births among the poor could be substantially reduced by an adequately funded family planning program. The evidence is overwhelming that in this country, the poor do want help and that they do respond effectively to family planning services.

For instance, analysis of results of Planned Parenthood and Health Department programs in Baltimore, New Orleans and Washington, D.C., as well as in rural areas from Kentucky to Texas, showed significant declines in the birth rates among the poor—in one case, as much as 36%. And comparable results are reported elsewhere.

In a low-income section of Chicago, the birth rate declined more than 20% within four years after the introduction of a planned parenthood program. A program in a rural county in Louisiana resulted in a 32% drop in the birth rate in one year's time, compared with a 6% decrease in the four surrounding counties which lacked a program.

In Mecklenburg County, North Carolina, the health and welfare departments have combined to make birth control services available to the needy. In the first year of this program, 732 women enrolled and no pregnancies were reported. These same women previously had a total of 3,440 pregnancies. The cost of welfare in the county has been sharply reduced. In human terms, the savings are far greater.

A doctor who initiated a family planning program among the rural poor in Appalachia reports that the response has been "overwhelming." One of the public health nurses

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there wrote: "Words cannot express the joy and pleasure these women show on being offered this help." [7]

The fact is that millions of poor and near-poor in this country have for generations desperately needed family planning services. According to the Commission on Rural Poverty: "Because these people are poor, they do not know how to plan their families nor do they know where to turn for help in planning." [8] It is a shocking commentary on our affluent and supposedly humanitarian society that we permit this situation to continue to contribute to the perpetuation of poverty in the midst of plenty.

FAMILY PLANNING VS. ILLEGAL ABORTIONS

Contrary to the popular notion that abortion involves mostly illegitimate pregnancies, it is actually more a problem of married women who have several children. The present dearth of family planning services is a major reason for the large number of illegal abortions in this country, estimated to be around 1,000,000 a year—one for every four live births.

Most state abortion laws are severely restrictive and so is their application by hospital boards. In Colorado, the first state to liberalize the law, boards approved only 398 hospital abortions between January 1 and October 31, 1968. Nineteen out of 20 requests were turned down. A "liberalized" California law has not worked any better.

A large percentage of these 1,000,000 illegal abortions are performed under unsanitary, unsafe conditions. The great majority of women must seek "underworld" abortions from hacks, medical butchers or midwives with little or no gynecological training. No one knows how much harm is caused to the women forced to resort to this dangerous expedient. Nor is it known how many women die each year from self-induced abortions.

One approach to this problem would be to make abortions safe by giving them official sanction. Japan did this primarily as a means of population control and with spectacular success. Its birth rate was cut in half between 1947 and 1958.

In the United States, however, attempts at reform meet strong opposition. In most states, truly liberal abortion laws appear to be many years away. The obvious alternative, and one which is far more easily attainable in the near future, is Federal action to reduce unwanted pregnancies by making family planning services more accessible. This would not solve the problem completely, but it would go a long way toward it.

A BASIC HUMAN RIGHT

Some persons apparently assume that family planning programs might involve coercion and feel that this would violate human rights. However, the Planned Parenthood Federation has always emphasized the voluntary character of its programs. It seeks only to make family planning services accessible to those who need and want them.

At the annual conventon of Planned Parenthood-World Population last November, delegates adopted a resolution stating: "No one should be forced to use birth control . . . We must be especially vigilant to preserve freedom of choice about family size for welfare recipients and other Americans dependent on public assistance." Actually, in the case of most of the poor, it is really not a matter of *preserving* freedom of choice about family size, but a matter of *giving* them that freedom of which they are presently deprived because they are not receiving the assistance they need.

Indeed, it is a fundamental right of all parents to plan their families. The International Conference on Human Rights which met last year in Teheran adopted the following resolution with no "nay" votes: "Parents have a basic right to determine freely and responsibly the number and spacing of their children."

Family planning is now practiced by an overwhelming majority of middle- and upper-income couples in this country, whites and nonwhites as well. Among the poor, however, it is estimated that 36% of all births are unwanted. Unless we make family planning services available to these people, we will continue to deny them one of the most important human rights. This right is particularly vital to them because its dential condemns many of them to unending poverty.

Moreover, voluntary limitation of family size carries a strong moral sanction. Parents have responsibilities to the children they bring into the world. In the case of parents who are poor, the most urgent of these responsibilities is to see to it that their youngsters have the best opportunity they can give them someday to escape from poverty.

THE FINANCIAL COSTS

We have been discussing mostly the human costs of unwanted births among the poor, the costs in terms of misery, deprivation and degradation. Let us look at the financial, social and economic costs. They are enormous.

One of the more obvious effects is on the cost of public assistance. Despite the biggest business boom in history, welfare rolls have been expanding and relief costs soaring in recent years. One of the largest and fastest growing segments of the welfare program is known as Aid to Families with Dependent Children. Between 1955 and 1968, the number of AFDC recipients skyrocketed by 3.4 million persons, more than 150%. Today the number on AFDC—over 5.6 million—is more than twice the combined total of all others on relief, such as the old, the blind and the disabled. Half of the children receiving this aid were the result of unwanted pregnancies.

But unwanted births have a far greater impact on relief costs and on other public expenditures than just on the AFDC program, because they are partially responsible for the continuing existence of poverty. In 1968, total outlays for public assistance by all levels of government—Federal, state and local—amounted to $10 billon, an increase since 1960 of almost $6 billion, about 150%. In New York City alone, welfare expenditures now exceed $1 billion annually and are burgeoning at the fantastic rate of 20% per year.

And there are other expensive Federal programs which constitute aid to the poor, such as public housing, education, employment and health services, and other forms of income maintenance assistance. In 1968, expenditures for programs of this type totaled $17 billion.

Since unwanted births among the poor are a major reason for the perpetuation of poverty, they must also be a major reason for the magnitude of total welfare payments and other outlays for the poor and for their continuing growth.

By the same token, the high birth rate among the poor contributes to many other costs of government, especially at the local level. It increases the demand for all municipal services—sanitation, health facilities, law enforcement, programs to combat delinquency, alcoholism and addiction, and so on. It adds enormously to the cost of public education, the largest item in all city budgets. At the state level, it means need for more mental, penal and health institutions, and for more thruways to enable suburbanites to flee the city at the end of the day.

THE SOCIAL COSTS

It is impossible even to estimate some of the social costs involved, such as the extent to which the rapid growth of population in the ghetto exacerbates racial tensions and social unrest. Many observers believe that continuing poverty constitutes a very real and growing threat to our social order.

The overcrowding of central city schools by an influx of children from deprived backgrounds has been causing a sharp deterioration in the quality of public education in these areas. This has accelerated the migration of middle-class families to the suburbs to find better schools for their children, thereby widening the gulf between the central cities and the suburbs.

Over the years ahead, most of these many costs, both financial and social, will in all probability increase substantially. Take welfare. The great majority of those in want are presently either receiving no public assistance whatever or allowances which are utterly inadequate—$34.55 per month for the average family in Mississippi, for example. More than three-fourths of all poor children are in families who are not yet on AFDC. This situation is not likely to continue indefinitely.

Moreover, the income of most families on relief is still below the poverty level, and increasing attention is being given to various plans of income maintenance, such as the negative income tax, to bring all Americans up at least to the poverty line. In addition, there is the possibility of a system of wage supplements for low-paid workers.

It is clear that the Federal government will also greatly expand its outlays on urban housing. The Housing Act of 1968 calls for the rehabilitation or construction of six million shelter units for the needy over the next ten years. And construction costs, already rising at the rate of 5% a year, will be under increased pressure in coming years. Rent supplements and interest subsidies are scheduled to increase sharply.

Similarly, expenditures on public education have been mounting rapidly in recent years and there is every indication that this will continue. Indeed, they are likely to accelerate wherever serious efforts are made to provide disadvantaged children with the quality of education they need. And so it is with many other governmental programs.

THE ECONOMIC COSTS

From the standpoint of the economist, one of the big costs of poverty is that the poor are a drain on the economy. Many produce nothing whatever, except children they cannot provide for, and the productivity of those who do work is very low. Most of them pay no taxes and never will.

During the Industrial Revolution, many of the well-to-do owed their affluence in part to the exploitation of the productive labor of the poor—the "downtrodden masses." But in our era, most of those who are productive are comparatively well off. And the poor, instead of being a source of wealth, are mostly unproductive and are a heavy burden to society.

In fact, the high natality among the poor results in a large-scale diversion of resources to support children who were unwanted in the first place and who are fettered with great handicaps. These offspring constitute new, continuing claims on the meager incomes of their unfortunate parents and on the funds of the community available for social betterment.

At birth control clinics, the cost of providing family planning services averages only $20 to $25 per patient per year. The saving to society from not having to support unwanted children and provide them with all kinds of public services would be far in excess of the negligible cost of helping the parents to avoid births they do not want. Estimates of the benefit-cost ratio of family planning programs range from 50-to-1 up to 100-to-1.

Indeed, no other program that is politically feasible would even begin to compare with family planning in effectiveness in reducing poverty and the costs related to poverty. Until we make an adequate investment of this kind, the unfettered stork will continue to frustrate increasingly expensive programs to alleviate poverty. And the greatest return on

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such an investment would be not in dollars but in human terms.

WHAT IS BEING DONE?

How much is being done in the United States at the present time to help the poor in limiting the size of their families? The answer, in general, is: Nowhere near enough compared with the need.

It is estimated that about 800,000 medically dependent women are presently being served by family planning facilities, public and private, and that there are almost four and a half million others who still need to be reached, about two-thirds of whom are white, one-third nonwhite. And there are many more families hovering above the poverty line who urgently need these services too.

Planned Parenthood groups sponsor some 470 birth control clinics throughout the U.S. These centers certainly deserve merit badges for dedication and quality of service, but most of them are small, understaffed, and lacking in adequate funds.

In relation to the need, governmental action to date has been far from adequate. Although, at long last, the Federal government has recognized that it has some responsibility for the problem and has from time to time acknowledged its seriousness, actual progress has been slow and cautious. Money and staff committed to deal with it still rank below a hundred less urgent projects.

Six Federal agences are involved in one way or another in family planning. Of these, Health, Education and Welfare and the Office of Economic Opportunity are the most active. Some agencies which should be leaders in this field, such as the Public Health Service, have done comparatively little.

Although in the past the total amount expended by the government was almost negligible, $31.5 million has been earmarked for fiscal year 1969 and President Johnson's budget calls for a token increase in 1970. To be sure, this represents some improvement over previous years, but it can easily be put into perspective. For instance, HEW's 1969 budget is about $14½ billion, and the birth control/planning part represents only one-eighth of 1%. Professor Paul R. Ehrlich, professor of biology at Stanford University, calls this "less than a drop in the bucket, not even a good micro-drop."[9] In comparison with the immense costs of poverty—human, financial, social and economic—it is indeed a paltry sum.

Moreover, the Federal agencies involved have not yet adopted formal decisions to initiate programs as a matter of policy. Except for a recent requirement that family planning services must be made available to AFDC recipients, the government leaves the initiation of programs to state and local agencies and many of these are doing little or nothing about the problem. Many hospital boards are still indifferent or even hostile toward family planning. Only about one-fifth of the hospitals with large maternity services operate clinics where birth control services are available for needy patients. If state and local agencies entitled to Federal assistance happen to have such programs and request funds for them, HEW does not object, provided funds are available.

But available funds are inadequate, and some of the local programs that do exist need more money. The director of the Georgia Department of Public Health states: "There needs to be a great increase in the level of support from the Federal government for this very necessary activity."

Dr. Alan Guttmacher, president of Planned Parenthood-World Federation, in his testimony before the Senate Subcommittee on Employment, Manpower and Poverty in 1967, stated:

"The question that faces us today is *not* whether or not family planning services are needed; it is *not* a question of beneficial results; it is not even a question of individual or societal acceptance—rather it is a question of the degree of priority we are willing to place on family planning services for the medically impoverished and how far we are willing to go to implement that priority."[10]

The President's Committee on Population and Family Planning, whose report was issued in November, 1968, concluded that "the Federal government must undertake a much larger effort if this nation hopes to play its proper role in attaining a better life for its people."[11]

FOOTNOTES

[1] President's Advisory Commission on Rural Poverty, *The People Left Behind*, Washington, D.C., September 1967, p. 75.

[2] Dudley Kirk, *World Population: Hope Ahead;* based on a paper prepared for a conference on fertility and population planning held at the University of Michigan, November, 1967.

[3] President's National Advisory Commission on Rural Poverty, *loc. cit.*

[4] Southern Regional Council, *Hungry Children*, Atlanta, Georgia, *ca* 1968, p. 13.

[5] Harold L. Sheppard, *Effects of Family Planning on Poverty in the United States*, W. E. Upjohn Institute for Employment Research, Kalamazoo, Michigan, 1967, p. V.

[6] Southern Regional Council, *op. cit.*, p. 17.

[7] Frederick S. Jaffe (ed.), *Rural Family Planning Programs*, papers prepared for the National Advisory Commission on Rural Poverty, Planned Parenthood-World Population, New York, December 1967, p. 53.

[8] President's National Advisory Commission on Rural Poverty, *loc. cit.*

[9] Paul R. Ehrlich, *The Population Bomb*, Sierra Club-Balantine Books, New York, 1968, p. 89.

[10] "Examination of War on Poverty," hearings before the Subcommittee on Employment, Manpower and Poverty, U.S. Senate, 90th Congress, 1st Session, Part 7, June 8, 1967.

[11] President's Committee on Population and Family Planning, *Population and Family Planning*, Washington, D.C., November 1968, p. 43.

ADDRESS BY WILLIAM C. FOSTER BEFORE STRATEGY FOR PEACE CONFERENCE

Mr. PELL. Mr. President, on Friday October 9, I had the honor to participate with William Foster, former Director of the U.S. Arms Control and Disarmament Agency, at the excellent 10th anniversary of the Strategy for Peace Conference, organized by the Stanley Foundation.

I thought Mr. Foster's speech singularly knowledgeable, concise, and well expressed.

I thought particularly well taken his stressing of the five points of unfinished business in the U.S. Arms Control and Disarmament Agency. They were: First, the United States should ratify the Geneva protocol of 1925; second, the United States should move on the United Kingdom's draft convention which would ban the production and stockpiling of biological warfare agents, as well as their use even in retaliation; third, we should move ahead now, without waiting for the results of the SALT talks on banning underground nuclear tests; fourth, the Nonproliferation Treaty should be reopened for signature; and fifth, urgent need to continue congressional interest in the strategic arms limitation talks with the Soviet Union.

I ask unanimous consent that the address be printed in the RECORD.

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

UNFINISHED BUSINESS

(By Hon. William C. Foster, Former Director, U.S. Arms Control and Disarmament Agency, October 9, 1969)

First of all, I would like to express congratulations to our host on this tenth anniversary of his excellent initiative: the strategy for peace conference. Mr. Stanley, I am sure that I speak for all of us in saying that we are most indebted to you for pursuing this manifestly worthwhile endeavor, which is a real stimulus to thought and imagination in important sectors of public life. And with our congratulations, please accept also our best wishes for continuing success.

Let me say also how pleased I am to participate in this program with Senator Pell, whom I have been privileged to know for a long time. He is a real authority on arms control, and he is a gentleman whose friendship I have always valued greatly, both professionally and personally.

Working in the arms control field, one is apt to acquire what the French call a *"déformation professionnelle,"* which in this instance takes the form of always looking toward the future—often in rather optimistic terms. The reason for this is quite simple: Everything we have been able to achieve in arms control had previously been regarded with considerable skepticism, but somehow it managed to get done anyway. I don't mean to suggest that we have accomplished miracles in arms control—those lie ahead—but I do believe that progress has been made in a number of ways.

When the arms control and disarmament agency—or "ACDA" as we call it—got started, in 1961, there were many skeptics and many grave doubts, not only about Soviet policies and intentions but about arms controllers' intentions. And I confess that one of my own principal concerns, especially during those earlier years, was that ACDA should gain "respectability," first of all within the U.S. Government itself. In this connection I was rather pleased to note last year that we had been paid a compliment by none other than General Curtis Le May. It was a somewhat back-handed compliment, but after all you can't have everything in this life. In his book "America Is In Danger" the General and then vice-presidential candidate recalled that when ACDA was established there were some who feared it might become "a haven for reds and crackpots." And General Le May added: "Fortunately, I do not think this has happened." Well, as they say, one should be thankful for small blessings.

Anyway, I think it is apparent that ACDA has gained not only respectability but even a modest decree of renown. Nowadays it is common to find the name of ACDA in newspaper articles and editorials—sometimes even in abbreviated form—with no apparent need being felt to explain what it is.

During these years an educational process on our working with the Soviets evolved, so that finally, with administration and congressional support, we and the Soviets together led most of the rest of the world to certain agreements such as the limited test ban, the non-armament of outer space, the nuclear non-proliferation treaty, and perhaps soon, a treaty to keep the nuclear arms race off the seabed. Most important of all, of course, we led the Soviets from a position of outright refusal to discuss a 1964 U.S. proposal for a freeze on further expansion of strategic nuclear delivery vehicles, to where the Soviet Government now seems intrinsically as much interested as we are in discussing limitations on strategic arms. I say "intrinsically". As we all know, it is the Soviets who, most recently, have been delaying the start of these talks. But if, as a private citi-

zen I may indulge in a little private speculation, I think the reason for their delay is not related to strategic weaponry but rather to their border problems with the Chinese. When they are hoping for productive discussions with the Chinese on this subject but are unsure whether such discussions are possible, I imagine the Soviets must feel that it is psychologically a bad moment to begin such a momentous and visible bilateral discussion with the United States. Anyway, I hope most profoundly that whatever the cause of delay may be it will soon be removed. It hardly seems necessary to say that every day which has gone by has made this problem a little more difficult to resolve: And I certainly wish my successor, Gerard Smith, all possible success in this historic but infinitely complex undertaking.

One of the most encouraging aspects of arms control agreements, of course, is that fact that even a small agreement makes additional measures easier because each side does thus acquire a certain additional measure of confidence that the undertakings will be lived up to. And the arms control agreements have been lived up to. This is not really surprising, because any agreement reached must necessarily have been in the basic interest of the parties. We cannot dictate agreements to the Soviets nor they to us.

Now, for most governments, arms control agreements are already beginning to form a pattern. I would cite as evidence of this the fact that an arms control treaty for the seabed is widely regarded as a logical sequel to the non-proliferation treaty, with its pledge to pursue negotiations toward ending the nuclear arms race. By the same token, almost all governments in the world have urged the United States and the Soviet Union to get started with the SALT talks—partly on the grounds that these too are a logical sequel to the nonproliferation treaty and in fact are an obligation imposed by the NPT. Carrying this line of reasoning one step farther, a number of governments have urged us to get on with SALT because they believe that successful results in these bilateral talks will have a profoundly beneficial effect on the multilateral arms control negotiations which are conducted in the disarmament conference at Geneva. They have expressed the belief, for example, that if the United States and the Soviet Union can agree to place limits on certain weapons systems, the requirements for nuclear testing can thus at last be circumscribed and it will be possible to negotiate a treaty banning underground tests.

But needless to say, we cannot sit back and wait for the beneficial results of the SALT talks to be felt, for they may be a long time in coming: and there are arms control measures which are badly needed and on which action can and should be taken now.

In fact, I would like to list five specific issues related to arms control, in which I hope all of us here in this room will take a personal and active interest, bringing to bear as much influence as we can to bring about their fulfillment.

No. 1: The United States should ratify the Geneva Protocol of 1925, which prohibits the first use in war of chemical and biological weapons. This is the principal international instrument related to chemical and biological warfare. The United States initiated it, and the United States signed it: But our pride of authorship became an embarrassment when the Senate failed to vote on it, in 1926. Indeed until recently our approach to the protocol was for the most part one of awkward silence.

Now, after 44 years, there seems to be hope that the protocol will be re-submitted to the Senate for its consent to ratification. Except for Japan, the United States is the only major power which has withheld ratification: and our adherence is needed to strengthen the protocol and thereby reduce the likelihod that poison gas or germ warfare might be used in a future conflict. Ratification, also, would set a desirable precedent by making us a party to an arms control agreement that includes mainland China as a party.

Other, more comprehensive measures related to chemical and biological warfare also are needed. But I believe that our ratification of the Geneva Protocol is the next logical step for us to take: And I most sincerely hope that President Nixon will submit it to the Senate.

No. 2: In July of this year, at the disarmament conference in Geneva, the United Kingdom presented a draft convention which would ban the production and stockpiling of biological warfare agents, as well as their use even in retaliation. The United States has reserved its position on the substance of this British proposal pending the outcome of the inter-agency review of CBW which has been going on in Washington this summer. I believe that the U.S. should give the British convention its full support. Biological warfare agents because of the impossibility of predicting or controlling their action, are a danger to all mankind. Our biological warfare program adds nothing to our security. On the contrary, our security would be enhanced if we acted to discourage the proliferation of biological warfare capabilities, which we don't need but which others might seek to develop in the absence of treaty restrictions. The British proposal would enable us to divest ourselves of a useless and pernicious liability. It deserves, and needs, our full support.

No. 3: We should move ahead now, without waiting for the results of the SALT talks, on banning underground nuclear tests.

The limited test ban treaty, negotiated in 1963, does pose restrictions on nuclear test operations, and has been especially effective in alleviating the contamination of our envirionment with radioactive debris. As an arms control measure, however, it has not made nor was it expected to make, a serious dent in the strategic arms race. Underground tests in unlimited numbers and sizes are still permitted, and the development and testing of nuclear weapons continues apace.

Agreement on a comprehensive test ban—which would effectively curtail nuclear weapon development—continues to be stymied on the verification problem. The Soviet Union maintains that national capabilities alone are adequate for verification purposes, while the United States insists that national capabilities must be supplemented by a small on-site inspection quota to give the necessary confidence that the treaty was not being violated. The U.S. has provided detailed data to show that below a certain yield level (some ten's of kilotons in rock) current remote detection techniques cannot unambiguously distinguish nuclear explosions from earthquakes. The Soviets, without refuting the U.S. technical data, still maintain that national capabilities are adequate. Here the matter rests, and the interesting and frustrating aspect of this dilemma is that neither side is necessarily wrong. The crux of the problem is how much assurance is adequate, and this is a political rather than a technical decision.

The Soviets' willingness to rely on their national capabilities undoubtedly is based on their greater access to information on activities in an open society like the U.S. and hence on a lesser need to rely on remote sensing techniques. Also weighing heavily in the equation is their inherent concern about the risk involved in permitting foreign inspectors into their country. In addition, they may see little military significance in the relatively small amount of cheating which might escape detection. On the other hand, the U.S., being a nation made up primarily of foreigners in the first place, is less concerned about inspection by outsiders. But we traditionally credit the Soviets with superman capabilities in the fields of deception and secrecy, and base our analyses on the worst possible contingency, however improbable it may be.

Particularly in arms control matters we devote most of our attention to verification provisions and the risk of undetected violations. Now there is nothing wrong *per se* in analyzing the risk of a possible treaty violation: the mistake lies in letting the analysis stop at that point and ignoring the security risks, which could be many-fold greater, of a situation without the arms control agreement. Few worthwhile enterprises are devoid of all risk, and arms control is no exception. What matters is not that there are risks associated with a particular measure, but rather how do these risks compare with the risks of not having the measure. In the case of the CTB, it is hard to believe that the security risk posed by the relatively few tests the Soviets might be able to carry out without being detected by national means would exceed the security risk of unlimited number of Soviet weapon tests that are permitted in the absence of a CTB. Of course, it can be pointed out that without a CTB the U.S. also could continue testing and thereby counterbalance the Soviet tests. But would this really counterbalance the security risk or would it merely add fuel to the nuclear arms race? It is generally recognized now that this action/reaction approach, responding to bigger and deadlier weapon developments with still bigger and even more deadly weapons, provides less rather than more security and at a price that is staggering. Somewhere the spiral must stop, and a CTB would be a major step toward halting the qualitative nucelar arms race. Of course it would make things much easier if the Soviets would attest to their interest in arms control by accepting a nominal quota of on-site inspections. But I believe that on our side the time has come for a hard new look at the necessity for on-site inspections. Now is also the time for a hard and realistic look at the security risk of not having a CTB.

No. 4: It has been over a year since the non-proliferation treaty was opened for signature. So far 91 countries have signed the treaty, and 21 have also ratified, but progress in recent months towards worldwide adherence has been slow indeed. I was pleased to note that the President in his United Nations speech on September 18, stressed the hope that the Non-proliferation Treaty would soon enter into force. Of equal importance to the ultimate success of the treaty is that countries with advanced industrial and technological capacity that have not already done so become parties to the treaty at the earliest opportunity. Various factors may have contributed to their delay in acting on the treaty—election campaigns in Germany, Israel, and Australia, for example, or parliamentary considerations in Japan. In the interest of mankind, however, and the universal desire for continued progress in other field of arms control, the decision dare not be put off indefinitely, but must be faced squarely and urgently. We should do everything we can to make our friends in those countries realize that the Non-proliferation Treaty will promote the peaceful uses of nuclear energy, and that by enhancing the general security it will enhance their own.

No. 5: One element that augurs well for arms control is the increased congressional interest in the subject.

Witness the extensive bipartisan sponsorship of resolutions calling for a mutual moratorium on the flight testing of re-entry vehicles such as MIRVs. There were over 100 sponsors or co-sponsors of these resolutions in the House, and almost half the Senate has sponsored them. Extensive hearings, particularly by the House Foreign Affairs Subcommittee on national security policy, contrib-

uted greatly to an increased understanding of the issues involved. These resolutions have yet to come up on the floor.

Witness the imaginative and helpful initiatives for arms control on the seabed, led by the distinguished Senator from Rhode Island who is here tonight.

Witness the depth of the Senate consideration this year of the military procurement authorization bill. The ABM fight, of course, attracted the most public attention. But the extent of Senate opposition to CBW was startling. Before the bill ever reached the floor, the Senate Armed Services Committee, in what is virtually unprecedented action, eliminated the entire FY 1970 DOD request for CBW research and development. Subsequently, during the floor debate, the McIntyre amendment, containing additional CBW restrictions proposed by several Senators, passed by a unanimous 91–0 roll call vote. Moreover, resolutions calling for resubmission to the Senate of the 1925 Geneva Protocol have extensive sponsorship in both Houses.

I would cite also congressional awareness of the urgent need to begin the strategic arms limitation talks with the Soviet Union.

Never, since the Arms Control and Disarmament Agency was established in 1961, have I seen congressional enthusiasm for arms control as an objective of national security policy at such a high pitch. Indeed, during the early years of the agency, it was hard to persuade Congress that the pursuit of arms control was in our national interest. The effort was subjected to distorted and unjustified attacks from various segments of the public, leaving the lingering suspicion in the minds of some Members of Congress that our activity was a sellout of our security.

A number of factors have contributed to this change, including the dedicated and informed efforts of people like yourselves. It is extremely important that the enthusiastic pursuit of arms control objectives by the Congress be kept up. We should do everything we can to encourage this congressional interest.

Having now said my five issues worth, I would just like to thank you again, Mr. Stanley, and ladies and gentlemen, for this opportunity to be with you, and to wish you an enjoyable and productive session, which I know you will have.

SANITY ON THE CAMPUS

Mr. GOLDWATER. Mr. President, amid all the clouds of emotionalism being thrown up by the mass media concerning the Vietnam moratorium day set for October 15, a cleansing breath of fresh air has come from the clear skies of Arizona.

Dr. Richard A. Harvill, president of the University of Arizona, has written to me a message which cuts through the hyperbole surrounding this impending national demonstration and highlights the probable damaging effects which this day of agitation will have on its student participants if it is conducted in a completely uncontrolled way.

Too often the individual students have been considered to be little else than pawns to be moved at the whim of the professional pacifists who organize and incite these mass demonstrations. Too often the national news media have ignored the impact of these occasions on the lives of the human beings who are misled and manipulated into crossing the line between permissible dissent and unreasoned rebellion.

The thrust of Dr. Harvill's letter is that the administrators and officials governing our colleges and universities must plan and implement ways by which dissent and protest can be channeled into methods that take account of the future careers of the individual students involved, at the same time that they are encouraged to think independently and enabled to participate in sensible discussion of vital issues.

In the words of Dr. Harvill:

The boycotting of classes is the height of asininity, whether done at the University of Arizona, or at any or all other universities throughout the country. By this I simply mean that it is almost a certainty that little will be learned by the students that is new or valuable enough to be offsetting to what they would lose by not attending classes. Actually, there is ample time in the evenings, as the programs have been arranged at the University of Arizona, to concentrate then on the Vietnam War.

I have seen too many students lose out in their academic careers and virtually go to pieces because of the emotional pitch to which they have been raised and kept under the guise of "involvement" in "relevant" issues of the day. They have done this to the point that they have forfeited or lost the opportunity to spend time learning and tryto get perspective which cannot be gained simply by dialogue among students who have not lived long enough and applied themselves well enough to have mature judgments about compelling issues of the day; hence, a substitute of emotional reactions for rational thinking.

Mr. President, the faculty of the University of Arizona stands with President Harvill in these views. The faculty senate, the legislative body of the university in regard to academic matters, has voted overwhelmingly in support of maintaining classes as usual on October 15. They have utterly rejected the concept of an all-out disruption of the normal requirements of courses of study so that students may do nothing but steam off about the war in Vietnam.

The same vote, however, showed tolerance and respect for the individual student's interest in this vital issue and encouraged discussion of the war at proper times outside of the regular classroom schedule.

In my opinion, the approach being taken at the University of Arizona is the correct way to handle the problem of coping with the right of students to participate in legitimate activities of criticism, protest, and demand for change, while at the same time preserving the limits of reasonableness and law which are essential to an organized society. I hope that the president of every university and the mayor of every town will show the backbone and sanity being displayed at the local level in Arizona. If several university presidents would have the plain old guts to think and to act with courage, and if they would be backed by the faculties and boards of regents and Governors of our States, then I believe we would see an end to anarchy on the campus.

Mr. President, I ask unanimous consent that the letter sent to me by Dr. Harvill be printed in the RECORD.

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

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., October 9, 1969.

DEAR FRIENDS: As you are well aware, next Wednesday, October 15, has been designated by many groups in many places as Vietnam National Moratorium Day. In some universities, plans are being made to stretch the one day observance into a greater period extending in some instances to as much as a week.

Boycotting of classes seems to be the rage of the day in universities, and in a few of them classes are being virtually dismissed. Here at the University of Arizona, the Faculty Senate, the legislative body of this University with reference to academic matters and having a membership numbering a little more than 72, most of whom were present on Monday of this week, voted overwhelmingly in support of maintaining classes as usual. The resolution of the Senate took account of the importance of the issue and encouraged students to be deeply concerned about the Vietnamese War.

You are well aware, I am sure, that there are two factions at the University of Arizona among the students. One wants an all-out cessation of normal class work at least one day and virtual concentration of effort and interest on the Vietnam War for two other days, almost to the exclusion of any serious thought about other matters that are a part of the normal requirements of courses of study for which students are enrolled.

The other group deplores what they regard as the "excesses" of the first group. This, of course, is a division between the so-called conservatives and radicals. The point of this letter to you is a simple one; namely, that the students are quoting each of the members of Congress to suit their particular philosophy and point of view regarding these contentious matters. Many of the faculty are gravely disturbed. Some are predicting dire conflict between the contending groups. I do not believe that open conflict between students of these differing points of view is really a prospect. However, the University is attempting preparedness in a quiet, discreet manner.

It is understandable that the students of the contending forces would quote members of the Congress from Arizona in what they think supports their views. The conservatives, of course, are quoting Senator Fannin and Senator Goldwater, while the liberals are quoting Representative Udall. Of course, I know that all three of you are absolutely dedicated to the same purposes to which the administration and other faculty of the University of Arizona are dedicated.

I do hope and pray that all references that you may make will be confined to fundamentals and not to procedures. The boycotting of classes is the height of asininity, whether done at the University of Arizona, or at any or all other universities throughout the country. By this I simply mean that it is almost a certainty that little will be learned by the students that is new or valuable enough to be offsetting to what they would lose by not attending classes. Actually, there is ample time in the evenings, as the programs have been arranged at the University of Arizona, to concentrate then on the Vietnam War.

I have seen too many students lose out in their academic careers and virtually go to pieces because of the emotional pitch to which they have been raised and kept under the guise of "involvement" in "relevant" issues of the day. They have done this to the point that they have forfeited or lost the opportunity to spend time learning and trying to get perspective which cannot be gained simply by dialogue among students who have not lived long enough and applied themselves well enough to have mature judgments about compelling issues of the day; hence, a substitute of emotional reactions for rational thinking.

The University of Arizona has opposed

onerous acts by State Legislature and Federal Legislature because we believe that we can handle these problems within our own group and prevent discord and conflict on the campus. We have succeeded reasonably well, and we want to continue to maintain peaceful order on the campus. I know that you share these same views.

Respectfully yours,

RICHARD A. HARVILL,
President.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. SPARKMAN. Mr. President, because I shall be absent from the Senate attending a NATO meeting next week, I invite attention now to National Business Women's Week which begins on October 19. During this week, the members of the National Federation of Business and Professional Women's Clubs will be saluting the achievements of business and professional women in communities throughout the United States.

I wish to join in this tribute to the accomplishments of women in business and the professions. The number of women in the work force has increased remarkably over the last half century and women at last are being recognized as equal citizens capable of making equal contributions to the growth and welfare of the Nation. I am happy to salute the women of the Business and Professional Women's Clubs on this occasion.

REGULATION OF PRIVATE PENSION PLANS

Mr. JAVITS. Mr. President, the Oakland Tribune has published an interesting front-page series of articles on private pension plans. Upon the completion of that series, it has just published an editorial concerning the need for Federal regulation of private pension plans. In that connection, it has commented favorably upon my bill, S. 2167, the Pension and Employee Benefit Act of 1969.

I ask unanimous consent that the editorial be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD a front-page column published in the Oakland Tribune concerning, among other things, a speech I made recently before the AFL–CIO on this subject.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Oakland (Calif.) Tribune, Sept. 28, 1969]

PRIVATE PENSION PLAN: PROTECTION FROM THE PREDATORS

The disquieting operations of a giant Teamsters Union pension fund—examined in a current Tribune series—should convincingly demonstrate the need for more stringent federal regulation of such private pension plans.

In 1964, Teamsters leader James R. Hoffa and five other persons were convicted on charges of having defrauded a union's pension fund by making false statements to obtain loans from the fund. That particular conviction is still on appeal.

Hearings conducted by the Senate Permanent Investigations Subcommittee in 1965 and 1966 disclosed that assorted union leaders had managed to divert millions of dollars of pension funds to corporations controlled by themselves, to set up other corporations explicitly to manage—for exorbitant fees—the pension funds under their control, and to take other action to milk pension funds.

Yet, then as today, most of what was done was not barred by either federal or state laws.

The Tribune's six-month investigation into the operations of the $628 million Teamsters Central States, Southeast and Southwest Areas Pension Fund, headquartered in Chicago, can lead to no conclusion but that stronger governmental regulations are needed if a repetition of the abuses uncovered in past years is to be averted.

Instances were found of cronyism, kickbacks, payoffs and questionable pension fund loans. So were extremely casual methods of handling loans, highly questionable of public and private entanglements of public officials in various aspects of pension fund loan activities and—perhaps most disturbing—a far too common pension plan association with members of organized crime.

Ideally, the 359,685 union members in 20 states to whom the Central States pension fund belongs would demand a more circumspect handling of their dollars. But, for whatever reason, no such effective demand has come from the rank and file union membership in the Central States area. They are nonetheless entitled to assurances that their pension funds will be protected from mismanagement.

Today they have no such legal assurances. There is an absence of any comprehensive federal regulation over the conduct of the giant pension plans.

The particular Central States Teamsters Union pension fund in question is only one, albeit one of the largest, of some 160,000 private pension plan funds in the nation today. Their total assets are now in excess of $100 billion. By 1980 these reserves are expected to reach some $225 billion.

(It should be noted that the Central States Pension Fund is based in Chicago and draws its participants from the Midwestern and Eastern parts of the United States. California Teamsters belong to the Western Conference which has its own pension fund and prudently handles its own investments through a vastly different method of operation).

It can be—and has been—successfully argued that the federal government has no business interfering with the discretion of pension plan managers in making legitimate investment decisions. We agree.

But the tax exempt status of pension plans alone offers ample justification for federal regulation—not to mention the Federal Government's general responsibility to the more than 25 million Americans now in such pension plans.

The boundaries between private interest and public purpose can be sufficiently respected through enactment of legislation such as the "Pension and Employee Benefit Act of 1969," introduced by Sen. Jacob Javits, R–N.Y.

The Javits bill would establish only minimum funding standards to assure that pension funds are operated on a sound and solvent basis. It would also lay down standards of conduct, restrictions on conflicts of interest and other ethical criteria to be followed by the trustees of the pension plan funds. The Federal Government would be given sufficient investigatory and enforcement power to see those standards are met.

The very existence of such enormous sums of money available for investment without strict control is an open invitation to further abuse and irregularity.

It will remain impossible to crack down on those who take advantage of the law's laxity until specific legislation is enacted assuring pension plan beneficiaries in particular and the nation in general of a fair and honest administration of the vast pension plan funds.

[From the Oakland (Calif.) Tribune, Sept. 28, 1969]

JAVITS ASKS OVERHAUL OF PENSION LAW

(By Jeff Morgan and Gene Ayres)

A major overhaul of laws governing private pension plans which would prevent abuses such as "conflicts of interest, kickbacks and payroll padding" was urged by U.S. Sen. Jacob Javits, R–N.Y., in a major speech to the AFL–CIO.

"My investigation of private pension programs, which has been going on for a number of years now, leads me to believe that there are a number of major changes which need to be made—either voluntary or by law—in the structure of private pension plans in this country," Javits told the giant federation's Industrial Union Department in Atlantic City.

". . . This trust money—now over $100 billion in reserve assets (for all pension plans) is, I believe, the largest aggregate of essentially unregulated money in the nation. What is being done with it?"

The senator, author of a sure-to-be controversial pension reform bill, appealed Friday for support of the measure at the IUD's annual convention.

It is now questionable whether the full bill will be reported out of the Senate Labor Committee during the current congressional session.

However, during a six-months investigation by The Tribune into the management of the Teamsters Central States, Southeast and Southwest Areas Pension Fund headquartered in Chicago, it was learned some action could be taken this fall if the Administration makes an expected recommendation to tighten the responsibilities of trustees of retirement plans.

The Tribune's exclusive series of articles last week disclosed instances of cronyism, kickbacks, payoffs and questionable loans involving the $628 million Teamsters Central States fund and associates of imprisoned union boss James R. Hoffa. That pension plan covers 359,685 union members in 20 Midwestern and Southern states.

The Javits bill, like earlier proposals, would impose a "prudent man" requirement on fund trustees to make reasonably sound investments, and would prohibit loans, fees or kickbacks to employes or trustees of pension funds, participating unions or employers.

It also would reduce the number of years before workers get a vested interest in their retirement benefits, provide government reinsurance of funds, create a new federal policing agency called the U.S. Pension and Employment Benefit Plan Commission, and give the government power to seize and preserve funds if there is evidence of mismanagement.

One of the most important provisions of the bill is pension reinsurance, under which the government would guarantee retirement benefits for workers if a company or pension fund goes out of business.

Javits told the unions the plan would cost the government nothing, but would be financed by insurance premiums from participating pension plans.

But, he added, "No government is going to issue this sort of insurance policy without inspecting and regulating and, to some extent, controlling the funds it insures—any more than the government's Federal Deposit Insurance Corporation would insure banks without imposing strict standards of conduct . . . and without inspecting them regularly.

"In fact, without (inspection and regulation) such an insurance program would make insolvency attractive," he said.

"Why not promise the pension plan members more than can be delivered? Why not take imprudent risks? If the fund cannot deliver, the government will.

"Realistically," the senator warned, "that

kind of reinsurance is not going to happen." Of the most fundamental forms of regulation—so familiar in the banking field . . . is the establishment of basic standards for the administration of these funds.

"Conflicts of interest, kickbacks, payroll padding, etc., have to be prohibited. We have seen example after example of abuse in a series of investigations on Capitol Hill.

"While this kind of abuse is clearly not widespread in any percentage sense, it is substantial enough to require tough standards of conduct and tough enforcement . . ."

Javits said he believes pension plans should, among other investments, try to supply capital "to help eradicate the conditions which pervade our slums," and pointed out some unions which have taken that course.

Maintaining that "it is an essential fact of modern life that more and more workers tend to change jobs, to move around the country," he spoke of the need for portability, the right of workers to transfer their pension entitlement from one fund to another.

In an interview conducted during The Tribune's investigation, Elnar Mohn, chief of the Western Conference of Teamsters said, "I wouldn't be opposed to government guidelines on portability and vesting."

However, he said, "I'd hate to see the government get involved in correcting defects we could find other ways of correcting."

The $400 million pension fund of Mohn's Western Conference, which covers Teamsters in the Western United States and Canada, is an "insured plan" administered entirely by Prudential Life Insurance Co., and totally separate from the Chicago-based Teamsters Central States Fund.

"If we had a funded plan (similar to the one in Chicago) I would want it to be an irrevocable condition of the trust that the decisions on investments be made by a bank or some other financial institution," Mohn said, "perhaps even a blue ribbon committee of financial experts, and that the trustees only be free to direct investments into areas beneficial to our members.

"I don't think a layman has any business trying to sweat out the markets," he said. "Our pension fund trustees aren't qualified to make those kinds of decisions, and I think they'd agree with me."

The Javits bill would give federal courts jurisdiction in lawsuits involving pension funds.

We prefer that system—civil remedies—to criminal penalties," a spokesman for Javits told The Tribune. "In a criminal case nothing can be done to save a fund until there's a conviction, and that can take years."

The U.S. Justice Department is more worried about the links between some labor leaders and organized crime. It hopes some criminal provisions eventually will be included in the law, to dry up a prime source of working capital to some underworld figures.

More than new regulations, many federal attorneys argue, the government needs manpower to investigate the violations of existing laws against embezzlement, conflict-of-interest loans and illegal kickbacks to trustees and agents of pension plans.

"With modern computers and bookkeeping methods, these people are in the jet age," one government lawyer said. "We're still driving horses and buggies."

A TRIBUTE TO SENATOR MATHIAS

Mr. TYDINGS. Mr. President, last month our distinguished colleague from Maryland, Senator CHARLES MCC. MATHIAS, was selected as the Statesman of the Year by the Argo Lodge, B'nai B'rith. The citation reads:

Argo Lodge #413, B'nai B'rith, has chosen Senator Mathias as the recipient of its annual Statesman of the Year Award for the courage and compassion he constantly exhibits in fighting for human betterment, for his leadership in promoting the causes of civil rights and liberty, for his energetic battle against organized crime, for his tireless efforts to conserve our national resources, and for his humanitarian deeds on behalf of the underprivileged and oppressed.

Senator MATHIAS has a long record of public service, including membership for one term in the Maryland House of Delegates and then 8 years as a member of the U.S. House of Representatives, which he left last year to join this body.

Senator MATHIAS' acceptance address displays his characteristic humility and courage, and states clearly again, in well-honed words, his championship of the individual liberties and our democratic system.

Mr. President, I ask unanimous consent that Senator MATHIAS' acceptance speech be printed in the RECORD.

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

ADDRESS OF SENATOR MATHIAS

I do not accept this award as a measure of any personal merit, but rather I accept your honor as a tribute to the cause of civil liberty which your organization has served so splendidly and which transcends all our efforts. For civil liberties are not a political concern; in real sense, they are the prerequisite of all democratic politics. An assault on civil liberties is thus in effect an attack on politics itself. In the defense of civil liberty I do not feel that I have earned any special honor. On the contrary, I have acted in self-defense—defense of the processes of my profession.

So I would return the tribute with gratitude. For it is the work of organizations like yours that ultimately makes my work possible. By maintaining the openness of our society and our politics, the statesmen of liberty at B'nai B'rith reduce the violence and disruption that is the inevitable ultimate result of civil repression.

A good case in point is recent experience in the South. Because civil rights and liberties were denied to blacks, the political process was closed and stultified. In this one party paralysis, the crucial issue of the region was excluded from politics. Our current racial crisis was the ultimate result. Similarly the exclusion of youth from the political processes which shaped the present selective service law contributed substantially to current campus unrest. Our experience teaches us inexorably that civil rights and liberties are indispensable to law and order.

I would like to draw your attention here to some major threats to their maintenance. Currently before the country are several dangers which together pose a grave threat to our liberties. One is misuse or abuse of the national data bank, which is assembling for ready availability all the information about individuals known to the Government in any capacity—prior to the adoption of any national policy for its use especially ominous in conjunction with proposals for punitive legislation covering various groups that do not provide due process of law, and proposals for a national security czar with arbitrary powers to harass victims of unproven security charges. This approach represents a most untimely return to the attitudes of the McCarthy era. At this time of strife, when demands for repression are at their peak, the maintenance of civil liberties becomes both more difficult and more important.

I know that in this battle, as in so many others in the past, I can count on your support. I assure you here of my continued commitment to the causes for which B'nai B'rith exists, and to the spirit of that covenant which is symbolized by this brotherhood.

MISINTERPRETED UNEMPLOYMENT FIGURES

Mr. GOLDWATER. Mr. President, probably the most distorted and misguiding figures offered as statistics in this country are the figures on unemployment. We read with concern last week that unemployment had crept up, and already the believers in a Government-controlled economy are blaming it on President Nixon's efforts to curb inflation and to free the economy.

Unemployment is a dreadful thing, and no one in either party wants to see it increase. I remember very well the days of the early 1930's, in a depression that was ended only by the Second World War, when unemployment approached 20 percent; and regardless of what the boosters of the New Deal might have claimed, nothing they did ever curbed unemployment.

Dr. Milton Friedman has written a most thoughtful article in which he explores unemployment figures. While I know that many Senators probably have read the article in Newsweek, nevertheless, for the benefit of the tens of thousands who read the CONGRESSIONAL RECORD, I ask unanimous consent that the article be printed in the RECORD.

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

UNEMPLOYMENT FIGURES

(By Milton Friedman)

Few figures are watched with more fear and trembling than those reported each month on the percentage of the labor force unemployed. The jump from 3.5 to 4 per cent reported last week has been seized on by some as the first real sign of success in the battle against inflation, by others, as a portent of economic collapse.

Yet few figures are more misunderstood and misinterpreted.

The unemployment percentage is currently 4 per cent. This corresponds to roughly 3.2 million unemployed. Does this mean, as one might suppose from most news stories on unemployment, that more than 3 million families are wondering where the next paycheck is coming from?

WHO ARE THE UNEMPLOYED?

Not at all. Roughly 1 million unemployed are teen-agers, about half of whom are looking for their first job. Of the remaining unemployed, half are females, many of whom are not regular earners. Of the million unemployed males 20 years and older, only about half are married men.

More important, unemployment is mostly a brief period between jobs—or between school or housework and a job. Nearly two-thirds were either working in the prior month, or not looking for a job. Only slightly more than a million were unemployed.

Put differently, fewer than half of the currently unemployed have been unemployed for as long as five weeks; only 5 percent—about 150,000—for as long as six months. This is the hardcore group that leaps to mind when we talk about "the unemployed." Their plight is certainly serious—but 150,000 persons in that position is a far cry from 3 million.

Many persons are unemployed by choice. Some quit one job to look for a better job—more than a third of those who leave jobs in any week do so voluntarily; others have refused a job offered in the belief that a better

one will be along; still others left an earlier job some time ago to go to school, or to make a home for their husbands, or to have or raise children and have only just reentered the labor force. A rise in unemployment may be a good thing as well as a bad thing—if it means that people have so much confidence in finding another job that they do not hesitate to leave one they do not like.

In some ways, a more meaningful figure than the number of persons unemployed at any one date is the average length of time that persons who become unemployed remain unemployed—the average time between jobs for those who change from one job to another, or the average time it takes to get a job for those who go from school or home to the unemployment rolls. Until the most recent jump in the unemployment rate, that average has been about five and a half weeks—hardly a period long enough to cause acute distress.

What this meant was that each week about 530,000 people started to look for work—because they left or lost a job or because they had just entered or re-entered the labor force. Simultaneously, about 530,000 people each week found jobs or stopped looking. Of the 530,000 people who started to look for jobs each week, about one-fifth found a job within a week; about three-quarters, within a month; and all but about 1 per cent, within six months. During a year as a whole, not 3 million people but around 20 million separate individuals were unemployed at some time or other—the bulk for trivial periods.

TIME BETWEEN JOBS

Cries of horror go up when it is suggested that the slowing down of the economy as a by-product of policies to stop inflation may mean a rise from 3.5 per cent to around 4.5 per cent in the unemployment percentage. What, it is said, throws more than a million additional people out of work?

In fact, the number who each week start to look for work would be raised very little—from 530,000 to perhaps 560,000. But these job-seekers would spend on the average an extra week or so finding an acceptable job—the average duration of unemployment would go from about five and a half to about six and a half weeks. The most serious effect would be to raise the number of persons unemployed at any time for more than six months from 180,000 to perhaps 300,000.

These changes are not desirable. But they are not a major catastrophe. They do not spell acute distress. And their avoidance does not justify letting inflation run rampant—which would in any event only postpone higher unemployment temporarily. We badly need less hysteria and dogmatism and more perspective, proportion and balance in judging these matters.

VIETNAM MORATORIUM

Mr. McGEE. Mr. President, tomorrow is the so-called Moratorium Day—a day to protest Vietnam and America's involvement there. It is a day to protest much more, it seems, among some of the more radical elements in the movement. Their call for total immediate withdrawal from Southeast Asia is ill-timed, it occurs to me, when the Government is moving steadily in the direction of previous, more-reasoned policies put forth by protestors.

The moratorium, in fact, involves a diverse group of individuals and groups. All, I suspect, do not accept the demand for complete, total withdrawal put forth in these Chambers and on the streets. The moratorium has become a conglomerate, encompassing those on the far left and even those on the far right. But I think we, as Senators, dare not legislate on the basis of such emotion-ridden movements, for our deliberations must involve a sense of responsibility which the demonstrators, for all their good intentions and sincerity, do not bear. They are not answerable for the consequences of their acts—not as we are. Certainly they are not answerable as is the President of the United States.

Senators and Representatives would do well today to reassess the implications of the impending demonstrations—all of them. They should consider the fact that, by endorsing such a movement, they may be helping to uncork the bottle which will let loose a genie which may never be recaptured. That genie may be the national impulse toward a new isolationism. It could even be a precedent for barricade-style street politics in America.

Mr. President, I ask unanimous consent that two newspaper columns, authored by Richard Wilson, of the Evening Star, and David Broder, of the Washington Post, both commenting upon the political ramifications of tomorrow's moratorium, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VIET PROTESTORS DELUDE POLITICIANS, SURVEY SHOWS

(By Richard Wilson)

President Nixon says that he will not be affected by antiwar demonstrations and he has very sound ground for ignoring them. They do not represent significant political opinion even among the young.

It is possible to say this with more than impressionistic assurance on the basis of indepth surveys of the 1968 presidential election by staff members of the highly respected Institute for Social Research at the University of Michigan.

Members of Congress, college presidents and government administrators who, because of expediency or intimidation, have aligned themselves with the war protest have joined an anemic, if rowdy, company with no political clout. The protestors are a small fraction of the young. Most of the young who oppose the Vietnam war disapprove their tactics. Others oppose not only their tactics but everything they stand for.

Such conclusions flow naturally from the findings of the Michigan researchers on the phenomena of the 1968 election which have upset a great many preconceived ideas of the mass media, especially television, on what happened in that dark and confused year, viz: Gene McCarthy's support came as much from hawks who hated Johnson for bungling the war as from the peaceniks who wanted him to end it.

Other astonishing conclusions bear on the present resurgence of war protest which has unhinged so many members of Congress, probably to their future regret.

One such astonisher is that George Wallace got more than his share of the support of the young. "One of the major ironies of the election," the Michigan researchers wrote, "was that Wallace made his appeal to the old but mainly received the vote of the young."

The Michigan academicians saw it this way: "Although privileged young college students angry at Vietnam and the shabby treatment of the Negro saw themselves as sallying forth to do battle against a corrupt and cynical older generation, a more head-on confrontation at the polls, if a less apparent one, was with their own age mates who had gone from high school off to the factory instead of to college, and who were appalled by the collapse of patriotism and respect for law that they saw about them."

The vanguard of youthful revolution, the researchers found, is numerically swamped even within its own generation. The wave of the future for 1970 and 1972 promises several times more votes to politicians by leaning toward George Wallace than by leaning toward Gene McCarthy, the researchers found.

If the Michigan researchers are right (they support their conclusions with the most advanced sociological techniques) the Vietnam Moratorium is more likely to create an unfavorable reaction than to advance the cause of peace. But even if the researchers have been so scientific as to mislead themselves, common observation supports their initimation that great masses, young and old, do not like this kind of thing.

President Nixon's problem is to marshal this mass reaction on his side, which he has not been too successful in doing. If he is to pursue his course of measured disengagement without sacrificing his ultimate goals then he probably will have to speak and act in more blunt terms.

He will have to ask and answer what the consequences will be if he withdraws abruptly from Vietnam, as the peace elements demand.

Will such an abject surrender create strong undercurrents of resentment which will fester in American life for generations? It will not be enough to say that he will not be the first American president to preside over a military defeat, nor that he will not be influenced by the anti-war demonstrations. He will have to spell out why in the most direct and simple terms, not sparing the members of his own party whose political courage in these circumstances is not equal to his.

The reason the President will have to speak this way is so that he can command the respect and support of the middle America he supposes he represents. Nixon will have to demonstrate that the noisy manifestations of dissent are those of a minority who will be satisfied with nothing less than abject and apologetic defeat as a lesson against such involvements in the future and irrespective of the fate of the Vietnamese people, the prestige of America and the future of Asia.

If the President does not wish to do this, if he wishes to continue to be ambivalent so as to appease those who are trying to destroy him, he will sooner or later discover that they cannot be appeased short of total American humiliation in Vietnam. That does not go for the great numbers who are sick of the war but want an honorable settlement. It does go for radical activists, their academic and intellectual sympathizers, and frightened politicians.

COULD SET A RISKY PRECEDENT

(By David Broder)

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence

have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the same "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and non-coercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate man opened to integrated housing declaring moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

ELECTORAL COLLEGE

Mr. BAKER. Mr. President, the House of Representatives has recently passed a bill to provide for the abolition of the electoral college in favor of the direct election of the President and Vice President. I support this fundamental reform of our electoral process. The trend of the last few years has been to strip away conditions to full participation in the electoral process; the time has now come when we must institute a direct vote of the people for their President.

There was a time when the concept of an electoral college served a desirable and necessary function. The public at large was poorly educated and had little or no access to the kind of information on which an intelligent choice could be made. It was sound public policy for the citizen to vote for a group of men in his own State who were educated and experienced and capable of choosing wisely men to lead the Nation.

But the situation today is radically different from that which made the system appropriate at the time it was devised. The people today are widely educated and, due largely to the advent of electronic communications, generally well informed on the issues that confront our society and the persons who seek to lead it. The machinery of the electoral college remains; its reason for being has passed. The machinery itself must be eliminated. The system is more than a harmless anachronism; it represents a dangerous impediment to the voice of the people, an unnecessary barrier interposed between the voting citizen and the highest office in the land.

For many years, several different proposals for reform of our presidential electoral system have been suggested. Both the district system and the proportional system have been advanced and found wanting, either because of basic defects or because they would have resulted in substantial changes in the political power processes of the country. The choice today, in my judgment, is between the existing electoral college system and a direct popular vote.

The advantages of a direct vote are many; I shall not enumerate them, as they have often been discussed. Rather I would like to give my attention to two of the principal arguments that have been advanced aaginst direct election.

The first of these arguments is that direct election, if adopted, would be disruptive of our two-party system in that it would cause the creation of numerous ideologically oriented parties which would in turn undermine the moderate political tone that has generally prevailed in our country. The underlying basis of this contention is that ideologically oriented splinter parties are presently discouraged because they rarely, if ever, can win a plurality of the popular vote in any State and thus capture the electoral votes.

Considered analysis indicates that a direct vote for the President would not endanger the present workings of our two-party system. Mr. Neil R. Peirce, in a recent book entitled "The People's President," enumerates an extensive body of political research identifying many reasons for the country's adherence to the two-party system, and the electoral college is not among them.

There are many institutional factors which discourage third parties. Electoral laws, campaign practices, social patterns, the high cost of political campaigning, statutory obstacles to getting on the ballot, and the legal status of the two major parties as supervisors of elections in many States all contribute to the difficulty which minor parties have in attaining any degree of national influence or support.

Prof. V. O. Key contends that since the institution of the Presidency, unlike a multiparty cabinet, cannot be divided among numerous parties, the presidential institution is itself a major reason for our two-party system. Other authorities assert that our system of electing Representatives by a plurality vote in single-member districts is the underlying basis of our political party system.

In summary, the contention that our two-party system is significantly sustained by the electoral college overlooks these other more substantial factors that are involved.

A second contention made by some opponents of direct election is that a direct vote would be disruptive of our Federal system in that it would inevitably bring irresistible pressures for national laws governing qualifications for voting and the conduct of elections. This would, it is argued, constitute a threat to State control of voting for Representatives, Senators, and possibly State and local officials and would, as a result, violate State sovereignty.

In discussing reform of our election machinery, I want to make immediately and abundantly clear my deep reverence for an independent two-party system

and for the fundamental right and privilege of the various States to make their own election laws and determine their own election procedures within the framework of constitutional federalism. The stability and longevity of our political system and the splendid success of our great experiment in democratic government have been largely due to the concept and the fact of federalism on the one hand and the existence of two broad-based, popular, partisan political parties on the other hand. I would neither propose nor support any reform that would interfere with or in any way endanger either the rights of the States to control elections or the freedom of the two national parties to transact their business.

On the other hand, I must say in all frankness that I do believe that in national elections it is both proper and equitable that some national qualifications be enacted along with the adoption of direct election of our President. For example, I am firmly committed to the reduction of the voting age to 18 years. Not only is it unfair that today's active and educated young Americans should have no voice in the future of the country; it is also true that the country will benefit from their participation.

I further believe that immediate provision must be made in our national laws to permit the transient citizen to vote in national elections. In today's highly mobile society, many qualified Americans are denied the right to vote for the Presidency and Vice-Presidency because of residency requirements. This is a patently unjust impediment, and it must be removed.

Another badly needed reform is provision for 24-hour voting coordinated between time zones. In other words, polling places should be open for a full 24-hour period, and that period should begin and end at the same Greenwich mean time across the Nation. This would have two salutary effects: it would make voting a great deal easier for many Americans who now find polling hours inconvenient or impossible to meet, and it would also eliminate the bothersome question of whether early returns from eastern States and network computer predictions influence voting patterns in the West where polls are still open.

I would like to make one further point. Closely connected to the question of reform of the electoral college system is the intelligent controversy over the proper role and function of the presidential preferential primary election. Thoughtful proposals have been made by good men for nationwide presidential primaries. I myself would prefer to see primary elections held in each of the 50 States. Such a system of State primaries—in which each candidate for the Presidency might enter as an individual and in which delegates to the national nominating conventions would be directly elected by the rank-and-file—would have several advantages over a single national primary. It would reinforce rather than weaken the essentially Federal nature of our Government, greatly strengthen party structures in each of the States, involve many more citizens in the vitally important work of partisan political activity, and provide clear and unequivocal indicators of a given candidate's merit and of his ability to move the people.

I certainly do not favor replacing cumbersome, anachronistic electoral machinery that has served reasonably well with new machinery that might prove disruptive of our form of government or our political processes. I am confident, however, that the direct election of our President will not have these effects. I am hopeful that this subcommittee and the 91st Congress will take prompt and incisive action.

VIETNAM MORATORIUM DAY

Mr. INOUYE. Mr. President, in response to the deep concern of our fellow Americans over the Vietnam issue, many have set aside October 15, 1969, as Vietnam Moratorium Day. This seems altogether a fitting and proper exercise not only of their rights but of their concern. One can only hope and pray that their purpose will not be tarnished by acts of violence or demonstrated lack of respect for the rights of those who hold varying views on American policy in Southeast Asia.

Mr. President, in preparation for, and in support of this day dedicated to illustrate our concern over Vietnam, I issued the following statement:

> For our young people to ask that a special day be set aside for the consideration of Vietnam is surely not asking too much. And for those in position to cooperate in this moratorium I urge participation.
>
> One shortcoming in our society has been our inability to listen—an inability which sometimes results from the techniques utilized in delivering the message. This day can be a day of learning and of hope—or it can become but another symbol of our failure to communicate. While I am here "doing my thing" I urge you in Hawaii who seek a resolution to the problem which is Vietnam, to speak with clarity without being abusive, to speak forcefully without being violent, to speak to the future and not to the past, and to listen as well as to express to those in positions of responsibility your deep concern and desire for change.
>
> Dissent, discuss, and decide. Dissent from the course which led us astray. Discuss the alternatives which are now before us. Decide how you in your way can help chart a future of hope.
>
> Some 39,000 young Americans have died in Vietnam with an additional 130,000 wounded. We do them no honor by pursuing any course which adds to their number—neither can we dishonor them by displaying no regard for the future of our relationship to that portion of the world which has claimed so much of them.

Mr. President, I wish today, as a part of the Vietnam moratorium observance, to expand on this statement and share my thoughts on this subject.

Vietnam has been a major—I think we could say the major—concern of those of us who have shared the responsibility for guiding the affairs of our Nation for almost a decade. It has been much on our mind and has affected every major decision we have made in recent years.

Vietnam is a matter which most of us would like to forget—we just wish it would go away. A satisfactory solution seems so uncertain, so agonizingly slow to achieve, and the complexities of the problem of such magnitude that we are tempted to close our eyes, our ears, and our minds, and just hope we will awaken one day and find Vietnam a thing of the past. But we cannot wish it away—we cannot ignore our Vietnam problem as long as we call on American soldiers to risk their lives there.

In response to the grim statistics which are Vietnam, to the fears and pressures they generate, and to the problems left unresolved because of Vietnam, we witness almost daily riots on our campuses and in our cities, and we see the possibility of a real revolution developing in our land.

This war has been expensive, and it is unpopular. Wars always are. Even World War II became unpopular as it continued and as victory proved neither quick nor easy. Certainly the Civil War and the War of 1812 had very limited support. Unpopularity of the American Revolution in Britain may have had more to do with our victory than the level of support for revolution in our colonies.

As we draw historical comparison, however, I do believe that the Vietnam war is the most unpopular in our history.

A President who waged it was moved to retire.

A major political convention was made a shambles, the party torn to shreds and consigned to defeat, because of the unpopularity of this war.

Draft card burning; draft board offices invaded and records destroyed; nonnegotiable demands to end ROTC; priests, ministers, and young people in jail—and recently a young lad committing suicide on the steps of our Capitol—all these attest to the lack of support for this conflict.

We have now been actively engaged in this conflict for more than a decade. First as advisers and later carrying the major combat burden.

It is the longest war in our history—and we Americans are an impatient people. For a year and a half we have been engaged in peace talks in Paris seeking a resolution to this war. We spent weeks debating the shape of the table, and many more discussing who shall speak—and with what authority. We have suffered some 15,000 dead while these "talks" continue.

Yes, we are tired of war—and we are tired of talking peace which brings no end to war.

But our people look to their elected leaders for an answer—as properly they should. What are we going to do to solve this most vexing problem?

We must first painfully recognize that we are in Vietnam and that we cannot start over as if we had that decision to make anew.

But our policy for settling this dispute must also be clear. It must be an American policy.

The decisions which will end this conflict will be made in Washington and Hanoi, not in Saigon. I was, therefore, much concerned when the administration announced that the decision on accepting Hanoi's request for a cease fire to honor the passing of Ho Chi Minh was

going to be left up to the Saigon government. Initial rejection of the cease fire by President Thieu further compounded the problem and it was only by a quick reversal of position that we avoided making a most serious blunder.

I feel that the administration has been justly criticized for letting Saigon call the signals. We should continuously seek to promote an extended cease fire and demonstrate our sincere desire to bring this shooting war to an end as we pursue unrelentlessly our efforts to achieve a negotiated settlement to this conflict.

I, therefore, encouraged this administration to inform Hanoi that we would not be the first to initiate a resumption of hostile actions. We should have assured Hanoi that we wished to extend the truce for as long as it was reasonably observed by the other side. It has been our practice to pursue the battle aggressively the moment a cease fire was scheduled to end.

While we cannot have a unilateral cease-fire—a total cease fire without enemy cooperation—we can cut down the level of our losses—and our costs—by limiting our action—by letting the enemy know that we will hold our positions and use our full military force only if threatened or attacked, or if the cities and area under our control are threatened or attacked. It is inconsistent to talk about resolving the war and searching for peace while we fight for hilltops and see how many we can kill—at what favorable ratio.

A byproduct in such a policy would be a major reduction in the number of our casualties inflicted by our own friendly forces. The well-known military writer, S. L. A. Marshall, has estimated that 40 percent of American casualties are the result of such "friendly" errors or accidents.

The enemy has demonstrated his willingness to accept heavy losses. Will our demonstration of a like disregard for human life lead to peace or to an atmosphere which will bring more fruitful discussions? I think not.

I know what I have said on this matter will be strongly opposed by the military command. They are there to fight, and to win. But they are first and foremost there to protect and further American interests. We civilian leaders, particularly the President and his advisers, must in fact be in charge.

Mr. President, as further evidence for the need to adopt these recommendations I wish to bring to the attention of the Senate an article, published in the Washington Post of October 11, concerning the 173d Airborne Brigade under the command of Brig. Gen. John W. Barnes. The article entitled "Brigade Spurns Killing, Finds Pacification Brings Results," illustrates pointedly what I and other Senators, notably our distinguished majority leader (Mr. MANSFIELD), have been advocating.

The orders under which General Barnes' troops operated, that they were to fire only at uniformed enemy soldiers, or men who were clearly not friendly forces, and at persons engaged in hostile acts such as throwing a hand grenade, accompanied by a cessation in routine harassment interdiction fire at night, should be standard policy and should have been standard policy in Vietnam.

The effects of some change in American policy are already evident in the casualty lists which found American dead at 64 last week—the lowest total in 3 years.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

BRIGADE SPURNS KILLING, FINDS PACIFICATION WINS RESULTS

(By Richard Homan)

Convinced that the United States "is not a nation of killers" and acting largely on his own initiative, the general commanding the 173d Airborne Brigade in South Vietnam last April took his 7,000 men out of combat role and put them to work pacifying an area that had been in the Communist grip since World War II.

"No orders to do this were given me," Brig. Gen. John W. Barnes said yesterday. "The situation at the time led me to believe this was the best way to achieve success."

It was the first time, according to the Pentagon, that an American unit the size of the 173d had been committed entirely to a pacification effort and told, in effect, to ignore the enemy.

At one time the unorthodox program would have raised eyebrows at the Pentagon, where kill ratios and body counts were once the measure of a battlefield commander's effectiveness.

But the Pentagon became aware of the results of Barnes' program about the time the Nixon administration began pushing its new policy of "Vietnamization."

His briefing for newsmen yesterday was arranged by Defense Secretary Melvin R. Laird, who endorsed it in advance for reporters on Thursday. "I think that this briefing can show you some concrete results of the new emphasis that we have placed on Vietnamization," Laird said. Barnes unabashedly told reporters yesterday, "I'm really sold on it. I'm an evangelist, I guess."

When the operation began in the four districts of northern Binhdinh province in the II Corps area of South Vietnam, about one-third of the 350,000 population was under government control and the rest under Communist control, much of it since the Vietminh days of the mid-1940s.

But the major North Vietnamese army unit in the area had been badly battered by the U.S. 1st Cavalry in earlier fighting and its remnants had scattered into the mountains, leaving only guerilla units in the villages and hamlets.

"Committing the brigade 100 per cent to pacification was a calculated risk, made possible by the absence in Binhdinh of any major threat by organized large North Vietnamese Army forces," Barnes said.

Past practice would have been to pursue the remaining enemy into the hills, Barnes did not.

"As the starting date of April 15 approached," Barnes said, "I initiated a campaign to re-orient my commanders and troops."

Almost all the actual fighting in the area was done by South Vietnamese troops or local militia and after April 15, most of the scattered U.S. casualties were from booby traps, not gunfire.

Barnes give the U.S. troops simple instructions about firing their weapons. "They did not shoot at anyone unless he was recognizable as a uniformed or armed enemy or unless he was engaged in a hostile act. We realized we could lose a lot more by killing or injuring the wrong persons than by letting an enemy get away."

He directed that his battalion commanders establish their headquarters jointly with a Vietnamese district chief's headquarters, a move he said "has been the key to our success" in the cooperative operation.

Freed from combat, "in effect, several thousand soldiers of the brigade became advisors to the Vietnamese militia, Barnes said.

After three months, 72 per cent of the population were under government control, effective Vietnamese militia units were carrying out missions formerly left to U.S. troops, deserted fishing villages were flourishing again, congregations rebuilt churches destroyed by Communists and each of the more than 100 hamlets in the area had established an operative, resident governing body.

Mr. INOUYE. Mr. President, we now have a change in the government in Hanoi. Despite the announced intention of that government to continue the policies of Ho Chi Minh, we should pursue every opportunity toward a reduction in that conflict and toward a change in the policy of their government. This is an opportunity we cannot afford to let pass and our message must be clearly transmitted not only to Hanoi but also to Saigon.

Both President Johnson and President Nixon have stated that there is no possible military solution to the war in Vietnam, and yet the war continues and the killing of our sons and the sons and daughters in South Vietnam goes on.

While we seek a solution, we should also seek to reduce the cost in life and suffering to the absolute minimum. Each death of an American boy is a loss which tugs at our conscience. That loss is particularly poignant when it serves to bring peace no nearer or the end of his tour of duty is close at hand. Recently a small town in New Hampshire lost five of her sons in a single action within weeks of the time they were due to return home.

While each life is precious, those which are expended in a conflict which we say cannot be won on the field of battle are particularly hard to bear.

It is for this reason I called for a cease-fire in June, and again last month, or if that proved impossible, at the very least the maximum reduction in military action, while we seek a political settlement. I reiterate that call now.

There are those who feel that no clear treaty of peace will ever be concluded in Paris; that the war will merely "peter out." This may be so.

But the war will never so end if we insist on constantly maintaining the pressure on the enemy, although this may be sound tactics were we seeking a military solution. Nor will it end if we give to President Thieu the decision-making power. While we must strengthen the government of Saigon and transfer to them a greater share of the burden of providing for the security of their people, this is not achieved by letting Thieu determine whether American soldiers shall fight and die or participate in a truce. We cannot permit his power to govern to be secured solely by American military power. It is time, indeed long overdue, that we forced the government

of Thieu and Ky to act to increase their support from the people of South Vietnam for it is to the people we have made our commitment. It is, therefore, time that we forced the government in Saigon to take meaningful action to increase their capacity to govern.

It is time they took meaningful action on land reform, for to the Vietnamese common man, no single factor is more important than ownership of his land. We encouraged and assisted the two most successful land reform programs in Asia—in Japan and in Taiwan. We must do no less in Saigon if we are to develop stable and free institutions.

It is also time that we forced an end to official corruption and governmentally condoned corruption. While this continues, the people will have no faith in their government—nor should they.

It is also time we insisted on freedom for the political prisoners being held by the government of Saigon. Free governments cannot develop under either the threat or actuality of imprisonment for those who contest for public support through peaceful means.

Our commitment is to their people—and to ours. The time is overdue when that fact should be made clear to all. We have too long confused the trappings, the courtesies, and the ceremonies of authority with the realities of leadership. This can no longer continue.

We do not build a stable government in Saigon nor find peace in Paris by letting Thieu beat the drum to which American boys must march. We do not answer the charge in Hanoi, or in Peiping, that Thieu is our puppet, by our becoming his.

Meanwhile the withdrawal of American troops must continue. This can occur only as we pursue every opportunity for a reduction in the scale of the fighting and every chance at a ceasefire or truce.

Our policy must be clear and it must be consistent. Unfortunately, this administration has sounded an uncertain trumpet.

Fancy footwork is no substitute for policy. While the forces at work are complex and the pressures at play contradictory, our response must be clear and unequivocal. Each time policy is contradicted by rhetoric, the strength of our position is diminished. We must be consistent.

We want out of Vietnam. We should continue a planned and phased combat troop withdrawal.

We should and must not seek to impose a military solution on the political problems of Vietnam.

The South Vietnamese Government must prove its capacity to govern. They cannot rely on our military might as a substitute for their need for political support from their own people.

We want the fighting to end—the shooting to stop—and we must pursue every opportunity to clearly demonstrate that fact.

The problems of Vietnam will be solved neither by public relations gimmicks nor rhetoric. Neither will it respond to wishful thinking. It will not just go away.

Vietnam has been a tragic experience. That tragedy must not be further compounded.

While history and strategy define our national interest, this is only part of our concern. The other is human. We must use our place in the Pacific world to make it truly pacific—peaceful—for our children—and for theirs.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Mr. JAVITS. Mr. President, in the near future the Senate will have before it the administration's foreign assistance bill. Title II of the bill proposes the establishment of an Overseas Private Investment Corporation.

I invite the attention of Senators to the recently released report of the Pearson Commission, entitled "Partners in Development." The report strongly recommends that "developed countries should strengthen their investment incentives schemes wherever possible." This is, of course, precisely what the OPIC purports to do.

I ask unanimous consent that the pertinent sections of the Pearson Commission's report be printed in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

PRIVATE FOREIGN INVESTMENT

HOW TO INCREASE THE FLOW OF PRIVATE INVESTMENT

We have received the definite impression that most low-income countries would welcome a larger flow of foreign investment, sharing our belief that such flows would contribute to their faster growth. How can that flow be stimulated?

There is probably very little more that needs to be done to encourage the flow of foreign capital into extractive sectors. By its very nature, such investment will be attracted to ore bodies and oil deposits. Investment climate plays some part in this decision, but there are probably not more than a handful of countries in the world where that climate is bad enough to deter investment in a really attractive mineral project. What can be hoped for is perhaps that countries with rich natural resources will be able to use their resultant bargaining power to increase foreign investment in internationally competitive processing and/or fabricating facilities.

How can direct investment in other sectors be fostered? A first step is surely for developed countries to remove remaining restrictions on the flow of foreign investment to developing countries. However, these restrictions do not now appear to be a major obstacle to that flow. A more fundamental issue concerns the widening of the domestic markets in developing countries. However, in this chapter we confine our attention to four areas of action.

First, a start must be made on improving the general climate for all private investment, foreign and domestic.

As mentioned in Chapter 3 too few of these countries recognize the tremendous contribution which private enterprise can make to economic development, and in an environment unsympathetic to all private entrepreneurship it is hardly surprising that foreign investors sense danger. Changing this environment will require many specific actions, some of which we enumerated in our earlier discussion. Measures to strengthen financial institutions and to encourage entrepreneurship are especially important, but their form must be tailored to the particular situation. As a general proposition, it is almost certainly true that improving the position of the private sector as a whole is the most important single step to improving the climate for foreign investment in developing countries. *We therefore recommend that developing countries take immediate steps, where consistent with legitimate national objectives, to identify and remove disincentives to domestic private investment.*

The poor image of developing countries in business circles is also the result of the cumbersome administrative procedures and inefficient decision-making processes which companies often encounter when planning an investment in such a country. We recognize that many of these obstacles are often themselves a result of underdevelopment, but we also feel that many governments could even now streamline their procedures considerably. As an absolute minimum *we recommend that developing countries preserve the greatest possible stability in their laws and regulations affecting foreign investment.*

In some countries there is also a strong case for more balanced policies toward foreign investment. But if these are to emerge, there must be some de-fusing of the politically explosive forces which foreign investment can generate. One important way of doing this would seem to be to make more extensive use of the "joint venture" form. We note below that exerting pressure on international corporations to share ownership in this way may involve certain real costs, but foreign investors would also be wise to realize the political cost that may be incurred by reluctance to accept local investors into partnership.

There are other ways of improving the relationship between governments and foreign companies and forestalling disruptive and costly conflicts between them. In particular, developing countries and international corporations alike could make specific provision, when initially negotiating the terms of investment agreements involving politically sensitive activities, such as mining and public utilities, for mutual reconsideration of those terms after a minimum period of years and for adequate compensation and freedom to repatriate such compensation if no accord can be reached at that time. This arrangement, already used by a few developing countries, has the advantage of recognizing the changes in relative bargaining power which are likely to take place over time, of reducing political tensions by giving the host government an agreed basis on which to change terms, and of increasing the likelihood that these terms will not be changed during the agreed period. It is preferable to most schemes of "planned nationalization" in that it provides an orderly procedure for re-examination of foreign holdings. Thus, it reduces the company's incentive to "milk" the operation and avoids prejudging whether it will be in the country's interests to assume ownership of a particular foreign-owned property in the future. Present arrangements only too often compound uncertainty.

The attitudes of foreign investors to the aspirations of host countries, and their willingness to cooperate with development policies, are also crucial to harmonious relations. Foreign investors who in their home countries are subjected to a plethora of legislative and regulatory measures cannot expect to operate in conditions of nineteenth-century capitalism in the low-income countries.

The governments of the richer countries too must be aware of their role in improving the investment climate. Interventions by the large industrial powers on behalf of their investors have a long history, the memory of which looms large in hostility toward private investment. Respect for the sovereignty of the host country is indispensable to the creation of mutual confidence. It is of course unrealistic to expect governments of capital-exporting countries to remain passive when

the property of their citizens is subject to discriminatory or confiscatory treatment by other countries, but intervention should take a form, whenever possible, which will not jeopardize long-term relations. Specifically, we believe that developed countries should, as far as possible, keep aid policy and disputes concerning foreign investment separate.

Another suggestion relates to the problem of extraterritoriality, or the intrusion of the jurisdiction of one country into that of another. In the past, this issue, has arisen primarily in connection with U.S. investments in other industrialized countries and with attempts to enforce U.S. anti-trust law or U.S. policy with respect to trade with Communist countries. Recently, the problem has come to be of more general concern with the introduction of regulations designed to assist the U.S. balance of payments by requiring the foreign subsidiaries of American companies to repatriate specified proportions of their earnings. While we have not been able to study this question exhaustively, we believe that an appropriate solution might be the renunciation of the principle of extraterritoriality by all member states of the United Nations and, for the long term, the eventual creation of a system of international incorporation of companies doing business in more than one country.

A second major area where action is required concerns measures which promote investment by offsetting the poor investment climate and the disadvantages of the limited markets in developing countries. Some of these measures involve the governments of developed countries, which offer incentives such as tax advantages, guarantees against political and commercial risks, and special credit facilities to those investing in developing countries. The relative importance of each of these incentives differs from country to country, as does the appropriate improvement. However, taken together they certainly reinforce the favorable decisions of potential investors and should be strengthened whenever possible.

Large tax concessions, perhaps investment credits of 30–40 per cent, would probably be required to increase substantially the flow of investment, but more modest steps may be highly useful with respect to some countries. For example, added incentive could result from lowering the fees now charged by governments or their affiliated agencies for investment guarantees. Consideration should also be given to the creation or strengthening of schemes which provide special credit facilities to firms which desire to invest in developing countries. None of these steps will transform the flow of investment unless accompanied by basic changes in the investment climate, but each is worth careful study by donor governments. *Therefore, we recommend that developed countries strengthen their investment incentive schemes, wherever possible.*

Tax concessions extended by developing countries are sometimes a useful way of temporarily shielding foreign companies from the full impact of an antiquated tax system, thereby providing governments with time to revise the basic structure. But only in a few cases do they seem to draw an investment opportunity to the attention of a foreign company, and they are generally reported to be of very modest importance in the final investment decision. On the other hand, they restrict the growth of the host country's tax base, sometimes quite seriously. Accordingly, we would recommend that general tax concessions to attract foreign companies be used sparingly. In any event, developing countries should seek to stop the competition in tax concessions by international cooperation.

Tax concessions by developing countries raise the subject of "tax-sparing," that is, tax credits for international companies in their home countries to ensure that tax concessions in host countries are not offset by increased taxation at home. The value of such provisions is not as obvious as it might seem. On the one hand, it is true that they may give slightly more teeth to tax concessions which developing countries find worth trying. On the other hand, in the absence of tax-sparing, companies have an incentive to reinvest profits earned during the concession period and this may be a more valuable result. On balance, tax-sparing does not seem to be a policy which can be firmly prescribed, although it may be quite useful as an inducement to invest in lagging sectors or areas of developing countries.

We do, however, recommend that developing countries structure their tax system to encourage profit reinvestment by foreign companies. Profit reinvestment is a form of foreign capital which is more readily attracted by tax incentives than new capital, and positive incentives to reinvest are greatly to be preferred to penalties for remitting. The latter tend to be counterproductive by discouraging new capital inflow.

Third, at the international level, talks leading to the establishment of a multilateral investment insurance scheme should be pursued vigorously, as such a scheme could be very helpful in mitigating the impact of an uncertain investment climate. In saying this, we do not dispute the value of the bilateral programs now operated by eight developed countries. Some of these, such as the extended-risk scheme operated by the United States, are especially useful in permitting corporations to gear-up their equity investments by tapping fixed interest funds from institutional investors in developed countries. But a soundly based multilateral system could: (a) permit insurance of investments made by companies based in countries not now operating bilateral systems, such as France and the United Kingdom, (b) permit insurance of multi-national projects, (c) permit small bilateral insurance programs to reinsure large risks, and (d) involve both developed and developing countries in the insurance risks. It might even be appropriate eventually to link the scheme to the Convention on the Settlement of Investment Disputes, by providing for higher coverage and/or lower premiums for insuring investments in countries which accede to it, or to provide for recourse to equivalent regional arbitration facilities.

Serious consideration should also be given to concluding bilateral agreements on the treatment of foreign investors of the sort already concluded with some developing countries by the Federal Republic of Germany, Switzerland, and other donor nations. This might eventually lead to a network of such agreements which could be consolidated into a uniform multilateral agreement such as has been suggested by the Council of the OECD.

The fourth area in which action to stimulate the flow of private capital would be useful is that of project identification and investment promotion. Existing bilateral programs with this objective include the subsidization of investment surveys and the publicizing of known investment opportunities. These are useful programs, but they are often too small and imperfectly geared to the investor's needs (for example, the surveys subsidized are sometimes too general to be of real value in promotional work). They should also devote more attention to inducing small, and medium-sized investors to take up projects in developing countries, providing them, when necessary, with the required technical assistance. Programs of this kind are currently operated by the German Development Company and the Commonwealth Development Corporation.

Similar change should be encouraged with respect to the International Finance Corporation (IFC), which has in the past interpreted the clause in its Articles requiring it to finance only projects "where sufficient private capital is not available on reasonable terms" to mean that it should leave all project initiative to others. There are some signs that IFC and bilateral institutions of similar type are now beginning to appreciate the role they could play in actively identifying new investment opportunities and bringing together domestic and foreign partners to execute them. Certainly, *because of their links with the private sectors of both developed and developing countries, IFC, and organizations like it, are logical agents for project identification and investment promotion work, and we accordingly recommend that they become much more active in this field.*

PRIVATE CAPITAL: AN ALTERNATIVE TO AID?

There can be no doubt about the contribution which private capital can render to economic development. Indeed, dollar for dollar, it may be more effective than official aid both because it is more closely linked to the management and technology which industrial ventures require, and because those who risk their own money may be expected to be particularly interested in its efficient use.

In most industrialized countries there are influential voices advocating that for these reasons private investment could and should replace official aid flows. In the present state of affairs, however, this is an illusion. To begin with, given the present limited access of developing countries to the capital markets of the world, private capital flows are simply not available to finance many of the investment which are a prime need in developing countries—schools, roads, hospitals, irrigation, et cetera. Even through the mediation of the World Bank, such needs cannot be met on the basis of capital that can, in the near future, be raised in capital markets. Second, the flow of private capital tends to be highly concentrated in countries with rich mineral resources and fairly high incomes. Many of the countries of Africa and Asia receive almost no private capital. It is precisely because private capital flows cannot meet the extraordinary demands posed by the imperatives of development that large government efforts have been called forth. Another basic consideration is that it is only through public aid that the developed countries assume any burden on behalf of the weaker members of the international community.

It is fundamental to our strategy that the need for aid should eventually subside. Direct investment and access to capital markets would then increasingly meet the demand for development finance. But, for most developing countries, this is not possible in the short term. On the contrary, for many countries, official aid for investment in infrastructure is a prerequisite for private investment and tends to stimulate it. Far from being alternatives, private investment and public aid can complement each other and it is to this end that immediate efforts should be made, both in bilateral and multilateral aid operations.

RECOMMENDATIONS

1. Developing countries should take immediate steps, where consistent with legitimate national objectives, to identify and remove disincentives to domestic private investment.

2. Developing countries should preserve the greatest possible stability in their laws and regulations affecting foreign investment.

3. Developed countries should strengthen their investment incentive schemes wherever possible.

4. Developing countries should structure their tax systems so as to encourage profit reinvestment by foreign companies.

5. Because the IFC and organizations like it have links with the private sectors of both developed and developing countries, they are

logical agents for project identification and investment promotion work, and they should become much more active in this field.

6. Governments of developing countries which attach great value to domestic ownership of industry should establish positive incentives for all companies, foreign and domestic, to share ownership with the public by sale of equity in suitable forms.

7. International institutions, such as the World Bank and UNIDO, should expand further their advisory role regarding industrial and foreign investment policies.

8. Developed countries should remove legal and other barriers to the purchase by institutional investors of bonds issued or guaranteed by governments of developing countries.

9. Developed countries should remove balance-of-payments restrictions presently inhibiting the bond issues of developing countries in international capital markets.

10. In regard to the possible excessive use of export credits, a strong "early warning system" based on external debt reporting should be evolved by the OECD and the World Bank.

ENVIRONMENTAL QUALITY: THE CHESAPEAKE IN TROUBLE

Mr. TYDINGS. Mr. President, Maryland's greatest natural resource is the Chesapeake Bay. One of the world's most productive estuaries, the bay provides an economic and recreational bonanza to the people of Maryland.

Yet like many natural resources, the Chesapeake is in danger. The heavy hand of man has polluted its waters and neglected to provide a planning mechanism suitable for its protection.

The bay is threatened by thermal discharges from nuclear power plants, by industrial and municipal wastes, and by major problems of siltation.

Many things are needed to protect the Chesapeake. Sufficient money, proper planning, stiffer laws, and tougher enforcement are all required.

Yet these all presume public concern. If the people of Maryland do not recognize in time the threat to their bay, the Chesapeake will in the long run be lost to pollution. One of the encouraging developments recently has been a growing awareness on the part of Marylanders that their most valuable natural resource is in jeopardy. In yesterday's Baltimore Evening Sun an article entitled "The Chesapeake—Still at Bay," written by Wayne Hardin, points up the threat to the bay and notes the growing public concern over the great estuary. I ask unanimous consent that the article be printed in the RECORD.

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

AWARENESS OF BAY PROBLEMS GROWS

(By Wayne Hardin)

After a spring and summer of discontent and bickering and name calling that continues, the Chesapeake is still at bay—threatened by pollution.

How imminent the threat is probably depends on whom you listen to, and plenty of people are talking.

The ordinary citizen, the man who carries the vote around in his hip pocket, the man who likes his crabs and drinks his beer, the man who has been asleep, suddenly seems to care about water pollution.

Throughout the summer, the tumult and the shouting were heard, mostly from public officials and politicians.

Everybody agreed that, "Yes, this is a horrible situation."

But unfortunately, much of what came out of the agreement was the attitude, "Now who can we blame?"

POLLUTION REMAINS

The pollution in its various forms—sewage, silt, erosion, heat, industrial, chemical, eutrophication (over enrichment)—remains.

Waiting, waiting like a condemned man wondering if reprieve, pardon or death is to be his fate, is the Chesapeake Bay, fed by polluted tributaries, fought over by special interests, ravaged by greedy developers—the queen of the bays at the mercy of men who can love it or leave it, save it or lose it.

The queen is 190 miles long, varying in width from 6 to 30 miles, in depth down to 175 feet with an average of 20 feet.

It has a surface area of 4,300 square miles, a shoreline of 4,500 miles, and contains about 18,250 billion gallons of water.

POLITICAL BATTLEGROUND

It is mostly Maryland, but partly Virginia, and it is unique and worth saving.

In the past few months, it has become a political battleground, maybe in future times to be recalled in war terminology: the Battle of Jones Falls, the Baltimore harbor conflict, the Calvert Cliffs bombardment, the Piscataway fray, Bear Creek raid, St Michael's siege, the Potomac campaign, the Choptank action, wherever an oil slick, a fish kill, an overflowing sewage treatment plant happens to pop up, causing another eruption.

The Jones Falls affair managed to consume a large amount of time and get Baltimore city, county and the state all involved in a squabble.

It has produced, among other things, a state proposal that the long neglected hitherto unregulated Baltimore harbor be made safe enough to swim in. The battle on that one will continue later this month.

PRESSMAN ATTACK

Summer got off to a slow start, marked by an attack or two by City Comptroller Hyman A. Pressman on the Maryland Port Authority over how its debris collecting boom on the Jones Falls could be used. Then Governor Mandel got the ball rolling by accusing the city and a few others of doing little or nothing to control water pollution and, indeed, even contributing to it.

Pressman defended the honor of the city by calling the Governor "all wet," and likened state controls on pollution to a "paper tiger."

In a report, Pressman's pollution committee charged the state had "surrendered the harbor to outright unlimited pollution." Mandel fired back that "local government failures" were "perpetuating and intensifying pollution of Baltimore harbor."

WATERSHED BUILDING BAN

In the meantime, Dr. Neil Soloman, new head of the new State Department of Environmental Health and Mental Hygiene, imposed a building ban in the Jones Falls watershed because of overflowing sewage from the Jones Falls pumping station.

This brought a howl from developers and city and county governments.

Although some relief was found in a "lost sewer line," Dr. Solomon extended the ban until 1971, with exemptions to be allowed to capacity.

The crossfire reached its climax when Paul McKee, director of the State Department of Water Resources, announced the proposed water quality standards to make the harbor safe for swimming. A public hearing on the proposal is scheduled October 20.

LOCALIZED PROBLEM VIEW

The harbor is what some state officials like to call a "localized pollution problem," with the harbor counted as part of the Patapsco River. A bay expert, Dr. L. Eugene Cronin, director of the University of Maryland's Natural Resources Institute, disagrees.

"Because of its nature, the harbor area is more like a finger or an arm of the bay than an ordinary tributary," Dr. Cronin said. "It is unlike any of the other tributaries."

One battleground that is strictly bay is the Baltimore Gas and Electric Co's Calvert Cliffs nuclear power plant, now under construction.

Probably no issue in recent years has united more conservation and scientific souls into a common, if somewhat haphazard, effort against it.

PUBLIC FUROR

Television debates have been held on the subject. A moratorium was asked and ignored.

Many prophecies of doom were made. But the united effort against the plant has been one mainly of spiritual togetherness, with an effect of BB guns against an atomic cannon.

One of the most adamant foes of the plant has been Jess W. Malcolm, executive director of the Chesapeake Bay Foundation. On the same day last summer when he released a report in which he asked for a moratorium on construction of the plant, the Atomic Energy Commission announced it had issued a construction permit, and Malcolm's plea was dead before it lived.

GIVING FIGHT FULL TIME

But that hasn't stopped him.

"Fighting this thing is taking up all my time," he said, one day recently, sitting in his Annapolis office among a huge pile of books on AEC hearings and peaceful-use-of-the atom literature. "I guess you might call it my passion.

"It's sort of a David and Goliath campaign, but I've never been so fired up about anything in my life."

The fears concerning the plant are two-fold—thermal, or overheating of the water which will be used for cooling the plant generator, and the possible escape of radioactivity into the water and atmosphere.

"The whole issue really boils down to a bet with the public," Malcolm says. "The Gas and Electric Co. and the AEC are betting that they can use the atom to produce electricity and that they can control it.

OTHER SIDE

"The other side of the argument is from people who say they cannot do it, and if the Gas and Electric Co. loses the bet, millions of people could be killed.

"The thing is, nobody really knows what effect the plant will have."

Other groups opposing it include the Chesapeage Environmental Protection Association, scientists from the Johns Hopkins University and the University of Maryland, and the Sierra Club.

On the other side, support for the plant has come from such people as state Senator Edward T. Hall (D., Calvert), who recently branded foes of the plant a "band of irrational malcontents," who should turn their attention to solving "existing major conservation problems" such as pollution caused by raw sewage, chemical wastes, oil spills and DDT.

MADISON AVENUE CAMPAIGN

But Hall has been a little firecracker compared to the big boom from the Gas and Electric Company itself.

The utility has come on with a slick, professional, Madison avenue campaign in newspapers and on television, replete with pretty pictures and well-written copy assuring the public that everything is all right.

One recent advertisement told of a family named Nixon who just purchased a "new California home less than 3 miles from the San Onofre nuclear power plant, a plant similar in type to the one at Calvert Cliffs."

"The Gas and Electric Company has flubbed

two ways with this campaign," Malcolm says. "First, they are bringing the problem to the attention of a lot of disinterested persons, and, second, they have dignified the protesters."

BATTLE GOES ON

The battle over the bay goes on and on smaller fronts as well.

The Calvert Cliffs bombardment is not over, although the opponents definitely are at a disadvantage for now.

But the summer was not all one of warfare. There were some signs of encouraging change amid the outrage. Admittedly, most of it was of the paper variety.

Some of the signs:

The long overdue announcement by Bethlehem Steel Corp., one of the largest polluters of the harbor, that it would spend $9.5 million on a 2½-year program to control water pollution at its Sparrows Point plant.

Dr. Solomon's building ban in the Jones Falls watershed.

Governor Mandel's avowals that curtailment of water pollution shall be a major goal of his administration, the appointment of interagency committees to plan and coordinate the effort, and his decision to halt the sale of state wetlands, so necessary as a nursery for wildlife on the bay.

Increased seafood production in the bay, which has been the highest this year it has been in 50 years, according to Chesapeake Bay Affairs statistics.

Increased public awareness of pollution which has created a better climate for vote-conscious state officials and legislators to push forward with water pollution control programs.

CATCH PHRASE

As the time bomb in the Chesapeake ticks on, waiting to be disarmed or exploded, a little catch phrase often used by conservationists keeps coming back.

It has a little rhyme and not much meter, and it goes: "You are the solution to water pollution."

SENATOR HARTKE SEEKS NEW APPROACH TO PEACE IN VIETNAM

Mr. NELSON. Mr. President, over the weekend, the distinguished senior Senator from the State of Indiana (Mr. HARTKE) delivered a brilliant and compelling address on the subject of Vietnam. The Senate should take careful note of his candid proposals for peace in that ravaged country, for Senator HARTKE was among the first who counseled the United States against its ill-advised policy in Vietnam. So that the Senate might benefit from the remarks the distinguished Senator made in Indiana on Sunday, I ask unanimous consent that his speech be printed in the RECORD.

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

A NEW APPROACH TO PEACE IN VIETNAM

(Remarks by VANCE HARTKE, U.S. Senator, to the Temple Beth-El, South Bend, Ind., October 12, 1969)

While dining at one of London's finest restaurants in the late 1940s, Sir Winston Churchill is reported to have returned a dish of watery rice pudding to the kitchen after admonishing the waiter: "Take it away; it has no theme."

Were he alive today and were he asked to comment on the Vietnam war, Mr. Churchill might have said the very same thing. If a rice pudding or a government policy has no coherent theme or structure, the result will not be satisfying. During the last fifteen years, our policy in Vietnam has suffered because of the lack of a clear cut theme. Today we would be well-advised to reprimand those who prepared it; and we should no longer hesitate to offer a recipe for its improvement.

I am aware that President Nixon has requested a sixty day moratorium on all criticism of his handling of the war. But at a time when American soldiers continue to die at the rate of 150 to 200 a week, I believe that public silence would be a retreat from personal responsibility. The cause of peace will not be served by asking Americans to hide their discontent behind a mask of complacence. And I do not think the cause of peace will be advanced if the President remains stubbornly indifferent to the arguments of reasoned dissent.

We must all feel a sense of astonished horror when we consider how long the United States has been engaged in this senseless struggle. For most of the decade Vietnam has been an exasperating preoccupation for this country. More than four years have passed since former President Johnson consigned the first quarter of a million men to that remote corner of Southeast Asia. It is almost two years since the Tet Offensive made the futility of our military effort apparent to countless Americans. And although we have been fighting in Vietnam longer than we did in defense of Europe during World War II, no one can predict when the hostilities will end.

Vietnam is a ravaged battlefield, devastated by millions of tons of American bombs. The survivors, as well as the unknown dead, are the scarred casualties of the war. The Vietnamese peasants are refugees in their own land—the helpless victims of forces they cannot control.

The terrible toll of the conflict has been paid beyond the confines of that embattled country. Within our own land, thousands of families mourn the loss of their sons. But even those of us who have escaped unscathed have had our confidence in the national purpose shaken. We have seen the morality of the nation compromised for questionable objectives. We have watched as the tranquility of the United States was replaced by bitterness and frustration. It is undeniable that violence begets violence, and we have learned that the brutality in Vietnam is a contagion that cannot be confined to the battlefield. The war has been one agent in the degeneration of restraint that recently has disturbed our society.

There is not one among us who can adequately explain how the United States became so hopelessly involved in the quagmire of the war. The road to the stalemate in Vietnam, as it is to an equally disreputable destination, has been paved with good intentions and bad advice. The most cynical of French revolutionaries, Fouché, would have declared that the debacle in Vietnam "is worse than crime. It is a mistake."

The time has come for us to stop making mistakes. There is nothing we can do about the past except learn from it. We must abandon the policies and attitudes that have led us directly to the brink of national disaster.

It would appear that the Administration finally recognizes the need for a change in our policies toward Vietnam, for it has assured us that it realizes that the war is not winnable "in the military sense." But I am not convinced that President Nixon understands the logical implications of that conclusion—that the war is not winnable in the diplomatic sense either.

We must reconcile our ambitions and pride to the grim realities that this nation confronts in Vietnam. We must be satisfied with, in the words of Woodrow Wilson, a "peace without victory." The armed forces of the United States have wrestled those of North Vietnam and the National Liberation Front to a deadlock. We are not negotiating from a position of strength but from one of equality. Therefore, we should not expect them to accept in a Paris hotel the type of settlement that they have withstood on the battlefield.

The war will continue as long as the United States stubbornly continues to defend the interests of General Thieu and General Ky. If progress toward peace is to be made in the Paris peace talks, our government must make it clear that it does not consider their leadership to be an indispensable element of South Vietnam's future. Both reality and reason impel us to declare our support for the formation of a coalition government that will include the significant participation of the National Liberation Front.

In recent months it has become clear that the principal obstacle to the disengagement of American forces from Vietnam is our marriage to those most unattractive political bed-fellows, Generals Thieu and Ky. I am disturbed by the fact that our policies are influenced so greatly by two men whose government has been a consistent disappointment and embarrassment. Their rigorous application of repressive laws which are reminiscent of the Diem dictatorship reduces to a farce our announced intention to bring democracy to South Vietnam.

Their implacable resistance to the formation of a coalition government indicates that such an interim regime could best be led by a political figure who is known to favor a compromise until free elections determine the final character of the South Vietnamese government. If the coalition is to work, it would have to be led by a man who enjoys the respect of a wide spectrum of political groups. Truong Dinh Dzu, who finished second in the Presidential elections in South Vietnam two years ago—and was sent to jail for his success—might be the type of man who could preside over a coalition government.

I think that the President should bear in mind that the original premise of our involvement in Vietnam was to assure its people a free choice of political leaders, rather than to perpetuate the military dictatorship of Thieu and Ky.

President Nixon has recently stated that he will not be the first American President to "preside over a military defeat." If the President is sincere in his assertion that he is not attempting to decide the issue in Vietnam by force of arms, I do not see why he is indulging in that sort of rhetoric. His concern at this point, recognizing that military victory is no longer our objective, should be to scale down the level of violence in Vietnam.

I believe we could take a great step in that direction if the President would order the halt of all American offensive military operations. The search and destroy missions should be halted, and we should engage the enemy only if he attempts to penetrate the territory that is currently under our control. The idea of maintaining our military presence only in strategic enclaves was proposed long ago. The immediate adoption of that concept would greatly reduce the level of fighting. Furthermore, it would provide a direct challenge to the Communists to de-escalate their military efforts. We must demonstrate to the Communists and the world that we are willing to accept the territorial status-quo in Vietnam. Such an action would place the burden of responsibility for continued bloodshed upon the North Vietnamese and the National Liberation Front. I would hope that our initiative would lead to the establishment of an official cease-fire.

In conjunction with these two important actions in behalf of a resolution of the war, the support of a coalition government and the cessation of all offensive military operations, the President should consider the implementation of the following additional measures:

First, the United States should withdraw its offensive units from South Vietnam with the greatest deliberate speed while giving

careful attention to the safety of troops remaining in Vietnam. After so many years of American assistance, the armed forces of South Vietnam should be able to reinforce the defensive enclaves that had been supported with American units.

Second, in order to demonstrate our willingness to abide by the results of the internationally supervised elections, the Administration should announce its intention to grant diplomatic recognition to the Government that arises from these elections.

Third, the greatest demonstration of this nation's concern for the destiny of South Vietnam would be to lend our assistance to its economic recovery from the devastation of war. We should make a special effort to ease the burdens of Vietnamese refugees. It is this "other war" in that unhappy country that deserves the attention of the United States.

Fourth, the Administration should continue its efforts to find a lasting settlement for the war through the talks in Paris. Recognizing that the United States entered this war without legislative sanction, the President should invite Congressional participation in its conclusion by assigning a bipartisan delegation to attend the Paris peace talks.

Finally, in deference to the ideals to which this nation has always been committed, the Administration should bring pressure upon the Saigon regime to release the countless political prisoners who are incarcerated without legal justification.

I offer these suggestions in the absence of more concrete proposals by the President. The danger is great that President Nixon will fall victim to the disease of Vietnam. During last year's campaign, he asserted that he had a plan to end the conflict. The time has come for him to offer a solution more compelling than the withdrawal of a limited number of American troops whenever public opinion demands some sort of action.

We have not progressed very far toward peace during the nine months of the Nixon Administration. Even with the cancellation of draft calls during November and December, nearly the same number of young men will have been inducted into the armed services during 1969 as were drafted during the last year of the Johnson Administration.

The patience of the American people, when the issue of justice is not involved, cannot be expected to last forever. In the past we have gone to war to preserve the human values that we treasure during peace. But morality and ethics cannot be argued in behalf of our senseless entanglement in Vietnam.

The fault for failure lies not with the soldiers who have fought and died so courageously, but rather with the cause they were asked to defend. Americans, who voted for peace in 1964 and for a settlement of the war in 1968, realize that the United States is not fighting in behalf of moral imperatives.

Although President Nixon may refer at times to Vietnam as this nation's finest hour, there are few in the government who still believe that democracy is making its last stand in South Vietnam. It is the absence of purpose in our efforts in that country that makes the great loss of life so horrifying and absurd.

Shortly before his death, President John F. Kennedy noted that the war against the communists would have to be won by the Vietnamese themselves. It is high time that the army of South Vietnam assumes the full brunt of fighting.

No one can safely predict what the future will bring to Vietnam after the last contingent of American troops will have left that country. Dr. Howard Zinn addressed himself to the unforseeable in the conclusion of his book, *Vietnam: The Logic of Withdrawal.* He observed: "We may see a period of turmoil and conflict in Vietnam. But this was true before we arrived. That is the nature of the world. It is hard to imagine, however, any conflict that will be more destructive than what is going on now. Our departure will inevitably diminish the fighting. It may end it."

That statement, written in 1967, is more compelling today than it was two years ago. Now more than ever, it is clear that the price of war becomes harder to bear with each month. While we continue to follow the unwise policy of spending good money to save a bad investment, the true ills of our country go uncared for, the forgotten citizens remain unnoticed, the violence in our streets increases. And in an effort to contradict commonsense, we are told that it is more important to save face than save lives.

The American people would be well-advised to ask what perversion of the national purpose allowed the energies of this country to become so committed to the destiny of Vietnam and why the United States finds itself unable to detach itself from the conflict. The answer lies, to a degree, in the psychology created by our form of government. George Kennan wrote in *Russia and the West Under Lenin and Stalin:*

"There is . . . nothing in nature more egocentrical than the embattled democracy. It soon becomes the victim of its own war propaganda. It then tends to attach to its own cause an absolute value which distorts its own vision on everything else. Its enemy becomes the embodiment of all evil. Its own side, on the other hand, is the center of all virtue. The contest comes to be viewed as having a final, apocalyptic quality. If we lose, all is lost; life will be no longer worth living; there will be nothing to be salvaged. If we win, then everything will be possible; all problems will become soluble; the once great source of evil—our enemy—will have been crushed; the forces of good will then sweep forward unimpeded; all worthy aspirations will be satisfied."

If there is anything that we can take from the bitter experience of Vietnam, let it be a more sophisticated appreciation of our role in world affairs. The tragedy of the war should finally disenthrall this nation from the tired myths and dogma that have invited our knee-jerk reactions to international politics.

We should test the assumptions developed during the hysteria of the fifties against the realities that confront us as we enter the seventies.

Above all, we should take from Vietnam a new awareness of the potential and limitations of American might. We are the most powerful nation in the world, but we are not all-powerful. Misfortune can come from the failure to exercise with caution and restraint the strength that is this nation's inheritance.

For as Shakespeare warned in the First Part of King Henry the Sixth:

"Glory is like a circle in the water
Which never ceaseth to enlarge itself
Till by broad spreading it disperse to nought"

A JUST RESOLUTION OF THE VIETNAM WAR

Mr. BAKER. Mr. President, public discussion in the United States about the war in Vietnam appears to be increasingly concerned with ending American involvement in that conflict and not with a just resolution of the conflict itself. In fact, it seems that many no longer make such a distinction, although it is very real, particularly to the people of South Vietnam, who were at war long before the United States became involved.

It is appropriate that American lives and American resources should be of primary concern to us as Americans. But it is not appropriate that the future of the people of South Vietnam should play no part in our deliberations. Some say that the only responsible course open to the Government of the United States is immediate withdrawal of support from the Government of South Vietnam.

Mr. President, if any responsibility has been incurred by successive Governments of the United States it is for the encouragement of dependency by South Vietnam on American economic and military power. If the Government of South Vietnam is not as responsive to the diversity of political persuasion in South Vietnam as we would like for it to be, much of the responsibility for that fact lies not in Saigon but in Washington. As Senator AIKEN tellingly observed at Norwich University on October 11:

The tragedy of Vietnam is that we have prevented self-determination through the weight of our intervention even while proclaiming the preservation of self-determination as our goal.

The new policy of the Government of the United States in Vietnam is called "Vietnamization." This policy involves much more than the assumption by ARVN troops of the combat effort. "Vietnamization" also means that the Government of South Vietnam must at last become increasingly dependent for its continued incumbency not on American power and support as it has in the past but on genuine institutional and economic reforms that will win the legitimate support of a broad segment of its own population.

Mr. President, I have just read an article written by Robert Shaplen on September 10 for the September 20, 1969, issue of the New Yorker. It is a long article, and it is with some apologies to the Public Printer that I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Mr. Shaplen has been reporting on the war in Vietnam for a number of years. He is intimately acquainted with the people in Saigon, Washington, and Paris who are involved daily in the prosecution of the war and in the political activities that surround it. The most striking aspect of the article for me is its utter lack of dogma. It seems to me that for Mr. Shaplen the men in Saigon and the people of that country are not pawns or statistics but living men and women with all of the aspirations and the prejudices of the species. I, for one, am pleased to read that something very much like genuine political activity seems to be going on in Saigon, that leaders of various political viewpoints are talking to each other, that seemingly meaningful elections and government are taking place in the hamlets and the districts where the people are, and that the United States appears to be doing things that perhaps it should have done years ago to promote political flexibility.

As I read this excellent article, Mr. Shaplen does not really talk about who is winning or who is losing. I do not believe that his vision has been as narrowed as that of some in this country.

What he seems to be writing about is a situation, a very real and human situation, as he sees it now. I commend this "Letter from Saigon" to the careful attention of Senators.

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

LETTER FROM SAIGON

(By Robert Shaplen)

SEPTEMBER 10.

Over the last two months, an unduly prolonged Cabinet crisis and other political and psychological shock waves have further threatened what remains of this weary capital's equilibrium. Most important, there has been a sudden realization that the Americans are indeed determined to pull out a large number of troops as soon as possible, and that, although Washington will try to fulfill its pledges of continued military and economic aid, the burden of carrying on the war will fall more rapidly than had been expected on the still—and, it seems, perpetually—unprepared South Vietnamese. Unfortunately, they remain as sharply divided and as suspicious of each other as they have always been, and it seems quite possible that they will end by figuratively throwing themselves into the sea like lemmings. This potential for self-destruction must be taken seriously, despite the existence of a number of countervailing factors, including the increasing difficulties that the Communists have admitted experiencing. These difficulties may, of course, be exacerbated by the passing of the illustrious and irreplaceable Ho Chi Minh, for now a serious power struggle could take place in the North—though such a struggle does not seem likely to take place in the immediate future, and the probability is that Ho's memory will be resoundingly invoked as a rallying cry for victory.

The difference between the two sides all along has been that the Communists have usually known what ailed them and done their best to cure it—as they now are trying to do with the agricultural ills in the North while initiating in the South a new strategy of "great victories with limited strength," in the phrase of their Deputy Prime Minister, Defense Minister, and Commander-in-Chief, General Vo Nguyen Giap. Saigon, by contrast, is still flailing around ineffectively in dealing with most of its problems. Everything seems to hinge on organization and conviction. Even though there is evidence that the Communists' mass support has diminished in South Vietnam and is under severe strain in the North, the disciplined Communist leaders have managed to keep most of their followers convinced that their side is ultimately bound to win the war, throw the "neo-colonialists" out, and unite the two halves of Vietnam, whereas the disorganized and disgruntled leaders in the South, lacking any widespread backing beyond their own and the American bureaucracy, continue to rely on words and formulas as substitutes for true conviction. The new magic word is "Vietnamization," which may be defined as a process surrounded by difficulties comparable to those of carrying out a successful heart transplant. In a sense, the Americans, having failed in what once seemed a revivifying infusion of new strength are now being rejected by the Vietnamese body politic, and it may be that the main thing we have succeeded in doing in Vietnam over the past fifteen years—or, anyway, the past ten—has been to inhibit a natural revolutionary development that might have evolved on its own to its own success or failure irrespective of the pressures from the North.

What seems almost inevitable is that the war in Vietnam will continue, one way or another, and that, as Ignazio Silone once forecast in another context, the final conflict will pit the Communists against the ex-Communists. Perhaps, as Asians, the Vietnamese, North and South, will make special, Asian-style accommodations with the inevitable and live happily—or else unhappily—ever after, but one somehow begins to doubt whether accommodation itself will be more than a phase. It is true that the average Vietnamese peasant traditionally wants only to be left alone to till his fields, but by now, in the North at least as much as in the South, he has been kicked around and shunted back and forth for so long that he has become a political person whether he wants to be or not, having been forced to form some definite ideas about social justice and about what his prerogatives are or ought to be. Over the years, I have talked to peasants and peasant-soldiers, including North Vietnamese prisoners, and their political convictions, whether pro- or anti-Communist, are quite strongly defined. One certainly also finds this to be true among the scattered religious elements in the South—the Buddhists, the Catholics, the Cao Dai sect and the Hoa Hao sect—and among the Montagnards as well, and these groups account for most of the population of South Vietnam. Deep-rooted political convictions also move people like Vice-President Nguyen Cao Ky, a French-trained but fiercely patriotic and xenophobic Vietnamese (he once told me that if he had had the choice over again he might have sided with Ho Chi Minh), and many members of the earlier resistance—those who fought against the French in the Communist-dominated Vietminh between 1946 and 1954. Ky, with whom I have spent some time during this trip to Vietnam, is one of the ardent anti-Communists who might stay around after some of their fellow-generals and officeholders have fled the country with their fortunes, but if the likely initial period of accommodation gives way to another conflict, it will not be Ky and his dashing young friends in the Air Force and the Army who will carry the fight to the Communists but, rather, the ex-Vietminh nationalists, who have their roots among the people, and who are potentially capable of rallying a new peasant force that would reject both the tyranny of the landlords and that of the Laodong (Workers') Party, the ruling Communist party of the North. Some of the former Vietminh leaders I know are Northerners, as Ky is, or come from central Vietnam, and they claim, as Ky does, that they could raise a guerrilla division in North Vietnam right now. They also claim that they could rally support among the *hoi chan*, or returnees, from Communist areas in the South, who have averaged twenty-five thousand a year over the last three years, and even among some of the five thousand North Vietnamese prisoners being held in the South. They may simply be boasting, and if so, and if the South does become "Vietminhized," these ex-Vietminh types will probably be the first to be eliminated, but if they are right, a new resistance in the South, opposed both to Communism and to a sellout peace, could spread to the already beleaguered and economically shackled North. No longer inspired by the organizing genius of Ho, faced with an apathetic and latently hostile population kept in line by carrot-and-stick measures, and held together politically by Ho's companions in the Politburo and by a still powerful Army, North Vietnam today is probably confronting its greatest challenge in its two and a half decades under Communism.

The events of the last two months here, seen against the backdrop of the talks in Paris, where I spent the month of June, have certainly seemed to offer scant hope that peace is any closer. The six-point invitation to the National Liberation Front to take part in elections, which President Nguyen Van Thieu issued on July 11th, was quickly denounced by the Communists as more "perfidious trickery," and both sides have since remained adamant. "We have gone as far as we can or should go in opening the door to peace, and now it is time for the other side to respond," President Nixon said on July 30th as he stood on the steps of Independence Palace in Saigon. Two weeks before that, Vice President Ky had told a group of officers at the National War College that "to retreat one more inch would amount to unconditional surrender," and added that, in view of the Communists' intransigence, "I should think there is no more reason for us to maintain and prolong the Paris talks." This was, of course, part of the propaganda war between Saigon and Hanoi that is fought weekly in Paris; although neither side is ready yet to talk seriously about making peace, neither side has any desire to break off the negotiations. Some progress could still come late this year, but it seems far more likely that the conflict, both military and political, will continue through at least part of 1970—at a reduced level of violence but at a higher and more critical level on the political front. The offers and counter-offers made so far will meanwhile sit on the shelf, not altogether ornamental but not yet the useful instruments they could become. They do, in fact, contain the shape, if not the substance, of ultimate accommodation and agreement, and so what has happened here and in Paris in the past few months cannot be dismissed as utterly futile. The Communists, taking a more consistent approach, have moved ahead logically in their declarations over a longer period. The South Vietnamese and American strategy has been wobbly and, for the most part, defensive. Thieu's July 11th election offer—which the day before he had told a group of Saigon legislators he was submitting at the behest of the Americans—was a maneuver he obviously knew would be rejected, yet he ran a real risk in making it. The risk lay in the effect it would have on South Vietnamese morale, and particularly the morale of soldiers in the field, for in one breath he was talking peace and in the next exhorting them to go on fighting. For this reason, many Vietnamese I have spoken with believe that the Americans gave Thieu poor advice, and that in this case he should have exhibited his characteristic caution—above all, by discussing his peace plan behind the scenes before publicizing it.

The offer did have the predicted effect on the South Vietnamese soldiers—most notably, the younger officers. Why, they asked themselves, should they go on fighting and dying and urging their men to do the same if tomorrow the shooting might stop and their Vietcong opponents might emerge among them as "brothers"—and perhaps more praiseworthy ones in the people's eyes, because of their long absence from villages where the South Vietnamese have made themselves unpopular by stealing chickens and pigs? The question was a valid one. What was required as a prelude to any peace offer, many South Vietnamese feel, was a series of moves to reorganize the armed forces, to reeducate them, and to motivate them to continue fighting, and an effort to balance such a reorganization with reforms in the central government, so that it would cover a broader spectrum of the important religious and political forces, and there should also have been a more decisive move toward decentralization at the lower administrative levels, which has now just begun. Thieu himself, once he had made his offer, was aware of the trouble it might cause. When I saw him late in August, he was exuding confidence that the crisis was past, but he admitted, "The atmosphere for two weeks after July 11th was very heavy."

Just how heavy it was became apparent on July 22nd, when a group of nineteen retired general officers held a three-and-a-half-hour luncheon meeting at the home of Senator Tran Van Don, who as a general in 1963 had been the key figure in planning the coup that overthrew the late Ngo Dinh Diem. A number of other heroes of the coup were at the

meeting, including General Duong Van Minh, a still popular man who has been frequently mentioned as the logical choice to head a special advisory body, or brain trust, that could create the broader consensus everyone admits is needed. The meeting, Senator Don announced at the outset, had been called to "judge the situation of the nation, politically, militarily, economically." The guest of honor was Ky. During the discussion, Ky was his blunt self, but it cannot be said that his views were unrepresentative of those of the majority of the country's discontented young officers. He said he had advised Thieu to postpone the July 11th offer, telling him that "regarding the matter of the last and final concession [the election offer], I have to explain it to the citizens and the military clearly and let the Americans know that we won't concede any more."

Ky repeatedly voiced contempt for the Americans during the session. He referred to Ambassador Ellsworth Bunker as "Governor General Bunker" (the French administration in Indo-China was headed by a governor general), and said that the Americans had all along been "wrong in their evaluation of the abilities and capacities of the Vietnamese people" and wrong in their belief that within the limits they had set they could bomb the North into submission. He charged that "the Americans have threatened us many times, saying that if we did not accept their conditions they would reexamine the matter of military aid to us," and he also charged that the United States had supplied the South Vietnamese with, among other things, "disgracefully ancient aircraft." At another point, he said, "I have brought up the matter of Vietnamization of the war with the American leaders. If they really give us enough weapons to fight, then even if we lose and die we will laugh up our sleeves in Hell. According to reports by American advisers, a number of Vietnamese units are ineffective, and it will be difficult for them to replace American units. But I told the advisers that when there is a possibility of our doing the job they should let us do it, so we can win the respect of the people." If not enough aid is received soon enough, "the only thing to do is to try to separate ourselves from that influence, even though we are poor and starving," Ky said, and he continued, "We must strive to become self-sufficient, and to greatly reduce the influence of the Americans—the sooner the better." Although he stressed the need for a unified national policy and his own willingness to support Theiu and work with him, he also expressed fear of a coup by company-grade officers and soldiers, and toward the end of the session he declared that he had enough support to lead a coup himself, "because the people are confused and the government does not follow a clear policy line." He added, however, that if such a move were to be made it "would have to be at exactly the right time and be supported by everyone."

Although most Vietnamese and most Americans here doubt that Ky is strong enough or rash enough to try any such thing, he represents a viewpoint that has to be taken into account. Ky, who in recent months has either languished in idleness or halfheartedly carried out occasional tasks, including his "supervision" of the Paris peace talks, is playing what he calls "the waiting game," and it's the game that a number of ignored, discontented elements in the country today, including the Buddhists and various other religious and political groups, are also playing. The Americans have taken to pointing out to their Vietnamese friends that a lot of people in the United States didn't like Franklin D. Roosevelt at the start of the Second World War but supported him anyway in a time of national crisis, and that the Vietnamese ought to do the same with President Thieu. But the Vietnamese don't think that way, and it is a misreading of the Vietnamese mind to suppose that they could or would.

The thirty-one-man Cabinet that President Thieu recently selected—to replace a twenty-three-man Cabinet headed by the civilian Prime Minister Tran Van Huong—is led by Tran Thien Khiem, who, like Thieu, is a former general, and who has retained the important post of Minister of the Interior, which he held in the previous Cabinet. Although Khiem has played an increasingly important administrative role over the past year, Thieu has run the government virtually by himself, and, in fact, this was one of the sources of conflict between him and Huong, whom the Americans wanted to see stay on, chiefly because he was a respected Southerner and not a military man. Thieu is expected to dominate the new Cabinet—a mixture of politicians and technicians, including nine holdovers—at least as strongly as he dominated the old one. Despite his comradeship-in-arms with Khiem (actually, Khiem outranked the President militarily, four stars to three), the two men have some long-standing differences, involving earlier political rivalries and loyalties, and the Vietnamese, who tend to remember such things, and who think along divisive lines anyway, are already envisaging a new power struggle. This does not seem likely to occur immediately, but it may come about in time, depending on how pliant Khiem proves to be as Prime Minister—a position that, under the constitution, makes him, in effect, only the executor of the President's policies.

In announcing the formation of the new Cabinet, Thieu declared that the step had three objectives: to enlarge the Cabinet, thereby increasing political representation; to make it more efficient; and to improve relations between the executive and the legislative branches. It promises to be more efficient in some respects—particularly in the areas of finance and economy, where two men regarded as experts in their fields, plus two able new undersecretaries, have been named, and in foreign affairs, where Senator Tran Van Lam, a wealthy Southerner with previous diplomatic experience, replaces Tran Chanh Thanh, who was neither very effective nor very popular. Another important Southern addition is Nguyen Luu Vien, who for the third time in the last five years has been named both Deputy Prime Minister and Minister for Education. In what is largely a pro-Thieu lineup, and has strong overtones of the former Diem regime, there are only two well-known men who can be said to represent a liberal outlook—Dr. Phan Quang Dan and Nguyen Tien Hy, who are both Ministers of State Without Portfolio. There are also a few liberals in lesser posts, such as the Minister of Land Reform, Agriculture, and Fisheries, Cao Van Than, a holdover from the previous Cabinet. Dr. Dan is something of a maverick; last year, he was ousted as Minister of Open Arms—the department in charge of returnees from the Communist areas and defecting Vietcong and North Vietnamese—when he advocated direct peace talks with the National Liberation Front prior to Thieu's adopting much the same policy. It seems doubtful, however, whether Dr. Dan will do much more than contribute some liberal window dressing, and an announcement by Thieu that former Prime Minister Huong will remain an adviser to the President seems a mere sop to the Southern group that supported him and to the Americans. As for Thieu's desire to better his relations with the National Assembly, relations between the executive branch and the legislature were until recently downright bad, and while they have begun to improve, they are still far from good. At Thieu's behest, an attempt to form a majority bloc in both houses of the Assembly is being made by Senator Dang Van Sung, a newspaper publisher and veteran politician, but it has so far failed, chiefly because Sung has run into trouble among Thieu's own friends in the House, and because he himself and some other senators are skeptical about Thieu's willingness to cooperate on a practical give-and-take basis.

The word one hears most often nowadays in Vietnam is "sincerity," and it is used mostly about Thieu. Many politicians, whether in or out of office, and a number of prominent independent men, like General Minh, feel that Thieu's main purpose at present is to guarantee his reelection as President in 1971 (assuming that there isn't an election sooner, under a different dispensation, as a result of some sort of compromise with the Communists). Such people almost unanimously mistrust Thieu's advances to them as being hedged by his wanting, in effect, to sign them up as part of his "team" without either explaining his program or making it clear whether they will be allowed to retain their own independent voices. Thieu has done this, inadvertenly or purposely, even with members of the National Social Democratic Front, which is a six-party group he created as a pro-government force, and which has so far proved ineffective, as Thieu himself admits, because of rivalries and jealousies among the six party leaders—rivalries that he himself could resolve if he really wanted to. One American observer said recently, "Thieu has developed the clay-pigeon technique to a fine art—he makes a public show of dealing with men whose cooperation he says he wants but of whom he is basically afraid, and he shoots them down by arousing their skepticism and then putting out rumors of their unwillingness to cooperate." This happened a few weeks ago with General Minh (or Big Minh, as he is known, because he is unusually large for a Vietnamese). The Palace let it be known that Minh had come to see Thieu, whereas Thieu had actually paid Minh a visit at the latter's home in Saigon, at which time Minh's participation in the possible advisory council was reportedly discussed. In reality, Minh later revealed that Thieu did not say a word about such a job, and the two men did little more than exchange amenities for three-quarters of an hour. It may be that Thieu—who, it should be said, has just as much right to mistrust the sincerity of others as they have to mistrust his—was testing Minh's willingness to work with him, and it may be that he was "clay-pigeoning" Minh by floating reports that would inevitably place Minh in an embarrassing position. It is still possible that Minh may play some sort of role in the government, but, like several other Vietnamese I have talked with who are willing to work with Thieu, he is reluctant to take on some ill-defined assignment unless Thieu not only is serious about listening to advice but is genuinely willing to change his mind on such vital questions as the strategy for negotiations and for peace. "If he is simply looking for yes-men, whom he can listen to or ignore at will, then I want no part of it," one of these men has said. "On the other hand, if he is sincere, and is not simply trying to neutralize me in case I want to run for President, then I'm ready to join him, because right now it's more important than ever to stand behind a unified policy."

When I spoke with Thieu at the end of August, a few days before he announced the formation of the new Cabinet, he seemed much more self-confident and open in his attitude than the last time I had seen him alone—in January, 1968, not long after he took office. The President is a man who at best is difficult to read, but then so are most Vietnamese, who carry their mutual suspicions to a point beyond the comprehension of Westerners. I observed that if he wished to win the confidence of the American public and also of more of the Vietnamese, it seemed apparent that he would need to broaden the base of his government, including in it representatives of as many different religious and political groups as possible, and especially groups like the Buddhists, who had mass support. Thieu agreed.

He also agreed that it was important to move quickly to improve his relations with the National Assembly, and to create an advisory council for negotiations which would include some American advisers, so that a consistent policy for peace could be devised. He planned to do this "as soon as possible," he said. The trouble was, he explained, that he had to be convinced of other people's "good intentions." We spoke specifically of the Buddhists of the An Quang Pagoda, whose political leader, Thich Thien Minh, had been jailed by Thieu's police for harboring deserters and pro-Vietcong elements in his Buddhist Youth Headquarters, and whose spiritual leader, Thich Tri Quang, I had spoken with a few days earlier.

Tri Quang had made it clear to me, in a characteristically elliptical fashion, that the Buddhists of the An Quang group had no intention of collaborating with the Thieu government under any circumstances—whether Thich Thien Minh was released or not, or whether Thieu gave An Quang a charter of its own under which to operate, or met any of its other conditions, such as a Cabinet post for a man designated as a friend of the pagoda. "You Americans simply do not understand," Tri Quang had told me. "It is a matter of lack of trust, of our having no hope of anything from this government. It is not a matter of making conditions. After all the money you have spent, and all the men you have had killed and wounded here in Vietnam, you still fail to realize that Thieu and his people are removed from the masses, that you have lost the revolution you thought you were helping win for us in 1963." (At that time, Tri Quang was the man who sparked the Buddhist revolt that led to the overthrow of Diem, and eventually, when Diem's brother Ngo Dinh Nhu ordered military and police attacks on the pagodas, he took refuge in the American Embassy.) When I left Tri Quang, there was no doubt in my mind that, like Ky, though for altogether different reasons, he was determined to sit things out—to wait for the government to fall in one way or another and for a fresh revolutionary opportunity to occur. His own position, however, seemed to have changed since the Struggle Movement of 1966, when Ky, then Prime Minister, defeated and dispersed the Buddhists. Whereas Tri Quang had then been willing to cooperate with the Communists, and had even allowed his movement to be openly infiltrated by them, he now seemed a true independent neutralist.

President Thieu, as I spoke with him about the An Quang problem, seemed willing to release Thich Thien Minh from prison if the An Quang bonzes were "sincere," and he intimated that he would even free Truong Dinh Dzu, the man who ran second to him in the Presidential election of 1967, and who had then been in jail for more than a year because he recommended a coalition government. Dzu, who has become at least as much of a *cause célèbre* in America as he is in Vietnam, could go free, Thieu indicated, if he would write a letter of "clarification"—by which he obviously meant "apology," since the world "coalition" is still taboo in South Vietnam, and any newspaper that uses it can be banned and any person advocating it can be jailed. (The word "reconciliation" is permissible, however.) I left Thieu with the word "sincere" ringing in my ears.

The official American establishment in Vietnam, which was more responsible than the Vietnamese themselves for what many consider the premature creation of the "legal," constitutional Second Republic in 1966–67, feels that Thieu has come a remarkably long way since he took office, and it is reluctant to push him hard now. "If you demand too many things too quickly, he just backs away and moves more slowly," one high-ranking American says. Ambassador Bunker has a close personal relationship with Thieu, and, in the opinion of a number of Americans, is too sympathetically aware of Thieu's problems and too attuned to his personality. Some of these same Americans, and a great many Vietnamese as well, firmly believe that at this eleventh hour the United States should take the utmost advantage of its leverage—threats of faster troop withdrawals, promises of future aid—to force Thieu to do things that are necessary. They feel that since he lacks both a firm policy and a strategy for negotiations, and has not succeeded in establishing anything remotely resembling a national consensus, he must at least be persuaded to let others help him achieve these things, or let them make the effort on their own, under his supervision. A Vietnamese senator who is both consistently critical of us and deeply pro-American said to me the other day, "The trouble with you Americans is that you have confused legality with legitimacy. These are two different things, and it's something the Communists know much better than either of us. Legality is simply a form. Legitimacy is based on the formulation of a sound national policy—which we lack—and the ability to get it approved. We have produced some ideas and many plans and projects—for pacification, for land reform, for village autonomy, and so on—and some of them have begun to work, on a limited scale. But we still have no philosophy of government, no fundamental sense of the direction in which we are going, and above all, no system of political organization, which must inevitably begin at the bottom."

The Americans have tended to compound the problem with their computers, grinding out data on how many hamlets and villages are in what category of combined security and development, ranging in scale from A (the best) to E (the worst, except for V, which means Communist-controlled). Thus, it is officially proclaimed today by both the South Vietnamese government and the Americans that nearly eighty-five per cent of the country's population is under either complete or partial government control, and it is true that in the last few months increasing numbers of people have left Communist-dominated areas and—for whatever combination of reasons, which may include higher Communist taxation, insufficient food, and the conscription of young people into Communist military or labor ranks—moved into regions that are more or less controlled by the government, or where there is at least some government presence. It is also true that the roles of the chiefs of nineteen hundred villages (there are about twenty-five hundred villages in South Vietnam) where elections have now been held, under government auspices, have been so greatly enhanced that these chiefs and their councils operate locally with near autonomy; they have been given their own locally elected development teams and have also been given control over those trained and sent in from outside, such as rural-development workers, and over the so-called Popular Forces, organized by the government at the provincial or district level. During the village and hamlet elections, which were held over two separate three-month periods during the last two years, some difficulty was experienced in getting enough people to run who were both qualified to serve and willing to take the risk of serving (such officials are highly vulnerable to Vietcong terrorism), but, by and large, the results have been encouraging, and the new degree of spontaneous political participation has proved—as nothing else has had a chance to prove in the six years since the anti-Diem coup—that such measures should have been taken long ago.

Yet all this does not work well enough, because not enough else has been done. As Yeats wrote, "Things fall apart; the center cannot hold;/Mere anarchy is loosed upon the world." The district chiefs—the echelon between village and province chiefs—are extremely jealous of the new prerogatives given to the village officials, and the district chiefs, who used to be the local bosses, and the province chiefs are still under the thumbs of the cumbersome Saigon bureaucracy or of the generals in their areas. These difficulties were compounded by the too hastily arranged 1967 national elections; neither the sixty senators, chosen on separate slates-at-large, nor the hundred and thirty-seven representatives, who theoretically represent certain areas but mostly paid for their votes at the provincial or district level, have had any sense of responsibility toward specific constituencies. The legitimate questions, then, are: What price the political parties and blocs in Saigon, which are essentially urban intellectual or bourgeois salon organizations, and what price constant Cabinet reshuffles involving faceless men who may have some good ideas but represent no one except themselves and their small circle of friends? This is what the average Vietnamese in the villages and towns is asking himself, and this is one of the principal reasons so many people wonder where their future lies—whether in the rural areas, in the cities, or in limbo. Whatever the weaknesses of the Communists, and however true it may be that in a national election today they would garner only twenty or twenty-five per cent of the total vote, their organizational advantage and their ideological appeal might enable them to win many of the old or new and still uncommitted voters, since they have been forced to remain in a political no man's land. Even after Ho's death, many of these people might still prefer to vote for him—or his heirs—out of respect rather than for Nguyen Van Thieu out of apathy.

Belatedly, but perhaps not too belatedly, some Vietnamese and a handful of Americans are trying to build up new popular mass movements in various ways, with modest degrees of success. After long deliberation, Tran Quoc Buu, the head of the Confederation of Vietnamese Workers, has determined to launch a peasants'-and-workers' party. There are a hundred and eighty-five thousand members of Buu's Tenant Farmers' Union, which is the largest of a number of federations that make up the parent body, and there are several hundred experienced organizers among the peasants, who could furnish the nucleus of a solid new political organization at the hamlet and village level. Buu himself has considerable influence among some elements of the Hoa Hao sect and, to a lesser extent, in the Cao Dai. He is one of those national leaders who have been willing to cooperate with Thieu, but, like so many of the others who have regularly visited the Palace, he has felt his relationship with Thieu to be restricted by the members of the President's inner entourage, a group of half a dozen men who have been accused of creating a "fogbank" between Thieu and the many Vietnamese leaders who are more ready to help him than he imagines.

Buu is not the only man who is trying to get a popular movement or party started. Senator Don, who is one of the heads of the Free Veterans' Association (there is now, for the first time, a Ministry of Veterans, headed by a friend of Don's, the retired General Pham Van Dong), has decided to turn his National Salvation Front, established after the 1968 Communist Tet offensive, into a political party. Don, who is currently visiting the United States in his capacity as head of the Senate's Defense Committee, has been setting up chapters of his organization in each province. He also has a chapter of the National Salvation Front among Vietnamese émigrés in Paris, and not long ago this one showed signs of moving toward a pro-French neutralist position—advocating the overthrow of Thieu and the establishment of a Peace Cabinet such as the Communists have demanded. Don quickly dispatched an aide to France, and the move was halted. However, the possibility of a French neutralist ploy, backed financially by a considerable number of Frenchmen who want to return to Vietnam after a peace settlement, continues to be a favorite subject of café conversation in

Saigon. The importance of the veterans, of whom there are now some four hundred thousand, is bound to increase, and Senator Don has taken a special interest in trying to work out programs to obtain housing, rice, and schooling for their families and some assurance of economic survival for their widows. Because so many members of the regular Vietnamese armed forces have behaved in less than exemplary fashion in the villages, and are thus likely to find themselves in a peculiar void when they are demobilized, some American and Vietnamese officials are eager to start a program of "reëducating" these returning soldiers as soon as possible. Their future relationship with the Vietcong soldiers who will also someday return to their native villages gives this program a particular significance. Its political overtones, indeed, are likely to have considerable influence on the unfolding process of accommodation and the ensuing one of competition and possible renewed conflict.

A problem that plagues South and North Vietnam equally, if in different ways, is agriculture. Last February, after years of procrastination, far-ranging land-reform measures were finally introduced, largely at the urging of Americans, in Saigon's National Assembly, but the landlords are fighting back, and the legislation will probably go through in severely modified form, if and when it is passed. In the North, where full-scale agrarian reforms based on the Chinese system of collectivization led to the killing of many thousands of rebellious peasants in the early and middle nineteen-fifties, a new program to spur agricultural production through the establishment of revived cooperatives has run into multiple snags, and these are causing the North Vietnamese rulers their greatest headache at the moment. The agricultural crisis in North Vietnam is exacerbated by the fact that, owing to bad weather, the last really good harvest was a decade ago. Other important factors are the lack of trained administrative personnel, the deterioration of irrigation systems, a drastic shortage of equipment, and finally, the ideological differences between Le Duan, the Party's First Secretary, and Truong Chinh—who, as Chairman of the Standing Committee of Hanoi's National Assembly, has been generally regarded as No. 3 man—the two most likely antagonists if there is a new power struggle. The North Vietnamese press and radio have not hesitated to admit, with astonishing frankness, the existence of the worsening problems and shortcomings. A recent editorial in the official Party newspaper, *Nhan Dan*, for example, acknowledged that "the technical revolution has not been properly and comprehensively developed, little improvement has been achieved in management tasks, no great results have been obtained from capital investments, the collective economy has not been properly strengthened, and democratic activities have not been fully developed." An earlier editorial noted that "the revolution in implements is a basic, lasting problem." Despite the fact that almost all local industry, and some centralized industry in the Hanoi area as well, has been diverted to the manufacture of agricultural equipment, agricultural production has continued to lag, and, for that matter, industrial production has made such small gains as to be negligible, especially when the inflation plaguing both North and South Vietnam is taken into account.

In the South, the whole agricultural crisis has come to a head at the very time that the price of rice in Saigon has soared to an unprecedented high of close to four thousand piastres per hundred kilos of the most commonly used variety. (At the official rate, the piastre is worth a hundred and eighteen to the dollar, but the black-market rate is currently about two hundred and twenty to the dollar, so a pound of rice costs a family about ten cents.) The latest price rise has been due chiefly to a shortage of rice, which, in turn, was due to mismanagement and bad warehouse practices. Actually, the price of rice, as of other commodities, began rising sharply three years ago, and last year the Americans began removing their subsidies on imports in an effort to stimulate agricultural production in Vietnam and to do away with the false consumer-goods economy that Washington had earlier supported in an effort to sop up piastres—most notably the huge wartime profits that were being made as a result of large American expenditures in Vietnam. In that earlier period, it had been felt that the best way to keep the wartime inflation from getting out of hand was to let the Vietnamese buy all the Hondas and TV sets they wanted, but this, it turned out, simply encouraged the rich to buy more and kept the poor from having enough money to buy anything. The Vietnamese are still annually importing goods worth eight hundred million dollars, about two-thirds of them consumer products. The government has considerable foreign-exchange reserves, amounting to some two hundred and seventy-five million dollars, and has been loath to use them as long as it could make money off the Americans. Now the subsidies are being cut further, as part of the Vietnamization process, and the word has gone out that, as one high-ranking American put it, "the Vietnamese have to become convinced that they can't go on living off the fat of the land." The consequence is a rising tide of resentment among the Vietnamese, who feel they are being left in the lurch too precipitately.

Beyond the fact that, in the words of another American, "instant unemployment may lead to instant unrest," the Vietnamese who are in charge of trying to straighten out the economy are resentful because, as one of them said to you, "You created an economic Frankenstein monster here by making this a big war, and now you are telling us that we have to learn almost overnight to be austere and to take care of ourselves, when we all know this is a long process and that there is no such thing as instant Vietnamization." He went on, "Instead of trying to understand our economy and help us plan rationally, you kept giving us temporary, stopgap panaceas. The situation was bound to get out of hand, to the detriment mostly of the poor and the middle classes. After the shock of the 1968 Tet offensive, we tried to let supply and demand guide the situation. There was still a lot of mismanagement and corruption, and prices kept rising, but instead of helping us deal with our fundamental need to improve our bureaucracy and our management techniques you remained solely interested in winning the war. So the bureaucracy became swollen, engineers became politicians, and austerity became a mere catchword. It's fine to talk about long-term plans for agricultural production, forestry, fishing, and so on, but we're in trouble right now. You've never thought of really teaching us instead of just building things, and in that respect you've done us as much harm as the French did."

The sudden bitterness expressed by this man, who is ordinarily mild and pro-American in his sympathies, may convey some idea of the near schizophrenia that is developing among the Vietnamese today as the Americans begin to leave. Since we have failed for so many years, to help build a functioning political system or an efficient army in Vietnam, there is considerable reason to doubt that the transplantation process called Vietnamization can now be accomplished in a year or two, or even three or four. The problem far exceeds the simple matter of handing equipment over to South Vietnam. Militarily, the Vietnamese have already received most of their "legitimate requirements," as the Americans put it. Modern M–16 rifles, for example, are now in the hands of all regular South Vietnamese Army troops—officially, a total of about four hundred thousand men, but actually, given the still high desertion rate and battle losses, considerably less than that. By the end of this year, the two hundred and fifty thousand members of the improved Regional Forces will also have them; most, if not all, of the hundred and eighty thousand members of the Popular Forces will get their rifles by the middle of 1970. Of the more than a million local self-defense forces in the hamlets, villages, and towns, two-thirds have received brief training courses, and three hundred thousand now have modern arms—mostly carbines. Other essentials, such as mortars, light artillery, and transportation equipment, have recently been turned over to the regular armed forces, as have the first of several hundred helicopters and some modern jet fighter-bombers. The real nub of Vietnamization, however, is the time needed for training and indoctrination. Obviously, the Communists are deeply aware of this time factor, and are taking it into consideration when debating their own strategy, both in the field and in Paris. They unquestionably realize that an early settlement, leading to an accelerated withdrawal of American forces, would shorten the time in which Americans could train south Vietnamese to use such intricate machinery as radar networks, electronic devices, and communications equipment, or even to see to the upkeep of modern diesel vehicles and of the patrol boats that have vastly strengthened the riverine forces in the Delta.

The prospects for successful Vietnamization of the armed forces vary greatly from one part of the country to another. In the north—the I Corps area—where the United States Marines have stressed combined American-Vietnamese operations almost from the outset of their tour in Vietnam, considerable progress has been made in teaching the Vietnamese both how to use American equipment and how to plan operations on their own, including the coördination of fire support, ground-to-air facilities, and inter-unit maneuvers. There has been progress elsewhere, too. In the III Corps area, above and around Saigon, General Do Cao Tri, considered by many to be the best South Vietnamese general, told me the other day that now that two of his poorest division commanders have finally been replaced (they were friends of Thieu's, and it took a year of American prodding to get Thieu to remove them), he thinks he can accomplish a full takeover from the Americans in a year and a half. Tri may be overconfident—especially since he has plenty of problems on his hands, including the ubiquitous one of poor or uncertain morale—but some of his troops have done quite well in recent engagements against tough North Vietnamese outfits. Lieutenant General Nguyen Van Vy, the Minister of Defense, who is one of the holdovers from the previous Cabinet, hopes by the end of this year to give each Regular Army regiment its own independent artillery and tank support. But there are still many weak spots, the most serious being poor leadership in the officer corps, from generals down through captains and lieutenants to noncoms. Most of the regular divisions are still badly led at all levels, and although it is true that there has been some slight improvement, it has certainly not been substantial enough to cope with American withdrawal. And although the Americans have begun to teach the Vietnamese the techniques of battlefield coördination, the question remains: What will happen when the American officers in the field who are still pressing the buttons and calling the shots in combined operations leave Vietnam? One top-ranking American commander remarked to me, "The shift from coöperation to liaison on our part is still some years away." In many places, the Americans have already dropped back from a directory to an advisory role, and in some instances they are performing only a liaison function. But most American officers feel that the process of Vietnamization, to be really successful and produce the kind of force the Americans should have started building here back in

1954, let alone in 1965, needs from five to ten years. There are those who doubt this can *ever* be achieved, because of the differences of approach that are endemic in the American military establishment and other American agencies in respect to the nature of the war and the whole problem of counter-insurgency and anti-guerrilla combat. And this problem—no matter how many Americans stay out here, or for how long, or in what capacity—is certain to be aggravated by the system of annual rotation of personnel. General Creighton W. Abrams, the American military commander in Vietnam, has attained near perfection in the development of his strategy and tactics of maximum pressure and quick response to any Communist action, and his large deployments of artillery and B–52 bombers have annihilated the enemy in virtually all large- or medium-scale engagements. Long-range and nighttime patrolling by the Americans—tactics that the Vietnamese have only just begun to adopt, and not yet very satisfactorily—have led to some improvement in the gathering of intelligence, and by keeping the Communists on the run have interfered with their battlefield preparations, so that when they have chosen to stand and fight, or have made suicidal assaults, they have suffered severely. But Abrams' way of fighting the war is still essentially orthodox, and what will happen when all that heavy artillery and all those heavy bombers are removed is at the moment unknown.

The Vietnamization of the war worries Hanoi—a fact that is being sharply revealed in propaganda both mocking and condemning it. Speaking on September 1st at a ceremony commemorating the twenty-fourth anniversary of the founding of the Democratic Republic of North Vietnam in Hanoi, Premier Pham Van Dong described Vietnamization as "puppetization" of the war, which, he said, was "a return to the special war defeated long ago," meaning by "special war" the war as it was fought prior to 1965. He went on to say, "It is nothing but hackneyed juggling. To use Vietnamese to fight Vietnamese is indeed an attractive policy for the United States! When one has money and guns, can there be a better way to reach one's aims than simply to distribute money and guns? Unfortunately, in the present epoch, such a parodoxical move is flatly impossible. . . . Certainly there is no means, no magic way, to 'ize' the war into something other than the most atrocious and most abominable colonial war in history."

The Politburo in Hanoi, in determining its military strategy and relating this to the two other prongs of its offensive—its political and diplomatic strategy in South Vietnam and in Paris—is engaged today in something very much like a poker game for huge stakes. Hanoi's main interest lies in getting as many American troops as possible out of Vietnam as quickly as possible. The easiest way to achieve the rapid troop reduction would be for Hanoi to reduce the level of activity in South Vietnam and simultaneously reduce the number of replacements infiltrated into the South from the North. Hanoi has repeatedly been told by Washington that this would hasten the pace of American withdrawals and would be considered a basis for agreement. However one wants to interpret the recent eight-week lull, its ending in mid-August, followed by heavy rocket and mortar assaults on Danang two days after Ho Chi Minh's death, showed that the Communists believed that they could not afford to do nothing for very long. Furthermore, since the Communists are not certain what President Nixon wants to do—whether he has made up his mind, as some observers believe he has, to withdraw virtually all American forces from Vietnam by the end of 1970 whatever the circumstances, or is planning to move more slowly and gauge the withdrawals to the moves made by the Communists—they are still thinking in terms of killing between a hundred and fifty and two hundred Americans a week. They figure that this will force Nixon's hand politically at home so that the option of gradual withdrawal will be denied him.

The Communists are obviously eager as soon as possible to score some resounding victories in key battles with the South Vietnamese forces fighting on their own, so as to prove to the South Vietnamese people that their troops have no chance against the North Vietnamese and the Vietcong. The sooner the Communists have a chance to do this, the less likely the South Vietnamese are to have made sufficient improvement to stand on their own, and the better the Communists figure it will be for them, so the guess here is that such a major showdown or series of showdowns will come late this year or early next year. What the Communists do not want, despite the fact that they are preparing themselves for it, is a return to the special, or pre-1965, war. Their own weakened situation, in both the North and the South, renders that a hazardous undertaking. They would undoubtedly rather try to Vietminhize, or Communize, the South politically than take chances on draining their own resources any longer in a protracted conflict. For that reason, if they decide that their situation in the North is too shaky to let them continue to sustain the major burden of the war in the South, they may settle for a series of regional cease-fires under some system of international supervision, followed by regional or provincial elections and then by a national election. This would presumably give them control over a number of areas—mostly sparsely populated ones along the Laotian and Cambodian borders, and some of the more populated places in the Delta and in the Central Plateau region. Such a compromise would make sense to them, not only because of their war-weariness and their dwindling manpower but because of their current military and political campaign in Laos, which is proving successful. In effect, though Washington doesn't like the term, this would mean a *de-facto* partitioning of South Vietnam, at least temporarily, as a prelude to an eventual election there. Unless the South Vietnamese government is really strong enough politically and militarily to resist such an offer, Saigon would find it difficult, in the face of American and world opinion, to reject it. A number of American experts who believe that Saigon is neither sufficiently strong nor sufficiently aware of the dangers it faces are urging a far faster rate of political preparation for potential regional contests. This would entail some knocking together of South Vietnamese heads. For example, in a specific area where the Hoa Hao or the Cao Dai or the Southern Buddhists or the peasant-labor forces or the old nationalist parties are the strongest single community force, that group would have the best chance of commanding regional or local respect and should be given the go-ahead. As for the cities where the degree of political divisiveness is worse than in the countryside some serious effort should be made to unite all the contending forces. Ultimately, there would have to be a tradeoff of some degree of rural control by the Communists for government control over the more populous areas, in order to avoid handing the Communists the sort of coalition deal they want on a silver platter.

Saigon remains the No. 1 objective of the Communists, and any temporary deals they may make in Paris and Vietnam won't change that situation. It was not recently renamed Ho Chi Minh City in their propaganda for nothing. Bad planning and bad execution of plans lost them their chance of capturing it during the Tet offensive in 1968, and today their chances of taking it either by force or through subversion have dwindled. Having infiltrated only half as many men into South Vietnam so far this year as they had up to this date last year, and having suffered almost as many casualties as they had up to this date in 1968, they are facing a serious problem of attrition, which has forced them to make some cold recalculations. The new Communist military methods, as enunciated a few weeks ago by General Giap, call not for "offensives" in the old sense but for "campaigns," each one of which is a fairly fluid affair consisting of "low" and "high" points. Because the Communists have had an attrition rate—that is, losses exceeding replacements from the North—for the last half year of five thousand men a month, no sustained attack is now anticipated unless Hanoi puts more men into South Vietnam. At the current level of fighting, American military experts feel that the North Vietnamese and the Vietcong will run out of steam by the end of this year, particularly if they decide to take on the South Vietnamese in a large-scale engagement somewhere. Between engagements, the main Communist forces have followed their custom of moving across the Cambodian border to jungle sanctuaries. In Paris, the Americans have made it clear that if Hanoi wants to offer any serious signal of an intention to cut the total of its forces, it will have to withdraw some of them northward from base areas in both Cambodia and Laos as well as continue to decrease the rate of infiltration.

To the best of their ability, which is still considerable, the enemy forces have made the necessary military adjustments, using smaller, more compact units with heavier firepower to attack selected government and American targets, and, as at Danang, making heavy mortar and rocket assaults on major bases, especially Allied artillery centers. The foundation of their new order of battle is the sapper unit, consisting of regular assault troops specially trained for demolition and sabotage and of so-called "special-action" teams, which are paramilitary organizations used for assaults on urban areas. The latter most often wear civilian clothes and concentrate on terrorist activity, setting off satchel charges and other explosives at police stations, military installations, and so forth, and throwing grenades from vehicles. For planned major attacks on Saigon, which they haven't been able to carry out, the Communists last April set up special-action teams called *cac cum*, which are broken down into companies, squads, and, in some cases, three-man cells. Some of these units were ordered into the capital in June, but only a limited number—about a hundred men—succeeded in penetrating the city. Since then, with the assistance of teen-age terrorists who live here, they have been responsible for the series of explosions that have occurred over the past weeks. Other *cum* units, hiding in the suburbs or farther out, presumably will be the spearheads of the action following the next lull, perhaps late this month or sometime in October. This new offensive tactic is based on following up a sapper thrust, if it is initially successful, with larger reinforcements—a scheme that failed during the 1968 Tet offensive because of poor coordination by supporting units. In Vietnamese, the tactic is known as *mui* (nose) *nhon* (pointed) *duoi* (tail)—the pointed nose of the sapper unit or special-action team being supported by the spreading peacock tail of a battalion or a regiment.

As if Saigon had not had enough problems and perplexities over the past weeks, it has had to live through the embarrassment of two major espionage scandals, one involving the American Special Forces, or Green Berets, and the other involving a spy ring that reached right into the Presidential Palace. The Green Beret case arose from the alleged murder of an alleged Vietnamese double agent named Thai Khac Chuyen, who was working for the Special Forces. For various reasons—the primary one being that Chuyen's body has not been recovered—there is no indication so far that the eight accused

Green Berets, including the former commanding officer of the Special Forces in Vietnam, Colonel Robert B. Rheault, will be brought before a court-martial. Whether Chuyen was a double agent or not, if he was murdered it was a mistake, whatever the exigencies of the wartime situation, and an inexcusable one, as almost all Americans here seem to agree.

The other spy case is actually far more important, being said by both American and Vietnamese specialists to involve the largest espionage ring uncovered in ten years. This organization was under investigation for seven months before the first arrests were disclosed, in July, and since then about a hundred persons, including perhaps a score of women, have been taken into custody by the Vietnamese Special Police, and at least two-thirds of these are still in jail. The C.I.A. collaborated closely with the Vietnamese in breaking the spy network, and is said to have opened up the first leads. Operating within several ministries as well as within the Presidential Palace, the ring reported directly to the Strategic Intelligence Branch of the Central Office for South Vietnam (COSVN), the top Communist echelon in South Vietnam. This branch is known as B-22 and is run by one of Hanoi's main agents in South Vietnam. He is Dang Van Huong, alias Mat Ro, and he has not been apprehended. The Saigon network was handled by Vu Ngoc Nha, a Catholic, who was sent South by Hanoi in 1955, and who had close Palace connections as a result of being introduced there by some unwitting priests. Nha's principal agent at the Palace was one of President Thieu's assistants for political affairs, Huynh Van Trong. Trong is said to be a former French agent who pretended to work for the late Ngo Dinh Diem. When his pro-French activities became known, in 1958, he was arrested, but he was released two years later, with the assistance of some French Redemptorist fathers, and fled to Cambodia. He returned to South Vietnam after the 1963 coup and, having been introduced to Thieu by the French, who were ostensibly unaware of his Communist connections, became a Palace aide in 1967, after Thieu's election to the Presidency. Thieu is said to have been told about the existence of the spy ring early this year, and to have instructed the police to continue their investigation and uncover further ramifications of the case. The ring is said to have done considerable damage, especially in reporting to Hanoi on the progress of pacification programs and on the political activities of various religious groups in the South. In the course of their investigation, the Special Police came across a second, smaller Saigon spy ring, which was attached to a military intelligence unit also working for COSVN. The main spy-ring case is still under investigation, and there are indications that at least two more such organizations exist.

In the midst of these turbulent events, Saigon has been besieged by more than the usual number of visiting firemen from America—a state of affairs that has scarcely made life easier for harassed Allied officials. Among the visitors was a delegation of nine members of the Citizens Committee for Peace with Freedom in Vietnam, which is a group of a hundred and thirty distinguished Americans that former Senator Paul Douglas, of Illinois, organized in October, 1967, and whose founding honorary chairmen were former President Harry Truman and the late President Dwight Eisenhower. The committee is in favor of obtaining a peace in Vietnam that will not be what they consider a sellout to the Communists and will guarantee the South Vietnamese the right to determine their own future through safeguarded elections. Next came five members of the National Committee for a Political Settlement in Vietnam, which seeks an immediate, standstill cease-fire, supported by an international peace-keeping force to supervise withdrawal of all troops; prompt free elections, under the supervision of a joint electoral commission; complete land reform; and extensive postwar economic aid, under the auspices of the United Nations. This committee has the support of Cyrus Vance, the former Deputy Secretary of Defense, who was W. Averell Harriman's deputy at the Paris talks. Before, between, and after these committee visits, there was a stream of members of Congress. All these visitors went through the customary top-level briefings and tried to see as many Vietnamese as they could during their stays, which varied from a day or two to two weeks, and all of them left apparently as bewildered or more bewildered than they were when they arrived. The trouble seems to be that too many such Americans, thoroughly concerned though they are, are seeking answers without knowing the right questions. Perhaps this has been our trouble in Vietnam all along. —ROBERT SHAPLEN

OCTOBER 15 IS PATRIOTISM DAY IN SYLACAUGA, ALA.

Mr. ALLEN. Mr. President, I do not believe that the so-called Vietnam moratorium represents the views of the people of Alabama and of the Nation.

The vast majority of people of my home State of Alabama are not willing to retreat at the noise of the mortorium. As a matter of fact, the mayor of Sylacauga, Ala., has declared October 15 as "Patriotism Day," when the people of this fine, progressive, peace-loving, and God-fearing community will let the world know that it is no disgrace to stand and fight for their country.

Mr. President, Alabamians want peace. They are sick of the tragedies of war. They want the United States out of Vietnam under honorable conditions.

But they believe, as I do, that the Vietnam moratorium only serves to encourage Hanoi and to divide the American people when we need a united front if peace is ever to be gained.

Mr. President, I believe that the spirit that inspired Patriotism Day in Sylacauga, Ala., represents the true feelings of the great majority of Americans.

MERCHANT MARINE: CONGRESS ACTS

Mr. TYDINGS. Mr. President, I fully support the recent action of the Committee on Commerce and its subcommittee on the merchant marine in initiating hearings on congressional proposals to revitalize our merchant fleet.

For too long we have waited for the administration's own proposals. These have been much heralded but strangely absent. Last September, Mr. Nixon strongly advocated a concerted effort to rebuild our merchant fleet. Last January, President Nixon placed the administration squarely behind these efforts. Maritime proposals were to be sent to the committee by April or May then by early summer, and finally by mid-September.

It is now October, and the Nixon proposals have yet to reach Congress.

Further delay no longer can be tolerated.

Days of delay now will means months of delay later on before the new ships we so desperately need can be authorized and constructed. The failure of the President to send forth concrete proposals is clear evidence of loss of leadership and a most unsettling indication that maritime affairs do not in fact enjoy top priority within the administration.

Congress must now assume this leadership and insure that the United States regains its position of maritime preeminence.

There can be no doubt that this position has declined. Our merchant fleet has deteriorated to a degree shocking for a maritime nation so dependent on the seas as we are for economic prosperity and national security. Two-thirds of the fleet is over 20 years old. Less than 7 percent of our ocean trade is carried in U.S.-flag vessels. The decline of our fleet must be reversed.

In considering the maritime proposals presently before Congress, in particular S. 1915 which the distinguished chairman of the full committee introduced last April, the Commerce Committee will confront the key issue of shipbuilding within the United States. The revival of our fleet to a large extent depends on the health of our shipyards. Recently, these have been subject to considerable criticism. It is my strong belief that the American shipbuilding industry can hold its own against foreign competitors. Our yards can deliver the ships if the Government will deliver a program. The ability of our shipyards to build the 150 ships we will need in the next 5 years was confirmed by a 1969 report of the Center for Maritime Studies at the Webb Institute of Naval Architecture. This report noted that the productivity of American shipyards increased considerably in the last 10 years and that U.S. yards are presently more efficient than either Japanese or British yards.

Throughout the world shipbuilding is a heavily subsidized industry. Forty-seven maritime nations provide governmental assistance to their industries. I, therefore, fully support the continuation of and increase in our construction differential subsidy.

I do hope, however, that the committee will consider carefully the need to increase the operating differential subsidy. The recent decision of two major American lines to withdraw their application for the operating subsidy on a transpacific route is an encouraging indication that with more productive ships our operators will increasingly be able to go it alone without Government help.

Two other major issues will confront the committee in considering the maritime proposals. The first concerns nuclear-powered commercial vessels. While these may be ultimately desirable, the current need for ships is so great that major emphasis on the early development of nuclear vessels will divert our resources from the more immediate concern. We need ships, and we need them quickly. Nuclear ships pose special problems of construction, operation, and public acceptance. To expend our energies on their extensive development now would be a misdirected effort. We should continue a modest research and development program regarding nuclear vessels but, for the moment at least, concentrate our resources on the more basic problem of building conventional ships.

The second issue concerns U.S.-flag passenger liners. It is probably too late

to restore the operation of these ships. However, I hope that in considering the maritime proposals, the committee will make a final determination on both their ultimate desirability and the length to which we should go to maintain them. The time has come for us to decide once and for all if we are to maintain passenger ships.

MORATORIUM

Mr. NELSON. Mr. President, this week, tens of thousands of Americans, perhaps millions, will pause in an impatient but peaceful protest of a prolonged war in Vietnam that has cost some 40,000 American lives, more than one-half a million enemy lives, untotaled casualties to civilian populations, and billions of wasted dollars.

There has been unnecessary concern over the coming nationwide demonstrations. A column on the moratorium written by Nichols von Hoffman for the Washington Post has best captured the constructive spirit of this youth movement. Mr. von Hoffman has written the necessary description of a youth movement led and directed by the youth that must be concerned with the issue of a prolonged war.

I ask unanimous consent that the article, published on October 13, be printed in the RECORD.

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

MORATORIUM

(By Nicholas von Hoffman)

The alcove where the TV set stands was crowded with people. They squinched next to each other on the floor and crowded into the door frames. The girl at the reception desk kept answering the telephone and Sam Brown stood on the couch so he could see. Every so often from around a corner in the Moratorium Headquarters an excited voice would call out, "Are we on TV? Did we make it?"

The answer was yes, but it's hard for the people to believe it. The leading personalities, Sam, David Hawk, David Mixner and Marge Sclencar—the ones who get interviewed on the tube—have known for three or four weeks that the Moratorium would be big, but it's still a shock to be taken seriously. They've been big before, but they come out of a tradition of losers. For 10 years young people have made peace, poverty and racism big, but they haven't been taken seriously. Now coming over the tube was a different vibration. Howard K. Smith sounded nervous. He had the old Battle of Britain tone in his voice.

The tube showed Congressman Rogers Morton being interviewed. "Then this demonstration could boomerang?" he was asked. "Sure it can," the Congressman replied and there's laughter in the room because they know it can't boomerang. The worst that can happen is that the war will go on as it has since they were in grammar school.

Then the TV announced that two Catholic Cardinals, one in Boston and one in Detroit, would take part in the moratorium. The news was greeted with a not quite believing gratitude. Each new expression of solidarity by a famous person gets the same small bursts of grateful amazement. Pitcher Tom Seaver says he plans to put an ad in the paper declaring. "If the Mets can win the World Series, then we can get out of Vietnam;" Actor Woody Allen announces he will not perform Wednesday in observance of the Moratorium . . . there is a rumor that Johnny Carson intends to do likewise.

Next the TV voice is introducing the "politically ambitious Sam Brown." "I am?" Sam answers, looking at himself on the screen. The announcer's implication is that its indecorous for a person to be both principled and ambitious. Sam, the two Davids and Marge are supposed to be disembodied spirits devoid of recognizable human motivation if they wish their peace politics to be taken seriously. Only stock-jobbing judges and oil-depleting senators may evince less than Christ-like motivations with risk of disapprobation from the American Broadcasting Company.

The voice out of the tube turned grimmer. "The Justice Department," it said "is watching the Moratorium but won't comment." The threat of another conspiracy indictment was in the room but nobody minded. They know there is that danger, but youth is fighting for its life. If America is run as well in the next ten years as it was in the last, nobody now aged twenty will live to celebrate his thirty-fifth birthday. One danger has to be balanced off against another.

The tube switched topics. A riot in front of the United States Embassy in Manila. As it yatters on, Marge announces that sixteen schools in the Chicago area alone are closing on Wednesday. News of school closings and other demonstrations come in on every phone line. The papers say that this eighth floor office in an old building at 1029 Vermont Avenue is the headquarters, the place where the moratorium is being organized, but that's not true. To organize something of this size would require a staff of hundreds and hundreds of full-time people. In fact there are only thirty people on the staff and twenty of them were just hired. There's lots of volunteers, of course, but no money. You can see them opening the checks and it's all small "grass roots money," as David Hawk calls it. Postal money orders for a dollar, two dollars. Checks for twenty-five are tops, except for a few hundred dollar contributions from people who "could easily add another zero to the figure if they wanted," or so David says.

The moratorium is organizing itself. The phenomenon is the same as that which went over the black community a couple of years ago or what happened in the factories during the thirties when people simply started their unions and then called up the CIO and announced their collective existence. "This is a thing with a life of its own," says Sam Brown. "We're not organizing it. We're just riding the wave."

That's very hard for chaps like Howard K. Smith to get through their heads. For them everything must have a hierarchy; nobody does anything he hasn't been told to by a superior. He was on the screen sounding portentious, talking about constructive criticism and the dangers of sinking a president. There's a lot of talk now. The other David Broder wrote, ". . . there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace."

So it may look to life's structuralists, to the people who believe all important decisions are made quietly in sumptuous rooms by persons holding the formal titles of power. The structuralists focus on the personalities of the men who hold these titles of power and miss what the simple-minded and unsubtle can see: the last five years have shown that the one man who *can't* negotiate peace is the President.

Sam shook his head. He had a when-will-they-ever-learn expression on his face. "People aren't into personality politics. They don't want to get Nixon. Everybody expected him to be a fascist. With Johnson people were disappointed. That's why they got so mad at him."

ABC News went off the air and there was knob turning to another network where the cycle of newsclips would re-circle. Hubert Horatio Humphrey was now shown in the White House with what's his name.

A girl sitting on the floor said, "Oh, God!"

Another squeaked, "My favorite person—yeech!"

In the hall the elevator doors opened and a new infusion of students came into the office. They looked like high schoolers, the generation many people say will make Mark Rudd look like a member of the Union League Club. They settled down all over the place to address and stuff envelopes, run the mimeograph machine and trundle boxes of material from room to room. They were too busy to appreciate the wall poster that told them, "Let's Win This War And Get The Hell Out'—George Armstrong Custer."

BEAR RIVER MIGRATORY BIRD REFUGE

Mr. MOSS. Mr. President, for some time I have been trying to get funds written into the Department of the Interior appropriation bill so that the Fish and Wildlife Service can bring the spillage waters from the Weber River Water Conservancy Reservoir in the Bear River Migratory Bird Refuge in northern Utah. This would measurably increase the nesting grounds for wild fowl there. Our tight budget has made it necessary to defer this project again and again.

On October 5, the New York Times published an article on the Bear River Refuge, written by Jack Goodman which helps to make my case for expanding and making the best use of this incredibly beautiful area, now the nesting grounds of millions of birds in their flights south in the fall and then north in the spring, grounds which could well accommodate many more.

I ask unanimous consent that the Goodman article, entitled "A Million Migrants Wing to Utah's Green Marshland," be printed in the RECORD. It portrays the lure and magnificence of the area, as well as stressing its growing importance in our bird migration pattern.

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

A MILLION MIGRANTS WING TO UTAH'S GREEN MARSHLANDS

(By Jack Goodman)

BRIGHAM CITY, UTAH.—Fifteen miles west of this ranching and orchard center, the fresh waters of the Bear River spread across thousands of acres of low-lying marshland before reaching the shores of Great Salt Lake. And just east of this same pleasant town, the 10,000-foot-high peaks of the Wasatch Range raise an almost unbroken barrier extending from the Idaho border off into the autumn haze far south of the 75-mile-long saline area.

This is a region of vast spaces and satisfying sunsets, a land where glinting rays and towering clouds enhance the all-points-of-the-compass view of sparkling water, green marshland and distant peaks.

On cool autumn evenings, the visitor can enjoy another splendid sight, one increasingly crowded nation. Heralded by the distant sound of quacking and gabbling, great V-shaped formations of ducks, geese and swans come winging in from the north. Well aloft at first, they edge farther and farther west on the Wasatch before splashing down into the clear-water lagoons of the Bear River marshes.

IN—AND OUT

By September's end, the parade of incoming waterfowl had dropped off, leaving fully a million birds bobbing, feeding and resting

on the 65,000 acres of the Bear River Migratory Bird Refuge, a Federal preserve. Then, on some unannounced but chilly morning in late October, as frost coats the cottonwoods and hardwoods just upstream, there will be a considerable rustle of wings out in the marshlands.

Quacking and signaling as they rise, the pintails, teal and canvasback ducks, the Canada and snow geese and the whistling swans will circle aloft, "forming up" in geometric patterns. Circling away from the shotgunners at inshore blinds and gun clubs, the birds follow their leaders south, continuing their annual journey from Alaska and Canada to their wintering grounds in Southern California and Mexico.

Then, except for a few thousand canvasbacks and other diving ducks, plus an occasional whistling swan choosing to winter here, the Bear River marshes will be almost empty.

FASCINATING STOP

For the bird-watcher, amateur ornithologist, camera enthusiast or reader of American history who recalls that our skies were once "darkened by the passage of millions of birds," the Bear River refuge will prove a fascinating stopping place on a Western vacation.

One of the few in the West readily reached by paved highway, it was established in 1938. Surprisingly, much of the diking, damming, road building and improvement work was handled by young men from the Bronx and Brooklyn, members of the all-but-forgotten Civilian Conservation Corps.

Aside from harmless midges, the refuge is largely free of insect life during late summer and early fall. Spring visitors can be plagued by mosquitoes and flies, but the situation was far worse when C.C.C. workers were placing impounding dikes and sluice gates and erecting the few buildings on the refuge.

Driving almost due west from Brigham City's tidy downtown area, the visitor reaches the refuge on a well-paved, two-lane road that leaves farm fields behind and crosses grass-covered marshland not unlike the terrain that flanks Long Island's Great South Bay or the coastal inlets of New Jersey.

A lofty, steel-ribbed observation tower—it is 100 feet high—and a small cluster of buildings are the first indications of the location of the refuge. However, motorists heading toward it should carefully observe speed limits, since the road to and on the dikes makes sudden right-angle turns that can prove hazardous.

Essentially, the refuge is surrounded by a broad earthen dike that circles some 20 miles around the feeding grounds, thereby impounding the freshwater delta of the Bear River and barring ingress of saline lake water to the marshland. A series of lesser dikes cuts the refuge into five units, with a paved and graveled roadway traversing the three dikes that form the South Bay section.

CIRCLE ROUTE

A 12-mile road circles this South Bay unit, starting and ending at the 100-foot-high headquarters tower.

Visitors must register at headquarters, but they can tour the refuge daily from 8 A.M. until 4:30 P.M. The best routine to follow is to register first and then climb the tower, after picking up an illustrated guide pamphlet available from the Fish and Wildlife Service ranger-naturalist stationed at headquarters. Staff members will gladly tell interested vacationists where such spectacular birds as great blue herons, white pelicans and snowy egrets can be observed.

Since specified fringes of the refuge are open to hunting during the October shooting season, the rangers ban all cars from the dikes whenever necessary. Several duck clubs—private shooting preserves—are situated near the refuge entrance, and so tourists may be delayed as they leave the delta country by state wardens assigned to check licenses, duck stamps and the like.

Before making the 12-mile tour of the South Bay dike, visitors should inspect both the research laboratory and the "bird hospital," at which the refuge staff treats injured waterfowl. Scientists have long studied feeding habits, migration routes and plagues such as botulism, a ptomainelike disease that recently killed thousands of waterfowl in California.

Botulism has periodically been a problem in the Utah marshlands, but in recent years the freshening of the Bear River delta waters, by means of diking and controlled freshwater releases, has eased the disease toll.

While driving around the dike of the refuge's south embayment, motorists should carry cameras or binoculars at the ready; they also should keep a wary eye out for birds strolling across the roadway, as well as for those in the canals and marshes.

Illustrated pamphlets showing silhouettes and line drawings of waterfowl, and another mimeographed leaflet listing birds by season and rating them as abundant, common, occasional and rare, are available for the asking at headquarters. They will prove useful to first-timers on the dike.

OBSERVATION POINTS

Low towers at three points on the dike provide good vantage points for waterfowl-watchers, but visitors can pull off to the side of the road virtually anywhere to observe such giant birds as the pelican, great blue heron and whistling swan, as well as the great flocks of pintail, teal and canvasback ducks.

As many as 500,000 pintail and green-winged teal have been counted in the refuge during fall migrations, while up to 100,000 canvasbacks and mallards have been reported. Those who keep tally sheets often concentrate on spotting the region's avocet, curlews, Western grebe, phalarope and ibis.

Even those who cannot differentiate between a ruddy duck, a shoveler or a redhead find the Bear River refuge fascinating to visit and revisit. Children are frequently entranced by the ponderous size and slow gait of such species as pelicans and herons as they become airborne.

Visitors to the refuge should fuel their cars, and themselves, before making a journey to the dikes. There are no service stations, restaurants or campgrounds, although one will find drinking water and restrooms at the refuge headquarters.

Brigham City, about 50 miles north of Salt Lake City, has a half-dozen excellent motels and restaurants.

OUR NATIONAL HEALTH GOAL—ARTICLE BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ROBERT H. FINCH

Mr. JAVITS. Mr. President, among the Nation's many goals, few if any are more significant than the availability of high-quality medical care for each and every American.

Secretary of Health, Education, and Welfare, Robert H. Finch, has addressed himself to this objective in an article entitled "Our National Health Goals." It appears appropriately enough as the feature of the first issue of a new publication for the Nation's laymen, Family Health.

Secretary Finch points out critical shortcomings in our present health care services; he outlines remedial programs by the administration; and appeals for cooperation by all segments of the health industry toward meeting the crisis.

I ask unanimous consent that that article, published in the October 1969 issue of Family Health, be printed in the RECORD.

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

OUR NATIONAL HEALTH GOALS

(By Robert H. Finch)

The present condition of the nation's health-care industry must be termed "critical". Unless immediate and concerted action is taken by government at every level and, most important, by the health professions and the private sector, we face a virtual breakdown in the delivery of health services. One way to pinpoint our goals in health care is to spell out some of our unmet needs. The bare statistics are appalling.

To provide quality health care for every American, it has been estimated that right now we need 52,000 additional physicians, 9,000 additional dentists, and 145,000 additional registered nurses. To support them, and extend their expertise, we need tens of thousands of paraprofessional aides and technicians, many in totally new health careers.

Not only is the supply of medical manpower short, but what we do have is severely maldistributed. In New York State, for example, there are 212 physicians for every 100,000 persons; in Mississippi, by contrast, the ratio is a scant 73 per 100,000.

Shortages and maldistribution are just as critical in our hospitals. We now have 723,000 acute-care hospital beds; and of these, 200,000 need modernization. We still need 164,000 new beds. Moreover, we should have at least 900 new ambulatory-care facilities and 200 rehabilitation centers to relieve pressure on these high-cost facilities.

These critical shortages of health personnel and facilities mean that millions of Americans, particularly the low-income groups, are receiving inadequate care. In 1950, for instance, the United States ranked fifth among the nations of the world in infant-mortality rates; today we rank fourteenth. The infant-mortality rate among nonwhites is twice that of whites. Between one third and one half of the women who have babies in public hospitals have had absolutely no prenatal care. More than 20 percent of all persons in families with incomes under $3,000 a year have never seen a dentist or received dental attention. And these statistics barely suggest the full extent of the nation's health-care gap.

Against this canvas, the overriding goal of our national health policy is clear. It is to make available to every American the quality and quantity of health care to which he should have access. The demonstrated capabilities of the medical arts and sciences, and their limitless potential, make no lesser goal permissible.

It is this very capability, along with rising affluence and expectations, that is creating an upsurge in public demand for health services. Medical wonders are now commonplace. On an even larger scale, landing men on the moon has shown our incredible ability to mobilize human and technological resources and to harness them in the service of any goal we may set ourselves.

Can it then be doubted that the improvement of life on earth lies well within our capacities? Surely the question answers itself.

Urgent priority must be given to transforming our present network of diverse services—our present "nonsystem"—into purposeful, well-articulated, well-understood *systems* for the delivery of health services. I do not have in mind an imposed monolith. What we need is a unity of *purpose* and a mutual *partnership* in one all-embracing effort. Unless this partnership is mobilized, our delivery of health services will ultimately break down.

The reasons are clear. Current demand for these services, particularly since the Medicare and Medicaid programs were established, far outstrips the capacity of the

present system to respond. The inevitable result is a crippling inflation in medical costs.

Some health practitioners have abused these programs; peer-group self-discipline within the health professions has not always been rigorous. And there has been a shocking lack of tight administrative control within the government. These factors, and others, have multiplied the upward cost pressures.

But beyond spiraling costs of health care, our basic health resources—primarily health-care facilities and health manpower—are being wastefully utilized. Our priorities are critically out of balance. While increasingly the need is for lower cost, extended-care facilities, all our incentive systems—and our inherited, long-standing programs of federal assistance—emphasize high-cost, acute-care facilities.

We stress spectacular achievements in the healing arts but shortchange preventive and early care, which must constitute the central thrust if our health problems are ever to be resolved.

The demand is also urgent for every category of health professional. Because of the long training period for physicians, dentists, and other medical specialists, we must place particular and immediate emphasis on the development of new health careers. We must train paraprofessional aides and technicians who can greatly extend the reach of the scarce professionals.

The crisis is many-sided. To meet it we have begun to re-examine all our traditional assumptions, to redirect all our ongoing governmental programs, and to rechannel the efforts of the private and independent components of our health system through the leverage of federal assistance and incentives.

We are tightening administrative and cost controls in Medicare and Medicaid. We propose to retarget the Hill-Burton program toward neighborhood health centers, extended-care facilities, and inner-city clinics. Our Office of New Careers is placing top priority on programs to utilize the skills of medical corpsmen returning from Vietnam. These are just a few of the initiatives we have put in motion.

But the major portion of the nation's health-care dollar is not spent by government. The heaviest burden of actual services rests with the many independent health components—with insurance carriers, hospitals, state and local agencies, and especially with the health professions. That is why we have challenged each of these groups to take the initiative, to make its own firm commitment to the goals we all share; it is up to them to assume leadership and responsibility for crucial innovations in the delivery of health services.

We are asking the health-care industry to redouble its own initiatives, to accept the burdens of self-discipline—and thus to respond to the rising public demand for dignified and effective health care.

We are asking them to understand what ultimately is at stake—and that is the perpetuation of our pluralistic, independent, voluntary health-care system. We will lose it to pressures for a government-dominated monolith—unless, together, we can make that system work *effectively* and work for *everyone* in the nation.

Can it, I repeat, possibly be doubted that the improvement of the human condition lies well within the capacities of our technology, of our total social resources? But wonders do not just happen. They begin with clearly defined purpose—and they call for soaring ambition and for unwavering commitment. Which constitute, of course, apt descriptions of the motivations of our health professionals.

And so I am confident—with every component of the nation's health team working as one, and with a single sense of purpose—that there is no task on this good earth that lies beyond the reach of our mutual dedication. Together, we will not fail.

THE PESTICIDE PERIL—LXV

Mr. NELSON. Mr. President, the current controversy over the use of DDT and related persistent pesticides received its first major public airing since Rachael Carson's "Silent Spring" during the recent Wisconsin State Department of Natural Resources hearings on a citizens' petition to ban the use of DDT in Wisconsin.

This public confrontation between the pesticide industry and concerned conservationists spread the growing alarm about the threat to our environment from chemical poisons to citizens throughout the country.

Representing the citizens' petition during the hearings was the Environmental Defense Fund, an alliance of concerned lawyers and scientists. Dr. Charles F. Wurster, an organic chemist at the State University of New York at Stony Brook who is associated with EDF, has been an outstanding leader in the effort to improve the controls on the use of persistent pesticides. In a recent issue of BioScience magazine, he has written an excellent summation of the Wisconsin hearings.

I ask unanimous consent that his article be printed in the RECORD.

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

DDT GOES TO TRIAL IN MADISON

(By Charles F. Wurster)

SCIENTISTS FOCUS ON AN ENVIRONMENTAL PROBLEM

An increasing groundswell of involvement by scientists in issues of social relevance has become evident recently, especially where matters of environmental quality are concerned. The feeling seems to be—act now, for tomorrow may be too late. The DDT problem has become a focus of this increased activity, and seldom has the confrontation been more intense and involved more scientists than at the DDT hearings before the Department of Natural Resources in Madison, Wisconsin.

It is not accidental that DDT is the focus or spearhead of scientists' concern. Mounting evidence now indicates that the persisting residues of DDT have become one of the world's most serious pollution problems, affecting many species of nontarget organisms on a global basis. Furthermore, the scientific literature on DDT is now voluminous, and it is probable that no man-made environmental contamination problem can be quite so thoroughly documented.

DDT is well known from its glamorous past, having undoubtedly saved millions of lives during and shortly after World War II when alternative insecticides were unavailable. The chemical is staunchly defended by some segments of the agricultural community and the chemical industry, and by a dwindling number of scientists. They insist that there is a continuing need for DDT in agriculture and public health and express concern that if DDT is banned, the use of several other chlorinated hydrocarbons with similar properties will also be curtailed.

Moreover, a battle over control is one of the central issues. *Who* is going to control pesticides? Historically, complete control has been in the hands of agriculture. Now that certain pesticides are affecting nonagricultural interests and values, a growing chorus of other voices, including the environmental science community, demand to be heard. If the environmentalists win on DDT, they will achieve, and probably retain in other environmental issues, a level of authority they have never had before. In a sense, then, much more is at stake than DDT.

HISTORY OF EDF

The events in Madison evolved from years of mounting concern among environmental scientists over the chlorinated hydrocarbon issue. Their initial involvement in courtroom litigation came in 1966 when a citizen's class action was supported against the Suffolk County Mosquito Control Commission to prevent continued degradation of the natural resources of Long Island by the use of DDT (Carter, 1967; Woodwell et al., 1967). The need for scientists to take speedy and effective action against environmental degradation resulted in the incorporation of the Environmental Defense Fund (EDF) in October, 1967. Only a few days later, at the request of EDF trustee H. Lewis Batts of Kalamazoo College, EDF filed suit against the Michigan Department of Agriculture (MDA) to prevent a proposed application of dieldrin, and against numerous Michigan municipalities that were still using DDT for attempted control of Dutch elm disease.

While MDA was ruled immune from suit, EDF was successful in obtaining court orders against the use of DDT by 55 municipalities. The strength of the scientific evidence convinced the Michigan Department of Natural Resources that it, too, should take a firm stand against DDT, and this ultimately resulted in the cancellation of the registration of DDT in that state. In October of 1968, EDF again filed suit against MDA, this time in a Wisconsin federal court, but another jurisdictional ruling of sovereign immunity limited the hearing to a few hours. These Michigan actions, presented more only the briefest of hearings, presented more evidence against DDT, and involved more scientists, than did the Long Island case, and resulted in further strengthening of EDF's scientific position.

EDF takes action only when a position can be thoroughly supported by scientific evidence, which is organized and presented by EDF's Scientists Advisory Committee. Both sides of an issue are evaluated. This volunteer, informal, interdisciplinary committee serves without fee or obligation; there is free exchange of information, and witnesses may be chosen from its ranks.

The Scientists Advisory Committee, with more than 200 members and including some of the world's foremost environmental scientists, had evaluated the DDT issue several times. An extensive bibliography on chlorinated hydrocarbon insecticides, including many hundreds of references, had been prepared, and more than 50 of the most relevant papers had been reprinted. Most of this evidence had never before been adequately presented in any judicial forum.

By November of 1968 it was evident that DDT would finally stand trial in a judicial proceeding before the Department of Natural Resources in Madison (Carter, 1969). The Madison hearings followed a petition by the Citizens Natural Resources Association (CNRA) and the Izaak Walton League requesting a declaratory ruling by the department on whether DDT is, or is not, a pollutant of the state's waters under the definition in the unique water pollution laws of Wisconsin. EDF, being specifically organized for litigation, was invited by these two Wisconsin conservation organizations to handle both the legal and scientific aspects of the case.

The necessary funds for travel, food, telephone, transcripts, secretarial aid, and other expenses were raised from private contributions, mainly within Wisconsin, by CNRA. During the course of the hearings, scientists and graduate students, mostly associated with the University of Wisconsin (UW),

searched the literature and prepared exhibits. Many local volunteers handled transportation, lodging, fund-raising, and other essential details. The EDF team and all out-of-town scientists were housed in private homes. The magnitude of the defense of DDT, in the form of the well-financed Task Force for DDT of the National Agricultural Chemicals Association (NACA), forced EDF to restructure its organization in order to survive the lengthy hearing. Until April, EDF's trial counsel, Victor J. Yannacone, Jr., had served without fee; since then, the Rachael Carson Fund of the National Audubon Society has agreed to support his activities on behalf of EDF. The new structure includes an enlarged board of trustees, an executive committee, an executive director, and a director of legal research.

THE JUDICIAL PROCESS

Although formally the Madison hearings must be classified as administrative, conduct of the proceedings was quasi-judicial. Filling a role equivalent to that of judge was the Chief Hearing Examiner, Maurice Van Susteren, a man of considerable capabilities in both law and science. The rules of evidence—relevance, materiality, and competence of testimony—were rigorously observed, and the eventual decision, whichever way it goes, is appealable to higher courts. Testimony could be presented without time limitations, all of it subject to cross-examination.

Cross-examination played a vital role in the Madison story. Conducted by a skillful attorney who understands science in addition to trial law, cross-examination can separate fact from fiction by "sweating the truth out of a witness." Without well-directed, expert cross-examination, all kinds of testimony may sound about equally valid; this is often true when legislative committees lack the scientific expertise to ask the relevant questions or to judge the competence of a witness. Their reports and resultant legislation may therefore fail to grasp the problem and be ambivalent in response. Cross-examination is the acid test of relevance and competence.

Victor J. Yannacone, Jr., the Environmental Defense Fund's (EDF) trial attorney, has an impressive grasp of scientific material, especially the environmental sciences. His cross-examination is usually aggressive and may be devastating where a witness takes a position that is scientifically weak. Cross-examination can be a very rough business. It gives prospective witnesses an incentive to be well prepared and confident of the validity of their testimony—or not testify at all. The specter of cross-examination thereby "selects" witnesses in advance, tending to separate fact from fiction.

EDF had available far more scientists without fee than it could present as witnesses. The Task Force for DDT of the National Agricultural Chemicals Association (NACA), on the other hand, apparently had difficulty finding sufficient scientists to uphold its position. It seems curious that many of those who continue to promote the use of DDT, claiming that it is *not* a serious environmental hazard, did not appear at the well-publicized Madison hearings. One would think they would have welcomed the opportunity to test the validity of their opinions in a forum where each scientist was afforded ample time to present scientific evidence for his position.

The scene of action over DDT among the Citizens Natural Resources Association (CNRA) and EDF) people in Madison was by no means restricted to the hearing room. To the contrary, a vigorous, occasionally heated scientific dialogue usually involving a considerable number of scientists and several attorneys occupied all mealtimes and many evenings. The value of these sessions cannot be overstated. Scientific positions were tested and eliminated if weak; stronger positions were discovered, tested again, and sometimes demolished, then reconstructed. Only after the stimulation and probing of such an interdisciplinary group did scientists take the stand. They sometimes remarked later that this intensive dialogue was more rigorous than the cross-examination of the opposing attorneys.

THE "ENVIRONMENTAL SCIENTIST"

The Madison case was remarkable for the great diversity of disciplines that played a role in its organization and presentation. Not only were most of the biological and medical sciences involved, but the physical sciences including physics, chemistry, mathematics, meteorology, and even engineering played vital roles as well. The EDF approach was strongly problem-oriented, thereby requiring interdisciplinary cooperation, rather than being restricted to an orientation by discipline. The testimony by Orie L. Loucks, plant ecologist from the University of Wisconsin (UW) and the final witness of the hearing, was preceded by a week of intensive work involving mathematicians, various ecologists, systems analysts, mechanical and control engineers, and the searching probes of Yannacone. The result was a summary of the available data on DDT transport, uptake, and metabolism in the form of a complex, modern systems analysis that left the Task Force for DDT incapable of critical cross-examination.

A basic element of the EDF position has been to emphasize the complexity of the environmental sciences and the need for interdisciplinary cooperation, then to demonstate through cross-examination that the DDT proponents are narrow specialists out of touch with the rest of the scientific community. The "environmental scientist" capable of evaluating the *total environment*, rather than its separate components, was repeatedly defined as a scientist with his own specialties who is in constant communication with other scientists of different disciplines.

TESTIMONY BEGINS

The hearing was opened in the State Capitol Building on 2 December 1968, with Senator Gaylord Nelson as the first witness for the petitioners. Louis A. McLean, the attorney originally representing the Task Force for DDT of the NACA who was later replaced by Willard D. Stafford, was then called as an adverse witness by Yannacone for questioning about his article in *BioScience* (September, 1967, p. 613) in which he gave his views on "anti-pesticide people" and their preoccupation with "sexual potency" and various forms of "quackery." Another adverse witness called early was Ellsworth H. Fisher, entomologist from UW and an outspoken DDT advocate. The intent was to put into the record a rough outline of the opposition's case to come, "you can't shoot at empty air," says Yannacone.

The initial EDF approach was to describe the "Wisconsin Regional Ecosystem" with emphasis on its interconnections and interrelationships, prior to presenting any testimony about DDT and its role when injected into that system. Hugh H. Iltis, UW botanist, described these plant-animal-environment relationships in detail. Loucks followed with testimony about air currents, weather fronts, long distance pollen dispersal, and nutrient cycling, again emphasizing how events in one region could have distant effects. Iltis and Loucks both showed the inseparability and interrelationships between agricultural regions and the overall ecosystem of which they are but a part. They thus set the stage for the final systems analysis summation on the last day of the hearings 6 months later.

With these ecological relationships established, I took the stand to describe the physical, chemical, and biological properties of DDT (Wurster, 1969), testifying that DDT combines in a single molecule the properties of broad biological activity, chemical stability, mobility, and solubility characteristics that cause it to be accumulated by living organisms, thus presenting an environmental situation that is almost unique among major pollutants. DDT not only enters food chains from the inorganic environment, but it is increasingly concentrated toward the top of food chains, thereby posing a particular threat to carnivores (Woodwell et al., 1967).

My direct testimony took about one hour, but was followed by nearly 3 full days of wide-ranging cross-examination by McLean. Many aspects of the pesticide controversy were probed, as well as my background and that of EDF. All of the expected arguments that were used 10–20 years ago against scientists who first reported environmental degradation by DDT were raised, but it was surprising to hear almost none that were new. EDF soon learned that the Task Force was not fully prepared with regard to the current scientific literature on DDT.

Early in the trial, there were repeated attempts to equate DDT with pesticides in general to create the impression that EDF was an "anti-pesticide" organization. References to "pesticides" were invariably met by objections from Yannacone. These were usually sustained by Van Susteren, who reminded McLean to confine his questioning to "DDT," not "pesticides."

In its presentation, EDF emphasized those effects of DDT that affect a whole species and are world-wide in magnitude, rather than the more local, though more spectacular, fish or bird kills. The use of DDT for attempted control of Dutch elm disease, however, has long been of special concern in the Middle West, and the dramatic bird mortality caused by this usage was described by George J. Wallace (1959), zoologist from Michigan State University, and Joseph J. Hickey, wildlife ecologist from UW, both among the early scientists reporting such damage. William Gusey of Shell Chemical Company and a DDT Task Force witness said that winter spraying of elms, before birds are in the area, eliminates robin mortality, but Wallace contradicted this by telling how robins continued to die for years after the last DDT spraying because they ate contaminated earthworms.

Wallace described the tremors he observed in birds dying of DDT poisoning. He was followed on the stand by Alan Steinbach, neurophysiologist from Albert Einstein College of Medicine, who gave a comprehensive description of the mechanisms of nerve transmission and their disturbance by DDT. He discussed the Hodgkin-Huxley equation and the effects of various toxins on transmission of the nerve impulse, indicating that the effects of DDT are irreversible as compared with these other toxins. "The known mechanism of action of DDT on nerves . . . can account for . . . the observations outlined by Dr. Wallace, both today and in his earlier paper," Steinbach concluded.

During the early weeks of the hearing there was objection by McLean to the term "biocide" when used by several scientists in reference to DDT. Included among the pro-DDT witnesses, however, was Taft A. Pierce of the Orkin Exterminating Company, who testified that DDT is especially useful for killing mice and bats. Pierce said that without DDT, he would have to use "poison" more frequently to control mice.

The almost ubiquitous distribution of DDT residues in the world environment was the subject of testimony by many scientists. Robert W. Risebrough, molecular biologist from the Institute of Marine Resources, University of California at Berkeley, called DDT and its metabolites "the most abundant synthetic pollutant(s) in the global ecosystem" (Risebrough et al., 1968b). He described their dispersal by currents of air and water, and his discovery of these materials in the air over Barbados (Risebrough et al., 1968a). His analyses showed oceanic fish and birds from various parts of the Pacific to be contaminated, often to "very high levels," and Hickey gave analytical data on residues of DDE (a DDT metabolite) in the Lake Michigan ecosystem showing exceptional contamination of

many organisms (Hickey, et al., 1966). "Lake Michigan, in spite of its size, "Hickey said, "is one of the most polluted (with DDE) lakes in the world."

DDT, THIN EGGSHELLS, AND REDUCED REPRODUCTION

Enzyme induction by chlorinated hydrocarbons, including DDT, was for several years primarily of interest to biochemists, but recently environmental scientists have discovered that the phenomenon may be of enormous ecological significance. Richard M. Welch, biochemical pharmacologist from Burroughs Wellcome and Company, told how DDT induces the synthesis of hepatic microsomal enzymes in a variety of test animals (Conney, 1967). These liver enzymes have a broad spectrum of activity that includes the ability to hydroxylate the steroid sex harmones testosterone, progesterone, and estrogen when DDT is administered to test animals at concentrations described by other scientists as common in the environment. Welch told how, in the course of these experiments, he and his colleagues had accidentally discovered that DDT can itself also function as an active estrogen (Welch et. al., 1969), thus presenting yet another mechanism of action for the material.

It took the testimony of several scientists to clarify the environmental importance of enzyme induction. Earlier, Risebrough and I had pointed out that estrogens affect calcium metabolism and eggshell formation in birds, and that elevated estrogen metabolism caused by DDT-induced enzymes could depress estrogen levels and result in birds laying egges with thin shells (Peakall, 1967; Wurster, 1968). Hickey (1969) then described the great population collapses among several species of carnivorous birds, particularly the peregrine falcon, on two continents during the past 15 years.

Characteristic of these population declines, Hickey related, was reproductive failure associated with various symptoms, especially egg breakage, suggesting disturbed calcium metabolism in these birds. The mystery has only been solved since 1967 through the close collaboration and discoveries of a diverse team of environmental scientists. Hickey told how Ratcliff (1967), he, and Anderson (1968) found that the eggshell thickness for these species, as measured in museum collections, had been stable for half a century, then underwent a sudden reduction simultaneously in Europe and North America during the late 1940's—shortly after the introduction of DDT into the world environment. He also pointed out that there was a statistically significant inverse correlation between concentrations of DDT in herring gull eggs and the thickness of their eggshells.

If this remarkable pyramid of circumstantial evidence involves a casual relationship between DDT, thin eggshells, and diminished reproductive success, then controlled feeding experiments with DDT or its metabolites should produce these effects. Exactly such experiments were described by Lucille F. Stickel, Patuxent Wildlife Research Center, Bureau of Sport Fisheries and Wildlife, U.S. Department of Interior, testifying only a few days after their completion. Groups of mallards were fed three parts per million (ppm) of DDE. Eggs from ducks receiving DDE, when compared with controls, had shells that were 13.5% thinner, were cracked or broken six times as often, and produced less than half as many healthy ducklings. DDT gave results that were comparable to those of DDE, but DDD did not affect shell thickness at this dosage (Heath et al., 1969).

In another experiment, kestrels, close relatives of the peregrine falcon, were fed 2 ppm of DDT plus ⅓ ppm of dieldrin. Dosed hawks laid eggs with shells that were 15% thinner than the controls, and their reproductive success was impaired (Porter and Wiemeyer, 1969). Although probably the shortest, Stickel's testimony was among the most important of the hearing because it established that thin eggshells and reduced reproduction among carnivorous birds are directly caused by residues of DDT at current environmental levels.

The Task Force for DDT made but one attempt to rebut the avian reproduction evidence. Frank L. Cherms, Jr., UW Department of Poultry Science, told of his experiments with Japanese quail, where 200 ppm of DDT in the diet had caused no effect on eggshell thickness or reproductive rate. He also described a variety of factors that can affect shell thickness, including heredity, nutrition, diseases, temperature, and humidity; "if you frighten them," he added, "you can scare the shell out of them." Under cross-examination, however, Cherms agreed that he was an expert on poultry but was not competent to discuss wild birds, their eggshell formation, or reproduction. Earlier, Stickel had pointed out that this quail lay eggs continuously throughout the year and differs from wild carnivorous birds that lay only in the spring. Robert L. Rudd of the Department of Zoology, University of California at Davis, also indicated that graminivorous pheasants could not be compared physiologically with carnivores at the top of a food chain.

Evidence that DDT reduces reproduction in fish, presented by Kenneth J. Macek of the Fish-Pesticide Research Laboratory (Columbia, Mo.), U.S. Department of Interior, was not contested by the DDT Task Force. Macek (1968a) described experiments in which 1 mg/kg/week of DDT in the diet of brook trout did not kill any adult fish, but caused increased mortality of fry from the residues stored in the egg yolk. He said that DDT residues accumulated in his experimental fish were comparable to those in fish from several freshwater lakes, including the Coho salmon from Lake Michigan, where abnormal fry mortality has been occurring. Risebrough gave similar analyses for fish from the Pacific Ocean, suggesting that important marine fisheries are threatened. In another experiment, Macek (1968b) found susceptibility to stress, as measured by associated mortality, increased from 1.2% in control fish to 88% in those fed diets contraining 2 mg/kg/week of DDT.

DDT AND HUMAN HEALTH

The original petition for the Wisconsin hearings made no mention of a relationship between DDT and human health, but the subject inevitably became the center of much testimony. Wayland J. Hayes, Jr., toxicologist from Vanderbilt University, said that DDT was "absolutely safe" for the human population at current exposure, based on studies of men exposed to much higher levels of DDT who showed "no clinical symptoms" (Hayes et al., 1956; Laws et al., 1967). Hayes' conclusion, however, was founded on tests for gross nervous system disorders and the assumption that DDT is a nerve poison, while other mechanisms, such as the enzyme effects described by several witnesses, were not investigated. He admitted that many biochemical and other sophisticated tests had not been made on these subjects, and that women, children, and infants had not been studied, yet he remained firm on his "absolutely safe" opinion.

The testimony of several scientists did not agree with Hayes'. Theodore L. Goodfriend of the UW School of Medicine said that "one cannot conclude that DDT is absolutely safe for human use." He described a variety of possible hormonal effects that have not been investigated and suggested they should be, since DDT is known to interfere with endocrine systems. Earlier, Welch had indicated that DDT at concentrations currently found in human fat was associated with elevated levels of steroid hormone hydroxylases in rats, and "if one can extrapolate data from animals to man, then one would say that a change in these liver enzymes probably does occur in man." He said that a controlled experiment had not been done in man, but an uncontrolled experiment "should not be done on the worldwide population." Hayes admitted he had done no such liver tests.

On 27 March 1969, Sweden announced a moratorium on several chlorinated hydrocarbon insecticides, including DDT, that was reached following the extensive literature research of a team of scientists—the Working Group on Environmental Toxicology, Ecological Research Committee of the Swedish Natural Science Research Council. Chairman of the scientists' team was Göran Löfroth of the Royal University of Stockholm, a surprise witness at the hearings appearing by invitation of the Public Intervenor and Assistant General of Wisconsin, Robert B. McConnell.

Löfroth discussed the ubiquitous worldwide distribution of DDT residues in human tissues and mentioned especially its presence in human milk (Curley and Kimbrough, 1969). He indicated that women excrete a higher proportion of ingested DDT into their milk than do cows, and that nursing infants receive about twice the maximum daily intake of DDT-compounds recommended by the World Health Organization.

Löfroth agreed with other scientists that the safety of DDT had not been demonstrated and that its use in the environment should therefore be discontinued. He also quoted publications suggesting that DDT interferes with normal body biochemistry, that it causes tumors in mice (Kemeny and Tarian, 1966), and that there is a correlation between higher than average residues of DDT and the frequency of human deaths from various disorders including liver cancer (Deichmann and Radomski, 1968).

POSSIBLE PCB INTERFERENCE

As an important part of its defense, the Task Force for DDT tried to demonstrate that analyses by environmental scientists were in error because there was interference from polychlorinated biphenyls (PCB's), industrial compounds that are also widespread in the environment. In an apparent attempt to cast doubt on the analyses of several scientists who had testified on behalf of EDF, the DDT Task Force presented Francis B. Coon, Head of the Chemistry Department of the Wisconsin Alumni Research Foundation (WARF) where many of these analyses had been performed, who testified that there was interference with DDT and DDD, and that he could not be certain there was no interference with DDE.

Since Hickey had presented only DDE analyses in his testimony because of the interference problem at WARF with DDT and DDD, the status of DDE became the object of much testimony. During a highly technical, day-long cross-examination by Yannacone, Coon changed several positions he had taken on direct examination, finally admitting that there was no significant PCB interference with the DDE analyses.

Further testimony on analytical techniques and PCB's was presented by Paul E. Porter of the Shell Development Company, who said that DDT, DDD, and DDE can be distinguished in the presence of PCB's using gas chromatography. Porter also expanded on earlier testimony about physical and chemical properties of DDT, its degradation, and its transport mechanisms. EDF considered Porter's testimony to be competent, accurate, and in no conflict with the petitioner's position; therefore he was not cross-examined.

Stafford also called Risebrough as an adverse witness for additional questioning about PCB's and their role in the thin eggshell phenomenon (Risebrough et al., 1968b), even though he had been cross-examined for 3 days by McLean in December, Risebrough, who attended almost all sessions of the hearing, told how DDE, and not PCB's, is largely responsible for the widespread occurrence of thin eggshells among carnivorous birds. He also used the opportunity to present new evidence on the almost complete

reproductive failure early in 1969 of the brown pelicans in California, whose eggs collapsed when the birds tried to incubate them.

Appearing on behalf of the U.S. Department of Agriculture (USDA) was Harry W. Hays, Director of the Pesticides Regulation Division. Hays described USDA's procedures for the registration of a pesticide, indicating that his division within USDA has complete responsibility for registration, and that other federal agencies, including the Departments of Health, Education, and Welfare, and Interior, have only an advisory capacity without authority. He said that the chemical company applying for the registration supplies that data to USDA, but under cross-examination Hays revealed that USDA makes no independent check of these data, other than for internal consistency.

Yannacone led Hays through a complicated tangle of bureaucratic processes and responsibilities within USDA. Hays said that during the past few years there have been new registrations for DDT, but that new data on sublethal effects on animals or mobility of DDT has not been required of the applicants. Yannacone repeatedly asked about procedures for cancelling the registration of DDT, and was told that only the Secretary of Agriculture could initiate cancellation proceedings.

Another DDT proponent was Samuel Rotrosen, president of Montrose Chemical Corporation, the largest DDT maker in the United States. Rotrosen said that the Montrose plant in Los Angeles makes about half of the U.S. total, and that the other chemical companies manufacturing DDT are Diamond-Shramrock, Olin-Mathieson, Allied, and Lebanon. Of 114 million lb. made last year, about two-thirds was exported, and Rotrosen described its various domestic and foreign uses. In carload lots of 60,000 lb., DDT costs 17¢ per lb., and total production last year was valued at about $20 million.

INTEGRATED CONTROL OF INSECT PESTS

Testifying on behalf of the Task Force for DDT were two entomologists, R. T. Chapman of the UW Department of Entomology and Bailey B. Pepper of the Department of Entomology of Rutgers University. Chapman said that DDT is still needed to prevent insect damage to certain crops, especially cabbage and carrots in Wisconsin. Pepper also mentioned several agricultural needs for DDT, as well as the threat of mosquito-borne encephalitis. Under cross-examination by Yannacone, Pepper agreed that malathion is an alternative for mosquito control and DDT is not recommended on salt marshes.

In its presentation, EDF emphasized not only the deleterious effects of DDT, but alternative insect control techniques as well. Three top scientists in the sophisticated field of integrated control, the blending of biological and chemical insect control techniques in an integrated system, testified at length on the effectiveness and desirability of this approach to agricultural pest problems.

Robert van den Bosch, entomologist in the Division of Biological Control, University of California at Berkeley, described ways in which an agro-ecosystem can be manipulated "to manage pest populations so that they do not cause economic loss" (Smith and van den Bosch, 1967). He discussed the role of entomophagous insects (insects that are parasites and predators of other insects) in controlling potential pest species and pointed out that DDT often causes eruptions of the pest populations by elimination of those entomophagous insects.

Van den Bosch told how for many years he had recommended DDT for some purposes, but that more recent knowledge of its enormous ecological impact had caused him to discontinue these recommendations. He described DDT as an "ecologically crude material . . . developed by chemists and toxicologists . . . with no ecological thought whatsoever," and "exploited largely by people who were thinking in terms of the economics . . . Most entomologists eargerly seized" the material "totally ignorant of the . . . ecological implications" of its use; of those implications, he said, "I'm scared."

Testifying on 21 May, Paul DeBach of the Department of Biological Control, University of California at Riverside, and Donald A. Chant, Chairman of the Zoology Department, University of Toronto, reiterated van den Bosch's position. DeBach (1964) described DDT as a highly disruptive material in an agro-ecosystem and told how it causes outbreaks of mites and scale insects by killing their natural enemies. Chant (1966) discussed the concept of economic threshold, pointing out that insecticides are often used when the pest population is below a level of economic damage, or even totally absent from the area. "DDT," he said, "has no place in integrated control."

DDT IN THE ECOSYSTEM

Summation testimony was given both by Loucks and Rudd. Following his systems analysis presentation, Loucks concluded that DDT concentrations at higher trophic levels in the Wisconsin ecosystem can be expected to increase, with further decreases in numbers of important predator species leading to instability and degradation of the ecosystem.

Rudd (1964) summed up the problem by saying that pest control operations too often have been restricted to a consideration only of a particular pest and a particular crop. "The pest control operator, once the applications have been made, pretty well forgets the problem . . . The ecologist, on the other hand, is concerned with entire . . . ecosystems. He has no particular restrictions." Both Rudd and Loucks said that DDT fits the definition of a pollutant in Wisconsin law since is it "deleterious to fish, bird, animal or plant life."

The Madison DDT hearings involved 27 days of testimony from 32 witnesses, filled nearly 3000 pages of transcript, included 208 exhibits, and adjourned on 21 May 1969, nearly 6 months after they had begun. The decision is pending.

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NEEDED: ADVICE AND COUNCIL

Mr. HANSEN. Mr. President, one of the very real needs of our time is for meaningful and responsible leadership. This leadership is important in a number of areas, not the least of which should be that evidenced by the heads of our great labor oganizations in the matter of domestic affairs.

We sorely need the reasoned advice and counsel these powerful and prestigious labor organizations can provide. The temper of the times should call for nothing less than a united effort by all of us who are interested in the welfare of our country. I know all of us are, indeed, interested in that welfare and want to serve the general interest.

Unfortunately, labor's national leadership has not, as yet, responded to the rather overriding need for unity—that contribution they can make by urging a commonality of purpose whenever possible, rather than a divergency of viewpoint.

One of the grand old men of the labor movement, George Meany, who is leader

of the AFL–CIO, recently has seen fit to heap a significant amount of criticism on the President for his stewardship of our country's domestic affairs, without really much of an effort to be constructive or to offer any responsible alternative plans for action.

George Meany, to my mind, is a well-meaning, hard-working patriot who stands foursquare with this Nation in its dealings with the enemy abroad. And for that, he deserves high marks. George Meany puts his country first. And for that, he deserves the thanks and respect of his countrymen.

But when we leave the foreign field and talk about the domestic front, Mr. Meany parts company with President Nixon in a rather sharp and disturbing way.

Mr. President, let me respectfully point out that while Mr. Meany has been pointedly critical of the President in three specific areas—civil rights, inflation, and Judge Haynsworth—he must also stand accountable for some of his actions and those of his union.

For example, Mr. Meany talks about a slowdown in civil rights progress under President Nixon when the fact is, organized labor quite frankly has done less for minorities than any single segment of the American economy. This is a well documented fact. Criticism of the President's efforts cannot dispel the situation of the minorities in that regard.

Mr. Meany also talks about inflation, when the fact is that those he supported so strongly for the past 8 years were instrumental in developing and pushing the policies that led to runaway inflation.

And Mr. Meany opposes the nomination of Judge Clement Haynsworth to the U.S. Supreme Court on the grounds that he is antiunion. The fact is that Judge Haynsworth, whenever the law was on a union's side, ruled in its favor.

His opposition to the President's domestic programs are fulsome; his reasoning behind that opposition, to my mind, is sometimes shrouded by purely political considerations.

I do not question his sincerity, nor do I want to be accused of seeking to demean his motives. What I would like to point out, however, is that Mr. Meany just must face up to the fact that the average union member is infinitely better educated and better informed than were his forbears, and that he will not long continue to accept the rather perpetual effort to convince him that this is still 1936 and that we should all continue to inveigh against the real—or imagined—policies of Herbert Hoover.

The working men and women of this country are too well informed to pay much attention to that line of questionable reasoning, I am sure.

And the working men and women of this country also know full well that the best place to make their personal views known is at the polls. And that is just where they made those views known last November—in a clear and forthright fashion. Mr. Nixon was elected President of the United States. It is my hope that Mr. Meany will soon recognize this and be responsive to it.

Now is the time for Mr. Meany and a number of the other national labor leaders to give the President the opportunity to discharge his responsibilities to the best of his ability. Certainly, a grace period of a few more months is not too much to ask.

Constructive advice and counsel is always welcome. But unnecessary and sometimes unfair criticism serves no one—especially our great country.

FAILURE TO FIND A CURE FOR MULTIPLE SCLEROSIS

Mr. CRANSTON. Mr. President, the decline of Federal support for scientific and medical research can be overlooked as a lifeless statistical casualty of the war on inflation. It is only when these cutbacks are translated into the pain and suffering of our family and friends that we begin to comprehend the human misery and despair which are the shrouded companions of our blithe economies.

In a plea for a more sensible and compassionate national policy, Mr. Sheldon Rosenthal, of San Francisco, explained to me in the simple eloquence of a human life what our failure to find a cure for multiple sclerosis has meant to his wife and his family. The letter speaks for itself.

I ask unanimous consent that Mr. Rosenthal's letter be printed in the RECORD.

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

SAN FRANCISCO, CALIF.,
October 8, 1969.

Hon. ALAN CRANSTON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR CRANSTON: I have seen news reports of budget cuts in the field of medical research contemplated by H.E.W. In particular, it would appear that research in the fields of neurology, cancer, and heart disease is being abated.

Surely this is a false economy. Leaving aside the humanitarian considerations of the plight of those unfortunates who now suffer from these maladies, please consider the effect of a break-through that would offer a cure to any one of the illnesses under study. I am most familiar with multiple sclerosis since my wife has that disease. If a cure could be found, this would free two people for other productive work—my wife and the person who must look after her. From a purely selfish standpoint, the Government would gain additional tax dollars from this new earning power, as well as ending the colossal tax deductions for medical purposes which we presently are taking and the payments from OASDI. Multiplying this several hundred thousand times, merely for multiple sclerosis where restoration of physical ability seems achievable, means millions of additional tax dollars for the Treasury each year.

Certainly this monetary benefit is the least essential, but I mentioned it first since it appears to have immediate relevance. On the human level, have you ever seen your loved one lying in bed pleading to die because she cannot see and cannot feel and cannot move? Has anyone in your family been terrorized of travel away from the house for fear that a bladder condition will cause embarrassment in public? Have you ever tried to explain to children why their Mommy can't hold them when they are tired, comfort their hurts or attend their basic needs? I am not talking about such luxuries as taking them to the playground or going shopping. One could live without these. One can't live without being a person, and this requires the ability to have basic contact with others.

The only hope for multiple sclerosis victims, both present and future, is in the field of medical research. Only the Government has the resources to support this research. Private donations, though helpful, are only supplementary.

I am well aware that some cutbacks must be made, and that decisions as to which program to reduce are not easy, but how many of H.E.W.'s endeavors are *vital*, in the true sense of that word?

Please help. Don't permit a miniscule reduction in total Government spending to consign my wife and others like her to human warehouses where they will be stored ("cared for" is a nicer euphemism) until dead. If sufficient indignation over this false and inhuman economy measure can be mustered, I believe that the proposed reduction in Federal financial support for medical research can be cancelled. I beg you to use whatever means are at your disposal to reverse the new policy of H.E.W.

Thank you for taking the time to read this plea. May your memory be for blessing.

SHELDON ROSENTHAL.

DISMAS HOUSE, ST. LOUIS, MO.

Mr. EAGLETON. Mr. President, Dismas House, in St. Louis, Mo., a halfway house for ex-convicts, has recently completed 10 years of service to newly released felons. Its occupants come from all over the country for help in making the transition between prison and the outside world.

A decade ago, Dismas House was a pioneer in this field. Since that time nearly 300 halfway houses have sprung up, some federally assisted.

I ask unanimous consent that a feature story about Dismas House, published in the October 10, 1969 issue of the St. Louis Review, be printed in the RECORD.

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

DISMAS HOUSE READY TO START ITS SECOND 10-YEAR STRETCH

(By Stephen Darst)

Dismas House, the halfway house for ex-convicts at Ninth and Cole sts., has just completed a stretch of ten years, flat time, and like the newly released felons that it serves, the house faces the future in a suit of old clothes, wallet short on cash, in need of friends on the outside.

There is no crisis; things have always been that way with Dismas House. The institution began spectacularly with articles in national magazines, $100 a plate dinners, star-studded benefit extravaganzas and a famous founder, Father Dismas Clark, S.J. After the initial attention, Dismas House has faded from the glare of the spotlight but it is still quietly doing time. And like the ex-convicts it serves, the institution has undergone rehabilitation.

For one thing Dismas House has opened its doors to drug addicts alcoholics and men convicted of sex crimes, three categories of criminal excluded in its first years of operation. Dismas House is also participating in a federal program involving the pre-release of prisoners to halfway houses.

"Under the pre-release system I am really the warden," Father Fred L. Zimmerman, S.J., executive director of Dismas House, said last week. "The federal prisoners are released from 90 to 120 days ahead of time and they finish that time here by starting their rehabilitation. They sign in and out. If they violate any of the rules we turn them over to the parole officer." The idea, he said, is to let the men out ahead of time to see how they handle themselves.

The pre-release prisoners come from all over the country. Besides Dismas House there are now 275 halfway houses in the world,

many of which contract to take pre-release prisoners. The government pays $7 per day for each man. The government also operates eight halfway houses on its own, giving some idea of the official approval of the idea of halfway houses that has developed in the past ten years. All the government houses are less than 10 years old.

Father Clark and his work with ex-convicts at Dismas House was the subject of a 1961 movie entitled "The Hoodlum Priest." The movie brought home to countless thousands of persons the needs of ex-convicts.

In 1963 Father Clark died but the work has gone on. The former rule against admission of addicts, alcoholics and sex offenders was originally put in because Father Clark felt that Dismas House would be unable to provide the special care that these men needed. James Toner, associate director of Dismas House, said that the rule was changed several months ago because it is now possible to provide this special care.

One difficulty that halfway houses have encountered is only now being remedied, Toner said. It has been impossible in the past to check on what happens to ex-convicts after they leave Dismas House. Nearly 4,000 of them have been through the installation during the past 10 years. Father Clark once claimed that of the first 1,000 men who came to Dismas House, only five to ten were known to have returned to prison for subsequent crimes. This would be a remarkable record: the recidivism rate is usually 60 to 70 per cent.

The difficulty is that no one really knows what happens to men after they leave Dismas House (or the 275 other halfway houses around the world). A 10 per cent recidivism rate has been claimed, higher than Father Clark's estimation, but still very low. The problem is that most experts do not believe this. In the past the Federal Bureau of Investigation would not give the facts necessary to arrive at an intelligent appraisal.

Now the information is being made available and some reliable statistics on the effects of halfway houses should be forthcoming within the next six months. Federal officials expect it to be an encouragement to the development of more such houses, even if it does not reflect a recidivism rate as low as 10 per cent.

One fact that all experts think should be pointed out is that halfway houses get the ex-convict with the worst chance for rehabilitation. The ex-convict would not be at the halfway house in the first place if he had a job or family or friends on the outside to help him adjust to post-prison life.

"The essentials that we offer are food, shelter and clothing," Father Zimmerman said. "We have an employment office to help them get a job, there is counselling during the adjustment period and support during the first 60 days which are so crucial. We help to provide integration into the community through educational programs."

For non-residents there are additional services—information about prisoners for their families, help to families having difficulties while the father of the family is in prison, employment services for ex-convicts who have their own homes.

In addition, the essential function of halfway houses is changing. The idea of such institutions has always been to care for prisoners who are halfway "out" of the penitentiary, either on probation or parole or pre-release. With recent changes in federal rehabilitation practices, halfway houses are now increasingly being used as halfway "in" houses—persons convicted of crimes whom a judge believes might benefit from being sent to a halfway house rather than prison are being given this opportunity, on a probationary basis. One mistake and they are sent to the penitentiary to serve their sentence. Dismas House has not received any of these probation cases yet but other institutions in the country have and the practice is spreading.

TOWARD A MORE ADEQUATE SOCIAL SECURITY—II

Mr. WILLIAMS of New Jersey. Mr. President, in earlier statements I have described my disappointment at President Nixon's proposal for a 10-percent social security increase.

One of the reasons for my attitude is that the Special Committee on Aging, of which I am chairman, has conducted hearings and received reports clearly indicating that most elderly individuals in this Nation have lamentably inadequate retirement income.

It is no exaggeration to say, in fact, that Americans in later years are burdened with an income crisis which is worsening, not slackening.

The committee has received a task force report clearly calling for major upward revisions in social security levels. In addition, the knowledgeable witnesses have told the committee of the need to make major benefit increases and other improvements in social security.

The administration's plan for a 10-percent increase—which would fail to meet cost-of-living increases which have occurred since the last benefit revisions—would do nothing at all to raise minimum benefits upward closer to adequacy.

Fortunately, there is new evidence indicating that the social security trust funds are capable of supporting benefit increases and other reforms of far greater magnitude than that proposed in the administration bill of September 30. The AFL–CIO and the National Council of Senior Citizens have analyzed actuarial data and have concluded that modernization of the social security program is as feasible as it is imperative.

Accordingly, Representative JACOB H. GILBERT, of New York, today announced that he has a plan which would make maximum use of the higher actuarial surplus. His new bill, now under preparation, would, among other things, provide two 20 percent across-the-board benefit increases: the first on January 1, 1970, the second on January 1, 1972. Minimums would be raised in two steps to reach $120 a month by the beginning of 1972.

In addition, Representative GILBERT would abolish the premium for medicare part B—now $4 monthly—and make other much-needed improvements in that program.

It appears to me that the AFL–CIO, the National Council of Senior Citizens, other supporters, and Representative GILBERT have presented a noteworthy, solid package which should receive careful consideration and widespread cosponsorship.

For an advance view of its major provisions, I ask unanimous consent to have printed in the RECORD a news release issued by Representative GILBERT today.

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

CONGRESSMAN GILBERT DRAFTS NEW BILL TO MODERNIZE SOCIAL SECURITY PROGRAM

Rep. Jacob H. Gilbert (D.-N.Y.) today announced that he will shortly introduce a revised Social Security bill that would raise Social Security benefits overall more than 50 per cent.

The new Gilbert bill will provide for a 44 per cent general increase in Social Security benefits and a $120 monthly minimum benefit to be accomplished in two steps by January 1, 1972.

Thereafter, the new Gilbert bill provides for automatic increases in Social Security benefits tied to the cost of living.

The new Gilbert bill would also abolish the $4 monthly premium payment for Medicare Part B (doctor) insurance, extend Medicare health insurance to an estimated 1,500,000 disabled Social Security beneficiaries below age 65 and would pay for out-of-hospital drugs under Medicare (only drugs administered in a medical institution are now covered).

Altogether, the new Gilbert bill would make 15 important changes in the Social Security law.

MUCH HIGHER SURPLUS REVEALED

Additional benefits incorporated in the new Gilbert bill reflect a substantially higher actuarial surplus than had been reported earlier in the Social Security Trust Fund.

Gilbert's first Social Security measure was introduced in the House of Representatives September 17. Gilbert said: "Since the introduction of my bill last month, the actuaries of the Social Security Administration have reevaluated the actuarial status of the social security program. This reevaluation shows the cash benefits part of the program to have an actuarial balance of 1.16 percent of taxable payroll instead of 0.53 percent as previously anticipated. As a result, my earlier bill is considerably overfinanced. I am therefore planning to introduce a revised bill which takes account of this favorable actuarial balance."

Social Security experts and observers agree that Gilbert's new bill will be one of the most comprehensive ever to be submitted to the Congress. In addition to increasing benefits substantially and tying them to the cost of living, it would finance the medical insurance part of Medicare through contributions paid during the beneficiary's working years in the same way hospital insurance and cash benefits are now financed.

This change alone, by relieving beneficiaries of the Part B Medicare premium, would be the equivalent of about 5 percent benefit increase for the average beneficiary and considerably more for a couple.

"The bill I plan to introduce would go a long way toward maximizing the potential of social security for the benefit of more people and for the benefit of the nation as a whole," Gilbert said.

The new Gilbert bill will contain these improvements:

The 20 percent across-the-board benefit increases—the first on January 1, 1970, and the second on January 1, 1972, and a two-step boost in the minimum benefit bringing it to $120 a month by the beginning of 1972.

Base a worker's Social Security benefit on his highest ten years' earnings out of any 15 consecutive years after 1950.

At age 65, provide a widow's benefit amounting to 100 per cent of the deceased spouse's benefit (The present law limits it to 82½ per cent at age 65).

For beneficiaries who continue working, increase the income a person can earn and still get full Social Security benefits.

Raise the lump sum death benefit to $500.

Reduce the disability benefit waiting period from six months to three months and liberalize the definition of disability.

Eliminate the age-50 limitation for disabled widows and increase the benefit for them to that of regular widows' benefits.

Do away with the requirement that men who retire at age 62 must compute their average earnings by including years up to age 65, thus lowering their retirement benefits excessively.

Gilbert said the contribution base, now $7,800 will, under his new bill, increase in two steps to $15,000 by 1972. This and the current actuarial surplus in the Trust Fund,

a one-tenth of one per cent increase in the presently scheduled employee and employer contribution rates, and a gradually increasing Government contribution eventually approximating one-third of the total program cost would pay for the proposed improvements, Gilbert said.

PROBLEMS ARISING FROM VIETNAM ENTANGLEMENT

Mr. EAGLETON. Mr. President, the Gallatin North Missourian is an outstanding newspaper published in the northwest section of my home State. It is edited by Mr. Joseph R. Snyder, and has been serving the people of Daviess County for over a century. In it are consistently found perceptive and constructive editorials. I ask unanimous consent to have printed in the RECORD two such editorials from recent editions regarding the problems facing this country because of the Vietnam entanglement.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Gallatin North Missourian, Oct. 2, 1969]

WE'VE ADMITTED OUR MISTAKE, LET'S GET OUT

Maybe it's because this writer spent some time in Vietnam himself that he so vigorously rues the day that the U.S. government decided to fight in Vietnam. Until recently we had believed, along with countless others, that the Americans pitched in out there because the South Vietnamese government requested it. Not that we should ever have acceded to the request under any circumstance, but being asked threw a kindlier light on the matter. Now, it turns out, the South Vietnamese government never made any such request. The decision was made by the U.S. government, on the advice of its civilian and military minds then in South Vietnam, to keep a shaky and corrupt Saigon regime from going down the drain. That really compounds the felony.

There never has been a Saigon government, and never will be, worth one American life, much less 40,000. Any U.S. official, in or out of uniform, who served any length of time in South Vietnam, should, in his right mind, know that. Somehow the officials we send to Vietnam get caught up in that weird web and start believing that the place can be made into a decent democratic establishment. That's what happened in 1964, when it was decided that Americans, to save the Saigon government, should fight the war for the South Vietnamese. It was a face-saving move on the part of the U.S. government, which boomeranged into the bloodiest and costliest boondoggle ever concocted.

Since we weren't asked to fight in Vietnam, why the delay in getting out? There can be only one reason for staying on in South Vietnam and that is to, once again, save a Saigon government, which dosn't deserve it now anymore than it did back in 1964.

Since we're on record as no longer committed to a military victory, let's get back our boys as fast as they can be loaded up. It's a bitter dose for the U.S., but we've already swallowed one pill, we might as well swallow another and get out now.

[From the Gallatin North Missourian, Oct. 9, 1969]

THE WAR MUST END

President Richard Nixon has declared he will not be the first president to preside over an American defeat. This may be reassuring to some but we recall that is exactly what President Lyndon Johnson said and he was forced out of office.

Such a statement reflects the same kind of egotism that caused Johnson to escalate the war. He was so sure that all he had to do was send a sizeable force of U.S. troops to Vietnam and the Viet Cong would fold their tents and steal silently away.

What happened, of course, is a painful continuing chapter in our history.

It is disappointing to hear Mr. Nixon make such a statement. What it really means is that no matter how many lives it takes, or how much of our resources it requires, it will be tolerated as long as he is convinced the historians will record him as being stern and steadfast at a time of military confrontation.

This country has already suffered enough in Vietnam—to say nothing of the hapless people of Vietnam. The lives lost, the men wounded and the huge sums of money it is costing, should make any president ponder the wisdom of further folly there. This is a conflict that is poisoning the whole of American life.

Mr. Nixon has plenty of problems to solve at home. Many of them he cannot be blamed for, but the time for solving problems is at hand. He has been in office eight months and the American people want the Vietnam war ended one way or another so that pressing problems at home can be properly approached.

We have been told that it has cost this country $322,000 to kill one Viet Cong soldier. By comparison, in this year's Federal budget, we are allowing $44 for each child for educational purposes. That is just one example of the warped priorities that war produces—and this is one of the most senseless wars we have ever fought.

The United States does not have to worry about a loss of face in Vietnam—our presence there in the first place cost us the respect of much of the world—and our continued insistence of staying there has aroused serious questions about our national sanity.

U.S. participation in the Vietnam war must end soon or President Nixon will begin to undergo the same kind of pressure that broke one of the strongest willed men ever to sit in that high office.

The people want their boys home! How much plainer can they make it short of tearing the country completely apart?

AMERICAN SOCIALIST PROFESSORS ADVOCATE TOTAL BREAK WITH AMERICAN SYSTEM

Mr. MUNDT. Mr. President, the September 15, 1969, issue of Barron's contains a lead article entitled "Total Break With America." It discusses in full the efforts of the Socialist Scholars of America to indoctrinate the youth in our universities and colleges on the alleged evils of capitalism and of what must be done to destroy our system of government.

The article points out that on campuses throughout the Nation, socialist scholars are training our young people to break with the traditions of America which have brought us to the pinnacle of leadership in the world today. The article indicates that in virtually all our academic communities, socialist scholars are studying, researching, and teaching the most effective means for the violent overthrow of the U.S. Government and the destruction of the American way of life.

With what is happening on our campuses, in our streets, and throughout America today it makes one wonder if this group of Socialist Scholars and agitators will be successful. "Total Break With America" is a frightening article on the basic domestic problem of today in our country. I ask unanimous consent that it be printed in the RECORD at this point of my remarks. I urge that every Senator, Representative, and State legislator study carefully this eyewitness report on the dangers to our system of government which threaten us today.

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

THE FIFTH ANNUAL CONFERENCE OF SOCIALIST SCHOLARS: "TOTAL BREAK WITH AMERICA"

Openly proud of their rapid progress toward destruction of the American way of life, the Socialist Scholars—Marxist revolutionary braintrust in the United States—gathered together at Hofstra University, Hempstead, N.Y., on September 5–7, to hold a Fifth Annual Conference. Even if television cameras had been grinding and wire service reporters had been taking notes at the panel discussions, which they were not, no Socialist Scholar would have minced words this year about his revolutionary role in "the Movement."

Members of the tax-exempt Socialist Scholars Conference (SSC) know they face no effectively organized anti-socialist or anti-revolutionary opposition today. They knew in 1965, when they formed the SSC, that their intellectual foes had been disarmed by the accusatory slogans "McCarthyism," "Red-baiting" and "witchhunt"; the Socialist Scholars knew, too, that the U.S. Department of Justice had been legally disarmed by a series of decisions favorable to Communists handed down by a Warren Court practicing lax interpretation, not strict construction of the First and Fifth Amendments to our Constitution.

Moreover, the Socialist Scholars were certain this year, as they have been during the past half-decade, that almost nobody among the bewildered majority of Americans asking "How do they get that way?" about violent young revolutionaries in the U.S., France, Japan, Mexico and other countries, would come up with the only correct answer: "Because they were taught that way."

Why should the Socialist Scholars mince words? They didn't. Take Socialist Scholar Martin Jay, for example, at present a Teaching Fellow in Social Science, School of General Education, Harvard University. He told a large audience of Socialist Scholars and radical students in the Multipurpose Room, Student Center, Hofstra University, during a morning panel session on Friday, September 5: "Our movement is a movement which, in effect, is a total break with America."

The topic of the SSC panel discussion in which Martin Jay took part was "Marcuse (Herbert): His Works and Influence." The panelists included Ronald Aronson, Assistant Professor of Humanistic Studies, Wayne State University; Paul Breines, University of Wisconsin; and Stanley Aronowitz, columnist for the radical news-weekly, *Guardian*. The very long paper presented by Ronald Aronson was in the form of an open letter headed "Dear Herbert." It shows precisely why Professor Herbert Marcuse of the University of California at San Diego, a Socialist Scholar and author of "One Dimensional Man" and "Eros and Civilization," is the internationally recognized intellectual mentor of "Red" Danny Cohn-Bendit, who played a key role in the 1968 May-June rebellion in France, and of "Red" Rudi Dutschke in West Berlin. Ronald Aronson's paper shows too, in a vivid, personal way, why and how Marcuse, an Old Leftist, has become the intellectual idol of the so-called New Left in influencing youths toward hedonism and anarchism.

For the Second Annual Conference of Socialist Scholars in 1966, Herbert Marcuse, then 70 years old, wrote a paper saying "the Marxian idea of socialism is not radical enough." He wrote to the Socialist Scholars, "We must develop the moral-sexual rebellion of the youth." Marcuse's pupil, Ronald Aronson, stated in the paper he delivered at Hofstra University, September 5, 1969: "Dear

Herbert: . . . I want to begin by emphasizing that for myself and a few friends, studying with you was one of the decisive experiences of our lives. Your thought, personality, style of teaching and writings were overpowering. . . . You helped us to take our stand in Western thought and still be Marxists. . . . You introduced us to a perspective which was new and revolutionary, which made sense of our lives and helped us find our way as radicals. . . ."

Any non-Marxist who is appalled at or mystified by the anarchism and violence of revolutionary youth in our country and abroad need only read Ronald Aronson's own account of his own life in the paper "Dear Herbert" to gain full understanding of why they are that way. Rhetorically, Aronson asks how it is possible for him to be himself "and live in America." Answering himself, he writes, "The only answer that makes sense to me is this: creating my identity *and* becoming political . . . Seeing revolution as the way to liberate us all to live a life that is truly our own." He continues: "What a leap I just took! A whole account of a life-search which doesn't once mention politics, and suddenly I proclaim the necessity for revolution."

He then calls on scholars to write a study—written "as Marx did"—to show "that fully-developed capitalism is necessarily totalitarian. . . . I mean that the corporations' pursuit of profits through the mass production and sale of commodities has spread to every geographic area, every inch of land, every population subgroup, every activity, every hour of the day."

Does the First Amendment to the Constitution prevent Michigan taxpayers from trying to protect youth at Wayne State University from indoctrination by an assistant professor such as Ronald Aronson? Are the Governor of Michigan and regents and administrators of Wayne State University under the same illusion as were their counterparts in New Jersey in 1965? That is, do they really believe that a radical socialist professor or instructor seeking the overthrow of the capitalist system can keep, or is willing to keep, his own "political beliefs" separate and apart from his classroom teaching?

Let's take a look at the Socialist Scholars' record. In 1965, New Jersey State Senator Wayne Dumont, Jr., called for removal from the Rutgers University faculty of Professor Eugene D. Genovese for having declared at a Rutgers campus "teach-in" on Vietnam, April 23, 1965, "Those of you who know me know I am a Marxist and a Socialist. Therefore, unlike most of my distinguished colleagues here this morning, I do not fear or regret the impending Viet Cong victory in Vietnam. I welcome it."

Largely on the assertion strongly put forth by Professor Genovese and his defenders that his teach-in remarks were not made in a classroom, and that his campus political life and personal views were one thing, his academic role another, the Governor of New Jersey declared on August 6, 1965, that "however offensive" Genovese's statement may have been, it did not constitute grounds for dismissal.

A month later, Professor Genovese told the First Annual Conference of Socialist Scholars (McMillin Theater, Columbia University): "We must evert the moral leadership we are prepared to give young radicals. . . . The political separation—activist and academician—is a matter of convenience. *That, we all know.*"

Now in 1969, the Socialist Scholars—among whom Assistant Professor Ronald Aronson of Wayne State University is a leading member—are so confident of being able to play their real campus role with total immunity that they have formally abandoned the "convenience" of professing to separate their political and classroom activities.

The official invitation to the Fifth Annual Socialist Scholars Conference, issued in May, stated that the organization is expanding its functions by recognizing that "any socialist organization—even one limited to intellectual work—is a political organization." The official SSC program for the conference at Hofstra University states: "When the SSC was founded five years ago it declared purpose was to 'bring socialist scholars together in order to stimulate analysis, theory and criticism'. . . . the organization welcomed all who call themselves socialists. . . .

"During these years . . . the need for an expansion of purpose and function has been general. . . . The SSC now seeks to provide an organizing focus for the effort to identify and establish the intellectual's role in the development of a socialist culture. . . . An expanded definition gives rise to additional activities." One of these will be the widespread reproduction and distribution of SSC papers in pamphlets "for assignment in the college classroom of materials written from an explicitly socialist perspective. . . ."

There you have it. Sure of immunity, the Socialist Scholars no longer need the "convenience" of dissimulation concerning aims, methods and acts. They no longer need put on a false front of academic objectivity; they no longer need pretend that there is a separation between activities off-campus and on-campus, out-of-classroom and in-class.

Ronald Aronson's "Dear Herbert" probably will become a classroom assignment for students taught by Socialist Scholars who—as listed in the 1969 conference program—have infiltrated or penetrated the faculties of Wayne State University; University of Wisconsin; Harvard University; University of Maryland; Washington University; New School (for Social Research), New York City; Boston University; Hofstra University; John Jay College; McGill University (Montreal); Douglass College, Massachusetts Institute of Technology; University of California; Long Island University; Essex County College; University of Pennsylvania; State University of New York at Stony Brook; Amherst College; Yale University; Federal City College; Brandeis University; Richmond College; City University of New York; Brooklyn College.

Doubtless undergraduates studying with Socialist Scholars at the foregoing academic institutions, and at dozens of others, will be given a classroom assignment to study Ronald Aronson's maxim that "revolutionaries need to engage the whole person: his activity, his imagination, his sense of lost hopes. Not tracing the structure of capitalism, but blowing people's minds."

That's what the Socialist Scholars are all about—blowing people's minds, especially those of young people. At SSC panel sessions, the devastating path of the intellectual hurricane blowing thousands of young American victims into a mindless culture of drugs, obscenity, pornography and anarchy was as discernible as the weather map path of hurricane Camille on its way to destroy Gulfport, Biloxi and Pass Christian.

At a panel session on "The Student Response to the American Century," Socialist Scholar James O'Brien of the University of Wisconsin traced the historic development of American Socialism in this century, praising all socialists, regardless of faction, for the role they played in trying to destroy capitalism, from Walter Lippmann, of the Intercollegiate Socialist Society (Harvard, 1913), to Mark Rudd, of Students for a Democratic Society (Columbia, 1968); from John Dewey, author of "progressive education," to Herbert Aptheker, of the present Communist Party, U.S.A. and Institute for Marxist Studies; from the late Norman Thomas, of the Socialist Party and Social Democratic Federation, to Michael Harrington, author of "The Other America" and a present leader of Americans for Democratic Action.

All socialists—Communist, Trotskyite, Democratic, Christian or Maoist—explained James O'Brien, have made invaluable contributions to the downfall of middle class ("bourgeois") culture and to impairment of the American corporate structure. Had his historically accurate paper been written by an outsider, it probably would have been shouted down by the Socialist Scholars as a guilt-by-association tale told by a "McCarthyite" or "Bircher."

On concluding his paper, James O'Brien boasted: "Capitalism is in its death period, and some progressive capitalists acknowledge it." Indeed some do, even as some wealthy German, French and British capitalists—Catholic, Protestant and Jewish—backed National Socialist Adolph Hitler during the early Thirties, hoping to ride on the crest of "the wave of the future."

In the U.S. today, many "progressive capitalists" are financing socialist attacks on our great corporations—from producers of ethical drugs to insecticides, from cigarets to lipsticks, from automobiles to transistors, from computers to television sets and toys.

It is true that no human institution, including the corporation, is perfect, but muckraking against American business always has been a socialist business. From it has sprung the current fad for "consumerism," which had its origin in the Communist-organized Consumer's Union. Founded in 1935, Consumer's Union remained under Red control until 1953, when changes in personnel were made and the organization was removed from the list of subversive organizations of the House Committee on Internal Security.

There is no question that the American consumer needs legal protection against fraud, injury, unfair business practices and other criminal activities. But there is also no doubt that there exists in this nation today a deliberate campaign of vilification against U.S. corporate enterprise by socialists, especially Socialist Scholars, who are turning thousands of young men and women into members of a student-worker alliance such as nearly brought down France last year.

The American corporation, indeed, was the main target of the Fifth Annual Socialist Scholars Conference. And the scholars linked the radical student movement closely with the anti-corporate campaign. All Marxist-Leninists believe (as SSC guest of honor Robin Blackburn, editor of *New Left Review* in London, reiterated): "The theory of the weakest link is the theory of the decisive link."

At the panel on "The Student Response to American Century," Bruce Brown of Washington University said, "The university is the weak link of the capital corporate structure." Brown explained that the corporation is the "nuclear institution" around which U.S. capitalism is organized, and he charged that in the United States "affluence is only attained through the surrender of control to corporate bureaucracy."

Describing himself as a "revolutionary," Bruce Brown told the Socialist Scholars: "We must begin an anti-corporate struggle on its own terrain and not wait for a crisis." He went on to say that the term "youth" should be used to define "a group only in part defined by age, that is, a modality of society free of bureaucratic (capitalist) control."

Bruce Brown's statement explains the seeming paradox in a "New Left" American radicalism that professes rejection of "anyone over 30," but takes direction from Old Leftist septuagenarian Herbert Marcuse, and from middle-aged Herbert Aptheker of the Communist Party, U.S.A. To make sure of not being misunderstood, Bruce Brown explained, "The student movement is the catalyst for extending revolution outside the campuses."

What the Socialist Scholars mean by saying they will introduce into the classroom teaching materials written from "an explicitly socialist perspective" was made clear in Bruce Brown's remarks. This "scholar" declared, "Marxism is the only theory of capi-

talistic development. To deny Marxism is to deny that capitalism still exists."

It won't exist much longer in the U.S., and neither will the American corporation, if the Socialist Scholars have their way. A year ago, I reported after attending the Fourth Annual Conference of Socialist Scholars, at Rutgers University, that they regard students as the detonators for setting off revolutionary explosions, and that the Socialist Scholars were moving into "phase 2" of their operations, in which they would take Students for a Democratic Society (SDS) out of undergraduate leadership, fragment the student movement and merge it into a much more sophisticated, better disciplined, more militant international Marxist-Leninist apparatus, designed to overthrow capitalism in all the advanced industrial nations.

All is taking place on schedule. Control of SDS and rival factional radical student groups has been removed from undergraduates' hands and centralized in graduate student and adult organizations. The official Socialist Scholars conference program, September 1969, announces that SSC will join forces with the Bertrand Russell Peace Foundation in a series of public meetings on "Toward a Revolutionary Strategy for Advanced Industrial Countries." The first meeting, scheduled for late November in New York City, will discuss "Agencies for Social Change."

Main speakers will include Andre Gorz, author of "Strategy for Labor" and editor of *Les Temps Modernes;* James O'Connor of San Jose (Calif.) State College; and Ernest Mandel, author of "Marxist Economic Theory" and editor of *La Gauche.* (A Belgian instigator of the 1968 May-June rebellion in France, Mandel is banned from that country but was guest speaker at the Fourth Annual Conference of Socialist Scholars, Rutgers University, September 1968.)

On Saturday, September 6, 1969, the guest of honor at the Fifth Annual Conference of Socialist Scholars, Robin Blackburn, British editor of the influential *New Left Review,* spoke at length in a panel session on "Recent European Theory and the American Left."

Mr. Blackburn explained, "Lenin is not difficult to accept by us Western revolutionaries." It is a mistake, he said, to allege that Lenin taught the necessity of one single revolutionary party. At certain stages of development—Blackburn said—Lenin favored the expediency "of a number of competing revolutionary groups." Blackburn continued, "If the revolution is a complex totality, so must be the revolutionary party." He called for overthrow of "the hegemony of bourgeois culture and creation of a genuinely revolutionary counterculture." There must be a decisive break with middle class (bourgeois) culture, he said, a break that is "the reverse of Puritanism." He said such a socialist culture "is impossible to achieve without the violent overthrow of the capitalist regime." As I said earlier, the Socialist Scholars no longer mince words.

However, even Blackburn's call for "violent overthrow" was not explicitly socialist enough to suit him and his listeners, and so he went into great detail, putting current affairs in such clear perspective that there is no longer the slightest necessity for continued discussion in general academic, government or law enforcement circles about the significance of the "youth movement" and its role in the affairs of our nation.

"Youth culture," said Robin Blackburn, "takes out a segment of society from bourgeois society." He praised the hippies and yippies and all manner of freak-out youth, including the 300,000 at the Woodstock Festival in New York last month. He lauded the American "underground" culture because "its explicit themes are anti-capitalist."

And so they are. There is not a single underground newspaper or magazine in the U.S. which does not carry anticapitalist political propaganda along with the obscenity and pornography.

The Socialist Scholars in Adams Hall at Hofstra University, September 6, loudly applauded Robin Blackburn's appraisal of youth culture. But they gave still more enthusiastic approval to his analysis of current "anarcho-populism" in the advanced industrial nations. In the U.S. and elsewhere, he explained, anarcho-populism should be favorably regarded because it is undermining "the archaic institution of private property."

To foster anarcho-populism in our nation, the Socalist Scholars—aware of the multiracial, culturally diverse nature of the U.S. population—strongly favor a multiplicity of radical groups and organizations among us. Indeed, the Socialist Scholars are assiduously promoting as many radical groups as possible. That is why they accorded as much attention to Ralph Schoenman, passionate Trotskyite and head of the Bertrand Russell Peace Foundation, as they did to Robin Blackburn, Marxist-Leninist who praises Stalin and Mao Tse-tung.

At the SSC panel session on "Recent European Theory and the American Left," Mr. Schoenman opened his remarks with the salutation, "Comrades, friends, and all of us who are revolutionaries: . . ." Perhaps the most interesting thing about his appearance at the Socialist Scholars Conference was the presence there of his associate in the Bertrand Russell Peace Foundation, U.S.A., its executive secretary, Arthur J. Felberbaum, Jr.

Several times, during discussion periods following panel sessions, Mr. Felberbaum went to the microphone to ask questions and offer comments. He is not an eloquent speaker, being more an activist than a scholar. He proved as much during an appearance at the "Pretty Boy Floyd Memorial Lecture" sponsored by Students for a Democratic Society and Movement for a Democratic Society (MDS) at The New School (formerly New School for Social Research) in New York City, October 3, 1968.

The lecture took place in a closed-off section of the fourth-floor cafeteria. Newspaper headlines throughout the world were reporting the terrible violence of the student revolt in Mexico City. Speakers at the Pretty Boy Floyd lecture were an innocent looking little blonde, Sara Murphy, who talked cold-bloodedly in favor of the bloody Mexican student rebellion as a means of "bringing down the repressive Mexican Government," and a Spanish-speaking "Comrade Rafael" who was accompanied by two other Spanish-speaking activists.

Miss Murphy said that all had recently taken part in the violent student struggle as a means of forcing Mexican police and troops to discredit themselves in the eyes of Mexican workers, peasants and "petite bourgeoisie." Arthur Felberbaum, recently returned from Mexico City, added that the rebellious students went into a new housing development in the city to force the troops and police "to shoot at unarmed students," and thus discredit themselves in front of uninvolved housing development residents "and bring the petite bourgeoisie into rapport with the revolution."

(That same evening, October 3, 1968, on the 11 p.m. CBS news, reporter Bert Quint, broadcasting from Mexico, fell into the revolutionists' propaganda trap; during filmed scenes of the housing development shooting in Mexico City, he denounced the Mexican authorities' "senseless shooting at unarmed students." There was not a hint in his news report that the revolutionary students had deliberately planned things that way.)

All during the lecture, Mr. Felberbaum and other participants made the ugliest possible remarks about the FBI and about the U.S. and Mexican police. This was to be expected by anyone familiar with the sinister significance of the lecture title, "Pretty Boy Floyd." On June 17, 1933, murderous gangster "Pretty Boy" (Charles) Floyd took part in the "Kansas City Massacre," in which two detectives, the chief of police and an FBI agent were killed, and two federal agents wounded.

What has the Pretty Boy Floyd lecture incident of last year to do with the Fifth Annual Conference of Socialist Scholars? Only that Ralph Schoenman, head of the Bertrand Russell Peace Foundation, and its executive secretary, Arthur J. Felberbaum, militant activist have teamed up with the Socialist Scholars to devise "a revolutionary strategy" for the advanced industrial countries.

Among the industrial nations, the United States is the most advanced. Thus it is the main target of the socialists' revoluionary activities. The bull's-eye in that target is exactly what the Socialist Scholars say it is—the American corporate structure. At the very center of the bull's-eye is the American citizen's right, under the Constitution, to own private property. That right is essential to our life and liberty, and to our pursuit of happiness. These the Socialist Scholars wish to destroy.

Now, for the fifth time in a row, I have been alone among members of the nonradical press in reporting on the annual conference of the Marxist braintrust in America. There is no mystery at all about their movement; it is what Martin Jay of Harvard University says it is—"a total break with America."

On campuses throughout the nation, Socialist Scholars are training our children to make that break. In virtually all our academic communities, Socialist Scholars are studying, researching and teaching the most effective means for the violent overthrow of the U.S. government and destruction of the American way of life.

Is anyone, anywhere, going to do anything to thwart their plans? Or, is it possible that the Socialist Scholars and their predecessors have already succeeded in "blowing" the minds of the American people?

Mr. MUNDT. Mr. President, I also feel that Americans generally should seriously ponder the question of how we are to preserve our great free institutions and opportunity system when taxpayers permit professors in tax-supported institutions to use their influence to destroy the taxpaying capacity of citizens and corporations engaged in profitmaking activities. One might also ponder why individual citizens made wealthy through the diligent utilization of our profit system should continue to give generous endowment gifts to colleges and universities to be used to pay salaries to those who would totally destroy the economic and political system making those gifts possible from the profits enjoyed by the donors of such gifts.

CRISIS IN THE AMERICAN UNIVERSITY

Mr. JACKSON. Mr. President, I recently read an address delivered to the entering class at Rice University by Dr. Charles Garside, Jr., associate professor of history at Rice. The address, entitled "The Vanished Tower: Reflections on the Crisis in the University Today," contains some stimulating comments on the critical problems confronting our institutions of higher education. Because of its originality and relevance, the address deserves a wider audience. I, therefore, ask unanimous consent that it be printed in the RECORD.

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

THE VANISHED TOWER: REFLECTIONS ON THE CRISIS IN THE UNIVERSITY TODAY

(By Charles Garside, Jr.)

I

Ladies and Gentlemen of the Class of 1973: May I first offer all of you present my sincerest congratulations. During the past four days you have been subjected relentlessly to what might best be called, in good mediaeval fashion, ordeals. I think, for example, of the ordeal of first meeting your roommate, hopefully not a belligerent one; the ordeal of placement examinations, hopefully a successful one; the ordeal of the mixers, hopefully most promising for the future; the ordeal of counselling, hopefully not too inconsistent; the ordeal of registration, hopefully a satisfactory one; and, most aggressively and consistently mediaeval of all, the ordeal of the Food Service. After 96 hours of unremitting trial, you are still alive and well in Houston—or so it would seem, and now you face the last of your ordeals, the Faculty Address. This, too, I trust, you will survive, and to that end I shall be as brief, certainly not as my subject allows, but as I dare to.

II

When I was invited to speak to your predecessors in the Class of 1971, I elected to discuss the role of the humanities in the university, in terms of the specific problem of their relevance to a rapidly changing society. Now, after two more years of teaching and working at Rice, I have chosen as my topic the problem of university education and the university itself.

This is the morning of your fifth day at Rice. If you continue at Rice, as I earnestly hope you will, you will spend much the greater part of four years here, some of you five. In the days and months to come your convictions will waiver and they will change, but all of you, right now, are doubtless wholeheartedly convinced of why you are here: you are here to receive an education from Rice. I want, therefore, to pose as early as possible, two basic questions for your consideration: what kind of an education do you want and hope to get? And to what have you come: To what are you committing such a significant portion of your lives? To Rice University, indeed, but what is Rice? From one point of view simply a cluster of buildings set upon what President Lovett wryly described as "a tract as irregular in form as if purchased in Boston." But I am not concerned with the physical aspects of Rice. I am concerned, rather, and deeply so, with the intellectual and spiritual questions. What kind of educational activity is conducted on this tract and in these buildings, and beyond that, what is a university?

That these questions now are commonplace is obvious; that I shall say something, any thing, you have not already heard or read is quite unlikely. But the problem of education within the university and the unversity itself has reached such a magnitude, and, more importantly, such critical urgency in recent years that I believe it not inappropriate to Freshman Week that you be exposed to the thinking of at least one person who has committed himself to the University, not merely for four or five years, but for a life time. Bear in mind, too, that as I reflect upon these subjects with you this morning, I do so as an individual. I speak for myself alone. I was invited by the University, but I do not speak for the University. Indeed, many in the University may disagree with what I have to say, even those who asked me to speak. I cannot stress the fact too heavily, for, as I shall hope to demonstrate, not simply the invitation, but the delivery of this address is essential to my understanding of what a University should, indeed, must be.

III

My preparation for this morning began at Sammy's at approximately 10:00 in the morning of Friday, April 25, 1969. I was reading an exhaustively detailed account in The New York Times of the then recent upheaval at Harvard, and, as is typical of that most solemn of newspapers, there were appended extensive interviews with Harvard students and faculty as well as a variety of comments from educators at other institutions of the higher learning. One among these last immediately caught my eye, a paragraph from a speech by Malcolm C. Moos, the President of the University of Minnesota:

"This, he said, is 'a moment of national peril for higher education,' and 'the war between society and our children cannot continue.' Otherwise . . . the ivory tower might become a dark or 'burning tower.'"

It was the coupling of two phrases which so impressed me—on the one hand "the war between society and our children," and on the other, "the ivory tower"—the former very nearly repellent in its acuity and candor, the latter almost pathetically nostalgic. Side by side with what I take to be a profound insight into contemporary society was a remarkable blindness to the nature of the university in that society, for war between society, and its children does exist; the ivory tower does not. Malcolm Moos, is an educator of rare distinction, yet on that occasion, at least, he could find no other verbal image for the university than a cliché, a creation of the nineteenth century, an outmoded, indeed hopelessly anachronistic phrase, "the ivory tower." This inability to characterize the twentieth-century university with a twentieth-century image expresses most exactly my understanding of one of the major problems confronting us: we, you and I, have no apt verbal image for the university today because today we simply do not know what the university is. The ivory tower has vanished.

IV

This does not mean, of course, that the university has vanished. Far from it. I venture to suggest, as a matter of fact, that never before in its history has the university been the subject of so much continuous and continuing attention, of so much discussion, of so much anxiety and so many fears, and, not least, of such dangerously exaggerated hopes and expectations. When I maintain that the ivory tower has vanished, I mean by that that the nineteenth-century conception of the university has been obliterated by the unprecedented changes which have been, and are, bending and buckling the structures of civilization into a new order.

Archimides, the great mathematician and engineer of ancient Greece, is reputed to have said on one occasion: "Give me a place to stand and I will move the world." In the nineteenth century the university had its Archimedean point; it knew precisely where it stood. It stood not at the center of human activity, but on its periphery; far from being involved in the turbulence of society, it was aloof from, and even alien to it, remote, serene, an untroubled and unclouded haven into which the scholar and the student withdrew for their own uses. The picture is overdrawn, of course, but purposely so, purposely to indicate the bewildering degree to which the situation of the university has altered. The university stands now in the center, the most important institution in American society, thrust there brutally by a succession of events over which it had little, if any, control. It is now intimately, inextricably involved, and it is certainly no longer serene. For instance, between September 1967 and June 1968 there were in this country 45 major industrial sit-down strikes. During that same period there were, on American university campuses, 250 disturbances and disruptions serious enough to attract notice by news media.

But despite its centrality in society, the university today has lost its Archimedean point, and that is a still graver problem for it: the university of the nineteenth century, despite, or perhaps even because, it knew where it stood, had no intention whatsoever of moving the world. The contemporary university does not know where it stands, yet the various and onerous tasks laid upon it amount in their driving force to a single, monumental demand: transform society, or put otherwise, move the world.

The university does not now know what it is; the university does not now know where it stands. Wracked by turmoil, and weakened by faltering morale, I am not sure even that the university now knows what it is doing, let alone what it should be doing. And that leads me to some consideration of my first question for you: what kind of an education do you want, and hope to get?

V

In the historical development of the university in the western world, many elements, obviously, play a contributing role, and I need not alert you to the fact that I am, to put it softly, over-simplifying when I isolate only one of these for discussion, and one, moreover, which emerges so late chronologically. I refer to the tradition of highly specialized research which developed in the nineteenth century, especially in German universities, the so-called Hauptwissenschaft. From this approach to education, this specalized research, came some of the most stupendous and permanently influential achievements of the human mind, but together with these indisputable triumphs there came trivia as well, trivia which may best be epitomized by an anecdote told about two great German philologists, both experts in the study of the Greek language. Both were retiring, and one day they met on the street. One of them said, "Hans, are you not sorry now that you spent your entire life studying Greek prepositions?" And Hans replied sadly, "Yawohl, Karl, I should have studied them only when they governed the dative."

Now this concern for specialized and ever more specialized research was brought from Europe to America at the end of the century and soon began to play a major role in the American university, so much so that Alfred North Whitehead felt constrained to warn strenuously against it in his Lowell lectures as early as 1925, five years before the Spanish philosopher Ortega decried its increase on the continent in 1930. But since then the so-called knowledge explosion has merely fed specialization, encouraged it, intensified it, proliferated it, making specialization and the specialist more and more indispensable to society, and propelling both more and more into the center of university education.

In this accelerating process, another great educational tradition was being correspondingly displaced. It is a tradition which antedates the foundation of the medieval university, which goes back, indeed, to Socrates, and this is, put as simply as possible, dialogue conversation between two persons, and not necessarily master and pupil in the formal sense to which we have become accustomed. This, too, was education, a speaking, a sharing between two persons, always a dialogue, always working toward answers to the great questions of life and death that ultimately matter. An education which required for its method and its purpose no university, but when the university emerged, this Socratic tradition, as I shall call it, at once became an essential part of it. The tutorial system at Oxford and Cambridge is aptly illustrative of its stubborn continuity. But the Socratic tradition and the German tradition are, at the very deepest level of their understanding of the *final* aims of education, profoundly hostile to one another. The aim of the Socratic tradition is general; its perspective is always one of wholeness, of totality. The aim of the German tradition is special; its perspective is never on the whole, but rather on one part of the whole, and one part alone, and an increasingly narrow part of that one part

alone, producing, in Whitehead's minatory phrase, "minds in a groove." Seen even from that point of view, the chasm between the two points of view is difficult to bridge, but the deepest and most significant antithesis between them has been put most bluntly, to my knowledge, by Harold Laski. "The expert," he once wrote "tends . . . to make his subject the measure of life, instead of making life the measure of his subject. The result, only too often, is an inability to discriminate, a confusion of learning with wisdom." The Germanic tradition ultimately seeks learning; the Socratic tradition ultimately seeks wisdom. Now ideally speaking, these two educational traditions can coexist within the university, albeit always in a mighty tension, sometimes creative, sometimes self-defeating and self-destructive. I suggest, however, that such a tension no longer exists today. The perilous balance has collapsed, and the School of Berlin and the School of Athens are locked in internecine warfare, a warfare which only quite recently has begun to receive the attention it deserves. It is a war within the university which is destroying the university, and it is now truly one of the central issues in higher education, because behind virtually all of the ferment on our campuses today you will, I believe, discover hidden at some decisive point this struggle between the German and the Socratic traditions, between a specialized and a general education, and it is a struggle which no one of you can escape. I have oversharpened the antithesis, but to set purpose. You are here to get an education from Rice. I leave it to you this morning—will you decide to receive an education finally in learning or in wisdom?

VI

I have spoken to the first of my two questions. I should like, again briefly, to reflect upon the other, namely, to what have you committed yourself to, that is to say, what is a university? What is there which binds Rice to, let us say, Harvard, or Berkeley? May we point to a single denominator, one which all have in common, or more properly, is there some quintessence, some spirit, which we may clearly recognize and affirm so that, laying all else aside, we may say, yes, there is a university. I believe that there is in fact such a quintessence, and that it resides in the concept of civility.

Civility is not easy to define with any precision; like so many words bequeathed us by Rome it is rich in centuries of connotations. But at its core civility is quite simply, and most difficultly, a quality of mind and spirit, an exquisite flexibility, an intellectual and spiritual stance, as it were, which enables the individual always to think and always to say, both to himself and to others, not only: "I may not be entirely right," but also, and even: "I may be wrong." It is the quintessence of the Socratic tradition. It is that quality of mind and spirit, for example, for which in the seventeenth century Oliver Cromwell pled so powerfully and so passionately when he exclaimed: "My brethren, by the bowels of Christ, I beseech you, bethink you that you may be mistaken." It is that quality of mind and spirit which has been insisted upon again for us in our century by one of its most eloquent spokesmen, in language less exuberant, to be sure, but no less emphatic, when Albert Camus wrote: "I am against all those who think they are absolutely right." A statement: "I may be wrong;" nothing more. A quality of mind; nothing more. Intangible, invisible, impossibly fragile, yet on and in this the university rests, and civilization as well, and not merely by definition.

With respect first to civilization, civility, as I would have you understand it, is the only force, I believe, which can bring to an end the war between society and its children. It is, too, perhaps, the only force which can close and heal the monstrous fissures which have so violently riven contemporary society. Violence, it has been argued, is the prime characteristic of our society in the 1960's, and much, too much in fact, has been written on the play and superintending influence of violence throughout America and the world today. To dwell on it at any length is not my intention. The surface manifestations are very nearly infinite in their variety and issue, some of them truly appalling, some of them merely banal. But I would pose for you a single question. What, after all, is the fundamental source of violence? It may arise from our own self-righteous conviction that we are absolutely right, and all others wrong, or it may result from our reaction to those who are speaking and acting as if they, and they alone, were absolutely right. On neither side is there the slenderest margin for tolerance. Seen from that perspective, the root source of violence, all violence, not simply now, but at any time in human history, is nothing other than a total loss of civility, and without civility, we lose civilization.

With respect to the university, civility expresses itself in what we have come to designate "academic freedom," and the necessity for such freedom arises from three great facts which are basic to the ideal functioning of the university.

First of all, it is a fact, too easily forgotten, or too lightly dismissed, one, moreover, which makes the university so precious to us, that professors are appointed to the University, when it is truly a university, to teach ideas and values with which the University may by no means be in agreement. So to cite but one obvious example, Rice University may not necessarily subscribe to Communist doctrine; not to teach it would be simply ludicrous.

Second, the university is the only institution which I know of, which, when it is truly a university, undertakes not simply to tolerate grudgingly, but to protect and even to encourage actively those professors who are teaching ideas and values which are disagreeable or inimical to, or even openly subversive of, the university.

And third, students most assuredly are not invited to come here or to any other campus merely to assent to what they read and see and hear. Ideally, you are here to disagree, to engage us, willing or unwillingly, in dialogue.

Given these three great factors, the centrality of the idea of academic freedom to the university is clear.

But I referred above to the ideal existence of the university. The realization of that ideal depends upon academic responsibility, a responsibility which devolves upon all of you as well as it does upon all my colleagues. Responsibility, after all, means nothing more than a response, in other words, an answer. And when we ask ourselves, what shall be our response, our answer to the fact of academic freedom, we are returned at once to the imperative of civility, for if students disagree among themselves, or faculty with faculty, or students with faculty, or, I must add, administration with faculty or students, all of us must always be prepared to say: "I may be wrong." "We may be wrong." "You may be right." Academic freedom and academic responsibility both mean, fundamentally, always dialogue, never diatribe; both deny dogmatism.

I argued earlier that warfare between the Socratic and the Germanic traditions was destroying the university. To that factor I would add now another. Much of the violence on campuses all over the world today may be attributed in no small degree to the displacement of flexibility by fanaticism, to the replacement of open minds with closed ones, to the enthronement of an absolute self-righteousness in all contending parties, in a world, to the rejection of civility. Precisely in this rejection of civility we reject the University, and yet one of the most obscene aspects of the crisis in the university today is that there are those within it, students and faculty alike, who are rejecting the university while at the very same time demanding that it move the world. No institution, whatever its strengths, can long sustain, let alone survive, such a total contradiction in the understanding of its ends.

VII

As an historian I am accustomed by both training and instinct to observe and to analyze current events with reference to the past, and throughout the summer, as I was thinking about this address, the recollection of a brusque and justly famous conversation hovered continuously at the edge of my thoughts. I could not understand why it was so persistent; as a matter of fact, it seemed altogether irrelevant, and only when I began to write did its meaning for my purpose this morning become clear.

It is a conversation which took place in Paris on the evening of July 14, 1789. The Bastille had fallen earlier that day, and the royal troops, menaced by the enormous crowds milling about the city, had defected. News of the disaster was brought to Louis XVI by the Comte de Liancourt. "C'est une révolte," the King exclaimed. "Non, Sire," replied Liancourt, "c'est une révolution." When the King used the word "révolte," he meant by it a simple defiance of authority, a rebellion, merely, which, once successfully suppressed, would do no irreparable damage to the social order. Liancourt saw further. He realized that what had happened was not short-lived, but lasting; that suppression was impossible, beyond the power of kings; that the historical thrust of the events of that day was irresistible and irrevocable. It was not a revolt. It was a revolution.

That conversation may serve as a paradigm for my final observation on the crisis in the university today, namely, that the two most basic ways of looking at it and assessing it are at present irreconcilable. I suspect that the generality of administrators, boards of trustees, and faculty members within our universities, to say nothing of a vast majority of our citizens without, are convinced that they face only a student revolt. It is, to be sure, a nightmare, but regardless of its length and intensity, when the earliest rays of the sun have driven the harrowing darkness before them, they will fall on the ivory tower, neither dark nor burning, but unscathed and unchanged.

I find myself unable to agree with this point of view. To the contrary, I am wholly persuaded that the crisis in the university today is an authentic revolution, as irresistible and as irrevocable as that of 1789. In the exactest sense of the word, radical change is transforming the university, and transforming it completely. We stand, you and I, only on the verge of that transformation, if we have come even that far, and the aims of the new education and the shape of the university to come are not as yet even faintly visible on the horizon. Its twentieth-century image will be in part of our making, for it is daylight, and we are all wide awake, and the ivory tower has vanished.

To this exigent condition reaction will, of course, vary, but I should dare to hope that you above all, as the newest members of this University, but I and my colleagues as well, indeed all of us here in this hall, would feel much as did the hero of John Fowles' novel The Magus, when he decided to leave his native England. With his words I conclude; I can express myself no better.

"I was filled with excitement, a strange exhuberant sense of taking wing. I didn't know where I was going, but I knew what I needed. I needed a new land, a new race, a new language; and, although I couldn't have put it into words, then, I needed a new mystery."

ENVIRONMENTAL QUALITY: POLLUTION AND POPULATION

Mr. TYDINGS. Mr. President, late last month I had the pleasure of addressing the Federated Garden Clubs of Maryland at the Sheraton Belvedere Hotel in Baltimore. The theme of the meeting was "Traditions and Visions."

In my remarks I tried to point out that the conservation and industrial traditions of this Nation have been unequal to the task of achieving the vision of environmental quality that many of us, past and present, have had for this country.

The failure of our traditions is evident wherever we look. Our waters are poisoned, our skies filled with garbage, and our soils poisoned with pesticides. Yet the most alarming danger of all is the growing rate of population. Unless voluntary and effective family planning is recognized as both a private right and public necessity, our environment will suffer as never before.

I ask unanimous consent that my speech to the garden clubs be printed in the RECORD.

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

ENVIRONMENTAL QUALITY: POLLUTION AND POPULATION

This evening I would like to share with you some thoughts about a problem that is of great concern to me and one that I believe is a major problem confronting our nation today.

I think it fair to say that at the present time our way of life is threatened as never before. The threat does not come from internal disorders, be they within a ghetto or a university campus. Nor does it come from a foreign ideology determined to destroy our system of government.

Rather, the threat stems from the increasing decline in the quality of our environment.

As a nation and as a society we have permitted the intolerable abuse of our natural resources.

Evidence of this abuse need not be sought in books. We have but to look around us to see the degree to which our environment has been desegrated.

All our rivers are in part polluted. The Hudson and Potomac are particularly dirty and constitute a national disgrace. We seem to have forgotten what the Supreme Court once said—that "a river is more than an amenity, it is a treasure."

Each year Americans pour over 142 million tons of toxic matter into the sky. We have transformed our beautiful and spacious skies into aerial garbage dumps.

And we continue to apply tons of toxic and persistence pesticides to our soils, threatening plants and wildlife, and most probably our own health.

Robert Frost once said that "what makes a nation in the beginning is a good piece of real estate."

We have had the real estate, but not the wisdom or common sense to take care of it.

The result is a crisis in environmental quality, a crisis that has not been prevented by the conservationist movement in this country. The sad fact of the matter is that the traditions of this movement have been unequal to its vision. The conservationist's strength has not matched the strength of those who seek to exploit our natural resources.

The tradition of ruthless, careless exploitation of our land, water, and air resources is a major part of our national heritage. In the race across a continent and in the desire to build a modern nation, we took these resources for granted and treated them as if they were limitless. They are not and our nation is now paying the price for 200 years of careless abuse.

This is not to say that the conservation movement is without strength. It's not, and as a member of the Senate I can attest to the growing influence of environmental quality concerns within Congress. In 1962 Stewart Udall could write about the "quiet crisis." In 1968 his successor, Mr. Hickel, would have his doubts as to exactly how quiet this crisis is.

Yet the fact remains that the crisis still exists. The air is still filthy, the waters remain polluted.

One example will graphically illustrate the extent to which we've abused our environment. One of the Great Lakes is biologically dead. It is incapable of supporting life. In 1955 Lake Erie provided 75 million pounds of commercial fish. Today there are no fish to be found. The Lake, the scientists tell us, has eutrophied. It is so polluted that all the oxygen has gone and without oxygen, on both the land and in the water, no living thing—man or fish—can survive.

A central feature of our environment is its sensitivity to change. Modify one aspect and the affect will be felt throughout the system. Nature is a delicate balance and the ecological implications of change are great.

Construct a road carelessly and the rivers will flow brown from siltation. Spray persistent pesticides into the ground and watch the harm done fish and wildlife.

Perhaps the best example of the interrelationship between different aspects of the environmental system is the Aswan Dam in Egypt. The dam is being built to supply water and energy to the Nile Basin, and to bring additional land under irrigation. Yet its effect will be to prevent the deposit of nutrient-rich soils that used to accompany the annual floods. This will destroy the fertility of the Basin land. Aswan might well prove to be a disaster for Egypt.

A second central feature of our environment is the priviledged position technology seems to occupy.

Technology is how we do something. It is a tool, a technique, a method. It is how we apply the knowledge science has given us. It is not knowledge itself. It is not science.

Nor is it always progress. Too often we confuse the two. We assume that what is technologically feasible is also desireable. This is not necessarly the case. Technology cannot be equated with progress.

Unfortunately we tend to do this in our society. In America today technology appears as an irresistible force, with a momentum of its own, beyond human direction and restraint. If it's feasible, it's desireable as well.

We would do well to listen to the words of the Swedish ambassador to the U.N.: "The risks inherent in the uncontrolled application of modern technology are very real and very frightening."

Or to our own Admiral Rickover: "Technology cannot claim the authority of science. It has proved anything but infallibly beneficial. Much harm has been done man and nature because technologies have been used with no thought for the possible consequences of their interaction with nature."

Just because we can build an S.S.T. doesn't mean we should.

Just because we can build a dam, or fill in a Bay, or strip mine an entire county doesn't mean we should.

The technological feasibility of nuclear power plants doesn't mean we can forget—as we seem to—the possible damages of thermal pollution.

Here again the tradition does not meet the vision. The view of Gifford Pinchot and Teddy Roosevelt that our natural resources deserve protection and proper development was crushed in a fifty year effort to make America the No. 1 industrial power of the world. The emphasis was on technology and production, on the tradition of build and be damned. The vision of these two early conservationists was lost in the process.

Yet the most disturbing indeed frightening dimension of the decline in environmental quality involves neither technology nor the more obvious forms of pollution. Someone once said that the only problem with our environment was that human beings were involved in it.

He was in part correct for the key feature of today's environmental crisis is the simple fact that the world's population is expanding far beyond the capacity of our planet to accommodate all these people.

As Dr. Fraser Darling, Vice President of the Conservation Foundation, told a UNESCO conference last year: "The biggest danger of all is our inability to control the explosive rate of growth of human population."

The survival of much of the earth's population, as well as the realization of man's hopes for peace and the elimination of human misery, the achievement of a pollution free environment, and the elimination of human misery will be largely determined by our ability to curb our burgeoning birth rate.

This can be achieved only through proper, and voluntary, birth control and family planning, defined by Dr. Paul Ehrlich as "the conscious regulation of the numbers of human beings to meet the needs, not just of individual families, but of society as a whole."

Excessive population growth is a problem that is only slowly being understood by Americans. For too long it was considered a problem unique to underdeveloped nations, particularly India and those nations of Latin America.

Let me assure you, however, that it is our problem as much as theirs.

In 1950 there were 151 million Americans. Today there are 202 million. By the year 2000, 31 years from now, that number will swell to 300 million, a staggering fifty percent increase. In short, the population of the U.S. will have doubled in the last half of the 20th century.

Consider the problem in terms of density. In 1776, there were 4.5 people per square mile in the new Republic. In the year 2000 there will be more than 120 Americans per square mile.

The impact of this was graphically described by David Lilienthal, former chairman of T.V.A. and the A.E.C.: "An additional 100 million people will undermine our most cherished traditions, erode our public services and impose a rate of taxation that will make current taxes seem tame."

The problem is exacerbated by the fact that 70 percent of our population is presently concentrated in cities of over 50,000—which is precisely where most of the projected population growth will occur. It takes little imagination to comprehend what this means for our already overtaxed urban schools, parks, highways and other public services.

The problem is heightened by the strong correlation between poverty and family size in the United States. Family size is now perceived as a cause of poverty as well as an effect.

Popular wisdom to the contrary, poor families desire less children than their wealthiest counterparts. They end up with larger families due to the general unavailability of family-planning information, services, and materials to low income women.

This no longer can be permitted to continue.

Information on family planning and contraception devices must be available on a voluntary basis to all who desire them. We must give our citizens, regardless of income, the right to plan the size of their families.

This is essential if the poor are to defeat the poverty that oppresses them.

We must begin to realize that the right to plan one's family is as essential as the right to a decent home, the right to an education, and the right to a good job.

The basic environmental question now before this nation is whether we are capable of determining a reasonable level of population and then carrying through a program necessary to achieve it.

Put it another way, are the traditions of this country—seemingly contrary to any attempt at widespread, voluntary family planning—stronger than a vision of a nation where people are not stepping on people, where there's room to breathe and where a man has a reasonable chance to work and play in a livable environment.

In terms of pollution and technology our traditions have not matched our vision. In terms of population our traditions *must* be equal to the vision, for at stake is the very survival of the American nation as we now know it.

All of us must keep this vision in view. All of us must now work toward it.

It is a noble task, it is an exceedingly crucial one. It is nothing less than the enlightened conservation of the natural heritage of a free people.

VIOLENCE ON TELEVISION

Mr. PELL. Mr. President, I invite attention to the report on violence in television which was made public by the National Commission on the Causes and Prevention of Violence some days ago. We may do well to recall that this Commission was created after the assassination of Senator Robert Kennedy to study elements of our society which may nurture the kind of irrational outbursts of violence that in recent years have erupted so tragically among us.

To blame on any one cause all of the manifestations of violence, whether assassination, or riot in the ghettos, or mugging on the streets, would be foolish indeed. The fact is that we live in a time of questioning and conflict that reach to the heart of our lives and our beliefs. The restless demands for change prove the vitality of our society; they are also too often the catalysts of fear and the messengers of hate.

There is no one cause nor one single happy panacea for the violence in our society. Nonetheless, it has long been self-evident to many that any medium of communication as powerful as television cannot shrug aside responsibility for how that medium may influence its listeners. I am delighted to see that the Commission has concluded, as have similar studies in other countries, that the preponderance of the evidence suggests that violence in television does have adverse effects, particularly among some child audiences. In an article I wrote on this subject last winter for TV Guide, I said that it was untenable for the television networks to claim that television commercials motivated the audience to buy products and at the same time claim that program content does not influence the viewer.

I am glad to have expert support for what would seem to be elementary logic. I hope, too, that all of the careful work and study done by the members of this Commission does not meet the usual fate of such reports: to contribute an illusory sense of action taken, and thereafter to molder in the dead files of government. This study should be a beginning, and not an end, for when we talk about violence in television we are not, I believe, discussing whether any one program at any one time contains violence of an offensive nature. In a larger sense we are talking about the continuing responsibility for the networks for the vast power they exercise simply by reason of their control of this form of instant and mass communication.

Is such power to be responsible only to the balance sheet? Or is there a larger trust imposed on the use of an asset which in truth is part of the common heritage of the American people?

Some of my fellow Senators may recall that over a year ago at the Democratic Convention I introduced, and the platform committee adopted, a plank condemning violence in television. That plank went overboard en route to the floor of the convention, nonetheless I am confident that it was one of the those small flurries of activity which I hoped would grow into a careful and reasonable balancing of private freedoms and the public interest. Lest there be any misunderstanding, I also said in the same article in TV Guide that I would be the last to advocate the judging of the quality or content of any television programs by the safe and cautious standards of bureaucrats.

I am pleased that the Commission also rejected the course of external censorship, and in fact the existence of the Commission has had the effect that I had hoped for—that the industry itself would be compelled to police itself. Cries of "foul" were heard from network executives on the grounds that many of the objectionable shows had been changed this season. One wonders if they would have changed had not this and other efforts been made to call attention to the potential dangers of endless hours of programing in which violence is routinely dispensed as acceptable to conduct to the most vulnerable in our society—the young, the poor, and the black. I applaud the changes whatever their motivation.

The question is what now? Will this effort too fade from the public interest and then from the networks calculations of what is acceptable? How do we insure that the industry does not continue to evade responsibility imposed by the exercise of such power? The networks cry censorship at any suggestion of outside program review and I would agree. I doubt that anything perpetrated by the television industry in its worst moments is a match for the dangers inherent in censorship of what some might consider controversial. But is not the same dead hand of censorship imposed by the networks themselves when the survival of a program is determined by the sheer numbers of the audience it attracts? Or the content is adapted to the sensibilities of a sponsor?

It has always been a matter of some mystery to me that if one accuses a newspaper of suiting its news content to the political social or moral persuasions of its advertisers one is met with outraged denials—correct or not. Yet the networks defend their vast desert of mediocrity by the economic need to reach the largest audience for their sponsors money, surely a most peculiar interpretation of the first amendment.

In recent years the networks by and large have done a superb job in discharging their public responsibility in the broadcasting of news and public events. They are a long way from exhibiting the same high quality in entertainment which may not lead the ratings. I think it fairly evident that there is substantial and justifiable demand for quality programs which can be enjoyed with reasonable freedom from interruption by clinical dissections of the nasal passages. I hope consideration will be given to the Commission's recommendations to provide permanent financing for the Corporation for Public Broadcasting, and that we will keep open the path for the various proposed alternatives or competitors to network commercial television.

Mr. President, I ask unanimous consent that a story on the panel's report, published in the New York Times of Thursday September 25, be printed at this point in the RECORD. I wish to express to the members of the panel the hope that they will continue to serve as spokesmen and watchdogs for the public interest in quality television.

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

TV VIOLENCE IS ASSAILED, BUT DROP IS SEEN

(By Jack Rosenthal)

WASHINGTON, September 24.—Violence on television must be reduced because it encourages emulation in real life and strengthens, among low-income youth, "a distorted, pathological view of society," the National Commission on the Causes and Prevention of Violence said today.

Violence on television already has been reduced, officials of all three television networks immediately responded, citing extensive program changes—the replacement, for example, of a children's program about monsters with one about a courageous carrier pigeon.

The commission acknowledged substantial improvements in programing for the new television season.

"It is easy to make television a scapegoat," it said. But it called, nonetheless, on the industry, the public and Congress for a broad series of reforms.

The commission does not have enforcement authority. It was established by President Johnson June 10, 1968, following the assassination of Senator Robert F. Kennedy, as a study and advisory body. The 13-member body is headed by Milton S. Eisenhower, president emeritus of Johns Hopkins University.

The statement on violence in television entertainment issued today does not relate to violence and the news, which is to be covered in a separate statement expected next month.

Perhaps the most significant aspect of the entertainment statement is that it adopts one of three theories about the relationship between television and violence.

One school maintains that televised violence stimulates actual violence. Another school maintains that televised violence drains off aggressive tendencies of viewers. A third view, which has been expressed by the networks, is that the relationship between television and violence is not proved.

The commission, supporting the first view, declared:

"Each year advertisers spend $2½-billion in the belief that television can influence human behavior. The television industry enthusiastically agrees with them, but none-

theless contends that its programs of violence do not have any such influence.

"The preponderance of the available evidence strongly suggests, however, that violence in television programs can and does have adverse effects upon audiences—particularly child audiences. Television enters powerfully into the learning process of children and teaches them a set of moral and social values about violence which are inconsistent with the standards of a civilized society."

None of the networks, in their responses to the commission statement, took issue with this central conclusion. All three called attention to substantial changes in programing in their 1969–70 schedules, both with respect to Saturday morning children's programs and to prime evening viewing times.

Julian Goodman, president of the national broadcasting corporation, said there was a second defect in the statement—that it used statistics based on a definition of violence as "the overt expression of force intended to hurt or kill."

Mr. Goodman said that definition would require classifying a program as violent "regardless of the dramatic circumstance or the program's quality and value."

The commission statement repeatedly acknowledged improvements in programing this year. Mr. Eisenhower took pain today to say that while it was too early in the television season for a new study, "on personal observation, the networks have reduced violence, especially during prime time; I hope this is a trend for private, independent stations."

Despite such improvements, a commission source said the panel considered its recommendations as still necessary.

In addition to calling for elimination of violence on Saturday morning children's programs and the reduction of prime-time programs containing violence, the commission recommended:

More effective efforts to change the context in which dramatic violence is presented—to avoid implying that violence is a routine way in which people in the real world solve their problems.

Far more research by the industry on the effects of violent programs.

Appropriate antitrust clearances, to permit industry representatives to mount effective joint action.

Permanent public financing for the Corporation for Public Broadcasting, to permit it to develop quality alternatives to present commercial programing.

Mr. PELL. Mr. President, I ask unanimous consent also that a column, entitled "TV May Be Compelled To Improve Its Fare," written by Mr. Ernest Cuneo for the North American Newspaper Alliance, be printed in the RECORD.

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

TV MAY BE COMPELLED TO IMPROVE ITS FARE

(By Ernest Cuneo)

WASHINGTON, October 2.—As a national problem, the pollution of the air dwindles into insignificance when compared with the pollution of the Nation's mind by TV violence. These are the appalling facts reported by Milton S. Eisenhower, chairman of the Commission on the Causes and Prevention of Violence: 95 per cent of American homes have at least one TV set which is in use about 40 hours per week; eight out of ten dramatic programs contain violence, about 478 episodes a week in 1968 and 394 in 1969.

Violence is portrayed at the rate of 9 brutal acts an hour. Children's cartoons portray 20 violent scenes an hour. These are only samples of a massive presentation of crime unparalleled in any other civilized country. The effect upon children in the formative years is catastrophic. The theory that TV is a harmless "catharsis" for violence is false.

VIOLENCE BEGETS VIOLENCE

The decision of the commission crashes this theory. Chairman Eisenhower reports, "The vast majority of experimental studies on this question have found that observed violence stimulates aggressive behavior, rather than the opposite.

"Violence on television encourages violent forms of behavior, and festers moral and social values about violence in daily life that are unacceptable in a civilized society."

Since many questions will come before the Supreme Court, the decision of Chief Justice Burger in the case of a Mississippi TV station is of tremendous importance. WLBT presented programs urging racial segregation but refused to grant equal time for the opposed point of view.

The United Church of Christ asked the Federal Communications Commission to cancel WLBT's license.

It is of highest legal significance that the church filed not only for itself, but as representatives of "all other television viewers in the State of Mississippi." The Federal Communications Commission held against the church and the church appealed to the Circuit Court of Judges Tamm, McGowan and Burger.

CHURCH HELD COMPETENT TO SUE

In reversing the Commission, Judge Burger's opinion held that the Church of Christ was legally entitled to apply on behalf of all TV viewers in Mississippi. The meaning of Judge Burger's decision, therefore, is that such organizations as parents-teachers associations have a right to appear before the FCC not only for themselves, but on behalf of the general public in applications for the cancelling of the broadcasting license of the station.

The present Chief Justice came close to striking down the free press provision of the first amendment as not applicable to TV in these words:

"TV is not a public utility, but neither is it a purely private enterprise like a newspaper. A broadcaster has much in common with a newspaper publisher, but he is not in the same category in terms of public obligations imposed by law. A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations.

"A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot."

RIGHTS OF LISTENERS DEFINED

Still more remarkably, Chief Justice Burger ruled that the public has the right to assist the FCC in monitoring TV stations. He said, "the theory that the Commission can always effectively represent the listener's interests in a license renewal proceeding without the aid and participation of legitimate listener representatives fulfilling the role of private attorneys general is one of those assumptions we collectively try to work with so long as they are clearly adequate. When it becomes clear that it is no longer a valid assumption, as it does to us now, neither we nor the Commission can continue to rely upon it."

The Chief Justice then suggested broadcast rules by the Commission allowing community opposition to renewal of TV licenses.

In view of Chairman Eisenhower's findings, the opinion of Justice Burger must cause grave concern to the TV networks. The Chief Justice said, "when past performance is in conflict with the public interest, a very heavy burden rests on the renewal applicant to show how a renewal can be reconciled with the public interest. Like public officials charged with a public trust, a renewal applicant must literally "run on his record."

According to the "Report on Violence," the networks have very poor records indeed.

TESTIMONY OF MERRIMON CUNINGGIM AND HOMER C. WADSWORTH BEFORE COMMITTEE ON FINANCE

Mr. EAGLETON. Mr. President, on October 6, two distinguished citizens of my State of Missouri testified before the Committee on Finance on the section of the House-passed tax reform bill which would limit the permissible activities of foundations.

I ask unanimous consent that there be printed in the RECORD the statements of Merrimon Cuninggim, president of the Danforth Foundation, of St. Louis, and Homer C. Wadsworth, president of the Kansas City Association of Trusts & Foundations.

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

EFFECT OF PROGRAM LIMITATIONS

STATEMENT OF MERRIMON CUNINGGIM [1]

Mr. Chairman and Members of the Committee: This part of our testimony has to do with those portions of H.R. 13270 that, if finally adopted, would impose serious limitations on the programs of many foundations.

Three of us will speak to the *program limitations* implicit in the Bill: Mr. Russell Arrington, President Pro Tempore and Majority Leader of the Illinois State Senate, testifying on behalf of the Citizens Conference on State Legislatures, and Mr. Homer Wadsworth, President of the Kansas City Association of Trusts and Foundations, and myself, testifying concerning the effect on foundations.

My name is Merrimon Cuninggim, President of the Danforth Foundation of St. Louis.

We have *four major points* to make:

1. The prohibition against "any attempt to *influence legislation* . . ." would inhibit or prevent presently approved activities by foundations that would adversely affect their freedom to contribute to the general welfare. This is the most serious program limitation of the Bill, and from our different perspectives all three of us will speak to this point.

2. The partial prohibition against *grants to individuals* might still handicap unduly some worthy programs of fellowships and awards. I will elaborate on this position.

3. The definition of *"expenditure responsibility"* is either difficult or impossible to fulfill. Mr. Wadsworth will deal with this problem.

4. The language of the Bill on these three subjects seem occasionally to be unclear and imprecise, though we feel that the Report reflects the intention of the House Committee. As all of us will indicate, it is our belief that modifications in the language of the Bill could make its provisions consistent with the purposes of the Committee as expressed in the Report, and thereby could eliminate the dangers we see.

To the extent to which representatives of various foundations feel that H.R. 13270 imposes serious program limitations on their work, they must of necessity speak not with one unified voice but as individuals, each having his own perspective. Most foundations are local or regional in their outreach, and the implications of the Bill are necessarily limited to the geographical and topical areas they serve. Even the national, "general purpose" foundations have their distinctive program emphases, and the testimony of each

[1] President, Danforth Foundation, St. Louis, Missouri.

would differ from that of every other. Yet common threads of concern are discernible. I can speak with assurance only for the foundation I represent, but it is my hope to be illustrative rather than simply unilateral in the treatment of the matters I want to mention.

So that you may know the particular position from which I speak, let me say a brief word about the Danforth Foundation. Our work, since the Foundation's beginning in 1927, has been largely in the field of education. In the past year and a half we have become active also in the field of urban affairs, chiefly in the St. Louis area. No such limitation applies, however, to our educational efforts; for through our grants, fellowships, workshops, conferences, and by other means we have intimate contacts of one sort or another with eight hundred to a thousand colleges and universities, hundreds of secondary schools and other educational organizations, and upwards of fifteen thousand persons in educational occupations, all across the country. In market value of portfolio we rank 16th in size among national foundations; in amount of annual expenditures—a truer measure, we think, of a foundation's activity—we are 9th. Like many another similar foundation, we believe in and practice full public disclosure of our activities. If it hadn't been for these hearings our new Annual Report might already have been off the press!

A. Prohibition against grants to individuals

Let me direct your attention, first, to the prohibition against grants to individuals. Sec. 4945(b)(3) on p. 44 and (e) on pp. 46–47 of the Bill. This section is less restrictive than, and thus in our view a considerable improvement on, the "tentative decision" announced by the House Ways and Means Committee in its press release of May 27. The "tentative decision" prohibited all grants to individuals, whereas the Bill as it now stands would allow such grants when the conditions of sub-paragraph (e), pp. 46–47, are met.

It appears to us, however, that the language of the Bill may still be more restrictive than fulfillment of the intention of the House Committee would require. The Committee means to put an end to grants "to enable people to take vacations abroad, to have paid interludes between jobs, and to subsidize the preparation of materials furthering specific political viewpoints." (Report, part 1, p. 33.) We of the Danforth Foundation, along with other foundations that sponsor carefully planned and administered programs of fellowships and awards, would heartily applaud this aim. But the language of the Bill outruns this intention and may do considerable harm to reputable programs. I shall draw my illustrations from among the ten or a dozen programs that the Danforth Foundation sponsors or supports, though I beg you to remember that these are only a few among the scores, perhaps hundreds, of such admirable programs sponsored by other foundations.

The first problem is that the language might unintentionally force the cessation of useful programs of awards and prizes, given to recognize excellence or achievement in various fields. Such awards are indeed grants to individuals, and thus would fall under the prohibition of such grants; but they would not qualify as approved exceptions to that prohibition because they are not scholarships or fellowships and do not aim "to achieve a specific objective . . ." Recipients are not applicants, expected to "produce a report" or perform some other service, but are simply honorees.

For example, our own Harbison Awards for Gifted Teaching might have to be terminated, even though in recent times both the White House and the Office of Education have expressed keen interest in the Program and a desire to emulate it. These Awards, usually ten per year, are for $10,000 each; the purpose is not merely to honor teachers of unusual competence but also, and by that means, to emphasize the importance of teaching in the academic process. It is ironic that, whereas the Bill would seem to allow this Program to continue only if it is to "achieve a specific objective . . . ," the Internal Revenue Service has ruled that the Award will be tax free to the recipient (under section 74(b) of the Internal Revenue Code), only if he does *not* have to fulfill some requirement of the Foundation. Perhaps a clause could be added at an appropriate place in the Bill, to indicate that awards coming within section 74(b) are to be excepted from this provision.

A second problem has to do with the wording in lines 22–24 of subparagraph (c), p. 46. We agree fully with the Bill's intention to allow approval of those grants to individuals that are "awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Secretary or his delegate. . . ." It occurs to us, however, that lest enforcement be more time-consuming and restrictive than was intended, something needs to be said as to how clearance could be secured in advance, how decisions could be reached rapidly when necessary, and what criteria should be used in making judgments. Clearance would be streamlined, to the benefit not merely of the foundations involved but also of the human needs they seek to serve, if the regulations were to spell out the kind of "procedure" that would be judged to be "objective and nondiscriminatory."

It appears to us that "objective" should mean that applicants will be judged on the basis of credentials submitted in compliance with publicly announced eligibilities and instructons; that the various steps in the selection process, also publicly announced in advance, will be such as to provide fair consideration for all applicants; and that final decisions will be in the hands of people, publicly identified, whether in or outside the foundation (and perhaps both), who are qualified by their own experience to make such judgments.

Similarly, "nondiscriminatory" should mean that no irrelevant distinctions of race, creed, color, sex or age will be imposed in the selection. The addition of "irrelevant" is important, for some worthy programs discriminate purposely in order to overcome some current imbalance. For example, our program of Graduate Fellowships for Women is directed to the lack of qualified women in college teaching; and a requirement that this particular program admit men would defeat its central aim. Taking note of this Program, the Advisory Council on Graduate Education on the U.S. Office of Education recommended this spring that the Office of Education explore the possibility of establishing a similar discriminatory program. Various programs by a number of foundations, Danforth included, on behalf of minority groups would also benefit from a clarification of "nondiscriminatory."

"Procedure" should mean that, on the one hand, "the Secretary or his delegate" will undertake to review only a defined program of grants, not the individual grants themselves; and that, on the other hand, foundations will not make episodic grants to individuals outside the framework of some defined program. As is true for all our fellowship programs, and for the host of excellent programs sponsored or supported by other foundations—Commonwealth, Guggenheim, Hazen, Markle, Woodrow Wilson, etc., etc.—the sponsoring agency would be quite prepared, and should be expected, to hold to the terms of its defined, publicly announced program and to refrain from subsidiaries to individuals, individually determined. Even the small foundation, making only a few grants to individuals, would not be handicapped if it were allowed to describe in advance the terms under which such grants would be made.

Lastly, "approved in advance" should mean the clearance will be expeditious and unequivocal. Long delays and peculiar requirements or conditions for approval would cut the nerve of foundations' efforts in this regard. Most helpful would be regulations stating that programs coming within the list of requirements enumerated therein need not have a separate ruling in advance. In those instances in which rulings must be sought, a time limit could be specified—say, six weeks—at the end of which, if the appropriate government official had raised no objection, the foundation's program would be considered approved.

The final problem in respect to grants to individuals turns on the unnecessarily and, we think, unintentionally restrictive language of that part of paragraph (e) in lines 1–6 on p. 47. The wording provides that, to escape the prohibition, the grant must be "a scholarship or fellowship grant at an educational institution . . . or that the purpose of the grant is to achieve a specific objective, produce a report or improve or enhance a literary, artistic, musical, scientific or other similar capacity, skill, or talent." At first look the words seem to be broad enough to include any legitimate program; but on more careful examination such questions as the following arise: Must the recipient of a scholarship or fellowship be enrolled as a regular student? What about part-time? What about an auditor? What about study outside the United States? What about independent study? How specific must a "specific objective" be? Do the adjectives, "literary, artistic, musical, scientific," include any *educational* "capacity," the "skill" of the administrator or the "talent" of the teacher?

I do not mean to carp. Most of the fellowship programs of the Danforth Foundation, as well as those of other foundations, are nicely covered by the Bill's enabling phrases as they now stand. Let me give two brief examples, however, of programs that might be adversely affected by the present language. First is the Danforth Associate Program, an extensive effort to provide various forms of encouragement and support to faculty members on hundreds of campuses throughout the country, for the purpose of fostering what has been called "the personal dimension" in higher education. These faculty members are committed to the high aim of reversing the trend toward anonymity in campus life. The Foundation makes modest grants to them, to be used for the benefit of their students, and sponsors regional and national conferences for them for the discussion of pertinent issues. Competent outside evaluators have praised this Program for the understanding and constructive action it has quietly brought to bear on problems of student unrest in every section of the country. But those chosen to be Danforth Associates do not hold fellowships, are not expected to "achieve a specific objective," and the quality they "improve or enhance" is not so much peculiarly "literary, artistic, musical, scientific" as it is generally humane, related to their professional vocation as teachers and educators. On the basis of the Bill's present wording, what would happen to this Program is not clear.

Again, our Program of Short-term Leaves for College and University Administrators would be suspect. To provide the kind of support that able, yet harried, university presidents need today, a fortification of body, mind and spirit, the Danforth Foundation insists that recipients, twenty per year, do *not* undertake "a specific objective" or "produce a report," or "improve or enhance" anything at all except their ability to cope with their immensely demanding duties. Recipients do not go on vacations, but undertake reading programs, write lectures, study the problems of other institutions, or otherwise fit themselves for the better performance of their own jobs.

Other foundations provide similar pro-

grams whose value often turns on the fact that their purposes, and their expectations of recipients, are less specific and more flexible than the language of the Bill now allows. The intent of the bill, as we understand it, would be well served if modifications of language so as to take these considerations into account were adopted.

B. Prohibition Against Any Attempt to Influence Legislation

The second major limitation of program to which I wish to speak is the prohibition against *"any attempt to influence legislation"* as defined in section 4945(c), on pp. 44–45 of the Bill, and as commented on by the Report, part 1, p. 33. In my view, this is potentially the most serious issue raised for foundations by any part of the Bill. Each of my fellow witnesses will also testify on this matter.

A host of foundations are understandably and inevitably alarmed by the language of the Bill as it now stands. The wording seems to suggest that "an attempt to affect the opinion of the general public or any segment thereof" (lines 5–6, p. 45), on any matter that might relate to legislation, would be a taxable expenditure incurring heavy penalties. What, then is left for foundations to do? To play safe, they would feel that they must eschew working in any field of the social sciences, perhaps also the humanities, and even the natural sciences, at least in their applicability to human problems. Conservation of our national resources? Air and water pollution? Beautification of our highways? Such innocent-sounding activities would be too dangerous, for they would sooner or later touch on legislation.

Take the grants of the Danforth Foundation as a case in point. We work, by choice, in the fields of education and urban affairs, because we believe that problems in these fields are crucial for our time, and that even though our efforts are bound to be minuscule in comparison with those of government, it is important that private as well as public energies and resources be brought to bear. In our work we have in mind the molding of public opinion, local or national, not merely on behalf of the project itself that is supported by one of our grants, but also on behalf of the purposes or goals that the project seeks to serve. To support a socially purposeless project would be wasteful and thus preposterous. The pursuit of these purposes could and often does lead to a recognition that changes are needed in regional or national life, and thus eventually to new legislation. To disavow "an attempt to affect the opinion of the general public" would mean, for us, to withdraw from the fields of education and urban affairs, at the very time that private as well as public efforts in these fields are most needed.

To be explicit, let me mention a few of the recent grants of the Danforth Foundation, as representatives of those of other foundations, that would be called in question by the current wording of the Bill:

To the American Assembly, in cooperation with the American Bar Association, for a series of conferences, based on preparatory studies, of the theme "Law and the Social Order." This program will undoubtedly result in numbers of specific recommendations by the Assembly for new, though non-partisan, legislation.

To the American Bar Association, for support of a program of its Special Commission on Housing and Urban Development Law, to involve lawyers in solving urban problems and "to attack outmoded laws by working with federal, state and local legislatures."

To the American Council on Education, in support of a National Conference on Law and Higher Education, to examine the adequacy of present understandings on the legal status of students, due process, and campus freedom and order.

For the Cooperative School Board Project, involving four metropolitan school systems (Boston, Chicago, Los Angeles and New York) four neighboring graduate schools of education and two other organizations to coordinate and disseminate the findings. This ambitious study of the present and desirable functioning of large city school systems will, we hope, have many repercussions, including legislative ones.

To the Education Commission of the States a formal compact of over forty states for the purpose of bringing governors, legislators and other political leaders into closer association with educators, for the benefit of state systems of education at all levels across the country. Growing out of ideas advanced by Governor Terry Sanford, Dr. James Conant, and United States Commissioner of Education James Allen, the Danforth Foundation has shared equally with the Carnegie Corporation in furnishing the seed money for this organization, until such time as the states themselves assume its full support. The very establishment of the organization required specific legislative action in each participating state, to join and to appropriate its membership fee.

For the Governor's Conferences on Education in Missouri: We have joined with the Kansas City Association of Trusts and Foundations and other groups in supporting these state-wide, nonpartisan gatherings to study and make recommendations as to desirable changes in the state's system of public education. Recent legislation on behalf of Missouri's public schools has been based directly on the work of these Conferences.

To the Missouri Bar Association, to provide for an examination of procedures in juvenile courts and, as a hoped-for result, beneficial changes in such procedures.

To the New York State Education Department: This was a many-faceted grant to enable the New York State Education Department to work cooperatively with both public and private institutions, large and small: Brooklyn College of the City University of New York, Colgate University, Cornell University, State University of New York College at Fredonia, and Vassar College. The aim was to upgrade programs of teacher training and revise standards of certification for teachers, and expected results will call for changes in legislation or in decisions of governmental bodies affecting public schools.

To the St. Louis Board of Aldermen, to draw together all the leading individuals and agencies concerned with housing, both public and private, in the St. Louis area. Though the grant was made to the Aldermen, the planning committee for the two major conferences, and for the studies that went into their preparation, was composed of representatives from four universities and from other community agencies. If the recommendations of these conferences are to be accepted, changes in legislation will occur.

To the Southern Association of Colleges and Schools: For over ten years the Danforth Foundation has been working with the Southern Association on behalf of the upgrading of predominantly Negro colleges in particular and strengthening educational opportunities for minority groups in general. A particular series of grants to the Southern Association in recent years have been for the support of their Education Improvement Project, a program of many parts represented by projects in many places throughout the South, both urban and rural. Too complex to be described in a brief sentence or two, the EIP has received support from several governmental agencies, such as the Office of Economic Opportunity, as well as from many foundations; and since the boards of education of nearly every Southern state are cooperating, the result of this program will eventually be felt by legislatures and executive offices of government throughout the South.

These are only a few that might be mentioned. Illustrations could be furnished by countless foundations from many other fields of social concern and human endeavor—population, quality of environment, the arts, public broadcasting, regional planning, the administration of justice, and on and on. Rare would be the foundation, small as well as large, that could not give a multitude of examples—not the support of politically partisan efforts but of rational, impartial studies and projects. Such grants are not aimless but are directed toward making a difference. Differences are brought about in our society in many ways, to be sure, but one of the important ways which we would be loath to give up is through the changed attitudes and opinions of the public, which ought to, and do, get incorporated eventually in legislative changes, locally or nationally. It would be tragic for America if this kind of activity by foundations were to have to be discontinued.

It is my impression, however, that such an unhappy development for foundations in general was not the intent of the House Committee. In fact, in their Report, Part 1, p. 33, they affirm a much more modest and realistic intention. Referring to this provision of the Bill, they explain that it "applies specifically to expenses incurred in connection with grassroot campaigns or other attempts to urge or encourage the public to contact members of a legislative body for the purpose of proposing, supporting, or opposing legislation." In other words, the aim is to prevent foundations from engaging in partisan politics. With this aim we of the Danforth Foundation are in full accord; and we have reason to believe that the overwhelming majority of other foundations share this conviction. If the Committee's main purpose is to keep foundations from using the old substantiality test of Section 501(c)(3) in order to engage in propaganda, a purpose to which we gladly subscribe, then the dire results of the sweeping language of subparagraph (c), p. 45, can be escaped without doing violence to the laudable intention back of the language. That the Committee itself may have thought so is suggested by a further sentence from the Report, Part 1, p. 33: "This prohibition is substantially similar to the provisions of present law (Sec. 162(e)), which prohibits business deductions for grassroots lobbying activities." It is my conviction that modifications of the present provisions of subparagraph (c) could be made so as to enable the language to reflect more accurately the desires of the House Committee, and in the process to leave room for the legitimate functioning of foundations on behalf of the general welfare.

In closing my testimony I wish to reiterate that I do not believe the House Committee meant to impose severe program limitations on legitimate philanthropic agencies. That the Bill's wording in certain places does so is, in each case, an instance in which the language inaccurately reflects the intent. But, though the problem may be more semantics than substance, it is nonetheless serious in its implications for both foundations and their beneficiaries. I thank you gentlemen for the opportunity to present my concern to you.

SUMMARY OF STATEMENT OF MERRIMON CUNINGGIM

My testimony is confined to the subject of program limitations. Among the unfortunate and, we believe, unintended handicaps that H.R. 13270 imposes on the work of private foundations are:

1. Restrictions on programs of fellowships and awards: The present language of the Bill, though not the intention of the House Committee, would call in question some worthwhile programs, carefully defined, publicly announced and impartially administered. Modifications in the wording of the Bill could eliminate the difficulty.

2. Implications of the prohibitions on "any attempt to influence legislation. . . .": Foundations are alarmed that if the present

wording of the Bill in Sec. 4945, para. (b)(1) and (c) is retained, the effect will be that grants in any area of current social importance would be off bounds, because of the likelihood that sooner or later projects supported by such grants would point toward a need for new legislation. The House Committee seems to have intended only to make sure that foundations do not engage in partisan political action. (Report, Part 1, p. 33). This laudable purpose can be achieved, and proscriptions of worthy foundation activity can be avoided, by judicious changes in the wording of the paragraphs indicated.

STATEMENT OF HOMER C. WADSWORTH [2]

The testimony which I wish to present relates mainly to those provisions of H.R. 13270 which define the limits of foundation effort in matters touching upon public policy. I wish also to comment upon those sections which define the responsibilities that foundations assume under the terms of this statute for the expenditures made by agencies receiving grants.

I do wish to associate myself and the parties I represent with the general position taken by other spokesmen on the main features of H.R. 13270. We do not oppose provisions of the bill that outlaw self-dealing. We do not oppose requirements that would assure that private foundations spend their income for charitable purposes. We do not oppose provisions that would require full disclosure of all foundation activities.

On the other hand, we object to the proposed tax on private foundations as fundamentally punitive and totally inconsistent with the effort of our government over many years to encourage private giving and private effort to accomplish worthy public purposes. We join with others in support of a fee payment to provide the Treasury with sufficient funds to maintain an adequate staff for review annually of all foundation activities to assure compliance with the law.

A. Foundations and public policy

The proposed changes in the law governing foundations, and especially section 4945 (c)(1) and (2), seem strangely out of touch with the nature of things in this period of our history. Foundations exist to serve the public interest. Their justification derives from the view that the public interest is best served if private citizens and our agencies of government work together to meet human needs and to advance human knowledge. Thus, we have public and private universities and colleges; public and private institutions to serve the sick and the disabled; public and private agencies administering welfare services; public and private organizations that sponsor a broad range of cultural activities.

These agencies are by no means separate entities that may be distinguished from one another by the way they meet their bills. The contrary is the present condition. This era is marked by the rapid growth and development of mixed enterprises, each quite as dependent on various forms of public support as well as income from gifts and endowment and the like.

A few examples come quickly to mind. There is no longer to be found in this nation a purely private university. Our most affluent universities, each guided by private citizens serving as Boards of Directors or Trustees, receive from 30 to 50 per cent of their income from governmental sources. Many of our medical schools, including those which function under church-related auspices, make up more than half of their annual budgets from government grants and contracts. Many of our symphony orchestras and art galleries and museums receive substantial and indispensable assistance from governmental sources, either directly or indirectly.

Foundation efforts are clearly marginal to governmental programs in most fields of endeavor. They are minor activities in dollar terms, too, in relation to private giving by individuals. The total spending of all foundations in the United States is much less than the annual budget of the Office of Education—a single office among many in the Department of Health, Education and Welfare. This is just as clearly seen at community levels as it is in national terms. HEW spends about 100 million dollars per year in Jackson County, Missouri (Kansas City); the total spending of our Association which is the only organized general purpose foundation group in the community is on the order of $750,000 per year.

The United Fund effort in Greater Kansas City produces $7,500,000 per year, to which must be added the considerable income of United Fund agencies from fees and memberships and the like. Therefore, foundation effort in local terms dwindles to very minor proportions—less than one per cent of the spending of one Federal department among many; less than 10 per cent of the amount available to United Fund agencies.

This condition in the country at large has forced many foundations, and especially those which work mainly in our communities, to regard their function as increasingly one of providing research and development assistance to programs designed to help all agencies, public and private, to better cope with constantly changing conditions. To accomplish this task we need full information about the range and quality of current effort. We need good working relations with those who carry the heavy burdens of community services, whether they be government officials or employees of private agencies. It is necessary frequently for foundation officials to join with other parties to create new institutions to meet needs that go beyond the scope of existing programs.

Many examples come to mind from our experience along these lines in Kansas City over the past twenty years. The Association took the initiative in 1951 at the request of City authorities in creating a non-profit corporation to manage and develop the public services to indigent persons in need of psychiatric care. This effort has produced a wide range of coordinated programs now available to qualified parties in the western third of Missouri, and operates clinical, teaching and research programs on an annual budget in excess of five million dollars per year.

The successful management of the psychiatric program led the officials of Kansas City to request in 1961 that the Association take the leadership in creating another non-profit corporation to operate the City hospital system. This was accomplished under the terms of a contract between the non-profit corporation and the City government. The City's annual payment of seven million dollars has been doubled by drawing in private support as well as Federal grants for specified purposes. New buildings are under construction, aided by private gifts as well as state appropriations and Federal grants. The University of Missouri recently announced that it would develop a new medical school for the state as an integral part of the program, and has moved its dental school to a new location within the complex.

Quite frequently foundations make grants to public agencies to accomplish useful and important purposes best achieved in this way. For example, our member trusts made a grant of $480,000 to the School District of Kansas City, Missouri, in 1962 to enable the District to operate a college scholarship program for young people from families with limited means. More than 500 students entered college through this program and many have returned to teach in the Kansas City system. The format and practices of the agency created to manage this activity have now been incorporated into a major Federal program.

Our member trusts created an independent social research agency in 1950, the Institute for Community Studies. This agency receives annual grants. It also performs a wide variety of research services for many parties—agencies of government at all levels as well as private, non-profit agencies. One of its recent contracts was with the sub-committee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

The foregoing indicates from our experience the basis for our concern with the changes in the tax law proposed in H.R. 13270, and especially Section 4945(c) (1) and (2). We work very cooperatively with many governmental agencies to accomplish useful ends. We find that precisely this kind of joint effort is needed to achieve the results desired. Quite clearly, many of the things we do through grant support are calculated "to affect the opinion of the general public or any segment thereof." Once a task is completed it often becomes legislation, for, in a government by law, acts, many times, must be ratified by statute or ordinance. In addition every appropriation is an act of legislation. We do not live in a sterile world, and we doubt that any such world exists outside of research laboratories.

We are quite aware that there exists a wide range of opinion on many current public questions, and that foundations will be criticized for grants issued that provide for experimental effort along lines that some people oppose. We respect the open marketplace for ideas, ask that others do so, too, and believe that the democratic system functions best under such conditions. We have always published full reports on what we do, and have made our records available to anyone who wanted to have a look at them.

Section 4945(c)(2) would restrict severely our contact with government officials. This portion of the bill reads as follows: "(taxable expenditures includes but is not limited to) . . . any attempt to influence legislation through private communication with any member or employee of a legislative body, or with any person who may participate in the formulation of legislation, other than through making available the results of non-partisan analysis and research." Are we to refuse to answer letters from legislators? Are we to exclude grantees from answering such letters or conversing with elected officials or "any other person who may participate in the formulation of legislation"? Are those of us who serve on Federal advisory councils—and I have served on many, and currently hold a seat on the National Advisory Health Manpower Council—to resign on the ground that our participation is in violation of this provision?

It seems to me that there are serious discrepancies between the Report of the House Ways and Means Committee on this subject and the actual language of this section of H.R. 13270. The Report states the following on page 33, beginning on line 10: "Your committee has determined that a tax should be imposed on expenditures by private foundations for various activities that it believes either should not be carried on by exempt organizations (such as lobbying, electioneering, and 'grass roots' campaigning) or more appropriately are carried on by the other organizations."

I know of no private foundation that would take exception to this position. I know of no private foundation that would not subscribe to penalties for error in this regard. On the other hand, I see no correlation between this statement of purpose and the actual language of Section 4945(c) (1) and (2).

The same sort of discrepancy is to be noted between the Ways and Means Committee Report and the Bill on the matter of communications with legislative officials and other persons. The Committee report states on page 33, beginning on line 22, that Section 4945(c)(2) "precludes direct attempts to persuade members of legislative bodies or

[2] President, Kansas City Association of Trusts and Foundations, Kansas City, Missouri.

governmental employees to take particular positions on specific legislative issues. *It does not extend to discussions of broad policy problems and issues with such members or employees.*" (emphasis mine). The section referred to does not make explicit this point. In fact, the language simply prohibits any attempt to influence legislation by whatever means, and extends the prohibition to "any other person" other than legislators "who may participate in the formulation of legislation." Once again, it seems to me, a limited objective is taken with an arsenal of weapons sufficient to kill off all but the most hardy of foundation officers and grantees who dare to have an opinion that might conceivably play some part in the formulation of legislation.

The provisions of this section of the Bill, together with the harsh penalties provided for failure to comply with the law, can only have the effect of numbing foundation effort and driving foundation money away from the areas in our national life that currently give us most concern. Trustees are quite human in that they tend to avoid areas of controversy in the normal course of events. They serve in most instances without any compensation, and give freely of their time to consideration of the matters that come before them in the form of requests for aid. They are not likely to risk penalties, nor are they likely to permit their officers to take risks in areas where the law and the regulations are distinctly unclear. This would appear to be the general situation that we shall confront if H.R. 13270 is passed without significant amendments.

I am aware that some of the officials of the Treasury Department do not believe that the penalties set forth in the Act will be operative unless private foundation trustees or their managers "knowingly" act in support of partisan ends. It has been suggested that having available an opinion of counsel will protect any foundation board or its officers from assault at this point.

This seems to me a very uncertain reed upon which to lean. Quite obviously, an opinion from counsel on such a point is arguable from the standpoint of the facts in the case rather than the law. I doubt very much that the use of the word "knowingly" in the statute will give any aid and comfort to either trustees or officers faced with the kinds of decisions involved. As in the earlier instance cited, the normal disposition of trustees faced with such a dilemma is more likely than not to do nothing rather than take the necessary risks—with or without the benefit of advice of counsel.

It is of some importance, I believe, for this Committee to take into account that much of the business that comes to foundation offices these days originates in legislative action in the Congress. Hardly a day passes without a petition for aid from an agency that is in a strong position to ask a Federal grant if local sources of support for the matching requirement can be cited. This applies to local agencies of government, and even to state governments on occasion, as well as private agencies in the health, welfare and education fields. I have a dozen such requests on my hands at this moment, ranging from requests for a rehabilitation agency program to the building plans of one of the leading medical schools in the nation.

The nub of this particular matter is simply that the government must either permit private foundations and private persons to continue to serve public purposes to the maximum extent possible or the government must revise its matching requirements and fund more generously the costs of facilities and services very much in demand. Tax reform as it relates to foundations will come down in the final analysis to simply this.

No foundation officer or trustee is opposed to prohibitions against *partisan* activity by private foundations or by grantee organizations. We are well aware that the present law prohibits lobbying, electioneering, and grass-roots campaigning. We know, too, that proper enforcement of the law as it now stands would root out quickly any infractions. We are confident that full disclosure of all foundation activity is the appropriate way to achieve the purposes set forth in the House Ways and Means Report, and without endangering the crucial role that foundations must play in our national and local affairs.

What is not so evident, and is entirely missed by both the House Ways and Means Committee Report and the text of H.R. 13270, is that private foundations and other exempt organizations have *less* sanction in present law and regulations for presenting their views to public bodies than business organizations. Mortimer M. Caplin, former Commissioner of Internal Revenue, offers the following comment on this matter:

"Today, the policy justification of the present limitations on exempt organizations' legislative activities s questionable. Since 1962, profit-making businesses have been permitted to claim income tax-deductions—as 'ordinary and necessary' business expenses—for financing legislative appearances and related activities which are closely connected with their business operations. The 1962 amendment to the Internal Revenue Code overruled the well-established case of *Cammarano v. United States* (358 U.S. 498), which had previously denied income tax deductions for this type of lobbying. As the Senate Finance Committee pointed out, it was felt to be desirable 'that taxpayers who have information bearing on the impact of present laws, or proposed legislation, . . . not be discouraged in making this information available to the Member of Congress or legislators at other levels of Government.'

"Congress thus recognized in 1962 that it was legitimate for business entities and the trade organizations they support to participate in lobbying for legislation of direct interest to them. Yet, if this is true for business entities, why isn't it equally valid for education and charitable organizations? This 1962 income tax relief for business suggests that Congress should reexamine the entire area of legislative activities of exempt organizations with a view to granting them a broader measure of freedom in the legislative sphere." (Foundation News: November 1968, pp. 162–163.)

It comes down to this in the most simple and direct terms. Business interests may lobby for their ends, secure tax deduction for the expenses involved, and may live comfortably with the view of the Senate Finance Committee that it is desirable that they do so. Private foundations and other exempt organizations do not have comparable privileges under present law and regulations. If H.R. 13270 is passed without amendments the rights of such exempt organizations will be further limited, perhaps to the point where they cannot make a significant contribution to the national interest.

B. Foundation responsibility for agencies receiving grants

Section 4945(f) (1) (2), and (3) set up the terms of private foundation responsibility for funds issued to non-profit agencies other than public charities. Severe penalties are provided for non-compliance for such foundations and for their managers.

The terms of this section suffer mainly from ambiguity. To continue to make grants to many of the organizations which are now our grantees, the Bill would require us to exercise "*expenditure responsibility.*" This means that "the private foundation is fully responsible—1) to see that the grant is spent solely for the purpose for which made, 2) to obtain full and complete reports from the grantee on how the funds are spent, and to verify the accuracy of such reports, and 3) to make full and detailed reports with respect to such expenditures" to a designated government official.

Foundations request reports from agencies receiving grants, and would not hesitate to share such information with Treasury authorities. Every legitimate foundation, of course, wants to know whether its money has been spent wisely and faithfully, in line with the purposes for which the grant was given. But the amount of follow-up and inspection which the Bill requires is excessive, and perhaps even impossible to provide. How could the foundation in every instance "verify the accuracy" of the "full and complete reports from the grantee"? Moreover, the provision is unwise, for what would such supervision do to the hallowed and sound policy of non-manipulation of the grantee that every well-run foundation practices? To fulfill this requirement in full, a foundation would have to exercise a degree of continuing surveillance of a grantee's affairs that would be paternalistic and immensely expensive for any foundation and intolerable for any self-respecting grantee. It is surely a great way to enlarge foundation influence precisely at the point where foundations do not wish to exercise power.

Bearing in mind that the Federal Government and responsible foundations have a common goal—that of preventing irresponsibility—let us apply a rule of reason. Do not make us an insurer, with absolute liability for our grantee's conduct. Charge us instead with the responsibility of applying reasonable diligence to our relations with our grantees.

CURRENT STATUS OF BILINGUAL EDUCATION

Mr. YARBOROUGH. Mr. President, the October issue of American Education carries a description and statistical summary of the bilingual education program, authorized by title VII of the Elementary and Secondary Education Act.

As the author of this major innovation in American education, I am deeply interested in its development. One of the major deficiencies in the budget of the Office of Education is for title VII, because bilingual education is being operated at only one-fourth the level authorized by Congress. Bilingual education will not accomplish much as a token program. It is not intended to be a token program. It is intended to be carried into every classroom where instruction in the language they speak at home can profit a substantial number of children.

Yet, bilingual education has been started in only 76 school districts in 22 States, and will serve 25,000 children in the 1969–70 school year.

I ask unanimous consent to have printed in the RECORD the article entitled "Projects Under the New Bilingual Education Program" and the accompanying table showing the location and nature of each project funded in bilingual education for the new school year.

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

PROJECTS UNDER THE NEW BILINGUAL EDUCATION PROGRAM

This fall, 76 school districts across the country have initiated pilot projects as part of a new national program of bilingual education. Support for the innovative program—$7.5 million in Federal funds—is being provided under title VII of the Elementary and Secondary Education Act.

The Bilingual Education Program is designed to meet the special educational needs of children and youth, age 3 to 18, who are limited in school because they understand little or no English. Most come from low-income families where English is rarely

spoken. This new program will help these students develop greater competence in English and in their own tongue, and thus expand their educational opportunities.

During the 1969–70 school year, approximately 25,000 youth are being taught factual knowledge and skills in both their native language and English under programs that encompass part or all of the school curriculum. In Arizona's Nogales Elementary School District No. 1, for example, students may receive 75 percent of their classroom instruction in Spanish and 25 percent in English. As they become more proficient in English, instruction will be more evenly balanced between the languages.

A student's study of the history and culture associated with his native language is also considered essential to the program. The Laredo Independent School District in Texas emphasizes developing original instructional materials based on local folklore, history, art, and music. At the San Juan School District in Monticello, Utah, instruction in the history and culture of the Indians, stressing the Navajo, has been added to the curriculum.

The Bilingual Education Program recognizes that a child's mother tongue can have a beneficial effect upon his total education. When used before a child's command of English can carry the whole burden of his education, the mother tongue can prevent retardation in school performance. Moreover, the development of literacy in a non-English language results in a more broadly educated adult.

In addition to programs directed toward children, title VII often serves adult groups, chiefly parents of children participating in the bilingual programs. At the Ukiah Unified School District in California, for example, Mexican-American and Indian parents are being trained to serve as program aides. They help identify the problems and educational needs of their children and encourage other parents to attend adult-education classes. In La Joya, Tex., mothers of participating children are being hired as teacher aides and will be prepared to teach their own preschool children at home.

Sixty-seven of the bilingual projects apply primarily to Mexican-American children whose mother tongue is Spanish. Five are concerned with American Indian languages, two with Chinese, two with Portuguese, and one each with French and Japanese.

Other Federal programs that can be coordinated with the Bilingual Education Program include titles I, II, III, and VIII of the Elementary and Secondary Education Act; the research and development centers and regional laboratories funded under title IV ESEA; the Head Start and Follow Through programs; and the Education Professions Development Act.

For more information on the Bilingual Education Program, or a copy of the 1970–71 guidelines for submitting a proposal, contact: Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education, U.S. Office of Education, Washington, D.C. 20202.

State and city	County	Grantee (school districts or agencies)	Second language	Grade	Served	Amount (estimated)
Arizona:						
Nogales	Santa Cruz	Nogales Elementary No. 1	Spanish	1	107	$41,500
Phoenix	Maricopa	Phoenix Union High No. 210	do	9	100	76,500
Do	do	Wilson Elementary No. 7	do	1	100	26,500
Tucson	Pima	Tucson Elementary No. 1	do	K–1	450	80,302
Arkansas: Gentry	Benton	Gentry No. 19	Cherokee	K–1	50	41,500
California:						
Artesia	Los Angeles	ABC Unified	Portuguese	K–12	392	41,854
Barstow	San Bernardino	Barstow Unified	Spanish	7–12	259	47,851
Brentwood	Contra Costa	Brentwood Union	do	3–4	25	27,426
Calexico	Imperial	Calexico Unified	do	7–9	180	128,402
Chula Vista	San Diego	Sweetwater Union High	do	Preschool–12	595	442,216
Compton	Los Angeles	Compton City	do	K–1	166	76,485
El Monte	do	El Monte Elementary	do	K	30	64,206
Fresno	Fresno	Fresno County schools	do	K–6	200	114,889
Do	do	Fresno City Unified	do	K–7	110	81,000
Gonzales	Monterey	Gonzales Union High	do	7–12	50	41,078
Healdsburg	Sonoma	Healdsburg Union Elementary	do	1	25	36,500
La Puente	Los Angeles	Hudson	do	K–3	1,120	134,324
Los Nietos	do	Los Nietos Elementary	do	Preschool	30	10,000
Marysville	Yuba	Marysville Joint Unified	do	1–8	200	70,502
Pomona	Los Angeles	Pomona Unified	do	7–8	105	30,500
Redwood City	San Mateo	Redwood City	do	1	30	27,200
Sacramento	Sacramento	Sacramento City Unified	do	Preschool–1	260	118,900
St. Helena	Napa	St. Helena unified schools	do	9–12	55	25,515
San Francisco	San Francisco	San Francisco Unified	Chinese	1	25	51,500
Sanger	Fresno	Sanger Unified	Spanish	K–1	45	58,200
Santa Ana	Orange	Santa Ana Unified	do	Preschool	90	244,560
Santa Barbara	Santa Barbara	Santa Barbara County schools	do	K–8	170	79,864
San Jose	Santa Clara	Santa Clara County Office of Education	do	Preschool	40	81,500
Santa Paula	Ventura	Santa Paula	do	do	1,200	71,439
Stockton	San Joaquin	Stockton Unified	do	do	695	139,060
Ukiah	Mendocino	Ukiah Unified	Pomo, Spanish	K–6	35	63,851
Colorado: Denver	Denver	Denver public schools	Spanish	K	80	101,500
Connecticut: New Haven	New Haven	New Haven Board of Education	do	K–6	80–100	75,000
Florida: Naples	Collier	Collier County Board of Public Instruction	do	1–2	240	55,000
Hawaii: Honolulu	Honolulu	Hawaii Department of Education	Japanese	7–12	80	57,947
Illinois: Chicago	Cook	Chicago Board of Education	Spanish	1–8	800	154,000
Massachusetts:						
Boston	Suffolk	Boston School Department	do	1–12	325	108,000
Springfield	Hampden	Springfield Public Schools	do	K–6	297	80,000
Michigan:						
Lansing	Ingham	Lansing	do	7–12	120	94,000
Pontiac	Oakland	City of Pontiac	do	K–12	100	91,000
Nebraska: Scottsbluff	Scottsbluff	Education Service Unit No. 18	do	K	344	59,000
New Hampshire: Wilton	Hillsborough	Supervisory Union No. 63	French	1–3	149	70,000
New Jersey: Vineland	Cumberland	City of Vineland	Spanish	1	791	275,000
New Mexico:						
Albuquerque	Bernalillo	Albuquerque public schools	do	K–1	270	140,059
Artesia	Eddy	Artesia public schools	do	1	110	101,500
Espanola	Rio Arriba	Espanola municipal schools	do	Preschool–6	90	26,500
Grants	Valencia	Grants municipal schools	Spanish, American Indian.	1	220	36,500
Las Cruces	Dona Ana	Las Cruces No. 2	Spanish	K–6	900	65,500
New York:						
Bronx	Kings	New York City Board of Education	do	1–6	525	230,000
New York	do	Two Bridges model	Chinese, Spanish	Preschool–2	270	139,000
Rochester	Monroe	Rochester City	Spanish	Preschool–1	262	169,000
Ohio: Cleveland	Cuyahoga	Cleveland public schools	do	7	177	69,000
Oklahoma: Tahlequah	Cherokee	Cherokee County schools and N. Eastern State College	Cherokee	K	268	98,500
Pennsylvania: Philadelphia	Philadelphia	Philadelphia	Spanish	Preschool–12	810	200,000
Rhode Island: Providence	Providence	Providence School Department	Portuguese	1–2	100	110,000
Texas:						
Abernathy	Hale, Lubbock	Abernathy Independent	Spanish	K	120	51,500
Amarillo	Potter	Peso Education Center, region XVI	do	1	417	101,500
Austin	Travis	Education service center, region XIII	do	1	210	101,250
Del Rio	Val Verde	Del Rio Independent	do	K–4	726	51,500
Do	do	San Felipe Independent	do	K–1	450	51,500
Edinburg	Hidalgo	Education service center, region 1	do	K–6	800	151,500
Fort Worth	Tarrant	Fort Worth Independent	do	K–1	1,007	201,500
Houston	Harris	Houston Independent	do	K–2, 7–12	585	200,850
La Joya	Hidalgo	La Joya Independent	do	K–3	861	51,500
Laredo	Webb	United Consolidated Independent	do	K–6	650	51,500
Do	do	Laredo Independent	do	1–6	420	76,500
Lubbock	Lubbock	Lubbock Independent	do	K	110	151,500

State and city	County	Grantee (school districts or agencies)	Second language	Grade	Served	Amount (estimated)
Texas:						
McAllen	Hidalgo	McAllen Independent	do	1-3	420	55,900
San Angelo	Tom Green	San Angelo Independent	do	K	140	117,170
San Antonio	Bexar	San Antonio Independent	do	K-1, 6-7, 9-12	1,650	201,500
Do	Bexar, Hays	Harlandale Independent	do	1-3	1,320	161,500
Do	Bexar	Edgewood Independent	do	1	405	151,500
Weslaco	Hidalgo	Weslaco Independent	do	1	200	51,500
Zapata	Zapata	Zapata Independent	do	K-2	309	47,500
Utah: Monticello	San Juan	San Juan	Navajo	1-2	160	66,500
Wisconsin: Milwaukee	Milwaukee	Milwaukee Board of School Directors	Spanish	K-2, 7-12	220	45,258

THE SITUATION AT DISTRICT OF COLUMBIA GENERAL HOSPITAL

Mr. MATHIAS. Mr. President, on October 3 I took the floor to discuss the critical situation at District of Columbia General Hospital. I urged the Subcommittee on District of Columbia Appropriations to consider promptly the additional $6 million to $10 million which District of Columbia General Hospital staff members assert is urgently needed to alleviate the conditions there.

During the colloquy, the distinguished Senator from West Virginia (Mr. BYRD) requested certain information which I have obtained from Dr. Murray Grant, Director of the Department of Public Health of the District of Columbia.

I ask unanimous consent to have printed in the RECORD a list of all Hill-Burton projects in the District of Columbia for the fiscal years 1967 through 1969; a summary of admissions criteria at District of Columbia General Hospital; and a table showing District of Columbia General Hospital admissions, costs, and collections for 1963 through 1968.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF PUBLIC HEALTH.

Washington, D.C., October 9, 1969.

Attention: Mr. John Hough.
Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: In response to your telephone request of October 6, I am submitting the enclosed information.

For your convenience and information, I am enclosing copies of material submitted to the House and Senate Committees on Appropriations on the subject of D.C. General Hospital. If I can be of further assistance, please let me know.

Very sincerely,

MURRAY GRANT, M.D.,
Director of Public Health.

D.C. GENERAL HOSPITAL ADMISSION COSTS AND COLLECTIONS, 1963-68

No figures are available on exact number of persons not indigent or medically indigent who receive care at D.C. General Hospital. The admission requirements are:

1. D.C. resident for one year (except for Medicare patients who do not need to meet the one year requirement).

2. Indigent (as determined by D.C. Department of Public Welfare) or Medically Indigent (with an income of less than $3,560 for family of four with provisions for part-pay on the basis of a sliding scale of resources and income for those above $3,560 for family of four.)

Exceptions to the above criteria may be made when:

1. Patient is brought in emergency situation.

2. Patients brought in by D.C. Police Department.

3. Other exceptions as outlined in Department of Public Welfare policies and procedures for receiving free services from D.C. agencies.

4. Under Medicare legislation the patient is entitled to select the hospital for his care and since the Medicare Program will pay full reasonable cost, patients with this coverage may be admitted with subsequent reimbursement from the Federal government.

Since D.C. General Hospital operates on the above policy, there should be no patients admitted who do not qualify for eligibility under one of the above categories.

Many patients will be admitted in an emergency situation and subsequently discharged before a complete eligibility determination can be made. These patients are billed as if they were full-pay patients and accounting records are so established even though these patients may be indigent or medically indigent. Therefore a total figure for accounts receivable is not a valid measure of the amount of care provided to patients not medically indigent or indigent.

You will notice from the attached table that the collections at D.C. General Hospital have been increasing.

A study was done in 1965 on the outpatient clinic at D.C. General Hospital, and it was determined that 90% of the patients were either indigent or medically indigent and therefore qualified for free care. Applying this same percentage to the in-patient figures indicates that we could have expected with excellent collection techniques to recover 10% of our cost. The attached table indicates our actual collections from 1963 to 1969. You will note that the percentage exceeds 10% in 1967 and 1968, due primarily to Medicare beginning in 1967 enabling us to be reimbursed in part for patients who are indigent or medically indigent. We expect this will continue in 1969 due to Medicaid reimbursements.

DISTRICT OF COLUMBIA GENERAL HOSPITAL ADMISSION COSTS AND COLLECTIONS 1963-68

Year	Patients	Patient days	Total cost	Collection	Percent of costs	
					Recovered	Not recovered
1963	28,013	357,440	$12,992,045	$890,662	6.9	93.1
1964	29,030	406,911	14,290,988	970,467	6.8	93.2
1965	28,624	438,582	14,976,625	1,110,333	7.4	92.6
1966	26,276	344,327	15,822,987	1,209,909	7.6	92.4
1967	[1] 23,190	[1] 263,487	16,472,999	[2] 2,302,042	14.0	86.0
1968	22,031	242,903	17,303,617	[2] 2,762,285	16.0	84.0

[1] Acute psychiatry transferred to Directorate for Mental Health and Retardation on Oct. 8, 1966.
[2] Includes medicare payments.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF PUBLIC HEALTH,

Washington, D.C., October 6, 1969.

Attention: Mr. John Hough.
Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: In response to a telephone request from Mr. John Hough of your office, we are forwarding herewith a chart listing Hill-Burton projects in the District of Columbia which were completed during the years 1967, 1968, and 1969.

You will note that some of those projects listed were begun prior to the periods indicated. Allocations over a period of years during the construction have been necessary because of the small amount of Hill-Burton funds allotted to the District of Columbia.

Please advise us if we can be of any further assistance.

Very sincerely,

MURRAY GRANT, M.D.,
Director of Public Health.

LIST OF HILL-BURTON PROJECTS FOR 1967 THROUGH 1969

Project No.	Project Title	Starting date	Completion date	Cost: Hill-Burton	Cost: Sponsor	Cost: Total	Year of funds allocated
DC-21	Cafritz Memorial Hospital	January 1963	December 1968	$1,220,858.00	[1] $9,239,167.00	$10,460,025.00	1962, 1963, 1964, 1965, 1966.
DC-22	George Washington University Hospital	June 1964	July 1969	708,965.00	[2] 6,832,844.00	7,541,809.00	1963, 1964, 1965, 1966.
DC-25	Hearing and Speech Center	June 1966	May 1969	145,744.57	161,039.20	306,783.77	1965, 1966, 1967.
DC-24	Hillcrest Children's Center	June 1965	August 1967	595,963.00	1,227,560.14	1,823,523.14	1964, 1965.
DC-27	Georgetown Hospital, oxygen piping	April 1968	July 1969	36,700.00	73,500.00	110,200.00	1967.
DC-28	Washington Hospital Center	June 1967	August 1969	62,209.33	124,418.67	186,628.00	1967.
DC-33	George Washington University Hospital	May 1968	December 1969 [3]	675,536.43	822,850.57	1,498,387.00	1967, 1968.
DC-35	Georgetown Hospital, exit stairwell	March 1968	November 1969 [3]	34,433.00	68,867.00	103,300.00	1967.
DC-36	Sibley Hospital	June 1968	September 1969	105,000.00	211,000.00	316,000.00	1967, 1968.
DC-26	Children's Convalescent Hospital	November 1966	June 1968	616,563.00	899,230.08	1,515,793.08	1967, 1968.
DC-29	Columbia Hospital	April 1967	April 1968	17,699.24	35,398.49	53,097.73	1967.
	Total			4,219,671.57	19,695,875.15	23,915,546.72	

[1] State aid $3,375,000.
[2] $2,500,000 provided under Public Law 87-460 (direct Federal grant).
[3] Estimated.

GEN. LEONARD F. CHAPMAN, JR. SPEAKS UP

Mr. MUNDT. Mr. President, last Friday night I had the pleasure of attending the banquet of Defense Orientation Conference Association—DOCA—and hearing Gen. Leonard F. Chapman, Jr., Commandant of the Marine Corps address that distinguished group on the problem of American defense. General Chapman delivered an excellent speech directed to the problems of our time. I wish that every American could have heard him that evening. Since that was not possible I ask unanimous consent that his speech be printed in the CONGRESSIONAL RECORD. I commend it to the reading of all who have access to the CONGRESSIONAL RECORD.

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

REMARKS BY GEN. LEONARD F. CHAPMAN, JR.

Ladies and gentlemen, I was extremely pleased when I received the invitation to address you this evening. And I am honored and delighted to be here. At this point in time there are many things that need to be said, and I can think of no better gathering for an exchange of those words.

This is a complex and demanding period of our history. There are many problems that surround us as Americans, and as human beings. New questions face us, old questions flank us, and even older questions—long thought answered—seem now to have resurrected themselves and demand new answers. None of these can be ignored. No one problem is any less important than another. They are American questions and they required American answers.

Now, we are together at this conference to address the case of American defense. It is an old question, and it is a constant need. How, when, where, and with-what are the attendant sub-questions. Almost two hundred years ago when thirteen separate and diverse colonies struggled and groped to join together as a nation, those same elements on the question of defense were present. And it is significant, I think, that some of the same arguments for and against defense—as used almost two centuries ago—are still exercised in the national debate of today. But this isn't thirty years ago. It is *now*. This is a new era, an era of compressed space and a racing clock. Our vast oceans no longer present the obstacles they once did. Our isolation from threatening corners of the globe is a memory, not a physical fact. This is a new time with new demands.

In this new time, when the question of defense is examined—or any question for that matter—two causes become absolute in their effect: the war in Vietnam, and the new generation of Americans. No matter what is said, what rationale is put forth, everything still points back to these two primary causes: America at war, and young Americans.

This evening I intend—as much as possible—to avoid the hardware and organization of American defense. Instead, I am going to address the two subjects that have the greatest influence on American thinking and attitudes toward American defense today, and planned American defense of the future. I am going to talk about the war in Vietnam, and I am going to talk about the Americans who fight that war—the young Americans of this generation.

War, any war, is a monstrous exercise in human imperfection. This is an old truism. The war in Vietnam did not originate that fact, but it is the war we fight now, and we have been fully committed to this current edition of imperfection for more than four and a half years. That is a long, wearisome time. And it has changed little tactically and operationally, this long, fatiguing war. It is that kind of war. It is a guerrilla war, a new kind of war for Americans.

In the long years of fighting there have been no graphic lines of battle, no simple diagram of advancing or retreating forces to follow on a map. There is a country: the Republic of Vietnam. There are people: the South Vietnamese. And there is an enemy: the North Vietnamese. Our intention has never been to destroy the aggressor nation, only to keep that aggressor from destroying his intended victim.

We fight a limited war, but only *our* prosecution of the war is limited, not the enemy's. The enemy moves to and from the sanctuary of his homeland as he chooses. It is up to him if there is to be a war at all. To stop the war, even for a short rest, he merely removes himself. The only means we have to stop the war is to destroy or preempt the enemy in the area of our limited operations.

From the time we entered this war, Hanoi has known that it could never achieve a military victory. In early 1968 a maximum effort was exerted by North Vietnam in their Tet offensive, and the determined effort to seize Khe Sanh. These efforts were a military disaster for them. But even then they were not seeking a true victory in the field. The successes they were denied, were intended to dishearten the South Vietnamese people. Enemy strategy, as stated in the beginning of this war, has not changed. He is willing to suffer ten times the number of our casualties to force the issue of American patience. He gladly trades the lives of North Vietnamese soldiers and the Viet Cong for that patience.

But the weapon of time, like a fused bomb held too long, can destroy its user. It appears now that the vortex of that effort has almost been reached. Time, the weapon employed so well by the enemy, is beginning to work against him now. His raids and attacks against allied forces have lessened. He has cut down his input of replacements and material to his forces in the south; and since his major defeat during Tet of 1968, he has not been able to gain enough momentum to try other major actions. But since his defeat in 1968, he has firmly rebuilt his badly mauled regular divisions, and he holds them in readiness out of the area of operations.

Now we are injecting a new element into this war. We have recently begun a process called "Vietnamization." It goes much deeper than merely strengthening the Armed Forces of the Republic of Vietnam, it goes to the very heart of the conflict. It means much more than just leaving the people of the Republic of Vietnam with a greater military responsibility so that we can withdraw our own forces. It means building a stronger economy, a stronger internal security capability, a stronger government, and a stronger military. It *is* practical, and it *will* work. And the enemy knows this.

He knows what the explosion of the fused bomb of time will cause, if held too long. He knows that the government of the Republic of Vietnam grows stronger with each passing day. He knows that the armed forces of that country grow more efficient, more capable, and that they take on more of the fighting. He knows that as time goes on, and while we continue to fight, he is running out of options. Will he continue to press for an unconditional withdrawal of American forces from the Republic of Vietnam, or will he actually negotiate a settlement? Only the determination of the American people will decide. The outcome of this war depends on that central question. Militarily, time is on *our* side. But will our determination provide the time needed to complete the job?

But in this war, there are other battlefields besides those in South Vietnam. Right here, in this country, a great conflict rages between Americans over that war. You know, I think objective historians of the future will have a difficult time in trying to summarize the actions, and the motives of the participants. Because, at this time, the main point of contention is the one thing all Americans want above all else: an end to the war in Vietnam.

This war is well into its fifth year. The battles being fought over the same ground as the battles of last year and the year before. Americans grow weary of war, and not just this war, but the very idea of war—and the need to be prepared for war. But preparedness for war is synonymous with preparedness for defense. How many wars have not been fought because of this preparedness? And because Americans have been willing to fight on foreign shores, how many times have we avoided fighting here, on our own ground?

So good Americans, gentle people who have never seen war, tyranny or terror call themselves doves. Americans who have never known the shock of violent death at close quarters, or the heavy foot of an invader call themselves "the people of peace." And somehow in this monologue, those who fight tyranny, who seek to eliminate terror—are labeled hawks. These are good people, good Americans who abhor war. But they seek peace at any price.

There is another group against our participation in this war. A group of anti-everything organizations who oppose our involvement only because they are in accord with the principles of the enemy. They employ some of the vocabulary of the pacifists in speaking of this war; but from the very beginning, they have waved the flag of the enemy, burned our own flag, practiced violence, and preached their own war as a means to destroy our present society.

The first group is a traditional interchange of our free society. They disagree, and as Americans they are making every effort to do something about it. They dissent, and it is this right *to* dissent that we fight to preserve. And it is because we believe in such a right that we must be prepared to fight other aggression.

Now, the second group hides behind this right of dissent. Like our enemy in Vietnam, they fight a guerrilla war. They too have a freedom of movement, and the advantage of doing battle when and where they choose. Their sanctuary is the honesty and integrity of the responsible dissenters. That, and the knowledge that this is truly a free country.

How many are there? I don't know, but I do know they are a minority, and they use the methods of sensationalism to carry their fight. Because they offer instant and theatrical violence, because they affect a bizarre appearance, and because they shout obscenities—they are news. Their images march across television screens throughout the nation. Their slogans and actions are chronicled in every newspaper and magazine. And they have had a strong effect. Now some of the words and phrases they have chanted with machine-like dogmatic regularity, have found their way into the national vocabulary: "imperialism," "Militarism," "the American military machine." And their choice of adjectives and text have turned other words and phrases into sinister threats.

Through a hard campaign, and a fluke of timing, these people have become identified with the youth of this nation. They have invaded and squatted on college campuses, and now their latest efforts are directed toward high schools. But they are not young, because their ideas are old: destruction, terror, and tyranny. Their efforts to disrupt normal academic and student activities, to destroy institutions are—it must be remembered—directed against young people, the large majority of young Americans.

Through the attendant publicity, and the tremendous organizational efforts of this group, they have become accepted as representative of today's generation. Like the

enemy in Vietnam, they have managed to turn opinion and labels completely around.

But they are not representative of this generation of young Americans. The majority of our youth, in and out of uniform, continue to work and hope—and fight and sacrifice for a better world, a better time.

I am not saying that today's generation is *not* new, is *not* different. It is indeed. But the idea that they have abandoned old values, old morals, and seek destruction of American ideals is false. If anything, they have reached for those ideals more than any others before them. They are bigger, stronger, and have more endurance than ever before. Because of education and the improved field of communications, they are better informed, more alert, and less impressed by strange places, people, and situations. But these are physical facts. I think the most significant quality of today's young American is his individualism.

In uniform, he continues to serve his country, and serve it well. But it is not the same as in the past. From the very beginning of his military service, this young man has made a decision, individually, without the intimidation of screaming, hate-filled crowds; or an inner compulsion to conform. When he enters the service, he is not simply fulfilling a duty of citizenship. Bombarded by anti-military dialogue and presented daily examples of evasion of obligation, his enlistment or acceptance of induction is not a popular act of conformity. It is an act of faith. An act of faith in the morals and values of this country, and an act of hope in its future.

He certainly harbors no illusions, this young American in the uniform of his country. He has a ringside seat at the contest of polemics. He hears the virtues of patriotism, duty service to country, honor among fellowmen, and courage in the face of danger rendered suspect as to value, and modified in meaning by a generous application of turnabout statistics and reasoning. He doesn't like being referred to as a tool of "American imperialistic aggression," especially when those words are delivered in American accents, but he doesn't really pay too much attention. In Vietnam he is too busy searching for enemy mines, and caches of rockets and mortar ammunition. Enemy mines, rockets, and mortar projectiles that he knows have killed more Vietnamese civilians than they have American troops.

He further observes a nation, a free nation, now tired of war and its expense, question all forms of defense and preparedness for defense. On the one hand he hears men of other nations make clear statements of intent to meet us in a war of destruction, and on the other he listens to our internal debate over the need for protection.

And still these young men serve. They fight a war no one wants. A war that is not glorified in movies, on television, or in print. It is called an *unpopular war*. That statement, in itself, is one of the greatest contradictions of our time. Has there ever been a popular war? Certainly not to the men who fight it. No one wants this war to end more than the young American who puts his life on the line every day—but still they fight.

Where do these young men come from? What are the origins of these men who have fought and are fighting a very hard war? I'm sure you know some of them personally. They are the young men who have chosen to serve their country and they come from the same homes, schools, and neighborhoods they have always come from. Happy homes, broken homes; farms, houses in the suburbs, ghettoes of the inner city; school yards of hot asphalt, and campuses of green lawns and cool ivy. But they all share the quality of individualism—a very rugged and self-sufficient brand of individualism. They will not be intimidated, and when joined together, they are magnificent.

They are Americans, but more important they are participating Americans. What do they think of this country and its institutions? Last November, of all Marines eligible, 74.5 per cent cast their ballots in the national election. This is compared to a Gallup rating of 60 per cent of the entire population.

And what do they think of the war they have fought and are fighting? Since June of 1966, when the first Marines into Vietnam became eligible for rotation back to the United States, a total of 39,000 Marines—officers and enlisted—have requested to serve an additional six months beyond their assigned tours in that country, in that war. That is almost an infantry battalion a month. This is what the young Americans think of the war in Vietnam.

I think the last statement deserves some discussion. A great deal has been said about this war and the fact that it is being fought by professionals. This is true, to some degree, certainly the quality of service by all ranks has been and continues to be highly professional. But in truth, only the senior officers and senior noncommissioned officers can be classified as *career professionals*. And very few of these career Marines extend their tours of duty in Vietnam. They haven't had to. They have known that they would be back for a second tour—and in fact, many of them are doing that now, and some have even begun their third period of assignment to that war. In the Marine Corps, the greatest majority of Marines who ask to stay in Vietnam an additional six months are young privates and corporals—who fire the weapons and carry the ammunition—and young officers who lead platoons and fly the aircraft. As always, these young men are our strength.

What is the quality of the performance of these young Americans? We have one word we use in the Marine Corps to describe maximum performance. It is the only word I can use to describe their service: *outstanding*.

And why does this young man perform so well in Vietnam? Why do so many ask to stay in the face of segments of public opinion that would dictate otherwise? Well, I think it is the same quality that made him choose to serve: individualism, and the ability to find answers himself. His own brand of self-determination.

I could present examples of what our young men are doing in Vietnam by reading some of the many citations that have accompanied decorations in this war. They certainly chronicle countless acts of selfless courage. I could recite endless deeds of well planned programs to assist the Vietnamese in building their country, and eliminating their suffering. Those projects would certainly prove official and collective American compassion. But it is not the large acts that count so much, it is the day to day application of the qualities of courage and compassion that tell.

More than six months ago Marine Sergeant Robert Eaton wrote his family in California, that he wanted to stay in Vietnam another six months. He felt he still had a job to do. Sergeant Eaton was the commander of a Combined Action Platoon—14 Marines who work at the grass roots level in one village, with 30 local Vietnamese militiamen.

When Bob Eaton took over his small, but important command, 1,500 farmers lived in one third of the area supported by the village. Now 2,500 farmers are spread out over the whole countryside, living by night where 8 months ago they wouldn't even venture during the day.

In the commercial part of the village there is a new well, blacksmith shop, better tools for the carpenters, and a rice machine run by a gasoline engine and used by all of the people. But more important, the people have built and are building permanent homes. They have faith in their future. Eight months ago the women wouldn't go near the market place. Now, every morning, 500 ladies of the village complex gather to sell the family produce and wares.

How did Sergeant Eaton accomplish all of this? Where did he get the material to give these people? It's quite simple—he didn't. What he did do was convince the people that the Viet Cong would not bother them because he and his Marines wouldn't let them. And he did this by leading his small unit in standing steady and setting an example of backing the people up. Then, when they were convinced that the Marines could stop the Viet Cong, the local militia took lessons in the matter of village defense—and they learned, and their confidence grew. Sergeant Eaton and his Marines conducted their own "Vietnamization" of their part of this war, and it worked.

Now the Marines of that village are alert, they conduct patrols, and they're ready to assist the local militia in any fight—but the village belongs to the South Vietnamese, and that part of the war belongs to the village.

Sergeant Eaton came home last week. He felt his job was done.

Ladies and gentlemen, I have boundless faith in our great American people—faith in the fact that they do have the patience coupled with the determination necessary to stick out our effort in Southeast Asia as Vietnamization of that conflict progresses to a successful conclusion.

And I see the future of our country in the faces of young Americans who—serving willingly—go to war quietly and efficiently. And when he comes home, he can be sure there will be no national show of emotion to turn his head. He returns as quietly as he left.

The benefits provided our veterans are proper payment for service rendered. But in a free country, where free will is the key to honorable service—money can't be full compensation. The American people must show their faith in these men—must honor them—must give them the dignity of recognition and appreciation.

These young men are the flower of this generation. These are the men who will inherit this country. It is not enough to merely accept their hearts and their sacrifices with a nod—I ask you to actively seek to win their hearts and minds. They have offered them, it is up to you, it is your choice.

Thank you.

PROPOSED RETENTION OF SILVER CONTENT IN THE EISENHOWER DOLLAR

Mr. CANNON. Mr. President, I believe that the issue of whether silver should be included in the proposed Eisenhower dollar comes down to the issue of whether we have or can expect a sufficient supply of silver. I believe that the Treasury has available to it a supply ample to mint a 40-percent clad silver dollar. The absence of these coins from Nevada—the Silver State—has had its economic effect. It is not a nostalgic or sentimental coin, but one that serves the needs, particularly, of Westerners who have grown up in the silver hard-money tradition.

As of a month ago, the Treasury had a silver inventory of 146.9 million ounces, of which 84.6 million ounces was in the form of bullion, and 62.3 million ounces was contained in currency awaiting melting.

Under a program adopted by the Joint Commission on Coinage, the Treasury has continued the sale to the public of 1.5 million ounces per week. It seems to

me that this procedure really uses the Treasury as a bank for the silver manufacturers. I submit that it is a practice which lulls the Nation to sleep so far as silver is concerned, for at this rate we will soon find ourselves without any silver whatever. I believe that the Secretary of the Treasury would be taking a very wise course if he would cut by half the amount of silver offered for public sale.

If the proposed legislation is adopted, less than one-third of an ounce of silver would be used in each dollar coin minted. At the present price range, the small amount of silver would have to have a monetary value of $3.16 per ounce to make it worth while to think about extracting the silver from the proposed Eisenhower silver dollar.

Recently it was pointed out by the American Mining Congress that 14 separate silver commemorative coins were minted during the month following the lunar landing with silver obtained from Treasury sales. I would be interested in knowing by what logic we permit private industry to use silver for such commemorative pieces on the one hand and on the other prohibit the Government from using silver in our currency.

It has been estimated that the United States has approximately 2 billion ounces of silver outstanding in U.S. coinage. Even though a great many ounces never will be recovered, surely more than 1 billion ounces will find their way back into the silver market. This constitutes a very great present and future supply, and I believe it is a fact which successfully contradicts the argument that we do not have a sufficient amount of silver to continue a limited use of this metal in our coinage.

It may be true that the Eisenhower silver dollar may not circulate freely. Certainly this has been the case with the Kennedy half dollar. If so, it will be perfectly understandable that the American people will want such mementoes because of the high esteem in which they hold the late President. But let us not forget that the silver was purchased at a much lower price by the Government, and in such a transaction as the one which Senator DOMINICK and I support, the Government would make a substantial profit on the minting of the silver dollar. We would not be finding a new use for this silver, but we would be putting this precious metal to the use for which it was intended and for which it was originally acquired by the Treasury. Industry and the silver manufacturers would not be deprived from obtaining silver, for I believe there is enough silver to supply industrial needs now that the melting ban has been lifted.

Mr. President, in 1965 Congress overturned the tradition of minting silver coins which had served this Nation well since 1792. Certainly the decline of the purchasing power of our currency would support my position then that we were making a mistake, and to remove silver from coinage would cheapen our money.

History has shown that all nations that resorted to fiat money dealt in a currency that showed the greatest weakness. In the debate of 1965, Congress did decide to retain silver in the Kennedy half dollar, so that we did not completely abandon our faith in the intrinsic value of the U.S. coinage. That certainly was a very wise move, in my opinion, and I believe that the Eisenhower dollar with silver content also will be a small step in the right direction.

Progress since 1965 in the extraction of precious metals from the ground has been slow, but important strides have been made in the recovery of gold. It is my hope that new mining and technological concepts will bring forth new breakthroughs not only in the recovery of gold but of silver, too, so that our supply will not only enable us to use some silver content in the dollar and half dollar, but in other denomination coins as well.

It seems to me that it would be a fine decision on the part of the Congress to preserve the memories of our two late great Presidents in a metal of real value, particularly when we can do so in the knowledge that the Nation's strategic stockpile and the vast quantities of unmelted silver can take care of both emergency and governmental needs for some time to come.

ADDRESS BY DEPUTY SECRETARY OF DEFENSE PACKARD

Mr. MURPHY. Mr. President, I have just read an address delivered by the Honorable David Packard, Deputy Secretary of Defense, at Loyola University in Los Angeles on September 17.

Secretary Packard in his remarks sets forth clearly how well the Department of Defense is at present performing its mission both in the United States and around the world. He also details the strides which this administration has made in 1969 to operate that vast Department as we all would wish.

Mr. President, I am very proud of the outstanding job which Secretary Packard, a California citizen, is doing in a most demanding position. I believe that his remarks at Loyola University will be of interest and benefit to people across our country. I ask unanimous consent that his speech be printed in the RECORD.

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

ADDRESS BY THE HONORABLE DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE

I am happy to have the opportunity to participate in the Citizenship Day Dinner sponsored by Loyola University. Not every university forum today would extend to a visitor from the Pentagon the warm welcome that I have received here.

I shall talk about matters that should be of great concern to us all—about universities, and youth, and the defense of our nation.

These are appropriate topics of discussion in a forum sponsored by a university that bears the name of Ignatius Loyola, soldier and educator.

Incidentally, I discovered, reading the *Autobiography* of St. Ignatius, that he has special relevance—to use the currently fashionable word—to the youth today. For he tells us that, while at Manresa groping for the kind of life to which he could commit his dynamic energy after his military career, for almost a year he let his hair "grow wild, without combing or cutting it. . . ."

The subjects I propose to discuss are also appropriate to the occasion, the 182nd anniversary of the signing of the Constitution of the United States. It is well to remember that the spark and the energy of the second American Revolution, which gave our nation its Constitution, came from younger men dissatisfied with the *status quo*.

Nor should it be forgotten that national defense needs had much to do with the bold decisions made in the Constitutional Convention.

In fact, the only aspect of this talk that may be inappropriate is that I should be the one to talk about youth. I confess that I speak from the far side of the generation gap. Although, as the years go by, I find some comfort in the French proverb that the fifties are the youth of old age, I cannot honestly claim any relationship to youth beyond that of a spectator. Nevertheless, I have had a good vantage point for my observation of youth, both as a former university trustee and as Deputy Secretary of Defense.

Today's youth want to change the world—and to do it in a hurry. They are dissatisfied with much of what their elders are bequeathing to them. They are impatient to rid the society of evil and injustice, to establish peace, eliminate slums, and poverty, uproot racial and ethnic discrimination, cure disease, abolish ignorance, terminate pollution, and to strike down hundreds of other wrongs.

The impulses are generally noble, and the commitment to the well-being of their fellow man is admirable. Though they will not achieve all they hope to do, they will remove many of the blemishes of the social and political order which have been tolerated for too long. Some are over zealous, but there is nothing wrong with this that living a little longer will not solve.

The young people that I know best at the present time are those in our armed forces. I cannot praise them too highly.

I know what President Nixon meant when he used the words, "one of America's finest hours," with reference to our men in Vietnam. If you could hear, as I do every day, tales of the courage, the dedication, the self-sacrifice, the compassion, the generosity that our men in Vietnam are exhibiting, you would understand why the President was moved, while visting American troops there, to use the phrase he chose.

No one, whatever his feelings about why or how we are fighting in Southeast Asia, should feel anything but pride and gratitude toward the gallant young Americans there. And it may not be amiss to note that there, white and black Americans set an example for the home front by living and working and fighting together in harmony, in mutual respect and trust.

The vast majority of the nation's young people, the kind whom I have been describing, the kind of young people in the uniform of their country, receive too little notice. There is, on the other hand, a surfeit of publicity for the nihilistic minority whose aim is destruction and whose tactics are threats, violence, and disorder. These tactics have no place in the United States where the Constitution guarantees orderly procedures for peaceful change. Above all, they have no place on the university campus where reason—not violence—ought to dwell.

Knowing that the disrupters do not speak for their generation, I am less disturbed about their antics than I am about certain currents of public opinion that in the long term could have more serious consequences for the nation. There is a danger that national defense will be neglected in the future, and this danger is heightened by irresponsible attacks on the nation's military forces.

President Nixon noted some of the disturbing current tendencies in his commencement address at the Air Force Academy in June when he said:

"It is open season on the armed forces. Military programs are ridiculed as needless, if not deliberate, waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States."

We all should remember that twice in the lifetime of the generation to which I belong our nation has suffered grievously as a result of irrational reaction against our military forces. In the 1930's, and again in the late 1940's, our military capability was reduced too far. In the wars that followed each of these experiences, the nation paid, in both American lives and American resources, the frightful price of unpreparedness.

The campaign against the military has had repercussions on the campus—notably in protest against the ROTC. At Loyola, which boasts one of the best ROTC units in the Air Force, the relationship between the university and the military has been exemplary. At some other universities, our experience has been far different. In a few, the climate has become so inhospitable that we have had to terminate ROTC programs.

I view these developments with dismay. The ROTC furnishes about half of the new officers commissioned each year. Without it, we would be deprived of the leavening influence that these young men fresh from civilian educational institutions bring to the armed forces. And without it, an important link between the military and the schools of the nation would be broken.

As one reads the nation's periodicals and newspapers—and listens to the hearings of some of the Congressional committees—one can easily get the impression that the Department of Defense does nothing right. We do have some problems—and whenever you have an organization as large as the Department of Defense with 3.5 million military people and over a million civilians, there will always be cases where people make mistakes. Unfortunately, it is only the mistakes that make the headlines, and mistakes are fair game for Congressional hearings. The Pentagon has also done a lot of things right, and, in order to give some balance to the discussion, these are the things I would like to talk to you about.

I submit that the Department of Defense should be judged in terms of its essential function—providing the armed strength to keep the nation and its citizens secure against all external threats—to protect our citizens and vital interests—and to meet our obligations to support our friends throughout the world.

The Department of Defense has served this country well in each of these all-important areas of responsibility.

In the final analysis, it has been the Armed Forces of our country, including our strategic nuclear capability, which has kept Western Europe free. Our military capability has preserved the freedom of the peoples of West Berlin—of South Korea—of Taiwan—and even with our anguish about our involvement in South Vietnam—American military forces there have eliminated the threat of a Communist military victory, which was imminent when they were dispatched there in force in 1965.

The Defense Department has maintained the military strength to enable this country to meet its international responsibilities well—and to deter an all-out attack on both the United States and its Allies.

Our critics, in fact, have complained about an excess amount of strength. I submit to you it is infinitely better to have a little too much than not quite enough.

Two further common criticisms of the military establishment are that our strength is being used for the wrong purposes (as in Vietnam, some would say), or that this strength is purchased at too heavy a cost.

Discussing the first of these two criticisms would take me far from the topics of this address. It is important, however, to remember that the use to which our military strength is put is not determined by the Department of Defense, but rather by the White House and on Capitol Hill.

Those who say defense costs too much sometimes are referring to waste and inefficiency. I grant that there is need for improvement in the efficiency of our operations—in our weapons systems procurement procedures—and in other areas. There is waste and inefficiency which must be eliminated, and I will speak a little later of some of the things we are doing toward this end.

Sometimes those who regard defense costs as excessive are arguing that defense absorbs so much of the nation's output that not enough is left for urgent domestic objectives such as health, education, and welfare. This complaint is exaggerated. Defense spending amounts to about 8 per cent of the nation's Gross National Product, and it is shrinking, not growing. Those who allege that defense gobbles up a major part of the increases in federal revenues or expenditures have not examined the facts. Fiscal Year 1969, which ended last June 30, brought an increase in federal revenues of $35 billion above the previous year. Federal spending was up $6 billion. Defense spending in this year increased by about $500 million while federal expenditures for health, education, and welfare went up by $6 billion.

My purpose here tonight, however, is not to refute the critics. Rather, I want to point out a few of the positive things about the Defense Department that the critics seem to miss. I limit myself to five things that we're doing right.

First, we are progressing in our efforts to train and equip the forces of South Vietnam to assume greater combat responsibility, which permit reduction of American forces in Southeast Asia. Since the present Administration assumed office, building up the strength of the South Vietnamese has had first priority. As a result, the replacement of American troops is under way.

This is a break from the policy of the past that dictated a constant increase in American forces in the theater of combat and assumption by the United States of the major responsibility for the conduct of the war.

We shall not leave South Vietnam in the lurch. We continue to provide a strong and adequate shield against escalation from the North. But, as the combat capability of the South Vietnamese forces continues to grow, the war will become less and less an American war.

Hanoi has responded negatively to our repeated and generous peace offers. While we continue to seek to end the war by negotiation, the policy of Vietnamization is not being held up awaiting a breakthrough in the Paris talks. It is moving forward.

Second, we are progressing in our effort to bring the Defense budget under better control. As a result of painstaking review of that budget, Secretary Laird has announced preparations for cuts during the current fiscal year which will reduce spending by more than $4 billion below the level recommended by President Johnson. This reduction, though somewhat more abrupt than we would like it to be will not seriously reduce our military capability, but will provide added resources for non-defense needs of the country, and will reduce inflationary pressures.

In order to keep the defense budget in proper relationship to non-defense national objectives, we are working on detailed plans for our post-Vietnam forces, and these plans include close control of expenditures as our involvement in Vietnam is lessened.

One of the most important innovations of the new Administration is the recent appointment of a Blue Ribbon Panel headed by Gilbert W. Fitzhugh, Chairman of the Board of the Metropolitan Life Insurance Company, which is engaging in a thorough study of the mission, organization, and operation of the Defense Department. From the results of this study, the first of its kind in more than a decade, we expect valuable guidance in effecting reorganization of structure and improvement in operation. We are fortunate in the exceptional talent assembled to serve as members of this Panel.

Third, we are doing a number of things to improve the procurement system for major weapons. There has been substantial waste in devoting resources to the development of weapons which Defense officials have concluded at some later stage in the process should not be deployed. To avoid this kind of false start in the future, we have instituted new procedures to determine what new weapons systems are required. We are proceeding to make sure that we have eliminated as many technical uncertainties as possible before full-scale development is begun, and that development is complete before production is started.

We are placing more responsibility on the program manager and cutting out some of the layers of managers that have been looking over each other's shoulders.

We have instituted new reporting procedures so that both the Department of Defense and the Congress can verify accomplishment and detect at an early stage lags in performance or excessive costs.

All this may sound dull, but let me assure you that the changes in procuring weapons which I have been describing are important. They will guard against profligate use of the taxpayers' money.

Fourth, we are progressing in reforming the management of manpower in the Department of Defense. We are keenly aware of the fact that people are our most important asset.

We have given particular attention to the problems of ROTC and have worked closely with the universities and colleges of the nation to rectify any shortcomings in the present program.

President Nixon has asked Congress to change the selective service system so that a young man will normally be subject to the draft for only one year of his life and selectees will be chosen by lottery. These changes, along with others which the President has proposed, will eliminate the major inequities of the present selective service system. For a more remote future, we are studying the possibility of making the military a completely volunteer force.

Fifth, we are progressing in using the resources of the Defense Department in a vigorous campaign against such evils as poverty, ignorance, and discrimination. Secretary Laird has given direction and emphasis to such activities by creating within the Department of Defense the Domestic Actions Council which stimulates and guides this aspect of our work. It is impossible in a few words to convey adequately the scope of our activity that contributes directly to the solution of the nation's social and economic problems. We have done much to eliminate discrimination in housing. We run one of the nation's largest school systems in non-military subjects and probably the biggest occupational skill training program in the world. In securing the goods we need, we give special attention to procurement from small business firms and minority enterprise. In addition, we have begun to make our facilities available to disadvantaged youth of nearby communities for learning and recreation.

Millions of young Americans have secured through service in the armed forces the chance to learn that was denied them in civilian life. Millions, as a result of their military service, leave the armed forces with the skills needed to pursue successfully a

civilian career or with the basic education required for continuation of their studies in civilian institutions as well as with an attitude that I can commend to my friends in business and industry. For millions of young Americans, the promise of equal opportunity has been made real as a result of their service in the armed forces.

Our Constitution, the signing of which we are gathered here to commemorate, reflected the cautious attitude of eighteenth-century America toward military power. It established civilian control over the military forces and sought thereby to guarantee that the military would always be the servants of the American people.

No military leader of our country would want it any other way. The subordination of military to civilian authority is fully recognized and wholeheartedly supported by those who wear the uniform.

On the other hand, those who framed the Constitution recognized that the system of government which it established required military power if it was to endure. They selected, after all, as their presiding officer at the Constitutional Convention, the man who had been commander in chief of the armed forces in the Revolutionary War.

Some of the delegates of the Philadelphia Convention had little confidence that the nation they were building would last. One delegate, Nathaniel Gorham of Massachusetts, asked in the course of debate, "Can it be supposed that this vast country . . . will 150 years hence remain one nation?"

They built better than they knew. We have remained one nation far beyond the time span that Nathaniel Gorham predicted.

The proudest responsibility of the armed forces is to support and defend the Constitution of the United States. They will continue to discharge this responsibility with fidelity. And this vast country shall remain one nation under this Constitution as long as our armed forces discharge this responsibility with the trust and confidence of the people whose freedom they guard.

TAX REFORM ACT OF 1969—SUMMARY OF ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 13, the Committee on Finance acted on that part of the House-passed tax reform bill which relates to charitable contributions.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

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

[A press release from the Committee on Finance, U.S. Senate, Oct. 13, 1969]

TAX REFORM ACT OF 1969—CHARITABLE CONTRIBUTIONS

ACTIONS IN EXECUTIVE SESSIONS

Honorable Albert Gore (D., Tenn.), who presided during the afternoon session of the Committee on Finance, announced today that in considering the Tax Reform Act of 1969 the tax treatment of charitable contributions was taken up by the Committee. In deliberation on this portion of the bill, he reported that the Committee had taken action with respect to the different categories of transactions that are set forth below:

Fifty Percent Limitation.—The Committee agreed to the provision in the House bill which would increase the overall limitation on the deduction of charitable contributions from 30 to 50 percent for gifts to "public" charities. In accepting the House provision the Committee also approved a Treasury Department suggestion that a taxpayer's basis for property contributed to public charities be eligible for the 50 percent limitation, and that only the appreciation element in the donated property be limited to 30 percent. (Under the House bill the entire value of the gift of appreciated property would have been limited to 30 percent.)

The Committee also agreed to modify the House provision (and the existing law) to allow contributions to private operating foundations, and private non-operating foundations which distribute the contributions they receive to public charities within one year, to qualify for the 30 percent and 50 percent limitations. This action involved approval of a suggestion made by the Treasury Department.

Unlimited Charitable Contribution Deduction.—The Committee agreed to repeal the unlimited charitable contribution over a 5-year period. This is the same period provided for the House bill.

The Committee did modify the 5-year phase-out rule, however, so that the following features of the House bill would not apply in the case of the unlimited charitable contribution deduction:

(a) The inclusion of appreciated charitable gifts as tax preferences within the limit on tax preferences and allocation of deduction rule,

(b) the allocation of the charitable deduction,

(c) the 30 percent limit on gifts of appreciated property,

(d) the appreciated property rule in the case of property which would give rise to a long-term capital gain if sold.

The Committee was advised that these rules (if applied) would often render the special phase-out for the unlimited charitable deduction meaningless, in effect causing the immediate repeal of this deduction rather than a phase-out.

Gifts of Appreciated Property.—The Committee generally agreed to the provisions of the House bill which require that the amount of appreciation in value of property donated for charitable objectives be taken into account for Federal income tax purposes. However, the Committee modified the House rules in a number of respects, as follows:

(1) In the case of gifts of capital gain property to private foundations, the Committee adopted a simplified rule for taking the appreciation into account. Under this rule, the donor would be allowed a charitable deduction equal to his cost or other basis for the property, plus one-half of the appreciation. This rule is a susbtitute for the dual House rule which involved either deducting only the cost of the property or retroactively deducting the value of the property by including the appreciation in income. The Committee's rule achieves substantially the same net effect as if the donor had included the appreciation in income and claimed a charitable deduction for the fair market value of the property.

(2) The Committee removed gifts of future interest in property (which is not tangible personal property or ordinary income property) from the types of property to which the appreciation rules of the House bill apply. The Committee felt the inclusion of future interest within the appreciation rules could have a substantial adverse effect on charitable giving to public charities and schools, since future interest gifts are a common form of charitable giving.

(3) The bargain sale provision of the House bill was deleted. Under this action, sales to charity of appreciated property for less than its fair market value would not give rise to any allocation of basis between the portion of the property sold and the portion given away. Stated differently, under this Committee decision, no gain would be recognized for tax purposes because of the making of the bargain sale.

With these changes, the Committee approved the appreciated property rules of the House bill. Specifically, it approved the amendments which require that appreciation in value of gifts of tangible personal property (such as art works and books) be subject to the appreciation rules.

Two-Year Charitable Trusts.—The Committee approved the House provision without change.

Charitable Contributions by Estates and Trusts.—The Committee adopted the House provision which would eliminate the deduction for amounts set aside for charity, which is presently allowed non-exempt trusts, subject to certain modifications.

(a) *Set-Aside Deduction.*—First, the Committee restored the set-aside deduction in the case of estates, since it may often be impractical or contrary to probate law for an estate to make current distributions. The Committee also restored the set-aside deduction in the case of pool arrangements under which a person transfers property to a public charity which places it in an investment pool and pays the donor the income attributable to the property for life. This set-aside deduction, however, would be limited to the amount of the pool's capital gain income. The Committee took this action in order to prevent a significant adverse effect on the use of these arrangements which have been increasingly relied on by public charities.

(b) *Irrevocable Trusts; Wills.*—The Committee also restored the set-aside deduction in the case of certain types of existing arrangements which were established in contemplation that the deduction would be available. The set-aside deduction will continue to be available under the Committee action in the case of existing irrevocable trusts (established before August 1, 1969). The deduction also would continue to be available, as recommended by the Treasury, for trusts established pursuant to a will in existence on August 1, 1969, which cannot be changed under State law prior to the person's death because of his incompetency or other disability. In the case of trusts provided for in wills in existence on August 1, 1969, the set-aside deduction will continue to be available if the person dies within three years.

(c) *Effective Date.*—The Committee also adopted the Treasury recommendation that the elimination of the set-aside deduction apply only with respect to taxable years beginning after 1969.

Gifts of the Use of Property.—The Committee adopted the provision of the House bill which denies a deduction for gifts of the use of property with a modification to insure that this provision does not have unintended effects such as denying a deduction for an outright gift of a fractional interest in property. Generally, the Committee's action would restrict this provision to gifts of terminable interests in property or future interests in property.

Charitable Remainder Trusts.—The House bill provided that the charitable contribution deduction (for income, estate, and gift tax purposes) would be allowed for a charitable gift of a remainder interest in trust only where the trust was an annuity trust (i.e., it specified the annual amount to be paid the noncharitable income beneficiary in dollar terms) or was a unitrust (i.e., the specified amount was expressed as a fixed percentage of the value of the trust's assets).

The Committee, in general, accepted this provision of the House bill but adopted a series of modifications of the provision to provide persons with greater flexibility in making this type of gift and to reduce the potential adverse effect of the provision on established forms of giving, while at the same time protecting against the abuses to which the provision is directed.

(a) *Pooled Arrangements; Gifts of Real Property.*—First, the charitable deduction would continue to be allowed in the case of gifts to pool arrangements even though the

annuity trust or unitrust requirement was not met. In this case, however, the amount of the charitable deduction would be determined with reference to the highest rate of return from the particular pool or fund during the three years prior to the contribution. A similar situation in which the Committee decided to allow a charitable deduction, even though the annuity trust or unitrust requirements are not met, is in the case of gifts of real property to charity where the donor and/or his spouse reserve the right to live on, or receive the income from, the property for life. Where appropriate, straight-line depreciation or cost depletion would be taken into account in valuing the charitable gift.

(b) *Unitrusts and Annuity Trusts.*—The Committee also adopted a modification of the unitrust rule in order to provide greater flexibility with regard to this type of gift. Under this modification, a unitrust would be required to pay the noncharitable income beneficiary only the amount of the trust income where this is less than the percentage amount stated in the trust. In addition, deficiencies in income distributions (i.e., where the trust income was less than the stated percentage amount) could be made up in later years when the trust income exceeded the stated percentage amount. As under the House provision, however, the percentage amount would continue to be used in determining the amount of the deduction allowed for the charitable remainder.

The Committee also modified the definitions of an annuity trust and a unitrust to permit these trusts to have more than one noncharitable income beneficiary.

(c) *Effective Dates.*—The Committee also adopted certain modifications of the effective date provisions of the charitable remainder trust rules. For purposes of the income tax charitable deduction, the new rules are to be applicable only to transfers in trust after October 9, 1969. For estate tax purposes, the new rules are not to apply in the case of trusts created before October 9, 1969, which provide an irrevocable gift to charity. In addition, the new rules are not to apply with respect to trusts created by wills in existence on October 9, 1969, if the person dies within three years. Finally, the new rules are not to apply with respect to trusts established in wills in existence on October 9, 1969, which may not be changed under State law prior to the person's death because of his incompetency or other disability. The Committee took these actions since they involved situations where the new rules could not have been taken into account and, therefore, the Committee felt it inappropriate to deny a charitable contribution deduction in these cases.

Charitable Income Trust with Noncharitable Remainders.—The Committee adopted the House provision regarding the allowance of a charitable deduction for a gift of an income interest to charity in trust with minor modifications. Generally, under the House provision a deduction would not be allowed in these cases except where the grantor is taxable on the trust income. The purpose of this rule is to prevent the taxpayer from receiving a double benefit (i.e., a charitable deduction and also an exclusion from his tax base of the trust income). Since the possibility of this double benefit is present in the case of the income tax charitable deduction but not the estate and gift tax charitable deductions, the Committee decided to make the new rules (other than the requirement of an annuity trust or unitrust format) inapplicable for estate and gift tax purposes.

The Committee also decided to make the new rules for purposes of the income tax charitable deduction applicable to transfers in trust after October 9, 1969.

Repeal of 7 Percent Investment Tax Credit.—As previously announced by the Committee (on October 10, 1969) the provisions of the tax reform bill repealing the 7 percent investment tax credit were modified to conform to the actions taken on September 19 when it considered this matter. In its announcement of October 10, the Committee reported a single modification of the earlier decisions—a modification narrowing the type of equipment eligible for the credit under the special transitional exception for "rolling stock" of railroads.

Today the Committee gave final approval to one further modification urged by Senator Goodell of New York. Under this modification a contract between members of an affiliated group entered into before April 18, 1969 (which under the House bill would not be treated as a binding contract) will be treated as a binding contract where the affiliation between the parties to the contract is ended before June 30, 1969.

THE STRATEGY OF DEFEAT

Mr. MUNDT. Mr. President, I have just read in the Daily Plainsman, published in Huron, S. Dak., the column written by Roscoe and Geoffrey Drummond on the issues in the Vietnam debate.

This column spells them out clearly and concisely. The article is short enough for anyone to read and to understand. I hope that the people who sit on the Capitol steps tomorrow will read what these men have to say.

If there is one thing on which there are more arguments based on improper assumptions than the Vietnam situation, I do not know what it is. President Nixon has shown the way. He has withdrawn troops, he has cut the draft call for 3 months, and he has invited Hanoi to show some like action. Thus far, the Communists have not done much to de-escalate the war.

But the final warning in this column is the one devastating point that all should consider, supporters and critics alike:

If the critics of careful and staged withdrawal of American troops keep mounting new pressures to force the United States to break every deadlock with new proposals, that is the tactic by which the United States makes all the concessions and the other side none. The end of that road is to throw away the peace before negotiations are ever started.

I ask unanimous consent that the column be printed in the RECORD.

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

FACTS OUTLINED TO CLEAR UP DISTORTIONS IN VIET DEBATE

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—Debate on Vietnam is so distorted that it is urgent to get the facts into the open.

The nation is surfeited with conflicting arguments which neither meet nor answer each other.

The purpose of this column is to bring out the pertinent facts in order to judge better where good sense lies.

THE CRUCIAL ISSUE

Argument—Many Vietnam critics claim the only thing that counts is for the United States to pull out completely now, certainly far faster than President Nixon is moving. That's easy, isn't it? Why not?

Answer—There are two goals, not just one. They are to turn more and more of the fighting over to South Vietnam and to do this in a way and at a pace to bring about serious negotiation and a peaceful settlement of the war. Both are crucial.

If you believe that surrendering the peace in South Vietnam to Hanoi is acceptable, then mass withdrawal, whatever the consequences, is the way to do it.

If you believe that the shape of the peace is vital, then careful, prudent, staged withdrawal is the way to do it.

FAIR ELECTIONS

Argument—Critics argue that "there can be no fair elections in South Vietnam under the supervision of the South Vietnamese regime."

Answer—The free elections proposed by Washington and Saigon would not be under the supervision of the South Vietnamese regime. They would be internationally supervised, and Hanoi has opposed such free elections because it doesn't want international supervision.

COALITION

Argument—It is argued that Hanoi and the Viet Cong cannot be assured free elections unless a new "coalition government," including the V.C., replaces the present elected government before any new election is held.

Answer—If the purpose of Hanoi and the V.C. in demanding a pre-election coalition is to ensure elections fair to all, this condition has already been met.

Presidents Nixon and Thieu have already proposed a "coalition commission" on which the NLF and the Saigon government would be equally represented along with international supervisors.

HANOI'S REAL PURPOSE

Argument—It is often argued that the demand of the Communists for participation in the government of South Vietnam prior to elections is a reasonable, innocent precondition to holding elections.

Answer—This demand is made to sound innocent and reasonable by not stating what the Communists are really demanding. They are demanding that the elected Thieu government be ousted. They are demanding that the organized non-Communists be removed from office. They are demanding that the Viet Cong through the NLF be allowed to create a new government (without elections) in coalition with unorganized non-Communists who would be without any political structure, without leaders and without any military force.

The objective of such a coalition is a negotiated Communist takeover.

PEACE VERSUS COUNTERFEIT PEACE

Argument—It is often argued that the way to get serious peace negotiations moving in Paris is to make more concessions to Hanoi and the V.C.

Answer—If the critics of careful and staged withdrawal of American troops keep mounting new pressures to force the United States to break every deadlock with new proposals, that is the tactic by which the United States makes all the concessions and the other side none.

The end of that road is to throw away the peace before negotiations are even started.

TESTIMONY OF STANLEY SURREY BEFORE COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, as the current debate on tax reform in the Senate enters the new phase of executive sessions in the Committee on Finance, many of us are already beginning to anticipate the long-awaited opportunity to participate in the debate when the committee bill reaches the Senate floor.

I have recently had the opportunity to read the testimony of Prof. Stanley Surrey of the Harvard Law School, formerly Assistant Secretary of the Treasury in

the administrations of Presidents Kennedy and Johnson, and one of the foremost experts on Federal tax policy in the Nation. In his testimony, which was given before the Finance Committee at the end of last month, Professor Surrey deals clearly and succinctly with almost all of the most controversial issues in the tax reform bill passed by the House. I believe that his testimony will be of interest to all of us in the Senate who are interested in the cause of tax justice. I ask unanimous consent that the testimony be printed in the RECORD.

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

SUMMARY OF STATEMENT

(By Stanley S. Surrey)

The Tax Reform Act of 1969 is a very significant step forward in the accomplishment of the vital task of reform of the Federal tax structure. It is not the end of the road, but it is a major beginning that takes us a considerable way forward. In the area of tax reform, major beginnings are certainly major events.

INDIVIDUAL INCOME TAX

The House Bill is a major step forward in beginning to meet the problems of tax reform under the individual income tax:

As to *low-income taxpayers*, the Bill fully meets the problem of the present system, that of taxing those below the poverty level and placing unfair burdens on those low-income families above that level.

As to *middle-income taxpayers*, the Bill meets the major goal of restoring tax simplicity and tax equity in the case of the personal deductions by significantly increasing the standard deduction. The Bill could be improved by revising the tax treatment of the elderly and disallowing the gasoline tax deduction.

As to *high-income taxpayers*, the Bill commences in a significant way to restore tax fairness through its elimination of the unlimited charitable contributions deduction; its removal of the alternative rate on capital gains and the extension of the six months holding period to a year; its provision for future issues of taxable state and local bonds; its partial cut-back on the tax preferences accorded real estate—a cut-back which should be pushed further; and a number of other special matters. Its adoption of the minimum tax or limit on tax preferences and allocation of deductions provisions provides a partial offset to the remaining preferences that will, if properly implemented, serve to prevent the gross escapes from tax that are now prevalent. But these two provisions as presently structured have serious omissions which should be corrected.

The Bill *falters seriously* in its treatment of farm tax losses and embarks on an unwise approach in placing a 50% limit on the top marginal rate applicable to earned income. It also unwisely introduces a new tax incentive in the five-year amortization of certain rental housing rehabilitation expenditures.

CORPORATION INCOME TAX

The House Bill is a significant step forward in beginning to meet the problems of tax reform under the corporate tax:

With respect to the industries with the present lowest effective rates:

As to *financial institutions*, the Bill brings the effective tax rates of the commercial banks, mutual savings banks and savings and loan associations closer to those paid by business generally, and also reduces the range of differences within these institutions themselves.

As to *natural resources*, the Bill reduces the percentage depletion rates by about 25% and ends the abuses associated with mineral production payments. But it fails to deal with the aspect of intangible drilling expenses in the oil industry and the tax preference accorded to timber.

With respect to *other preferences:*

The Bill ends the tax escape now provided for multiple corporations.

The Bill cuts back on the tax preferences accorded to real estate.

The Bill strengthens the rules governing foundations and other tax-exempt organizations.

But the Bill has a *serious weakness* in the addition of new tax incentives:

The five-year amortization for pollution control facilities.

The five-year amortization for housing rehabilitation expenditures.

The seven-year amortization for railroad cars.

PESSIMISM AND TAX BENEFITS

There is no one so pessimistic about the future of the country as an industry or taxpayer faced with losing a tax preference. These Hearings seen. replete with industries and taxpayers who can see only gloom ahead. The correlation between pessimism and tax benefits is indeed high, for these prophets of gloom assert that their pessimism for the future should be reflected in continued or increased tax preferences.

Most of the pessimism is self-assertion, for there are few, if any, studies that document the beliefs. All see the tax system as a device to pour out financial assistance to industries and activities that do not want to trust to the marketplace. The accent is not on private enterprise, but on private enterprise plus tax assistance. None is willing to pull back on the preferences so we can see if the pessimism is really warranted and to see if Government assistance is really needed. And then, if the assistance is really needed, to see it provided through direct expenditure programs.

It should be clear by now that this tax incentive rationalization, this infusion now of social goals into tax provisions adopted long ago without any thought of incentive or social programs or the like, can only be destructive of an equitable tax system and an efficient use of Government resources. It is the proper course now to cut back these tax incentives and await the future. The House Bill is a good start and should be pushed forward, not stripped back.

RATES OF TAX AND REVENUE COST

Those first in line for tax relief when reduction is considered feasible, are the low-income taxpayers. Those next in line are the middle-income taxpayers not itemizing deductions for personal expenses. The House Bill fully meets these two claims for relief. It then goes on to reduce tax rates throughout the rate schedule. The result is a total long-run revenue loss of $2.4 billion.

Looking ahead to 1979, such a loss is hardly significant, considering the hazards of revenue estimates. In all likelihood such a tax reform bill cannot provide a net revenue gain, even though an appraisal of national priorities would put more emphasis on expenditure programs than such a large tax reduction. But aside from this thought, the margin for concern about the revenue aspects, i.e. the $2.4 billion loss in 1979 considered as an absolute matter, is small. The Treasury appears to recognize this, for its changes would leave a revenue loss of $1.3 billion—the difference of $1 billion is hardly cause for major economic judgments.

The important matter is the composition of the tax reductions. The Treasury approach to the House Bill is to make the across-the-board individual rate reduction paramount and to strip back the relief for low and middle-income families. This is an upside-down view of the priorities for tax relief, a misstating of priorities, and a negation of the essential task of tax revision. The House Bill approaches that task properly by giving full relief to those first in line for it.

The tax liability reduction under the Treasury approach shows a large reduction in the $0–$3000 bracket and then proceeds to a relatively flat decline from $5000 on to $100,000. In contrast, the House Bill shows significantly larger reductions up to the $20,000 bracket than the Treasury approach, and the slope of the tax reduction is far from flat. There is no question but that the House Bill has a fairer distribution of the tax reduction.

The Treasury approach, after cutting back the reductions in the low and middle-income brackets, is then to use the revenue so obtained to reduce the corporate tax rate by two points. Such a change is not defensible on tax equity grounds or on economic stabilization grounds. The Treasury desire to remove the investment credit was based on the ground that capital formation was at a high level now and no general investment incentive was needed. From a stabilization standpoint there is no point in substituting a corporate rate reduction for the investment credit.

As to future growth and the relative balance between consumption and investment, we can afford to wait a bit until the present inflationary pace really wears away to see if capital formation will then lag. If it does, a resort again to an investment credit can be more meaningful than corporate rate reduction. There is no point now in choosing weaker devices on the assumption that capital formation may later need strengthening.

CONCLUSION

The Ways and Means Committee and the House have taken a significant step forward to the goal of a fairer and simpler Federal income tax. It is now up to this Committee and the Senate to make that step a decisive one. The House Bill is a fine structure to build upon. It can be strengthened in a number of ways and these weaknesses should be corrected. But its many, many strengths should be retained.

STATEMENT BY STANLEY S. SURREY BEFORE THE COMMITTEE ON FINANCE, U.S. SENATE, ON THE TAX REFORM ACT OF 1969, H.R. 13270, SEPTEMBER 25, 1969

I appreciate the opportunity to appear before this Committee in the Hearings on the Tax Reform Act of 1969.

The Tax Reform Act of 1969 is a very significant step forward in the accomplishment of the vital task of reform of the Federal tax structure. It is not the end of the road, but it is a major beginning that takes us a considerable way forward. In the area of tax reform, major beginnings are certainly major events.

Major tax bills are bulky, complex documents replete with technical language. It is often difficult to obtain an overall perspective regarding the basic aspects of such a bill—the significant changes that are involved, the degree of progress or retrogression in improvement of the tax structure, the swing of the pendulum toward tax simplicity or tax complexity. I believe it would be helpful in obtaining perspective on the effectiveness of this bill in achieving tax reform to consider first the dimensions of tax reform—that is, what are the problems or issues of tax reform—and then to see what the bill actually does in meeting those problems and issues.

INDIVIDUAL INCOME TAX

I will start first with the individual income tax. A consideration of the dimensions of tax reform under the individual income tax indicates that several distinct factors are involved. Some factors are paramount for one group of taxpayers, while other factors predominate for the remaining groups. These different factors, of course, call for different approaches. Hence, I will separate these con-

siderations into three broad taxpayer classes—low income, middle income and high income—and discuss the factors that are relevant to each group and the pertinent provisions of the House Bill.

LOW-INCOME TAXPAYERS

The significant factor regarding low-income taxpayers is that the individual income tax is imposed on people whose incomes fall below the poverty line, and also bears heavily on those close to the line. Since that line is intended to measure the levels of income, by family size, which are barely sufficient to provide the necessities of life, there is justification for concluding that the income tax should not reach down below those levels. While poverty line definitions are to some extent arbitrary, so also is any cut-off utilized under the income tax, and the poverty line classification can well be used as a presumptive point for fixing the line of exemption from the income tax. The present income tax exemption levels, based on the combination of the $600 per person exemption and the minimum standard deduction, are considerably below the poverty line levels, especially for single persons and married persons with no or few children. Thus, a single person with income above $900 is subject to income tax, and yet the poverty line for single persons is around $1700; a married couple pays tax if their income is above $1600, whereas the poverty line is about $2200. There are about 2.2 million families in poverty who are now subject to tax.

The income tax change best designed to relieve this situation is to increase the present *minimum standard deduction*. Revision in the amount of that deduction will concentrate the revenue involved in the lowest income group and among single persons and married persons with small families, where, as stated above, we find the widest disparities between the present income tax exemption levels and the poverty line. No other tax change—increase in personal exemption, decreases in tax rates, etc.—will accomplish this purpose with the same effectiveness. The revenue cost depends on the amount of increase that is made in that deduction and the manner of its application.

The House Bill fully meets this problem of tax reform for the low-income taxpayers. It raises the present minimum standard deduction from $200 (plus $100 for each personal exemption) to $1100 per taxpayer, effective in 1971. (The name is changed from "minimum standard deduction" to "low income allowance.") The effect of the change is to place the start of the income tax at essentially the poverty level—thus fully exempting those below that level—and to give substantial tax relief to low-income families in the area above the poverty level.

This approach is far preferable to that contained in the earlier version of the low-income allowance (H.R. 12290) which involved a scaling-down of that allowance, so that it eventually disappeared and only the present minimum standard deduction remained. Such a scaling-down is retained in the current House Bill for 1970 and a modified permanent scaling-down has been recommended to your Committee by the Treasury Department. But a scaling-down approach is decidedly undesirable in meeting the problems of low-income taxpayers. While the initial allowance does exclude those below the poverty level from the income tax, the scaling-down has the effect of providing less relief to those low-income families above the poverty levels and far less overall relief to the lowest brackets than does the undiluted approach taken in the House Bill for 1971. Thus, that Bill achieves $2.6 billion of tax relief for these low-income families as compared with only $625 million under the scaling-down approach in 1970 (the original Treasury approach) and only $920 million under the latest Treasury scaling-down proposal.

The scaling-down approach also has the decided disadvantage and unfortunate effect of providing a high rate of tax for all low-income taxpayers who remain subject to tax. Thus, in 1970, under the general rate scale in the House Bill (which is the same as present law) the first bracket rate on income above the exempt level is 14% on the first $500, 15% on the second $500, 16% on the next $500, and so on. Under the scaling-down approach in the Bill, however, the rates in effect for 1970 are much higher—for example, the starting rate really becomes 21% instead of 14%. Thus, under the new table for that year, a single person is exempt if his income is below $1700. As he earns income in excess of $1700 his tax rate is 21% on the first $500 earned, 22½% on the next $500, and 24% on the next $500. The same effect exists for married persons. This is because the taxpayer not only pays tax on each dollar he earns, but each such dollar also adds $.50 more to his taxable income because his low-income allowance is sliced $.50 for each $1 of income. These high rates do not show up in the law or tax returns because the tax is stated only in table form—nor are they discussed in the House Committee's Report or the Treasury proposals. But the disadvantage of very high marginal rates for these brackets exists under the scaling-down approach. Fortunately, the House Bill in 1971 eliminates the scaling-down and thus eliminates these high marginal rates for that year and thereafter.

However, under the permanent scaling-down approach now recommended by the Treasury, the aspect of high marginal rates would persist. The scaling-down is slower—the low-income allowance would be sliced $.25 for each $1 of income—and the marginal rates would not be as high as in 1970, but they would be high. Thus, in 1971, when the general rates are stated to be 13% on the first $500, a low-income person subject to tax would under the Treasury approach actually have a rate of 16¼% on *his* first $500 of taxable income; when the general rate is 14% on the next $500, the low-income person would actually have a rate of 17½% and so on. Thus, for low-income taxpayers, the tax tables under the Treasury scaling-down really involve actual tax rates 25% higher than the rates used in the general rate tables and which people presumably think are the rates applicable.

It is right to exempt from tax completely those persons whose incomes are below the poverty level. It is not right—as the Treasury would do—to tax at high rates those persons whose incomes are just above the poverty levels. The House Bill in rejecting a permanent scaling-down is thus distinctly preferable to the Treasury recommendation to use that device.

MIDDLE-INCOME TAXPAYERS

In 1944 the Congress took a major step to improve the simplicity and fairness of the individual income tax when it adopted the standard deduction—at 10% of gross income up to a maximum deduction of $1000. This standard deduction was then used on about 82% of the tax returns. This action had two consequences: From the standpoint of simplicity, for the great mass of taxpayers the computation and record keeping under the income tax were greatly simplified. From the standpoint of fairness, for this group variations in deductions for personal expenses would not affect tax liabilities so that the tax burden was the same within the range of the average for these deductions. Only those taxpayers with personal expenses above the average could affect their tax liabilities through those expenses.

Since 1944, however, these important gains in simplicity and equity have steadily eroded away. In 1969, it is estimated that only 57% of tax returns will utilize the standard deduction. In the intervening years, average deductions have risen, making the 10% figure inappropriate, and incomes have also risen, making the $1000 limit inappropriate; yet those two aspects of the standard deduction have remained unchanged. The result is increased complexity for taxpayers, and a greater spread of actual tax liabilities for taxpayers largely similarly situated.

It must be remembered that many taxpayers who actually bear the burdens of these personal expenses cannot obtain the itemized deductions for those expenses since they do not directly pay the items, such as tenants who in their rent bear the costs of property taxes and interest. In these cases, the purpose of the standard deduction is to prevent serious unfair distinctions in tax burdens. And even where there are actual variations in personal expenses, the precise reflection of those variations in many cases would produce only small tax differences, whose reflection in tax liability is out of all proportion to the complexity involved in keeping track of the items. This is especially so where the deductible personal expenses themselves raise qualitative judgments on which people differ. In these cases, the standard deduction serves to prevent taxpayers from being involved in excessive costs to obtain at best minor equity advantages.

As a result, our goals of simplicity and fairness point in the case of this group of taxpayers—those with incomes from about $7000 to $25,000—to a revision which would restore, as far as possible, the effectiveness of the *standard deduction*. This step requires both an increase in the 10% figure and the $1000 limit, and the revenue cost involved depends on the extent to which these amounts are increased.

The House Bill here also meets the problem of tax reform for this group of taxpayers. It increases the standard deduction to 15% by 1972 and raises the limit to $2000. The effect, in combination with other changes in the Bill, would be that about 80% of returns would again be using the standard deduction. This is clearly a major gain in both tax fairness and tax simplification.

The Treasury recommendation to your Committee to increase the standard deduction only to 12% and $14000 is a decidely inferior approach and should not be adopted.

A word as to revenue costs and the priorities for tax reduction may be appropriate here. The $1100 uniform minimum standard deduction or low-income allowance with no scaling-down costs $2.7 billion under the House Bill. The 15%–$2000 standard deduction costs $1.3 billion. The revenue is well spent, however, and goes to the persons under the individual income tax who held the top priority for tax relief when revenues for that relief became available, as they do under this Bill. These are the people who are first in line for tax relief, for they are treated unfairly and less favorably than other taxpayers under the present law—the low-income groups who can least afford the income tax burden and the middle-income groups who do not benefit from itemized deductions.

The Treasury, however, seems to have an upside-down view of the priorities for tax relief. It gives top priority to the across-the-board rate reduction under the House Bill in the individual tax of $4.5 billion, stating that it "represents reasonable, equitable tax relief" because it "does not discriminate between itemizers and non-itemizers, between homeowners and tenants" and so on—"it provides even-handed non-discriminatory relief."

But the task of tax reform and tax revision—when taxes are being reduced—is to see whether the present treatment is fair or unfair and to correct injustices first rather than simply uniformly to change tax rates. Such a uniform adjustment is appropriate in a temporary measure adopted for economic stabilization reasons—a 10% surcharge (though even here the lowest brackets were exempted) or a 10% reduction to avoid a re-

cession. There the task is not to change existing relationships and not to consider basic tax policy issues—these are to be left to permanent tax recision. But now we are engaged in just such a revision where the task is that of examining just who is treated more favorably and who less favorably under the tax system. To approach such a fundamental revision by saying, as does the Treasury, that the first tax priority is across-the-board rate reduction would mean we would never really ever deal with the basic issues in an adequate way. The Treasury approach is thus a misstating of priorities and a negation of the essential task of tax revision. The House Bill approaches the matter properly by giving full relief to those first in line for it.

Several additional matters not in the House Bill may be mentioned with respect to the middle-income groups. Another step that can achieve simplicity, and also is in keeping with tax fairness, would be to eliminate the deduction for *state gasoline taxes* where the item is a personal and not a business expense. Like the non-deductible federal gasoline tax, the state gasoline tax is essentially a charge for the use of highway facilities and, therefore, should not be deductible. This step is now recommended by the Treasury.

Simplification and fairness for this group also call for a complete revision in the *tax treatment of the elderly*. The present rules are a maze of complexity adding up to a full page on the tax return. They also involve unjustifiable discriminations among the elderly through differing tax treatment for different sources of income, here bearing adversely on those elderly who need to continue working after reaching age 65. Further, they provide unneeded tax relief for those elderly who are well-to-do. The February Treasury Proposals involved a complete revision of present rules, with a revenue cost of $80 million.[1]

HIGH-INCOME GROUP

Breakdown in Fairness. The problem presented in the high-income group is a complete breakdown in the fairness of the individual income tax. A few examples will illustrate this:

In 1967 there were 155 tax returns with adjusted gross income above $200,000 on which no income tax was paid, including 21 returns with incomes above $1 million. But these figures do not measure the full degree of tax escape at this level. If *actual* incomes were used rather than *adjusted gross income*—so that items such as tax-exempt interest, full capital gains, excess percentage depletion, farm "tax losses", excess real estate depreciation, and intangible drilling expense deductions were included in the total amount of income—the number of individuals with incomes above $200,000 and $1 million who are paying no tax would be higher. This figure would provide a more accurate description of the escape from tax in this group. Thus, some individuals who now show up in Statistics of Income below $200,000 and even in the $0–$3000 bracket or with a loss, and who are paying no tax, would—if these excluded items were added to their adjusted gross income—be in the above $200,000 group and even above $1 million—and still, of course, be paying no tax. Present data, however, presumably do not permit a statistical reclassification on this basis.

For those who pay tax, in the group with over $1 million of *actual income* (before personal expense deductions), the effective rate of tax for about 75% of the group clusters in the area between 20% and 30%.[2] This may be compared with taxpayers in the group between $20,000 and $50,000 of actual income, where about 60% [3] cluster in the same effective rate area between 20% and 30%, yet the $1 million and over group per taxpayer have probably over 50 times as much income.

For taxpayers up to the level of $50,000 of *actual income,* although there is dispersion within each group, the central range of effective rates moves upwards as income rises; for groups above $50,000, this upward movement in effective rates begin to flatten; and above $100,000 the central range of effective rate moves backwards to produce the results described for the $1 million and over group.

The obvious departure from the ability to pay concept and from elementary standards of fairness is self-evident in these statistics. Whether a person is below the poverty line, whether he is in the group between $20,000 and $50,000, or whether he is in-between, he is certainly warranted in feeling that the income tax is not working fairly.

Causes of Unfairness. I would like to turn from these overall evidences of unfairness to the causes of high incomes showing these low rates or complete absence of tax, since the causes will point the way to possible approaches for correction.

In overall effect, the causes lie in a combination of *excluded income items* and the *method of applying itemized deductions.*

As to the *excluded items,* looking at the significant ones, the list covers:

The excluded half of realized capital gains;

Interest on state and local bonds;

Accelerated depreciation largely on buildings;

Deduction for unlimited charitable contributions; (almost entirely of appreciated securities whose gain is not taxed);

Farm "tax losses";

Excess of percentage depletion over cost of investment; and

Intangible drilling expenses of oil wells.

For many persons, these items singly or in combination bring the tax to zero. Thus, for somewhere around 50 to 75 persons, the unlimited charitable deduction benefit simply eliminates tax.[4]

For others, percentage depletion or intangible drilling expenses; [5] real estate deductions, mainly accelerated depreciation; [6] or farm "tax losses" [7] are the factors that produce a zero tax.

For a large group, the effect of these items while not completely eliminating tax, is to reduce the taxable income considerably below the actual income. Then another factor enters—these persons usually have *large personal expense deductions* which they itemize. These itemized deductions are offset against the remaining *taxable income,* and in no way are allocated to the *excluded income,* although excluded as well as taxable items are a source for the itemized deductions. Hence, the full force of the *itemized deductions* is concentrated against the *taxable income* and the result is a very low or even zero tax.[8]

The interest deduction, usually arising from loans to carry capital assets which result in excluded income or no current income, is here an important factor. So also is the general charitable contributions deduction, which for this group usually involves not cash gifts but gifts of securities whose appreciation is not taxed though the appreciated value measures the deduction.

This steady deterioration of income taxation in the case of high-income individuals has been hastened by the "institutionalization" of tax escapes. The "packaging of tax shelters" by investment houses, brokerage organizations, and others has made these shelters readily available to those with incomes high enough to utilize their attractions. Just as in the case of the stock market, geography is not a factor—the possessor of a tax shelter can live thousands of miles away from his cattle or his oil well or his orchard or his post office and in fact may never see them at all. It is clear that whatever may have been the origin of these shelters, it was no one's intent—in the executive branch or in the Congress—that this supermarket era of tax shelters was to be the end result.

These are the causes of unfairness—what are the solutions adopted in the House Bill?

HOUSE BILL SOLUTIONS—MATTERS DEALT WITH DIRECTLY

Some of the items permitting escape from tax are dealt with directly in the House Bill.

Unlimited Charitable Deduction. The House Bill would, and properly so, eliminate the unlimited charitable deduction after a transitional period. While superficially this deduction may seem to have a certain appeal when loosely described—a person must give away 90% of his income—in actual effect the individual is not giving away income or assets but giving away his tax. The assets actually contributed are nearly always appreciated securities whose gain is untaxed and the income made tax-free is generally dividend income otherwise subject to a rate around 70%. I see no reason why one group of persons is permitted to give their tax to any charity they choose while others are required to pay their tax to the Federal Government. If all of us could choose either to pay our income tax to the Government or give it to our favorite charity we would have tax anarchy. This being so, no special group should be permitted this choice. The question of how large a tax subsidy should be given to charitable organizations under the income tax is one to be decided by the Congress. For most everyone this is controlled through the limit, now 30% of adjusted gross income, on the charitable deduction. This limit can be changed; the House Bill uses 50%. But the limit should apply across the board. All who have ability to pay should pay some tax to the Federal government, rather than be permitted to select a charity to the exclusion of the Federal government. Certainly, if only for the reason of tax morality, this should be true for our wealthiest persons. The House Bill properly ends the unlimited charitable deduction.

Capital Gains. The House Bill would reduce the tax preference for capital gains by lengthening the holding period from six months to a year and eliminating the 25% alternative rate. These changes are proper improvements in the treatment of capital gains and their justification in terms of tax equity is clear. Most economists have for years urged at least changes along these lines. Equally, most economists who have studied the matter would find unconvincing the assertion that such moderate changes would have the calamitous effects on investment that critics of the changes usually charge.

The Treasury's objection to these changes is also cast in terms of effects on investment: "These changes . . . impose too great a burden on capital investment. The effect of the Bill would be to remove a large measure of the incentive for private capital to engage in new and expanded business ventures. Present capital investments would tend to be frozen and the economy as a whole would suffer." But these dire forebodings are strange indeed when placed alongside its actual recommendations. For the Treasury is obviously aware that the capital gain preference is the single most important factor in permitting high income persons greatly to reduce their effective rate of tax, so that the equity and fairness of the tax system are markedly reduced. Hence, it recommends a complex limitation on the use of the 25% alternative rate which is in effect a special minimum tax applicable to capital gains. Under this approach the revenue gain in the capital gain and loss area would be $425 million—or about 66% of the House Bill gain of $635 million. It is hard to see how this $210 million additional gain under the House Bill—less than 1% of the present yield from capital gains

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taxation of individuals—can have the adverse effects on investment painted by the Treasury. In this light, the House Bill approach, which is direct and far simpler, is to be preferred.[9]

We should recognize that the most serious aspect of our present capital gains policy is the permanent escape from tax of appreciation in assets transferred at death. Correction of this defect remains a matter of top priority. The House Committee Report states that reform measures relating to revision of the estate and gift tax laws and the related problem of the tax treatment of property passing at death will be studied as soon as possible, with a bill to be reported in this Congress. The accomplishment of this objective will move us considerably further along the road of meaningful tax reform.

State and Local Bond Interest. The House Bill begins to come to grips with the difficult matter of state and local bond interest—difficult because of its history and its place in federal-state relationships. The issue is clear: The present exemption for interest on state and local bonds has the general effect of a blanket, no strings attached, federal grant-in-aid to the issuing governments. It is achieved by giving tax favoritism to high-bracket individuals with conservative investment instincts, to commercial banks, and in lesser degree to some other financial institutions. The state and local governments clearly desire the general effect to continue. Those interested in the federal tax structure deplore the method of achieving this effect because of both the tax favoritism and the inefficiency or wastage involved in resorting to the technique of favoritism, in that more federal tax revenue is lost than the local governments obtain in aid. The federal revenue lost annually through the exemption is about $2.63 billion. The aid annually obtained by the states and local governments—the amount saved through the lower interest rates on tax-exempt bonds—is about $1.9 billion. (Parenthetically, to put this form of federal aid in perspective, the total amount of grant aid to states and localities is about $25 billion.)

The state and local governments carry no brief as such for the federal tax windfalls and the wastage. Up to now, however, they have not seen any other mechanism which can achieve for them the general effect that the tax exemption produces. But the future heavy financial demands on state and local governments will diminish for them the amount of the grant-in-aid that the tax exemption mechanism produces. The restraint on the scope of the market for their bonds that tax exemption involves will cause their interest rates to rise. At the same time, the tax favoritism perversely is increased.

The inefficiency inherent in the use of the tax exemption mechanism to achieve the grant-in-aid will thus hurt all the governments involved. They now have a common interest in finding a better path to the grant-in-aid.

The House Bill provides the solution of taxable bonds issued on an optional basis by state and local governments. The federal taxation of these bonds would remove the present tax unfairness. Since the interest costs on taxable bonds would be higher than on tax-exempt issues, the Bill continues the aid to the states and localities by authorizing the Treasury to pay from 30% to 40% of the interest cost (25% to 40% after 1975). The payments would be to the issuing governments periodically as interest falls due. The payments would be automatic, with no strings attached. Hence, the automatic non-Federal control of the present aid would continue. The issuance of taxable bonds would be optional, so that the privilege still to issue tax-exempt bonds would remain.

It is difficult to see how states and localities can lose under this arrangement. On the contrary, depending on the level of the Treasury's interest payments, they could readily gain much through actual interest costs on their part becoming less for most localities than the interest costs on their existing tax-exempt bonds. The Treasury could even make its payments around 45% or 50% of the interest without losing any money. It would then simply be turning over fully to states and localities the amount that today goes wasted—the difference between the earlier figures of $2.63 billion federal revenue lost and $1.9 billion state and local interest savings annually.

There can be improvements in the provision, perhaps fixing on a definite percentage of aid rather than letting the Secretary vary the figure. There can be problems of transition and adjustment. These are inevitable and all should work together to meet them. Also the present difficulties plaguing bond issuers, growing out of the unusually high interest levels reflecting inflationary forces and counter measures, should not cause us to lose perspective on the long-run aspects. Further, while there may well be shifts in the traditional patterns of investment dealer relationships and mechanisms, these shifts are hardly a matter on which to base policy objectives. There can be other alternatives to pursue, such as an Urban Development Bank. But these alternatives need not be competitors, but complementary solutions.

The matter must be kept in perspective. The House Bill offers a present, rational approach regarding future issues of state and local bonds. It should be accepted in this light and efforts made to perfect it rather than seek to tear it apart and strike it down. A solution of this character would both materially lessen the federal tax unfairness as future issues go out on a taxable rather than a tax-exempt basis and provide greater interest savings to states and localities without any federal control of their debt obligations.

Farm "Tax Losses". The House Bill unfortunately falters severely when it comes to the matter of farm tax losses. The abuses in this area have been well publicized. Essentially, Treasury regulations permit farmers to expense items which are capital items and so treated under commercial accounting principles—items such as the costs of raising livestock and the costs involved in the pre-operation stage of orchards and ranches. (There are other departures from financial accounting, such as the ability to use the cash method though inventories are involved). The ability to expense items that are capital in nature gives rise to current deductions that are in excess of the current income from the cattle or orchard or other activity. These excess deductions—"tax losses"—are quite valuable when other non-farm income is present, since the farm "losses" can then shelter that non-farm income from tax and thus leave the non-farm income—be it executive salary, investment house or brokerage commissions, dividends and so on—free of tax. The tax picture is made all the sweeter by the statutory treatment of the sale of the products involved—the cattle or the orchard—as a capital gain transaction, so that at the end of the road can be 25% tax rates and not ordinary income rates. And the main road of tax shelter need have no end—one herd of cattle can be sold and another started, one orchard sold and another planted.

Wealthy non-farmers have been made increasingly aware of the wonders of this tax system, under which the Government actually pays the non-farmer money just to own the cattle or orchard and the wealthier he is the more it pays him. These farm rules are thus a "negative income tax" for well-to-do non-farmers. The absurdity of the present rules is disclosed by data that show that as people rise in the income scale they would appear to have a remarkable propensity to run their farm operations at a loss—the greater the income from non-farm sources, the greater the loss from farm operations. Since the data also indicate that people with high incomes do not show losses on other business ventures, we can hardly conclude that when they go into farming, they uniformly stumble around and actually lose money due to mismanagement or bad investment decisions. Rather, when we observe the extensive literature which explains how wealthy people can save after-tax dollars through showing "tax losses" on farm operations, which really involve an actual net investment in the farm, and then shielding other income with those "losses", it is obvious that the prevalence of these "losses" is evidence of extensive use of a tax abuse.

The House Bill essentially does very little about this—it raises $20 million when an adequate approach would produce at least $150 million. Its defects are two-fold: It continues to allow these artificial farm "tax losses" to be used *currently* but then would recapture them (the "excess deduction account") on any later sale of the assets by treating the gain on sale as ordinary gain rather than capital gain to the extent of the prior losses. The House Bill, by allowing artificial losses *currently* to be offset against and thus shelter non-farm income, permits the tax on that income to be *deferred* until a later date. For people in the upper brackets, tax deferral by itself is a valuable asset—the Government in effect makes an interest-free loan of the tax amount and such loans in these days of 9% and 10% money are quite beneficial. In addition to this basic defect of structure in its solution, the House Bill imposes severe limits on the use of the solution: the farm loss must exceed $25,000 and the non-farm income exceed $50,000.

In contrast, Senator Metcalf and others have suggested a far better approach. This approach would not allow these artificial "tax losses" to be used currently, so that there would be no shelter of non-farm income. On any sale of the farm assets, the losses could then be used to offset any gain on that sale. His bill uses a limit of $15,000 of non-farm income, and this exclusion is phased out.[10]

The proper course in the farm area is to reject the House Bill approach and follow Senator Metcalf's approach.[11]

Real Estate. In many respects the real estate area is like the farm area, except that "real estate tax losses" are used as the shelter rather than "farm tax losses." The present tax laws grant excessively favorable accelerated depreciation to buildings, which provides far more rapid write-offs than straight-line depreciation. This excessive depreciation deduction, on top of the other expense deductions for interest and taxes, not only relieves real estate rentals from tax, but is so large that it spills over and shelters non-real estate income tax.

The investor is in many cases not interested in "cash flow" from the building but in "tax flow"—how much by way of deductions for interest on the mortgage, real estate taxes, and accelerated depreciation will the building generate so that the resulting "tax losses" (deductions in excess of rental income) can offset dividend income, professional fees, salaries, etc., and thus "shelter" the latter from tax. The real estate shelter is especially attractive because all these deductions belong to the equity investor. Generally the equity investor can obtain a high leverage effect. Further, through deductions of interest and taxes during the construction of a building, he can often recover his equity investment before the rental lease even starts, so that the deductions available during the lease are all a return on investment. The rental under the lease will take care of the mortgage and real estate taxes.

For these reasons, the real estate shelter—office buildings, motels, shopping centers, post offices, high rise apartment houses, in-

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dustrial buildings and so on—has had a broad attraction. Thus the announcement of the Government's decision to build a major post office is also a major event in the halls of those institutions that package tax shelters. Post Offices are privately owned and leased to the Government, thus making the real estate shelter available to the syndicate members who own the facility. The data, though not as complete as one would like, point to a far wider— and still rapidly widening—use of the real estate shelter than is generally realized. In fact, the use of this escape route may rank just after the capital gain factor in magnitude.

The House Bill makes a start on attacking this problem. It reduces accelerated depreciation on all new buildings, except new rental housing, to 150% declining balance depreciation instead of 200% declining balance and it limits used buildings to straight-line depreciation. It also applies the present recapture rules of personal property to real property, so that depreciation in excess of straight-line depreciation is recaptured on sale by converting capital gain to ordinary income to the extent of the excess.

The allowance under the House Bill of 150% declining balance depreciation for new buildings is still on the over-generous side, and straight-line depreciation is more appropriate. Another desirable step would be to require the capitalization of interest and taxes paid during construction. The present option to expense these costs is at variance with proper accounting procedures and operates to accentuate the real estate shelter. The current deduction of these capital costs often returns to the investor nearly all of his equity investment at the outset. With nothing in effect at risk, the benefits of excessive depreciation are pure tax profit to him.

The House Bill does not change the depreciation provisions applicable to rental housing, though no reason for the exception is advanced. The Government does have an interest in encouraging rental housing. Government non-tax programs to aid such housing, however, do not indiscriminately apply to all housing, but focus instead on housing for low and middle income families. The House Committee Report itself criticizes the use of tax benefits for luxury housing:

"In the housing field the tax stimuli are more effective for luxury- and moderate-income rental housing where profitability and appreciation prospects relative to risk are inherently more attractive than in lower-income housing.

The "trickle down" supply effect for the lower income rental housing market is slow and uncertain in a growing general housing market.

Capital and other resource demands engendered by the existing tax stimuli tend to expand luxury housing, commercial, office, motel, shopping center, and other forms of investment, squeezing out lower income housing."

And yet the Bill retains tax benefits for all housing, including luxury housing. There is no Government expenditure policy to aid luxury, high cost housing. Why, therefore, should we have a tax policy that in effect spends Government funds for such housing instead of concentrating Government financial assistance where it is needed. At the least, the benefits of accelerated depreciation should be retained only for the type of rental housing that is assisted under direct expenditure programs.

Even as to such housing it would be desirable to phase out the tax assistance and allow the funds which that assistance represents to be used directly by HUD in its programs. A termination date should therefore be put on this tax incentive for such housing, and arrangements explored to achieve a transfer of the funds involved at that date from the "tax expenditure budget" to the regular Budget for housing.

The House Bill introduces a distinctly unwise tax policy when it provides for five-year amortization of certain costs incurred in the rehabilitation of low-cost rental housing. This is an expensive tax incentive—the revenue cost is put at $330 million. There is no discussion in the House Report, and no study referred to, indicating that if the Government is suddenly to spend $330 million more on housing, it should be spent in this fashion. There is no indication that rehabilitation of low-cost buildings has this high a priority or that this type of program and assistance is the most effective that can be devised. Because of the difficulties involved in rehabilitation, HUD up to now seems to have given it a low priority. Scarce funds must be allocated over many needs and apparently the economics of rehabilitation are such that the money is better spent in new construction. If HUD and the Congressional Committees concerned with housing have come to this conclusion, it would seem irrational for the Treasury and the Ways and Means Committee suddenly to start spending Government funds on a different basis. Surely with other established housing programs not fully funded, a better use for this $330 million exists. It is one thing for HUD to accept money from any source and not turn down such gifts, but this is hardly a wise use of scarce Government resources.

The Treasury itself seems to have reservations on tax incentives in the housing area, for it states:

"We are concerned with the continued heavy reliance upon tax incentives as a means of achieving our national housing goals, and believe that consideration should be given in the near future to other additional methods of doing so."

Given this concern, it is difficult to perceive the wisdom of suddenly launching a new tax incentive with no study behind it and in an area that seemingly has been regarded by housing experts as having a low priority when it comes to spending Federal funds.

Together with the continued accelerated depreciation assistance for all rental housing, we presumably will be spending over a half-billion dollars through the tax system on such housing. It would be far wiser to turn these funds over to the non-tax expenditure programs of Government.

Natural Resources. I will discuss the matter of percentage depletion and other natural resources tax changes in connection with consideration of the corporate tax.

Other Items. The House Bill in a number of areas has desirable corrective provisions that will strengthen the equity of the individual income tax, which I will here merely list:

The requirement that corporate earnings and profits be computed on the basis of straight-line depreciation, thereby ending the present system of creating tax-free dividends to shareholders, especially in the public utility area, through computing earnings and profits on the basis of accelerated depreciation.

The taxing of distributions to beneficiaries of accumulation trusts and multiple trusts at the tax brackets applicable to those beneficiaries rather than, as at present, at the lower tax rates applicable to the trusts.

The tightening of the rules regarding restricted stock compensation plans.

The tightening of the rules regarding the treatment of stock dividends when two classes of stock exist and the rules regarding stock dividends on preferred stock, the changes in effect largely embodying existing regulations in the statute.

The revision of the treatment of employee deferred compensation so as to allocate its consequences for tax purposes to the years in which the compensation was earned.

HOUSE BILL SOLUTIONS—OVERALL APPROACHES

In addition to the above direct approaches, the House Bill has two overall approaches, or back-up provisions, designed to increase the fairness of the tax. These two approaches are a *minimum individual income tax* or *limit on tax preferences*, and *the allocation of deductions*.

Limit on Tax Preferences. The limit on tax preferences—or minimum income tax—is premised on the position that whatever may be the merits of the major tax preferences that are retained, of overriding importance is the principle that every individual with substantial income should pay a minimum tax toward the cost of Government that itself bears a relationship to the economic income involved. To achieve this, under the House Bill a 50% ceiling is imposed on the amount of a taxpayer's total income (taxable items plus tax preference items) that can be excluded from tax. In other words, speaking generally, if the tax preferences exceed 50% of total income, the excess becomes taxable.[12]

The tax preferences covered by the House Bill are state and local bond interest (included gradually over 10 years); one-half of capital gains; appreciation in value of property contributed to charity; excess depreciation on real estate; and farm tax losses.

Two important items are missing from this list: percentage depletion and intangible drilling expenses. These omissions are serious aspects, since for those engaged in natural resources activities, the effect of the limit on tax preferences is fully negated. There is no reason to omit these items. The theory of a minimum tax—or a limit on tax preferences—is not to pass judgment on any particular tax preference. The theory instead accepts the view that for one reason or another the particular preference is to remain. But the theory asserts an overriding concept of tax equity that there must be scope for the principle that each individual with significant amounts of income must pay some tax to the Government. Any preference, no matter how meritorious it is considered by its adherents, must make accommodation to this competing principle of tax equity. In this light, percentage depletion in excess of capital investment and intangible drilling expenses should be covered as preference items. The Treasury so suggests, though it would still exclude intangible drilling expenses of individuals whose principal business is exploration for oil and gas. Obviously such an exception is at variance with the principle of the limit on tax preferences and is unadvisable.

The Treasury suggests three additions to the list of tax preferences: interest and taxes paid during the period of construction of a building; excess depreciation in the case of a lease of equipment and other personal property; and the new five-year amortization of rehabilitation outlays for low-cost housing. The first two additions are desirable assuming the matters are not dealt with directly, which would be preferable—the interest and taxes should be capitalized as stated earlier; the lease abuse could be handled, even administratively, by a better delineation between what is really a sale by the purported lessor accompanied by a loan, since many of these leases are essentially financing arrangements, and what is a real lease. The third addition indicates the error of embarking at all on the new tax preference for rehabilitation.[13]

Allocation of Deductions. As stated earlier, income excluded because of tax preferences provides in effect a double benefit—the income is excluded and the taxpayer is then permitted to reduce his remaining income by the *full* amount of his itemized deductions. To eliminate this double benefit, the House Bill contains an *allocation of deductions* requirement. Under this provision itemized deductions must be allocated between

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taxable income and excluded income. The portion allocable to the excluded income would not be allowed as a tax deduction.

The proposal is clearly appropriate. The policy issue involved is the content of the tax preferences that are taken into account in determining the excluded income. The House Bill parallels the limit on tax preferences proposal by covering the same preferences, with two exceptions. It here does cover percentage depletion and intangible drilling expenses, which is proper (and with which the Treasury agrees, without any of the exceptions as to intangible drilling expenses of those engaged in the oil business). It here excludes, however, interest on *existing* state and local obligations, which is wrong. The Treasury here recommends existing obligations be covered, without any ten-year phase-in. The Treasury here also recommends the additional three matters mentioned under the limit on tax preferences.

The proper course is to make the two provisions, allocation of deductions and limit on tax preferences, parallel in scope. Moreover, the two provisions should be given a wide scope, in keeping with their back-up objective to maintain a degree of tax equity despite the various factors which require the continuation of some tax preferences. Hence the proper course is to provide a parallel treatment by including the wider coverage in each case where there is a difference in the House Bill.

A word should be added as to two items. In the case of *state and local bond interest*, the Treasury urges that the interest not be covered under the limit on tax preferences because of doubts as to the constitutional validity of that step. No legal opinion has been provided by the Treasury or the Department of Justice stating that the inclusion would be unconstitutional. Moreover, both Departments in the past have published opinions affirming the constitutionality of the taxation of such interest. It would appear to be the proper course on this record to at least allow the Supreme Court to render its judgment. Others have urged that under both LTP and Allocation that interest on *existing* obligations not be covered (and the House Bill so provides as to Allocation), presumably so as not to defeat expectations of existing holders. This argument goes too far, for it would sanction the assertion of a vested interest in a tax preference and in a situation even where full taxation is not involved.

Moreover, the argument overlooks the effect of the provision under the House Bill for subsidized future issues of taxable state and local obligations. Under that provision, if a significant amount of such taxable bonds are issued—and there is no reason why this should not result—tax-exempt bonds will begin to become a relatively scarcer commodity and the value of existing obligations will accordingly rise. Thus a windfall benefit would be granted to existing holders. The inclusion of existing obligations under the LTP and the Allocation provisions is thus but an offset—and not too strong an offset—to this windfall benefit. It is hard in this light to see any ground for complaint by existing holders. There is also no reason for any slow phase-in, as under the House Bill. Further, the coverage of existing bonds cannot as such affect state and local governments, for the bonds have been issued. The rates they must pay on their future issues will be determined far more by the effect of the taxable bond option than by inclusion of obligations, existing or future, under LTP and Allocation.

A second aspect concerns *appreciated property given as a charitable contribution*. The House Bill treats the non-inclusion in taxable income of the appreciation as a tax preference—which it is—and therefore covers such appreciation under the LTP and Allocation proposals. The Treasury now suggests that this coverage be deleted because it believes it would unduly restrict public support of charitable institutions. Such exclusion, however, would clash with the basic rationale underlying these two back-up provisions, for their operation as stated earlier is not dependent on the reasons for the tax preference. In the final analysis, all tax preferences exist because the Congress decides that financial assistance is to be given through the tax system to the activities involved. The LTP and Allocation proposals set up a balancing principle, that the financial assistance be tempered by some adherence to the principles of tax equity. This balancing principle is applicable to appreciated property given to charity as well as to the other tax preferences.

Moreover, there is no reason why donors of appreciated property should have a greater opportunity to place Government resources at the disposal of charities—which is the effect of the tax benefits given to gifts of appreciated property—than donors of cash. I very much doubt that the Congress would provide directly that if a person contributed $100,000 in fully appreciated property he could deduct say 135% of the gift but if he contributed $100,000 in cash, he could deduct only 100% of the gift—yet such a discriminatory result is the general effect of our present rules. The existing law does discriminate in favor of the donors of appreciated property and their value judgments as to which institutions and charitable functions to support. The issue is a troublesome one, not because of its tax aspects because the tax answer is clear, but because of the values we ascribe to our charitable institutions. But one can well fear that an exception on this ground can lead to other exceptions in favor of those who will argue—and they will—that their tax preferences also serve worthwhile purposes, and soon the LTP and Allocation provisions would be eroded away.

OTHER PROVISIONS IN HOUSE BILL

Limitation on Interest Deduction. The House Bill contains a limitation on the deduction of personal interest on funds borrowed for investment purposes. The limit would be that of investment income including capital gains plus a $25,000 floor. The limit would not extend to interest on funds borrowed for business purposes or for a home mortgage.

Studies of the tax returns of high-income individuals underscore the importance that the interest deduction plays in permitting these individuals to achieve low or non-existent tax liabilities. Long ago it was recognized that the interplay between deductible interest on borrowed funds and favorable tax treatment of the activity in which the funds were invested would play havoc with the fairness of the individual income tax. Present law thus disallows the deduction of interest when it is connected with tax-exempt bonds. But to confine the restraint on the interplay to this narrow area is obviously inadequate to meet present day tax-escape sophistication. The House Bill approach is especially important in the case of growth stocks and other assets which appreciate over time without a current cash flow. Our present law does not tax current appreciation in value until it is realized by sale, and this deferment of tax is in itself valuable. The denial of a current interest deduction would thus match the deferment of the inclusion in income of the appreciation. Further, if the asset is retained until death, the appreciation entirely escapes income tax.

The Treasury argument that the provision discriminates against the person with earned income, no investment income, but borrowings invested in growth assets is hardly an adequate reason to drop the provision. In a sense, interms of the ratio of borrowings to tax-sheltered property, such a person has the highest ratio, 100%, and in that sense is maximizing the use of the interest deduction. Nor would such a person be hampered by the Allocation of Deductions proposal. In the case of the interest deduction, it has become clear that a direct limitation is needed, in addition to the Allocation provision, and the House Bill provides this strengthening.

Earned Income Maximum Rate. The House Bill provides that the tax rate on earned income shall not exceed 50%, so that this figure becomes the maximum marginal rate for earned income. I believe this provision to be unwise and the wrong approach to setting limits on the progression of the income tax.

A principal reason advanced for its support is that it will cause executives and self-employed persons to be satisfied with the lower tax result on their earnings and not seek tax shelters. This does seem a peculiar way to reward the past pursuit of tax shelters. Moreover, the top rate of 50% would remain even if these individuals continue to pursue tax shelters. Under the House Bill, for example, an executive can have his lower tax on earned income and also his tax shelter of depletion and intangible drilling expenses, which are not covered by LTP, or of interest on existing state and local bonds under the Treasury approach. More important, the executive or self-employed person can have his lower tax on earned income and also have securities which are appreciating in value and which appreciation will not be taxed at his death.

If we are to set limits on the progression of the individual income tax, we should at least follow two principles: one, the limit should be in terms not of a marginal rate but an overall effective rate of tax; two, the effective rate should be in terms of an individual's total economic income and not just in terms of taxable income without regard to his untaxed income. Nor should we rush into limits on progression until we have really covered all the serious avenues of tax escape, and that of appreciated securities transferred at death remains wide open. We may when the serious escape avenues are closed be ready for a properly tailored maximum effective rate on all income. But we are still a long way from the point where we should so seriously blunt the progression of the tax as does the House Bill and the Treasury proposal respecting earned income.

SUMMARY AS TO INDIVIDUAL INCOME TAX

The House Bill is a major step forward in beginning to meet the problems of tax reform under the individual income tax:

As to *low-income taxpayers*, the Bill fully meets the problem of the present system, that of taxing those below the poverty level and placing unfair burdens on those low-income families above that level.

As to *middle-income taxpayers*, the Bill meets the major goal of restoring tax simplicity and tax equity in the case of the personal deductions by significantly increasing the standard deduction. The Bill could be improved by revising the tax treatment of the elderly, setting a threshold for charitable contributions and allowing them outside the standard deduction, and disallowing the gasoline tax deduction.

As to *high-income taxpayers*, the Bill commences in a significant way to restore tax fairness through its elimination of the unlimited charitable contributions deductions; its removal of the alternative rate on capital gains and the extension of the six months holding period to a year; its provision for future issues of taxable state and local bonds; its partial cut-back on the tax preferences accorded real estate—a cut-back which should be pushed further; and a number of other special matters. Its adoption of the minimum tax or limit on tax preferences and allocation of deductions provisions provides a partial offset to the remaining preferences that will, if properly implemented, serve to

Footnotes at end of article.

prevent the gross escapes from tax that are now prevalent. But these two provisions as presently structured have serious omissions which should be corrected.

The Bill *falters seriously* in its treatment of farm tax losses and embarks on an unwise approach in placing a 50% limit on the top marginal rate applicable to earned income. It also unwisely introduces a new tax incentive in the five-year amortization of certain rental housing rehabilitation expenditures.

THE CORPORATE INCOME TAX

The corporate income tax presents a different set of problems. We are not dealing with a progressive tax and the ability to pay concept that underlies such a tax. Nor, in the large, are the pressures for simplification so intense, though the less complex the tax, the better. The goal under the corporate tax should be to apply its rate as uniformly as possible to all business net income. Departures from this uniformity will have the effect of pushing resources into the favored areas. We should at all times be aware of these departures and the revenue costs involved, so that we can determine whether the resulting allocation of resources is in the direction we want and, if so, it is being achieved effectively with the least expenditure of Federal funds. For, as has been pointed out many times, revenues lost through tax preferences for certain activities are expenditures which should at least meet all the tests applied to direct budget expenditures.

DEPARTURES FROM UNIFORMITY

We can approach the question of the extent and nature of departures from uniformity under the corporate income tax through an examination of effective tax rates. The corporate income tax can generally be regarded as requiring corporations to pay tax at a 48% rate (apart from the 10% surcharge) on their total net income as net income is usually defined for business purposes. This is what *would happen* if there were no surtax exemption (under which the first $25,000 of income is taxed at 22%), no investment credit, no special capital gain rate, and no special deductions or exclusions. Without these items, the effective rate under the corporate tax would be 48%. The actual effective rate for all industries on total net income, however, is only 37.5%. The question is, therefore, what factors reduce the actual effective rate from 48% to 37.5%?

Looking at all industries together, if we consider only the effect of the surtax exemption and the investment credit—matters of general application—the expected effective rate would be lowered to 43.4%. For manufacturing, generally, the expected effective rate would be 44.9%. The actual effective rate on total income for manufacturing is 43.3%. This is so close to the expected rate of 44.9% that, as a general proposition, we can say that the tax applies with reasonable uniformity to manufacturing activities. The cause of the reduction from the *expected rate of 43.4%* for *all industries* to the *actual rate of 37.5%* must, therefore, lie in lower effective rates on certain types of activity. The data show this to be the situation.

The effective rates for those activities that vary most significantly from their expected rates are:

	Expected effective rate (percent)	Actual effective rate (percent)
Natural resources:		
Petroleum	44.8	21.1
Other mineral industries	42.7	24.3
Lumber	41.2	29.5
Financial institutions:		
Commercial banks	43.4	24.4
Mutual savings banks	42.4	5.3
Savings and loan associations	40.4	14.5

Footnotes at end of article.

The major aspects of unevenness of the corporate tax are thus primarily a matter of the tax preferences applicable to two industries—natural resources and financial institutions.

HOUSE BILL SOLUTIONS

Financial Institutions. The House Bill takes important steps in cutting back on the tax preferences accorded financial institutions. It would eliminate the existing excessively generous and artificial bad debt reserve granted by Internal Revenue Service rulings to commercial banks and instead apply the rule of actual experience, which governs all other business activities. It would also eliminate the present treatment of the losses of banks on bond sales as ordinary losses while the gains are regarded as capital gains, by making both losses and gains ordinary in character.

The Bill, however, still permits commercial banks to have full exemption from tax of the interest on state and local bonds while also allowing full deduction of the expenses involved in obtaining that interest. The retention of this tax preference will permit commercial banks still to enjoy tax rates below those applicable to business generally.

There is no persuasive reason why commercial banking should have a lower tax rate than other business activities. Certainly the argument of banks that they must have excessive bad debt reserves to meet a possible serious decline in the economy are without merit. Their pessimistic outlook for the future should not be rewarded by tax favoritism. There are mechanisms at hand to allow full scope to that pessimism without its providing tax benefits for bank shareholders year after year. Thus the Bill provides a ten-year carryback of bad debt losses. The banks say that this is not a current asset for financial purposes. The answer then for this problem is to use the provision Congress adopted in 1967 to solve a similar assertion by the mortgage reinsurance companies (Code Section 832(e)). The present law here allows the deduction of a larger reserve than experience would dictate but requires that the tax benefit of that deduction be invested in special Federal Government "tax and loss" bonds that are non-interest bearing. These bonds would be redeemable and the reserve restored to income in ten years and then taxed (unless it were earlier required to use the reserve). In this fashion, an asset—the Government bond—is available as an asset on the balance sheet to meet the pessimistic possibilities seen in the future, but that pessimism is not rewarded with a tax benefit.

The Bill reduces the over generous and artificial statutory bad debt reserve deductions accorded to mutual savings banks and savings and loan associations, though leaving the deductions higher than those permitted commercial banks. It gears these higher deductions to investments in certain types of assets, principally residential real estate. Here it unduly favors mutual savings banks through a lower investment requirement (72%)—the difference in treatment is not justified and the mutual savings banks should be placed at the level of the savings and loan associations (82%). Moreover, it would be appropriate for tax purposes to place both institutions on the same bad debt actual experience reserve approach applied in the House Bill to commercial banks. Studies in 1961 showed this to be the proper course. Any requirements as to investment could then be handled in non-tax legislation. And any assistance deemed needed for residential and multi-unit housing could equally be handled through the non-tax measures.

The Treasury recommends that all these institutions should equally be limited to a bad debt reserve based on actual experience. But it couples its suggestion with a recommendation for a special deduction of 5% of the gross income obtained from certain loans, including residential real property loans and student loans. Here also, this resort to special tax incentives for special purposes is unwise. If these loans are to be assisted by Government funds, it should be done outright—as in the example of student loans where the Government directly meets part of the interest cost. (Any aspect of high risk on certain loans is adequately met through a bad debt reserve based on actual experience). The Treasury recommendation is really the start of a percentage depletion system for financial institutions and has all the potentiality for the development that has marked such an approach in the natural resources area.[14]

Natural Resources. In the natural resources area the House Bill reduces by about 25% the present rates of percentage depletion. It eliminates the tax abuses possible through the use of mineral production payments and ABC transactions. It tightens the rules applicable to mining exploration expenditures. It does not, however, change the present liberal treatment of intangible drilling expenses for oil and gas wells. And it does not deal with the capital gains tax preferences granted to timber, except as it increases the capital gain rate generally for corporations from 25% to 30%.

This Committee has before it the results of a study prepared for the Treasury Department, the Consad study, relating to the effectiveness of the present tax treatment for oil and gas. One would suspect that the results of that study—which concludes that the present tax mechanism for assistance to these activities, if assistance is needed, is quite wasteful—would be duplicated in the case of the percentage depletion accorded to other minerals.

The Treasury recommends a recapture rule on the transfer of an oil or gas well under which any gain on the transfer would be ordinary income to the extent of intangible drilling expenses previously deducted, and this recommendation is appropriate. It also disagrees with the provision in the House Bill extending the cut-off point for percentage depletion on oil shale to include nonmining process. This disagreement is well taken. Tax history has shown that persistent efforts to extend the cut-off points for the various minerals receiving percentage depletion have been quietly effective in amplifying the depletion advantage, and often more effective than any likely upward change in the depletion rates themselves. A Treasury report to this Committee on the varying cut-off points applicable today, and the differences in value (to which the depletion rates apply) between those points and cut-off points more consistent with an effort to stop at the mine would be quite constructive.

The Bill changes the rules applicable to the treatment of foreign minerals, some of the changes occuring through changes in the foreign tax credit rules. The thrust of the changes is to insure that U.S. companies do not, through deductions for the development of mineral interests abroad and through excess foreign tax credits arising in the foreign mineral operations, reduce the U.S. tax on their U.S. income or the U.S. tax appropriate to other foreign income. The Treasury has suggested improvements in the foreign tax credit provision, which would make the determination of the excess credit turn on the effect of the availability of the depletion deduction under U.S. law.[15]

Multiple Corporations. The House Bill would end, over an eight year transition period, the present tax favoritism granted to those businesses which operate through the use of multiple corporations rather than a single corporate unit. The result is sound, and long delayed. Whatever may be the reason why a business chooses to use multiple corporations, be it tradition, business reasons, state laws, or pure tax avoidance, there is no tax justification for providing it with a lower tax than an enterprise with similar to-

tal income but fewer corporate units. The efforts to rationalize this tax preference, which efforts often are a tribute to the imagination and resourcefulness of the legal and accounting professions, have over the years reached new heights in the defense of this provision—a provision which in reality has no sound argument for it at all. One would think the beneficiaries of the provision would feel grateful that it has been kept alive so long. Moreover, the House Bill is exceedingly generous in allowing a phase-in of the intercorporate dividend deduction and pre-consolidated return loss benefits during the phase-out of the multiple corporation benefit; it would be more appropriate to deny these benefits until the multiple corporation benefits end.

New Tax Incentives. When one looks at the House Bill overall, one sees that most of the reform efforts are directed at reducing the impact of the various tax incentives that have entered our tax law gradually over time, either through statutory provision or administrative action. There are relatively few provisions in the Bill directed at remedying mistakes in tax structure, that is mistakes in which there was no intention deliberately to confer a tax benefit for incentive or other reasons but rather matters in which the technical tax structure just didn't work correctly. Examples in the Bill of such structural repair are the corrective rules applicable to multiple corporations, accumulation trusts and multiple trusts, mineral production payments, restricted stock, tax free dividends, deferred compensation and stock dividends.

The major part of the Bill, in substantive scope and revenue impact, relates to tax provisions which, whatever their origins, are supported by their adherents on tax incentive grounds. The fact that the task of tax reform today really consists of a scaling-back of all these tax incentive provisions—because of their ineffectiveness, their waste of Government resources, their misallocation of Government resources, and their effect on tax equity—is underscored by the House Bill. Its major provisions relate to existing tax incentives for real estate, financial institutions, natural resources, investment, state and local government assistance, farm activities, and so on. These Senate Finance Committee Hearings indicate that once a tax incentive takes root in the tax law it is a very difficult matter to restrict or eliminate it, especially if it has the protective coloration of being cast in a traditional jargon and structure indistinguishable to most persons from the jargon and structure that mark most of our Internal Revenue Code.

All this being so, it is indeed unfortunate that the House Bill opens up three new tax incentives, and that the Treasury would also seek to adopt others. The House Bill provides five-year amortization for pollution control facilities; five-year amortization for rehabilitation expenditures on housing; and seven-year amortization for railroad cars. It appears that "amortization" is now the magic word and we may be witnessing the beginning of a wide schedule of amortization periods for various businesses and activities akin to the schedule of percentage depletion rates.

The Treasury deplores the railroad car amortization, probably doesn't want the pollution facility amortization and would certainly cut it back in scope, and seems responsible for the rehabilitation amortization. As stated earlier, it would introduce a new type of tax incentive for certain loans by financial institutions.

In all, the House Bill in its amortization incentives has a revenue cost of $830 million. If to this is added the retained excessive depreciation for housing, especially luxury and high cost housing, the Bill involves over $1 billion of tax incentive expenditures. If one is seeking to reduce the net revenue cost of this Bill, these are areas in which one could properly start. If funds of this magnitude are to be spent for social and other programs, they ought to be spent directly as Government expenditures and in accordance with carefully selected priorities in the various programs.

I have previously discussed the weaknesses of the housing rehabilitation provision. The Treasury has described the weaknesses of the railroad car provision. As to the pollution facilities provision, which will cost $400 million, the Treasury has described some of its weaknesses in urging that it be cut back. But more can clearly here be said.

Legislative committees have struggled long and hard to find the most efficient ways to expend Government resources in the battle against pollution. There are many claimants for Government dollars and those concerned about combating pollution have found it difficult to secure the funds they desire. Interested legislators speak of scrounging a few more millions here or there to add to an inadequate Budget figure. Yet now, at one stroke, the Ways and Means Committee decides to spend $400 million (by 1974) in the pollution control area by allowing five-year tax amortization of the cost of installing pollution control facilities. But the Committee does not refer to any study which indicates that—if the Government is to allocate an additional $400 million to pollution control—the particular device and particular approach chosen by the Ways and Means Committee would have top priority. Instead, $400 million is allocated to this purpose without any coordination with other planning or expenditures in the pollution control area and without regard to what are the priority needs once it is decided to add $400 million to pollution control expenditures. It is quite likely that the top priority lies in assistance to municipalities and not to industry.

If these tax incentive provisions are to remain, they should at least have a definite termination date and, as suggested earlier, arrangements made to transfer the funds involved to the direct expenditure programs of the agencies concerned.

Foundations and Tax Exempt Organizations. The House Bill contains extensive changes in the treatment of foundations. A number of the provisions deal with abuses that have been documented earlier by the Treasury Department—self-dealing; failure to make adequate current distributions; ownership of businesses; utilization of the foundation by the donor as an instrument to facilitate control of a business; and speculative investment of assets. Provisions correcting these abuses are sorely needed. They would be of material assistance in rescuing private foundations from the cloud that now hangs over them.

The financial assistance given foundations through the tax system can be justified only if their sole purpose is to function as genuine philanthropic institutions. If the foundations want to serve other purposes besides philanthropy, then they should not receive that assistance and should not complain if the Congress and the public regard them with unfriendly suspicion. Thus those who urge that foundations are useful institutions to perpetuate family business or to keep particular businesses from being absorbed in merger investments, may perhaps be wisely serving the business involved, but they are not wisely serving either the foundation as an institution or the purposes of philanthropy. These purposes of protecting businesses are not the functions of philanthropy. Our colleges and our other charitable institutions do not concern themselves with these non-philanthropic goals. If our foundations wish to merit and fulfill a useful institutional role in our society, they should and can do so only by functioning solely as philanthropic institutions.

For these reasons the House Bill provisions concerning these matters should not be weakened as many are urging. Nor should there be special exceptions for any foundation, such as the provision in the House Bill allowing the Kellogg Foundation to own over 50% of the Kellogg Company.

Other provisions of the House Bill in the foundation area deal with different matters. One, the 7½% tax on investment income, is unadvisable, if the provisions countering abuses are strong enough to insure that foundations are functioning solely as philanthropic institutions. If it is determined that there should be a modest fee to meet the cost of administration, it should be based either on asset value or income distribution (including the 5% minimum)—to use only net investment income would favor the foundation that invests in non-income producing assets.

Other provisions deal with the operational activities of foundations and are designed to maintain a philanthropic posture as contrasted with political activities, lobbying activities and the like. These provisions require careful articulation and drafting lest the pursuit of the goals involved, which in general purpose are appropriate, does not in the day-to-day operation of the provision hamper the basic philanthropic functions of these institutions.

The provisions in the House Bill relating to other tax-exempt organization problems, such as the strengthening of the unrelated business income tax and the taxing of the investment income of social, fraternal and similar organizations, are all improvements.

SUMMARY AS TO CORPORATE TAX

The House Bill is a significant step forward in beginning to meet the problems of tax reform under the corporate tax:

With respect to the industries with the present lowest effective rates:

As to *financial institutions*, the Bill brings the effective tax raises of the commercial banks, mutual savings banks and savings and loan associations closer to those paid by business generally, and also reduces the range differences within these institutions themselves.

As to *natural resources*, the Bill reduces the percentage depletion rates by about 25% and ends the abuses associated with mineral production payments. But it fails to deal with the aspect of intangible drilling expenses in the oil industry and the tax preference accorded to timber.

With respect to *other preferences:*

The Bill ends the tax escape now provided for multiple corporations.

The Bill cuts back on the tax preferences accorded to real estate.

The Bill strengthens the rules governing foundations and other tax-exempt organizations.

But the Bill has a *serious weakness* in the addition of new tax incentives:

The five-year amortization for pollution control facilities.

The five-year amortization for housing rehabilitation expenditures.

The seven-year amortization for railroad cars.

A WORD ON PESSIMISM AND TAX BENEFITS

There is no one so pessimistic about the future of the country as an industry or taxpayer faced with losing a tax preference. These Hearings seem replete with industries and taxpayers who can see only gloom ahead. The correlation between pessimism and tax benefits is indeed high, for these prophets of gloom assert that their pessimism for the future should be reflected in continued or increased tax preferences.

Thus the Stock Exchange sees a pessimistic future for investment and asserts that its pessimism be met by keeping the preferences unchanged for capital gains. The financial institutions are pessimistic about a possible depression and therefore seek higher bad

debt reserves—and higher tax benefits—to match that pessimism. The mutual savings banks and savings and loan associations are pessimistic about the future of housing and seek tax benefits that reflect that pessimism. Wealthy non-farmers worry about the future for cattle and horses and orchards, and seek to retain farm "tax loss" shelters to house their pessimism. The natural resources industry is alternatively pessimistic about national security and the price consumers of gasoline will have to pay, and seeks tax benefits to dispel that pessimism. And so it goes as to almost every provision in the House Bill, even as to the "small businesses" housed in the multiple corporations of an enormous multi-state enterprise.

Most of the pessimism is self-assertion, for there are few studies, if any, that document the beliefs. No one wants to see if his view of the future is wrong, for that course means the loss of tax preferences. All would prefer to be gloomier, for that course could mean increased benefits if their view of the tax system is accepted. For all see the tax system as a device to pour out financial assistance to industries and activities that do not want to trust to the marketplace. The accent is not on private enterprise, but on private enterprise plus tax assistance. None is willing to pull back on the preferences so we can see if the pessimism is really warranted and to see if Government assistance is really needed. And then, if the assistance is really needed, to see it provided through direct expenditure programs.

It should be clear by now that this tax incentive rationalization, this infusion now of social goals into tax provisions adopted long ago without any thought of incentive or social programs or the like, can only be destructive of an equitable tax system and an efficient use of Government resources. It is the proper course now to cut back these tax incentives and await the future. The House Bill is a good start and should be pushed forward, not stripped back.

RATES OF TAX AND REVENUE COST

My principal purpose is to discuss the structural tax reform provisions of the House Bill and hence I wish to say only a few words regarding the rate structure.

As stated earlier, those first in line for tax relief when reduction is considered feasible, are the low-income taxpayers. Those next in line are the middle-income taxpayers not itemizing deductions for personal expenses. The House Bill fully meets these two claims for relief. It then goes on to reduce tax rates throughout the rate schedule. The result is a total long-run revenue loss of $2.4 billion.

Looking ahead to 1979, such a loss is hardly significant, considering the hazards of revenue estimates. In all likelihood such a tax reform bill cannot provide a net revenue gain, even though an appraisal of national priorities would put more emphasis on expenditure programs than such a large tax reduction. The House Bill before the last round of tax reduction added after the Bill was reported, was in this respect a better balanced bill—from the expenditure-tax reduction aspect—than the Bill as it finally passed the House. And even the Committee Bill could be regarded as too generous in some of its rate reduction in the brackets above the middle. But aside from these thoughts, the margin for concern about the revenue aspects, i.e. the $2.4 billion loss in 1979 considered as an absolute matter, is small. The Treasury appears to recognize this, for its changes would leave a revenue loss of $1.3 billion—the difference of $1 billion is hardly cause for major economic judgments.

The important matter is the composition of the tax reductions. The Treasury approach to the House Bill, as described earlier, is to make the across-the-board individual reduction paramount and then to strip back the relief for low and middle income families.[16]

As a consequence, the tax liability reduction under the Treasury approach shows a large reduction in the $0–$3000 bracket and then proceeds to a relatively flat decline from $5000 on to $100,000. In contrast, the House Bill shows significantly larger reductions up to the $20,000 bracket than the Treasury approach, and the slope of the tax reduction is far from flat. There is no question but that the House Bill has a fairer distribution of the tax reduction.

The Treasury approach, after cutting back the reductions in the low and middle-income brackets, is then to use the revenue so obtained to reduce the corporate tax rate by two points. Such a change is not defensible on tax equity grounds or on economic stabilization grounds. The Treasury desire to remove the investment credit was based on the ground that capital formation was at a high level now and no general investment incentive was needed. From a stabilization standpoint there is no point in substituting a corporate tax rate reduction for the investment credit.

As to future growth and the relative balance between consumption and investment, we can afford to wait a bit until the present inflationary pace really wears away to see if capital formation will then lag. If it does, a resort again to an investment credit can be more meaningful than corporate rate reduction. There is no point now in choosing weaker devices on the assumption that capital formation may later need strengthening.

One could point out that if the various new tax incentive devices in the Bill are not to be scrapped in favor of a resort to direct expenditures in the areas involved, then a preferable course is to drop those devices and use the revenue to lower the corporate rate. Such a step, together with a further cut-back of accelerated depreciation for real estate and more tightening of the remaining corporate tax preferences, would readily produce the revenue to support two-point reduction in the corporate rate.

CONCLUSION

The Ways and Means Committee and the House have taken a significant step forward to the goal of a fairer and simpler Federal income tax. It is now up to this Committee and the Senate to make that step a decisive one. The House Bill is a fine structure to build upon. It can be strengthened in a number of ways and these weaknesses should be corrected. But its many, many strengths should be retained.

FOOTNOTES

[1] Another desirable change, recommended in the February Treasury Proposals, was in the *charitable deduction*, under which that deduction would be allowed outside the standard deduction (i.e. allowed together with the standard deduction), but would be available only where the contributions exceeded 3% of adjusted gross income. This threshold would apply to taxpayers using either the standard deduction or itemized deductions. These changes in the charitable deduction, combined with the standard deduction changes, would reduce significantly the number of returns requiring record keeping and audit for personal items, while maintaining for all taxpayers, even those using the standard deduction, an incentive for charitable gifts above routine giving. The charitable organizations apparently oppose such changes. But they presumably overlook or misjudge its advantages. Under the House Bill, with its increase in the standard deduction, and no other change as respects charitable contributions, only about 15 million returns would be left to use itemized deductions and to claim a charitable deduction. Under the above proposals, however, with the ability to claim a charitable deduction whether other deductions are itemized or not, even with a 3% threshold about 26 million returns would claim a charitable deduction. These proposals would thus provide a wider base for charitable support than simply changing the standard deduction.

[2] 36.6% in the range 20%–25%, and 37.8% in the range 25%–30%. The $500,000–$1 million group reflects a similar cluster, 64.7%. Even these figures are an understatement, since the actual or total income data do not include excess real estate depreciation, farm "tax losses", and intangible drilling expenses.

[3] 45.3% in the range 20%–25%, and 13.5% in the range 25%–30%. 27.9% are in the range 15%–20%.

[4] See specific cases 1–4 in the February Treasury Proposals, pp. 90–91, involving persons with actual incomes of $10 million, $6 million, $8 million, and $6.5 million.

[5] See specific cases 8 and 9, p. 93, involving persons with $1 million and $1.3 million.

[6] See specific case 10, p. 94, involving a person with $1.4 million, and table 1, p. 452.

[7] See specific case 11, p. 94, involving a person with $700,000.

[8] See specific cases 5, 6, and 7, pp. 92–93, involving persons with $5.3 million, $935,000 and $1.3 million.

[9] The definitional changes in the House Bill in the capital gain area—as to collections of letters, papers, and memoranda; the treatment of lump sum pension distributions (still inadequate as to appreciated property); franchises; casualty gains and losses; and sales of life estates (why is the income still considered capital gain?) are improvements over present law, as are the changes in the capital loss rules.

[10] Senator Metcalf's bill could be strengthened by offsetting the disallowed losses against the full gain on any sale, before the application of the 50% capital gain deduction rather than after that application, as the bill now appears to provide.

[11] The House Bill provides for recapture of any excess depreciation deduction that may show up on a sale, as is done under present law with other tangible property generally, and this change is desirable. The Bill also strengthens the "hobby loss" provision (the Treasury suggestion of including anticipated increase in the value of the property as an indication of a non-hobby would seem a weakening of the House Bill). But these provisions are not substitutes for an adequate solution to the main problem; they are desirable complements to Senator Metcalf's approach to the main problem.

[12] The technique is similar to Senator Harris' minimum tax bill, except that Senator Harris' bill would apply the regular tax rates to any part of the 50% of capital gain that is reached by the minimum tax, thus not making the 25% alternative rate applicable to that part. This was the effect of the February Treasury Proposal for a minimum tax. The House Bill version does not alter the 25% alternative rate. This is done under the direct changes in capital gains.

[13] The House Bill applies a five-year carryover rule to the limit on tax preferences. This seems unwise and to improperly dilute the application of the limit.

[14] There are other problems with the proposal. Thus, it would mean both lower taxes and less assistance to housing in the use of the savings and loans associations. It would also permit stock savings and loan associations to pay out the tax benefits to their shareholders, which is not permitted today in the case of the artificial bad debt reserve deductions. Also, the amount of the deduction—and thence the assistance to the borrower—depends on the extent to which the institution has certain tax shelters, such as tax exempt bonds. But if the borrower needs assistance, why should he be denied the assistance because the bank has a tax shelter—it is a curious system that would deny a needy student a loan because the bank has bought tax-exempt securities. Of course, tax equity explains the connection. But the result underscores the undesirability of re-

sorting to the tax system at all as a mechanism to assist borrowers.

[15] These recommendations are similar to those made by the Treasury in 1963. The Treasury in its suggestion does not include the availability of the deduction for intangible drilling expenses or other development costs in the determination of the excess credit. It would seem this should be covered, unless the interplay with the recapture provision applicable to such expenditures provides sufficient protection.

[16] The House Bill has a considerable revenue loss—$650 million—through a change in the treatment of single persons. I would not give this matter such a high priority, especially since the relief for lower and middle-income taxpayers will to a very large extent meet the problems of single persons in these brackets. If we are to give further relief to single persons, the Treasury suggestion in this area is an improvement over the House Bill.

LINKS WITH THE LEFT

Mr. FANNIN. Mr. President, tomorrow there will be demonstrations in support of our President's policy in Vietnam and there will be those who express their opposition.

Already in the RECORD are the sentiments of spokesmen for Hanoi and the Vietcong who are hailing the "progressive" elements in the United States who are "launching a broad and powerful offensive to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home."

Pham Van Dong's message ends, "May your Fall offensive succeed splendidly."

Mr. President, Pham Van Dong is representative of the government and political forces that make it needful for American troops to be in Vietnam. He and his cohorts are the ones who are keeping American boys from coming home. They are the recalcitrants in international negotiations. And, Mr. President, as long as they receive support from what they consider the "progressive" elements in our Nation, just so long will they continue the fighting and the killing. That, Mr. President, is the message which should be apparent to those supporting this movement.

Just yesterday I received in my office a newsletter from the organization of Clergy and Laymen Concerned about Vietnam of 475 Riverside Drive, New York.

This newsletter gives its lead article over to the planned massive demonstration scheduled for November 13–15 here in Washington. It says for additional information to contact the national CALCAV office of the New Mobilization Committee, 1029 Vermont Avenue NW., suite 900, Washington, D.C.

So I began checking, Mr. President, and I find the director of CALCAV, as listed on the newsletter, is Rev. Richard R. Fernandez. Cross checking this with a list of the New Mobilization steering committee, I find Rev. Fernandez' name appearing thereto, along with Arnold Johnson, public relations director of the Communist Party USA, David Hawk of the Vietnam moratorium and David Dellinger, leader of last year's march on the Pentagon.

Mr. President, more and more connections of the October 15 and November 15 movements are turning up which link these organizations with elements which are admittedly antagonistic to the United States.

I ask unanimous consent that the newsletter to which I have referred along with a list of names, addresses and telephone numbers of the steering committee of the New Mobilization Committee to End the War in Vietnam, and a similar list of the members of the Washington Action Committee be printed in the RECORD.

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

ISSUES & ACTIONS: CLERGY AND LAYMEN CONCERNED ABOUT VIETNAM—A NATIONAL EMERGENCY COMMITTEE

CO-CHAIRMEN

Dr. John C. Bennett, President, Union Theological Seminary.

Rabbi Abraham J. Heschel, Professor, Jewish Theological Seminary of America.

Mrs. Coretta Scott King, Atlanta, Georgia.

Mr. Philip Scharper, Vice-President, Sheed & Ward, Inc.

Most Rev. James P. Shannon, Roman Catholic Archdiocese of St. Paul, Minneapolis.

DIRECTOR

Rev. Richard R. Fernandez.

STAFF ASSOCIATE

Rev. Thomas Lee Hayes, Stockholm, Sweden.

ADMINISTRATIVE ASSISTANTS

Mr. Theodore W. Johnson.
Rev. Richard Killmer.
Mr. Michael O. Sedore.

CONSULTANTS

Dr. Peter Berger.
Marie M. Runyon.

MASSIVE DEMONSTRATION PLANNED FOR NOVEMBER

The major feature of a massive national demonstration against the war in Vietnam will be a March Against Death to be held in Washington, D.C. This march will start at midnight on Thursday, November 13, and continue for thirty-six hours through November 14 and into the morning of Saturday, November 15. The March Against Death will be a single-file solemn procession of 43,000 to 45,000 persons, each representing one American killed in the war. Each will carry the name of a dead American and will call out that name as he passes the White House. In addition, the names of Vietnamese villages destroyed by the United States will be carried and called out.

The March will begin at Arlington National Cemetery and proceed past the White House and end at the Capitol Building where the names will be deposited in caskets to be later returned to the White House. The intention of this March Against Death is both to mourn and to protest the meaningless slaughter and at the same time to demand that all further killing cease.

Following the March Against Death, there will be a Mass March to the White House, led by G.I.'s and those who took part in the March Against Death. This larger march will conclude with a rally featuring prominent speakers near the Washington Monument at 2:00 P.M., Saturday, November 15.

CALCAV considers the March Against Death to be an extremely important anti-war activity. It is a demonstration in which every participant is crucially important. CALCAV urges its constituents to participate.

The March Against Death and the Rally to follow it are being coordinated by the New Mobilization Committee to End the War in Vietnam, an amalgam of a large number of peace and kindred organizations. Further information on these activities is available from the National CALCAV office or from: The New Mobilization Committee, 1029 Vermont Avenue NW., Suite 900, Washington, D.C. 20005—202/737–8600.

HARVEY AND DANIELS RELEASED

The case of George Daniels and William Harvey was discussed in detail in the last edition of ISSUES AND ACTIONS. Briefly, the two Black Muslim Marines were involved in a bull session at Camp Pendleton, California on July 27, 1967. They stated there that the war in Vietnam was a "white man's war" and that black people should not participate in it. The group decided to request meetings with their Commanding Officer to discuss this matter.

The two were charged with making disloyal statements and with attempting to undermine discipline and morale within the Marine Corps. They were sentenced to ten years (Daniels) and six years (Harvey). Two months ago these sentences were reduced to four and three years respectively. The two have spent the last twenty-five months in prison, mostly at the Naval Disciplinary Center in Portsmouth, New Hampshire.

On September 3, 1969, they were released pending appeal. They were the first to be so released under a provision of the recently enacted Military Justice Act. Further, it is believed that they are the first to be released in this fashion in the history of the armed services.

Following their release, they were given ten days leave and on September 13 reported for duty at two different military installations. Until their appeal is heard sometime in December, they will be treated as any other Marine, drawing full pay and privileges as well as holding the same rank they had before imprisonment.

The significance of this case is that the two were tried and imprisoned solely for statements they made. No evidence was given that their words resulted in any illegal action. Nor were the two ever involved in any disciplinary cases before their imprisonment. For this reason, their lawyers are prepared to argue this case in civilian courts—ultimately the Supreme Court—because it indicates a clear violation of First Amendment rights by the military judicial system.

For the moment, there is little concerned persons can do to assist these two men. Once the appeal is heard, however, a letter writing effort may be helpful. In the meantime, it would undoubtedly be helpful for letters to be written to officials in the Army, asking that the same procedure of release pending appeal be afforded other imprisoned men, especially those of the Presidio 27. Future editions of ISSUES AND ACTIONS will contain more information about Harvey and Daniels, as well as other servicemen who attempt to speak out while in the Armed Forces.

REGIONAL MEETINGS PLANNED

CALCAV plans two regional mettings in October to discover how the peace movement may be made more effective in certain regions of our nation. The conferences will explore what attempts at peace eduction are being made and how their effectiveness might be maximized.

One meeting will be held in Rapid City, South Dakota on October 14–15, covering Montana, Wyoming, South Dakota, North Dakota, and Nebraska. The other will be held in Dallas on October 6–7 with representatives from New Mexico, Arizona, Texas, Arkansas, Oklahoma, and Louisiana participating. Anyone from these states who is interested in attending should contact this office.

CALCAV PLANS ITS FUTURE

Last spring the national Steering Committee of Clergy and Laymen Concerned agreed

that its task would not be over when the war in Vietnam ended and that the organization should continue to exist. The destructiveness of militarism and its accompanying economy of death, the errors of Cold War thinking, the brutalization within the military, and the paternalism and oppression of U.S. foreign policy, especially as it relates to the Third World, are dynamics which led to Vietnam and are factors which must be changed if future Vietnams are to be prevented.

A strategy meeting was held in Boston to concretize plans for the future of CALCAV. The question of the nature and constituency of the organization, the question of what issues should be emphasized, the question of our relationship to organized religious bodies were priorities on the agenda.

Though no policy decisions were produced at the Boston Conference, several important suggestions were made. Foremost among these was the reminder that the Vietnam war continues, destroying scores of lives daily. Ending this carnage MUST remain our chief priority.

Concern was also expressed that the needs of G.I.'s who have concluded that their consciences prevent them from participating in the Armed Forces should be met.

Work on foreign policy as it relates to the Third World was also mentioned as a priority. However, frustration was felt because of the difficulty of the task. It is difficult primarily because it is impossible to understand the dynamics of the U.S. presence in the Third World without doing extensive research into all of the obvious ambiguities involved. It was suggested that a research arm of Clergy and Laymen be established to produce the necessary analysis for our actions in this area.

A packet of materials prepared for the conference, including the final report is available from the National CALCAV office. Single packets are free. Additional packets are available at the rate of four for $1.00.

REPORTS ON SWEDEN MINISTRY

An extremely comprehensive report was submitted recently by the Rev. Thomas Lee Hayes, CALCAV's Staff Associate in Stockholm, Sweden. Rev. Hayes' ministry among the more than 350 deserters in Sweden is now in its sixth month. For this reason his report presents a more complete picture of the situation in Stockholm and his work than was available before. If you wish this complete report, it may be ordered from the National CALCAV office. Single copies are free. Additional copies are available at the rate of ten for $1.00.

This summer, Mrs. Bea Seitzman, a professor at the Columbia University Graduate School of Social Work, spent eight weeks working with Father Hayes in Stockholm. She prepared a report for the CALCAV conference in Cambridge in August of her experiences. This is also available from the CALCAV office. Single copies are free. Additional copies are available at the rate of ten for $1.00

ACTIVITIES AT DENOMINATIONAL CONVENTIONS

Raising the question of the war in Vietnam and its related issues with the religious bodies of our nation has always been one of the chief tasks of CALCAV. The annual conventions of these bodies have been excellent opportunities to witness to our concerns.

Two G.I.'s who had gone AWOL because of their opposition to the war and who had been at the G.I. Sanctuary in the Church of the Crossroads in Honolulu were brought by CALCAV to the Episcopal Convention in South Bend, Indiana, in early September. There, after the Rt. Rev. C. Kilmer Myers, Bishop of California, introduced them, the two men explained their actions and asked for sanctuary. Louis Parry, one of the two G.I.'s told the convention, "We want our arrest, when it comes to take place in a church and we want the moral support of our fellow Christians."

Rev. Richard Fernandez, National Director of CALCAV, asked those who recognized the actions of the G.I.'s as conscientious and who supported their right of conscience to come forward. Over 500 delegates, one-half of the convention, came forward. The men remained in the sanctuary with representatives of their support group for most of the convention.

In July, the Missouri Synod-Lutheran Church met in Denver for their annual convention. The Lutheran Action Committee, a group of Lutherans concerned about raising the issues of Vietnam, human rights and church renewal, made several attempts to make their concerns known. CALCAV supported and participated in these activities.

The Missouri Synod bars those of other denominations from joining with them in the Eucharist. CALCAV brought Father Malcolm Boyd, an Episcopalian priest, to Denver. Father Boyd joined the Lutherans in the Eucharist and later in a separate service con-celebrated with a Missouri Synod pastor and a Roman Catholic priest. Father Boyd also led in the reading of the names of the war dead in the convention center. Later that week the Lutheran convention passed a statement recognizing the Selective Conscientious Objector position and agreed to permit communion with the American Lutheran Church.

The General Synod of the United Church of Christ met in Boston in June. CALCAV supported and helped the United Churchmen for Change raise the issues of war and human rights. The United Church passed statements on the war and in favor of amnesty for men of conscience who are in prison or exile for the opposition to the war in Vietnam. The U.C.C. is currently developing a program responding to the needs of young men who in conscience are unable to participate in the Armed Forces.

VIETNAM MORATORIUM

The Vietnam Moratorium is an effort to maximize public pressure to end the war in Vietnam by encouraging a broad cross-section of Americans to work against the war. The method is a recurring moratorium on "business as usual" to allow concerned citizens to spend that day participating in anti-war programs in their local communities. The first day of the moratorium is scheduled for October 15, and the work of that day will be directed towards building an enlarged and lengthened moratorium for November.

Generally, the Vietnam Moratorium will expand by one day each month. It is focused on ending the war, but allows for related issues such as conscription, militarism, taxes, etc. to be included on a local level. The Moratorium at its optimum level encourages a complete break with normal activity on this day. At the same time, however, it encourages activities in which those unable to take an entire day off from work or classes can participate.

CALCAV urges its members to consider participation in the Vietnam Moratorium. Further information is available from the National CALCAV Office and from: Vietnam Moratorium Committee, 1029 Vermont Avenue, NW, Suite 806, Washington, DC 20005, 202/347-4757.

NEW MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM,
Washington, D.C., September 17, 1969.

STEERING COMMITTEE: (IN FORMATION)

Norma Becker, Irving Beinin, Barbara Bick, Abe Bloom, Irwin Bock, Allan Brick, Katherine Camp, Marjorie Colvin, Bill Davidon, Rennie Davis, Dave Dellinger, Douglas Dowd, Gerhard Elston, Al Evanoff, Myrtle Feigenberg.

Richard Fernandez, Gene Gladstone, Jerry Gordon, Bob Green, Robert Greenblatt, Dave Hawk, Dave Herreshoff, Fred Halstead, Betty Johns, Arnold Johnson, Donald Kalish, Gloria Karp, Sylvia Kushner, Sidney Lens.

Carol Lipman, Brad Lyttle, John McAuliff, Stewart Meacham, Joe Miles, Joe Miller, Allan Myers, Otto Nathan, Sidney Peck, Ann Peery, Max Primack, Carl Rogers, Irving Sarnoff, Lawrence Scott, Larry Siegle, Arthur Waskow, Cora Weiss, John Wilson, Ron Young.

DEAR FRIENDS: What follows is the most complete list of the Steering Committee that we were able to assemble as of September 17. There are undoubtedly ommissions—we apologize. If you note any ommissions, please let us know immediately so we can make the necessary addition(s). There will also undoubtedly be mistakes and inaccurate information—please let us know about them right away also. You will also note that there are some names for whom there is no information or incomplete information—if you can help us with that, please do. In the near future, we will also prepare a similar list of all those who have attended meetings of the Washington Action Committee.

For the Washington Action,
DON GUREWITZ,
New Mobe staff.

Carol Andreas, 1941 Orleans, Apt. 631, Detroit, Mich. 48207 961-5553: Carol is one of 3 rotating representatives of the Detroit Coalition along with Herreshoff and Lafferty.

Marc Beallor, 22 E. 17th St. Rm. 1228, New York, N.Y. 924-8620: W.E.B. DuBois Clubs.

Norma Becker, 68 Charles St., New York, N.Y., 10014 212-691-5748. Fifth Ave. Parade Comm.

Abe Bloom, 3313 Harrell, Wheaton, Md. Wh 2-5393-H, 933-1144-O, Wash. Mob. Project Director.

Irving Beinen, 197 E. 4th St., New York, N.Y., 170 E. 3rd. St., N.Y., N.Y., 212-673-1593: Parade Comm., Guardian.

Barbara Bick, 2231 Bancroft Pl. N.W., No. 1, Wash., D.C., 20008 202-483-5384: WSP.

Irwin Bock, 4140 N. Oakley, Chicago, Ill., 321-922-0065, 478-9337: Vets for Peace (431 S. Dearborn, Chicago).

Allan Brick, FOR, Box 271: Nyack, N.Y., 914-358-4601.

Kay Camp, 2006 Walnut St., Philadelphia, Pa., WILPF.

Marjorie Colvin, GI-CAP, 131 Lake St., San Francisco, Cal. 94118.

Bill Davidon, 7 College Lane, Haverford, Pa. 19041, Resist, 215-649-9600-O. 215-649-6154.

Rennie Davis, 28 E. Jackson, No. 407, Chicago, Ill., 321-641-5955, 427-7773: The Conspiracy.

Dave Dellinger, Liberation Magazine, 339 Lafayette St., N.Y., N.Y. 212-674-0050: Conspiracy, Co-Chairman.

Doug Dowd, Dept. of Econ., Cornell U., Ithaca, N.Y., 1004 E. Shore Dr., Ithaca, N.Y. 607-272-6584-H. 275-4892-O. Co-Chairman.

Gerhard Elston, National Council Churches, 475 Riverside Dr., N.Y., N.Y. 10027. 212-870-2148.

Al Evanoff, Dist. 65, 13 Astor Pl., N.Y., N.Y. 10003. 212-533-7200.

Myrtle Feigenberg, 10002 Harsten Lane, Phila., Pa., 215-AD 3-3504, Phila. WSP.

Dick Fernandez, 3400 Baring St., Phila., Pa. 19104. 215-EV 7-437.; 475 Riverside Dr., N.Y., N.Y. 10027. 212-749-8518: Clergy and Laymen.

Gene Gladstone, P.O. Box 1994, Ann Arbor, Mich.; 1391 Esch. Court, Ann Arbor, Mich. 313-971-6444: Ann Arbor Mobe.

Jerry Gordon, 3194 Oak & Rd., Cleve. Hts., O. 216-321-8714-H, 781-2137-O. CAPAC.

Bob Green, 2006 Walnut St., Phila., Pa. Phila. Resistance.

Fred Halstead, 873 Broadway, N.Y., N.Y. 10003; 228 10th Ave., N.Y., N.Y. 10001. 212-565-5471: SWP, Staff.

Terry Hallinan, 1060 Green St., San Francisco, Calif.

David Hawk, Vietnam Morator., 1029 Vermont Ave., Wash., D.C. 20005. 202–347–4757.

Dave Herreshoff, Detroit Coalition, 75 McLean, Highland Park, Mich.: Wayne State His. Dept.

Gus Horowitz, 873 Broadway, N.Y., N.Y. 10003. 533–6414: SWP.

Arnold Johnson, 23 W. 26th St., N.Y., N.Y. 212–685–5755: CPUSA.

Donald Kalish, Dept. of Philos., U. of Cal., Los Angeles, Cal.; 15142 Mulholland Dr., L.A., Ca. 90024. 213–GR 2–0194–H, 825–1476–W: New Mobe(LA).

Sylvia Kushner, 4911 N. Glenwood, Chicago, Ill. 60640; 343 S. Dearborn, Chi., Ill. 312–922–6578.

Jim Lafferty, Detroit Coalit.

Paul Lauter, Lanlea Apts. No. 10, York Rd., Lutherville, Md.: Resist.

Sid Lens, 5436 Hyde Park Blvd., Chicago, Ill. 60615. 312–NO 7–5437: Chi. Peace Counc., Co-Chairman.

Carol Lipman, 4103 Davis. Pl. No. 5, Wash., D.C.; 1029 Vermont Ave., Wash., D.C. No. 907. 737–0072, 965–0253–H: SMC.

Brad Lyttle, 217 Mott St. 2 R, N.Y., N.Y. 10012. 431–6440, 777–5560: staff.

John McAuliff, CRV, Box 380, Cooper Sta., N.Y., N.Y. 10003. 212–228–4470–O. 866–7464–H.

Stewart Meacham, AFSC, 160 N 15th St., Phila., Pa. 215–LO 3–9372, LO 4–1914: Co-Chairman.

Joe Miller, 100 Lodges Lane, Bala Cynwyd, Pa. MO 4–1864.

Pvt. Joe Miles, Allan Myers, 1029 Vermont Ave. No. 907, Wash., D.C. 20005: GI Press Service.

Otto Nathan, 24 Fifth Ave., N.Y., N.Y. 10011. 477–2948, 473–6400, WRL.

Vern Newton, NDC, 150 Fifth Ave., N.Y., N.Y. 212–691–8180.

Sidney Peck, 3429 Milverton, Cleve., O. 216–991–6759–H, 216–368–2624–O, 368–2620–O. OPAC, Co-Chairman.

Ann Peery, 128 W. Davis, Yellow Springs, O. 45387. 513–767–1965. OPAC.

Max Brimack, 743 S. Oglesby, Chicago, Ill. Chi. Peace Counc.

Carl Rogers, Comm. for Presidio 27, 1029 Vermont Ave., Washington, D.C. 20005. 202–638–4126.

Larry Scott, 4401 Pine St., Phila., Pa., 20 S. 12th St., Phila., Pa. 222–4324. AQAG.

Art Waskow, Inst. for Pol. Studies, 1520 New Hampshire Ave., Wash., D.C. 332–3307–H.

Cora Weiss, 5022 Waldo Ave., Riverdale, N.Y. 212–549–4478. WSP.

John Wilson, 1416 New Hampshire Ave., Wash., D.C.

Ron Young, For, Box 271, Nyack, N.Y. 10960. 914–358–4601. For, Project Director.

Peer Vinther, YSA, P.O. Box 471, Cooper Union Sta., N.Y., N.Y. 10003.

Leroy Wolins, Irving Sarnoff, Larry Siegle, Jack Spiegel.

WASHINGTON ACTION COMMITTEE—TENTATIVE LIST AS OF SEPTEMBER 23, 1969

Yvonne Aronson, 55 Woodside Lane, Princeton, N.J. 08540 (609) 921–7246.

Alice Arshack, 8718 Reading Rd., Silver Spring, Md. 587–6434, AQAG–MOBE.

Frank and Margaret Barham, 4620 Morgan Drive, Chevy Chase, Md. 20015.

Norma Becker, 68 Charles St., New York, N.Y. 10014 (212) 691–5748.

Mr. Irving Beinen, The Guardian, 197 E. 4th St., New York, N.Y.

Barbara Bick, 2140 P St. NW., Washington, D.C., WSP.

Mr. Abe Bloom, 3313 Harrel St., Wheaton, Md. (301) Wh2–5393, Wash. Mobe.

Ken A. Bode, 1650 Harvard St. NW., Washington, D.C., NDC–NY 296–0436, off.—234–2218.

Mr. Allan Brick, Box 271, Nyack, N.Y., FOR.

Tina Bristol, Box 380, Cooper Station, New York, N.Y. 10003 CRV.

Holmes Brown, 515 E. Capital St., Washington, D.C. 20003.

Miss Kay Camp, 2006 Walnut St., Philadelphia, Pa., WILPF (215) LO3–7110.

John Carter, 1221 Trinidad Ave. NE., Washington, D.C., ECTC.

Rep. R. G. Clark, Box 184, Lexington, Miss.

Peter Cohen, 1015 Chestnut St., Suite 700, Philadelphia, Pa. 19103 (215) WA2–6810.

Tom Cornell, 337 Lafayette St., New York, N.Y. 10012.

Leon Craig, 17 E. 17th St., Fifth Avenue Parade Committee, New York, N.Y.

Linda Ciricone, 3410 Brown NW., Washington, D.C., Women's Liberation, 483–8981.

Mr. Bill Davidson, 7 College Lane, Haverford, Pa., Resist 215–649–6900—off. 649–6154—home.

Rennie Davis, 109 N. Dearborn, No. 606, Chicago, Ill., The Conspiracy.

Dave Dellinger, 339 Lafayette St., New York, NY 10012, Liberation Magazine (212) 674–0050.

Jim Dill, 1911 S St. NW., Washington, D.C. 20009.

Ivanhoe Donaldson, 1520 New Hampshire Ave. NW., Washington, D.C., Institute for Policy Studies.

Prof. Douglas Dowd, Dep't. of Economics, Cornell University, Ithaca, New York.

Bob Eaton, 20 S. 12th St., Philadelphia, Pa. 19107, AQAG, LO7–3150.

Lester Edelstein, 2144 California St. NW., Washington, D.C. 20008.

Gabrielle Edgcomb, 3515 Idaho Ave. NW., Washington, D.C. 20016 SANE, 244–7577.

Mr. Gerhard Elston, 475 Riverside Drive, New York, NY 10027, National Council of Churches (212) 870–2148.

James Estes, 160 N. 15th St., Philadelphia, Pa. 19102, AFSC (215) LO3–9372.

Mr. Al Evanoff, Dist. 65, 13 Astor Place, New York, NY 10003 (212) 533–7200.

Miss Myrtle Feigenberg, 10002 Harsten Lane, Philadelphia, Pa., WSP (215) AD3–3504.

Dick Fernandez (home), 3400 Boring St., Philadelphia, Pa. 19104 (215) EV7–4137.

Dick Fernandez, 475 Riverside Dr., New York, NY 10027 (212) 749–8518, CALCAV.

Edward P. Gottlieb, 170 Park Row, New York, NY 10038, WRL (212) 962–7433.

Mr. Sanford Gottlieb, 245 Second Ave. NE., Washington, D.C., SANE.

Bob Green, 2006 Walnut St., Philadelphia, Pa. 19103, Resistance, 215–561–5080.

Don Gurewitz, 1112 Quebec St., Silver Spring, Md., Mobe staff 434–6005.

Helen Gurewitz, 1112 Quebec St., Silver Spring, Md., 434–6005.

Mr. Fred Halstead, 873 Broadway, New York, NY 10003.

Bob Haskell, 300 9th Ave., New York, NY 10001, EPF (212) 675–2141.

Mr. Dave Hawk, Vietnam Moratorium, 1029 Vermont Ave. NW., Washington, D.C. 20005 (202) 347–4757.

Miss Dorothy Hayes, 307 E. 44th St., New York, N.Y., WILPF.

Virginia Hill, 160 N. 15th St., Philadelphia, Pa. 19102, AFSC, 215 LO3–9372.

Gus Horowitz, 873 Broadway, New York, N.Y. 10003, SWP, 533–6414.

Miss Betty Johns, United Church Women, 475 Riverside Drive, New York, N.Y. (212) MO1–3856.

Mr. Arnold Johnson, 23 W. 26th St., New York, N.Y.

Glenna Johnson, 2006 Walnut, Philadelphia, Pa. 19103.

Eric Jones, 1811 Wyoming Ave., Washington, D.C., SNCC

Mike Kalper, 417 E. 60th St., New York, N.Y. 10022.

Martin Kehoe, 339 Lafayette St., New York, N.Y. 10012, CPF (212) 673–8990.

Richard Killmer, 475 Riverside Dr., New York, N.Y., CALCAV (212) 749–8518.

Vicki King, 1823 Riggs Place NW., No. 9, WISP, 234–2155.

Marilyn Lerch, 1816 New Hampshire Ave., No. 908, Washington, D.C. 20036, 462–4529.

John Lewellen, 1854 Park Rd. NW., Washington, D.C.

Carol Lipman, 1029 Vermont Ave., Washington, D.C. 20005, SMC-YSA (212) 737–0072.

Brad Lyttle, 217 Mott. St. Apt. 2R, New York, N.Y., WRL, NECNVA (212) 964–8083.

Robert Maslow, 1730 I St. NW., Washington, D.C., 298–8426.

Mr. John McAuliff, Box 380, Cooper Station, New York, N.Y. 10003, CRV.

Gelston McNeil, 1725 17th St. NW., Apt. 414, Washington, D.C. 20009, DE2–8584.

Mr. Stewart Meacham, 160 N. 15th St., Philadelphia, Pa., AFSC (215) LO3–9372.

Mr. Joe Miller, 100 Lodges Lane, Bala Cynwd, Pa., MO4–1864.

Miss Julie Miller, 857 Broadway, 3rd fl., New York, NY 10003, NYHS Mobe.

Susan Miller, 1604 19th St. NW., Washington, D.C., AD2–4905.

Mr. Allen Meyers, 700 E. 9th St., Apt. 24, New York, N.Y. (212)–533–4603.

Otto Nathan, 24 Fifth Ave., New York, N.Y. 10011, WRL (212) 477–2948.

Veme Newton, 150 Fifth Ave., Rm., 205, New York, N.Y., NDC, (212) 691–8180.

Sidney Peck, 3429 Milverton, Cleveland, Ohio 44120 (216) 991–6759, 368–2624–office.

Jim Pickett, 6136 Chinquapin Pkwy., Baltimore, Md. 21212, Baltimore Defense Comm. (301) 433–2380.

Candy Putter, 20 S. 12th St., Philadelphia, Pa.

Glenn Ray, 15 Rutherford Place, New York City, NY 10003 AFSC.

Thomas Reeves, 201 Massachusetts Ave., NE., # 108, National Council to Repeal the Draft, 544–2041–office, 544–6941–home.

Harry Ring, 305 E. 21st St., New York, NY., 212–533–6412, SWP.

Carl Rogers, 1029 Vermont Ave., NW., Washington D.C. 20005, Presidio 27 Comm. (202) 638–4126.

Sharon Rose, 5201 Connecticut Ave., NW., Washington, D.C., Jews for Urban Justice, 244–6752.

Jose Rudder, 4925 Fitch Place NE., Washington D.C.

Lawrence Scott, 4401 Pine St., Philadelphia, Pa., AQAG 222–4324.

Peter Shuchter, 2 Erie St., Montclair, NJ 070042, SANE (201) 744–3263.

Jane Silverman, 2007 Massachusetts Ave., NW., Washington D.C., New Mobe/New Party 483–0351.

Sue Strauss, 1840 California St. NW., Washington D.C. 20009, F.E.D.S., 382–1446–office, 387–5261–home.

Sue Susman, 3 William St., Great Neck, N.Y., United Methodists, Women's Division, Board of Missions, 516–457–4674.

Ethel Taylor, 1505 Ashford Way, Philadelphia, Pa. 19151, WSP, (215) MI2–9078.

Bill Tray, 17 E. 17th St., New York, N.Y., Parade Comm. 255–1075.

Ottilie Van Allen, 4838 Park Ave., Washington, D.C.

George Vickers, 232 W. 16th St., New York, N.Y. 10011, Methodist Women, (212) 675–5902–home Mu2–3633–office.

Peer Vinther, Box 471, Cooper Station, New York, N.Y. 10003, YSA—

Arthur Waskow, 1520 New Hampshire, Washington, D.C., Institute for Policy Studies.

Marilyn Webb, 2318 Ashmead Place NW., Washington, D.C. 20009, Women's Liberation.

Miss Cora Weiss, 5022 Waldo, Bronx. N.Y., 10471, (212) 549–4478.

Steve Wilcox, 1029 Vermont Ave., NW., Washington, D.C. 20005, 737–8600.

Mr. George Wiley, 1419 H St., NW., Washington, D.C. 20005, 347–7727.

Rev. Herman Will, 100 Maryland Ave., NE., Washington, D.C. 20002, Methodist CSC, (202) 543–6336.

Grace Williams, 148 Delancey St., New York, N.Y. 10002, CRV, (212) 228–4505.

Ron Wolin, 857 Broadway, Rm. 307, New York, N.Y. 10003, (21) 675-8465.

Leroy Wolins, 1380 E. Hyde Park Apt. 302, Chicago, Ill. 60615, Vets for Peace.

Richard and Mary Wylie, 2120 16th St., NW., Washington, D.C.

Trudi and Ron Young, 1029 Vermont Ave., Washington, D.C. 20005, New Mobe, 737-8600.

HUMAN RIGHTS ARE THE BIRTHRIGHT OF ALL

Mr. PROXMIRE. Mr. President, the United States, in successive administrations of both political parties, has taken the lead in working for a world in which human rights are the birthright of all. Nevertheless we have ratified only two of the more than a score of human rights conventions. There should be no greater emphasis for international concern than the guarantee of the human rights of mankind. The human rights conventions on genocide, political rights of women, and forced labor, guarantee such rights.

Mr. President, yesterday I spoke of the report recently published on the treaty-making power of the United States in human rights matters. This report was prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968. The distinguished and able W. Averall Harriman was the chairman of the President's Commission for the Observance of Human Rights Year 1968. I would like to bring to the attention of my colleagues the very moving letter signed by Mr. Harriman as an acceptance of this report. The point is made that by participation in these human rights conventions "we will demonstrate to countries throughout the world, who look to us for leadership, that we truly accept the universality of basic human rights." Mr. President, I ask unanimous consent that Mr. Harriman's letter to former Supmere Court Justice Tom C. Clark, the chairman of the Special Committee of Lawyers, be inserted in the RECORD at this point:

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

DEAR JUSTICE CLARK: It is with sincere pleasure that I have received and accepted your report on the Human Rights Conventions. The question of U.S. ratification of Human Rights Conventions was at the very heart of all our efforts throughout 1968—the International Year for Human Rights.

The report of your Committee justifies the emphasis which the Commission placed on the question of the Human Rights Conventions. In your conclusion, you state that: "Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty-making power of the United States." This is an unequivocal rejection of the arguments of those who would seek to elevate the concept of the sovereignty of the state above personal human values and the common aspirations of mankind for liberty and dignity.

Little need be said beyond this except that now we must summon-up the will to participate in these Conventions. In that way we will demonstrate to countries throughout the world, who look for us for leadership, that we truly accept the universality of basic human rights.

Your Committee has performed a signal service for the Commission and I believe this report will lay the foundation for a reappraisal of international human rights within the legal profession and eventually within the Congress of the United States.

With my warm personal regards.

Sincerely,

W. AVERELL HARRIMAN,
Chairman, the President's Commission for the Observance of Human Rights Year 1968.

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, on Friday, October 10, the Evening Star of Washington concluded its five-part series entitled "The White Reaction." In that conclusion, Mr. Haynes Johnson notes that the reporters who wrote the series found "disquieting evidence of new tensions between whites and blacks."

The final article states that skepticism about the prospects for integration is not prevalent just among lower income whites. According to the article, "doubt exists among all groups from white-collar liberals to blue-collar workers."

Each time the demands of black militants are met, racial tensions increase; and the Evening Star reporters found that, "in such an emotional context, some thoughtful whites view the future with increasing pessimism." The tensions that produced the pessimism among whites has also produced what the article calls "an apparent further drawing apart of whites and blacks."

This informative series has described in detail the reaction of the white majority in America to the demands of a minority comprised of black militants. It has warned of the polarization of attitudes among whites and has given voice to their grievances. The series of articles should not be ignored, Mr. President.

I ask unanimous consent that the final part of the series be printed in the RECORD.

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

THE WHITE REACTION

(By Haynes Johnson)

Much has been made recently of that "forgotten American" of whom Richard Nixon spoke during his presidential campaign. Assuming he exists at all, he is the "little man" of modest income who struggles for survival and worries about law and order. He is also the white American most identified as harboring antipathies toward Negroes.

But that supposed "common man" isn't the only American skeptical about the prospects for an integrated society. Doubt exists among all groups from white-collar liberals to blue-collar workers.

A team of white reporters assessing attitudes of white Americans today returned from their trips around the country with disquieting evidence of new tensions between whites and blacks.

The attitudes of the whites they met are adding another chapter to the pervasive story of the 1960s—the Negro's effort to achieve the equality that has been promised him in theory, but denied him in reality.

It has been a story of anguish and hope, achievement and frustration, reconciliation and rebellion. And now, in part, it is a story of reaction.

The current mood should come as no surprise. It is an inevitable response to strife and sudden change. It is the price of progress. It also reflects concern over other unresolved national questions, indeed, over the very complexity of American life.

For some whites, the Negro and race relations have become convenient scapegoats for a host of other grievances.

One result is an apparent further drawing apart of black and white. "Polarization" is the current operative word—and cliche or not, polarization does exist.

It can be detected by even the most casual observer in a number of ways—in the reports of black-white conflict in the military, in the public schools, in the issues dominating municipal election campaigns, and in the often unsuccessful and bitter attempts of whites and blacks to work together on poverty programs and other self-help community projects.

Even among the traditional civil rights organizations, a new questioning is apparent. One detects a tone of resignation, a sense that the goal of an integrated society is easier to express than to achieve. This week, for instance, the American Civil Liberties Union issued a defensive statement saying it has not abandoned integration "as an ideal for educational quality." Then the ACLU added the gloomy forecast:

"In many communities, particularly the urban ghettos, we will continue to have segregated public schools for the foreseeable future. New strategies for equalizing educational opportunities are imperative lest we write off still another generation of minority children."

Beyond the specific problems lies a more intangible and difficult question—one of attitude.

The black director of a Pittsburgh anti-poverty program expressed the thought best when he remarked that some Negroes are being taught the same kind of racial prejudice that sustained white society, in reverse, for so many years. "Love black, hate white," he had said was the lesson for some. His words recalled a comment in Alan Paton's "Cry the Beloved Country," where the black African says sorrowfully, "I have one great fear in my heart, that one day when they (whites) turn to loving they will find we are turned to hating."

In such an emotional context, some thoughtful whites view the future with increasing pessimism.

"A lot of people now fear and hate Negroes who neither feared nor hated Negroes 10 years ago," said one man, a scholar in Washington, D.C. "It's not the color of his skin that's done him in. There's much less residual color prejudice in this country than we think. But the lawlessly aggressive militant has done the whole black race in.

"I'd have to say I'm pretty pessimistic. We are beset by the same sort of pressures which destroyed the German Republic in the '20s and brought Hitler to the fore. Don't forget that we've had vigilantism in this country for a long time."

"There's no question that the lines are being drawn, and numerically there just aren't that many revolutionaries to fight against the establishment. Labor is going to provide the shock troops. It isn't going to be called fascism, either. It'll have a good name. We can call it law and order.

"And one of these days somebody will come along with some personal magnetism and you're going to have a consolidation of the right. It may not be altogether a black-white confrontation, but sooner or later the middle class—primarily white middle class—is going to rise up against what it considers outright lawlessness."

Like other whites, he attributed a white reaction of fear and anger to the cumulative effect of the black militant's ultimatums and demands. Feeding this reaction is a belief that the turmoil pictured on the television screen is becoming greater. It leads to the conclusion that race relations have never been worse.

Yet, while the voice of the angry radical commands attention today (unfairly and inaccurately as the true representative black), other hardly noticed developments of greater significance are occurring.

In no other decade has an oppressed minority made greater, and more dramatic, gains. Throughout the 1960s, America has been undergoing something approaching its second revolution—a revolution of taste, style, manners, morals, expression, education, economics, politics.

The black protest movement, standing at the center of that revolution, has affected virtually ever aspect of American life—from the young white students who journeyed South in the mid-60s to Mississippi and Selma and then returned to their college campuses to begin their own challenge to the system, to the contemporary music, the dress and the language of today that stem directly from the blacks.

Even the numbers are changing.

At present, there are nearly 23 million black Americans, an increase of more than 20 percent over the 1960 census figures. (In the same period the white population increased by about 12 percent.)

By every statistical measurement, blacks, as a group, have advanced: Some 38 percent of black families now own their homes; the number of black professional, technical and craft workers increased by nearly 1.5 million since 1960; the proportion of blacks in colleges also has risen dramatically.

Here are other indications of change.

In education—Nine years ago, only 43 percent of young black men and women in the central cities were high school graduates; now that percentage has risen to 61. School dropout rates have declined sharply among blacks.

In incomes—Today, some 20 percent of Negro families in the largest metropolitan areas have income of $10,000 a year and over, double the number in 1960.

One of the most important changes involves the migration patterns of blacks.

Since World War I, blacks moved in ever greater numbers out of the old rural South and headed North. That pattern continued to accelerate through the 1950s and into the 1960s. Today, it has almost stopped.

Negroes are remaining in the South, partly because of better conditions there, but also out of a harsh recognition that life in the North may even be worse for them. The urban riots undoubtedly were a factor altering this pattern of movement.

From 1960 until 1966, for example, the cities were growing by about a quarter of a million persons a year. White population in central cities declined by about 141,000 a year. The black population in the cities was increasing by about 370,000 a year.

Then, about 1967, there came what the Census Bureau describes as "a distinct change."

City population dropped by nearly 400,000 a year. The movement of whites out of the central cities "rose sharply" to nearly 500,000 a year. Black migration into those cities dropped to 110,000 a year.

In other words, whites are leaving the cities in far greater numbers than before and blacks are replacing them at a slower rate than at any time in the past 20 years. That last development leads government analysts to conclude that the black concentrations in the cities may not increase much in the future. Coupled with this is the prospect of another kind of move by blacks: from the cities to the largely white suburbs.

As Conrad Taeuber, associate director of the Census Bureau, sees the trend:

"With the growth of a black middle class of major proportions, we may find that more blacks, as well as whites, will shun the cities until they provide more of the kind of life people want."

But that cuts both ways. It means the rest of the black population—the poor, uneducated, ill-equipped, ill-served black population—is left to itself in the decaying central cities. They are increasingly separated not only from white society, but from blacks. They are the festering sores in this rich land.

During research for this series, a recurring theme was sounded: that the racial problem in this country is a problem also of culture and economics. The greatest potential for violence comes when blacks and whites compete at the working level—and clash. That is happening today.

Although racial stereotypes have been altered in this decade, many white people still think of Negroes as an angry, hostile minority who, from time to time, set the torch to their own neighborhoods and throw America into a convulsion of fear. The whites haven't yet begun to notice those other blacks—the blacks now on their television commercials and dramas, the blacks in their offices, restaurants, theaters, airports, neighborhoods—who have been assimilated into the predominant middle-class white culture. Today those blacks, not the slum dwellers, are the real invisible Americans.

Yet they are proof that integration, or assimilation, can work. They are also the source of optimism in this story.

Joseph L. Rauh Jr. of Washington, vice chairman of Americans for Democratic Action and a veteran fighter for civil rights causes, struck neither an optimistic nor a pessimistic note when he said:

"I'm too old to change. I'm absolutely adamant when it comes to integration. I'm against separatist blacks and whites. I still believe in integration, but I wish I knew the answer on how to achieve it in a practical way.

"What has happened in America, what we have accomplished in the civil rights fight, is that we have made a system of legal racial equality. But we haven't made a system of practical racial equality. That hasn't been possible because of the economic situation."

Others, looking to the future, point to other developments. In Los Angeles, John A. McCone, the man charged with assessing the reasons for the riot in Watts and a former CIA director, takes another view. The riots, he thinks, have produced some beneficial results. "What has evolved out of the riots is a public awareness of the problem," he said.

Then he added:

"Examine what has taken place in the last 20 years; a period of intense technological development, a revolution in communications which has changed the scope of knowledge. I think this has a lot to do with the changes we are seeing. This period is the first time in history when man has the power to destroy civilization."

He might have said that America today contains the potential for self-destruction from within, or for creating a more equitable society.

Of that eventual outcome, you can hear voices of gloom and voices of optimism in traveling the country these days. A reporter prefers to recall one incident.

It was in Pittsburgh, in a private, closed-door meeting between a cross-section of the black community and the new public safety director, who is white. The exchange was frank—even blunt. The blacks laid out their grievances. They were explicit about problems in their community; they spoke of police—community tensions, of allegations of bribes and payoffs. One thing they needed to reduce the tensions was a new police-community relations division operating directly under the safety director. Were they going to get that? they asked.

"I don't know," the policeman said. "You know, we're pretty new at this."

For a moment, there was silence. Then a black spoke up.

"So were the Mets," he said.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advanced funding of such programs, and for other purposes.

The Senate proceeded to consider the bill.

THE POVERTY BILL—OUR UNFULFILLED OBLIGATION

Mr. YARBOROUGH. Mr. President, we are frequently reminded that this Nation's technological superiority, military might, and economic abundance is unparalleled in the history of civilization. I think it is significant, however, that our spectacular accomplishments have not blinded us to our failings and that our democratic political process forces us to consider matters overlooked in the rush toward greatness. Today we are required to face the unpleasant fact that there is still poverty in America. We do so because our political institutions remain sensitive to the demands of a concerned citizenry which is aware of the debilitating effects of poverty on the quality of life and the economic well-being of the Nation. I see this as a sign of strength and of political maturity. It suggests to me that democracy is still flourishing as we near our 200th anniversary as a Nation.

Therefore, I strongly support S. 3016, a bill which authorizes new initiatives in several areas heretofore neglected.

Senator NELSON, as the chairman of the Subcommittee on Employment, Manpower, and Poverty, labored long and hard to bring to the subcommittee a reasoned and balanced approach to the problem of where the poverty program should go now. He worked with great skill in bringing before the Senate a poverty bill that has the most widespread acceptance of any poverty bill that has ever come out of the Committee on Labor and Public Welfare. I believe that I speak for the committee when I express to the Senator our appreciation for his consideration and understanding of our individual views as the bill moved through the committee.

The dimensions of the poverty problem have become increasingly familiar to those of us who have been given special responsibilty for examining and acting on poverty matters as members of the Senate Labor and Public Welfare Committee.

THE PROBLEM

Twenty-five million Americans who live in a land of affluence must support a family on less than $75 a week.

Five million Americans are chronically hungry and 10 million suffer from chronic malnutrition.

Then there are the forgotten rural poor; up to 14 million people living in isolated little communities and settlements where they hover in despair and grow bitter toward that which is far away, urban, and hard to understand.

Finally, I should add that the statistics we now see show us that this is not a regional or a sectional problem; poverty knows no geography in this country. Nor is it a racial phenomena. The statistics show that two out of three people who live in poverty are white. In other words, this is a national problem and its solution will require a national commitment of energy and resources.

COMMITTEE ACTION

The Labor and Public Welfare Committee, which I have the honor to chair, has carefully reviewed this bill and, has adopted the recommendation of the Subcommittee on Employment, Manpower, and Poverty which is headed by my distinguished colleague Senator NELSON. While we have sought to be responsive to the administration's request, we have had to recognize certain realities about poverty in America. The ongoing successful programs must be expanded while initiative is given for new ideas which will strengthen the program where it is weak, expand it where there are gaps, and assure the integrity of those programs whose continuity is vital to successful execution of a meaningful war on poverty.

The bill meets the administration's request for a 2-year authorization of OEO funds and the new OEO Director's request that we provide the administrative flexibility he seeks in order to undertake some reforms and improvements in his agency. This includes a provision which will permit the OEO Director to cut the budget of any program by up to 15 percent and to reallocate the funds to other programs within the agency. This will allow him to forestall financial crises for critical programs by taking idle money from stalled efforts and putting it to work where it is needed and can do the most good.

The President's budget proposal for the OEO was examined carefully by the committee and after due consideration it was the judgment of the committee that some of the more effective programs required additional funds to be truly effective weapons against poverty. Authorization for eight separate programs were expanded. These include the following:

Headstart: The committee voted additions of $120 million for 1970 and $240 million for 1971 to the President's request of $338 million per year. This is important if the already small number of children served by this program is not to be cut back. The headstart experience to date has shown us that the assistance provided to the youngsters in the summer often would be more effective if it were extended over a full year. Additional funds are needed to permit conversion of summer headstart sessions into year-long programs. The additional funds allocated for this program will achieve that purpose. They will allow all enrolled children to take advantage of the program for the entire year.

Legal services program: The President requested $58 million each year for OEO legal services. After examining the program and hearing compelling testimony on its progress and its promise by such prestigious groups as the American Bar Association, the National Bar Association, and the National Legal Aid and Defenders Association the committee voted to authorize an additional $16 million for 1970 and $32 million more for 1971. By 1971 the program would have an authorized funding level of $90 million—the minimum recommended by the American Bar Association. I shall discuss this matter more fully later in my statement.

Comprehensive health services: The administration's request for an $80 million authorization has been supplemented by an additional $40 million for 1970 and another $80 million for 1971. This reflects the committee's realization that families with poor health are canceling out any gains made in the employment, manpower educational fields. These services need to be expanded into many more communities as a vital complement to the other antipoverty programs which are based on assumptions that minimal health conditions prevail among those who are being helped to help themselves.

Our failure to recognize and act upon our health needs is a national disgrace. As chairman of the Health Subcommittee, I have found that as a Nation we are not paying enough attention to our growing health problems. We fail to provide sufficient doctors and technicians, we cutback our research funds thoughtlessly, and we fail to recognize that in our land of abundance, our newborn infants have less chance of life than children born in 15 other countries in the world. The comprehensive health services program is an attempt to bring medical services to the people who need them most. An investment in the health of these people is the most valuable investment we can make. For without health all the education and job training is doomed to failure.

Mr. President, this is a most important addition to the President's program, and I support it wholeheartedly.

Emergency food and medical service: The administration's request for $25 million in authorized expenditures would have the effect of holding back growth of this program in the face of disturbing new knowledge about the scope and severity of hunger in America. Some 20 million poor Americans who currently receive no family feeding assistance and the 5 million poor children who are denied school lunches would remain outside the program. The committee, cognizant of these facts, and sympathetic to the compelling need to abolish hunger and malnutrition in this land of abundance has recommended a substantial increase in the authorization. We are recommending an additional $75 million in 1970 and another $150 million in 1971.

Migrant worker programs: The administration has requested an authorization of $34 million for this program. The committee recommended increases after becoming aware of a number of disturbing facts. First, only one out of five migrant worker families is served by the program. Second, only about 4 percent of the programs' funds are being used to assist migrant farmworkers' families move out of the migrant stream and settle into nonfarm occupations. This is occurring in the face of reports that by 1980 nonfarm jobs must be found for some 40 percent of the farm labor force. In order to carry out its responsibilities to these hardworking people who harvest our crops and pick up their homes and move in diligent pursuit of work, the committee has recommended that the OEO be authorized an additional $7.5 million for 1970 and $15 million more for 1971.

Economic opportunities for senior citizens: The President requested authorization for $8.8 million for this program of assistance to low-income senior citizens. This would hold the program at its current level of operations and force the OEO to defer action on approximately 300 additional program requests. To assist the OEO in meeting some of the demand for services among the 5 to 8 million oldsters whose economic condition is precarious the committee has voted an expansion of the requested authorization—adding $1.6 million for 1970 and $3.2 million for 1971.

Day care centers: As we come to better understand the culture of poverty we uncover new problems to be met. One of these is nursery care for the children of working mothers whose income and family situation do not permit them to make satisfactory arrangements. Many low-income mothers are torn between the need and desire to work and a responsibility to their infants and young children. Some simply do not seek work. Others suffer the consequences of absenteeism, tardiness, and erratic or part-time employment. Children are left to the street, to the vacant lot, or to the neighbor or relative who is often a poor substitute for a mother. There are 4.5 million children under 6 years of age with working mothers, yet there are only 531,000 spaces in licensed day-care centers. In 1967, I sponsored a bill which would allow management and labor to bargain and establish such child-care centers without violating the National Labor Relations Act. This bill will become public law this year. As part of this effort, the committee at that time also established a day-care program within OEO, but so far, there has been a failure to implement the authorization. In this year's presentation the new administration also failed to request funding for programs to care for these children. After careful consideration and research, the committee has concluded that the importance of the matter commands action. We have taken the initiative of authorizing funds to initiate these day-care projects—$25 million for 1970 and $50 million for 1971.

Special impact projects: The administration has requested an authorization of $46 million for this program to provide funding for special social and economic development projects in par-

ticularly poor areas. This is well below the $75 million authorized back in 1966 when the program began and represents a step backward from a program whose success is ever more evident. If indeed, we are to emulate the successful experience of the Bedford Stuyvesant project and others in both rural and urban areas and if we are to back up the promise to give minorities a "piece of the action" in economic development then we must provide adequate funds to meaningfully move ahead with this job. The opportunities abound. Some 81 proposals totaling over $90 million are already pending before OEO with twice that many forthcoming. Not all of these may meet the standards that must be maintained, but it is clear from our examination of the program that the amount requested is insufficient to meet the needs of the program. Therefore, the committee has recommended an additional $7 million for 1970 and another $14 million for 1971.

Mr. President, the total of these increases amounts to $292 million for 1970 and $584 million for 1971. With their inclusion, the authorizations for 1970 would total $2.34 billion. For 1971, the total authorized would be $2.732 billion. Considering the size, scope, and complexity of the problem of poverty in this Nation this is hardly a beginning. It is, however, another step forward in developing a battle plan for a meaningful war on poverty.

LEGAL SERVICES

Mr. President, I would like to make special mention of an amendment offered by Senator MONDALE—my distinguished colleague and fellow member on the Senate Labor and Public Welfare Committee. He has provided us with a significant proposal for strengthening the legal services division of OEO and protecting the integrity of the advocates it provides for the poor in their dealings with State and Federal authorities. This program has been lauded by distinguished attorneys and scholars, by major professional associations such as the American Bar Association and has won wide acceptance and trust among the poor people of this country. In a time when so many are demanding respect for the law, it is essential that we assure ourselves that the law is being applied equally to the protection and benefit of all Americans. This program, which provides legal assistance to those who cannot otherwise obtain counsel, is indispensible in building respect for and confidence in our legal institutions.

In order to protect the program from any possible conflicts of interest in cases involving suits against Federal agencies, Senator MONDALE has recommended with concurrence by the majority of the committee that the OEO Director should be expressly prohibited from delegating this program to the Department of Justice or any other Federal agency. His view was endorsed by the American Bar Association in its recent meeting in Dallas, Tex. Adoption of this amendment is essential to protecting the integrity of this important program.

I would again like to lend my voice in support of Senator MONDALE'S views. If we are to have order in this country, Mr. President, we must have respect for law by all of the people. And if we are to sustain that respect for our legal institutions, we must make certain that they serve all Americans equally and fairly whether they be landlord or tenant, employee or employer, lender or borrower, welfare chief or welfare recipient. I urge, therefore, that the proposed expansion and strengthening of the legal services program be adopted.

ALCOHOLISM PROGRAM

Mr. President, another significant outcome of our study of the OEO program is recommendation that a new national program of alcoholism counseling and recovery be undertaken in conjunction with the war on poverty. Small authorizations of $10 million in 1970 and $15 million in 1971 are included to set this effort underway. Such an addition is necessary if the assistance provided through the other programs is to have any effect on those families suffering the ravaging effects of alcoholism. It is clear that a worker, a housewife, a family cannot fully benefit from services provided by OEO or community agencies if each step forward is to be canceled out by debilitating effects of alcoholism or problem drinking. My distinguished colleague from Iowa, Senator HAROLD HUGHES, chairs a special Subcommittee on Alcoholism and Narcotics, which as committee chairman, I created this year. He is an internationally recognized expert in this field. It is through his diligent work on the relationship between alcoholism and poverty that we have come forward with language that authorizes the Office of Economic Opportunity to forthrightly direct its attention to the problem of alcoholism and recovery. I would like to take this opportunity to thank Senator HUGHES' initiative in directing the attention of the Senate and the administration to this problem.

NARCOTICS PROGRAM

My distinguished colleague, Senator DOMINICK, who serves as the ranking minority member with Senator HUGHES on the Alcoholism and Narcotics Subcommittee, has provided a companion program to the one on alcoholism—directed toward rehabilitating drug users.

It is becoming increasingly clear to those of us who are continually concerned with the causes of poverty that drug addiction provides emotional, physical, and financial drains on many people who have no way to take advantage of any economic opportunity provided them as long as they are afflicted by the drug habit. Although the administration proposal did not take note of these problems or make recommendations on how to deal with them, the committee hearings and research have clearly indicated that Senator DOMINICK'S proposed program to create a new special emphasis program to help rehabilitate drug addicts is a vital complement to a realistic economic opportunity program. I, therefore, repeat my strong endorsement of this amendment.

AMENDMENT NO. 241

Mr. JAVITS. Mr. President, I call up my amendment No. 241 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, lines 15 and 16, strike out "and for the next fiscal year".

On page 2, line 18, strike out "each".

On page 4, line 1, strike out "any such fiscal year" and insert in lieu thereof "the fiscal year ending June 30, 1970".

Mr. JAVITS. Mr. President, for the information of the Senate, I shall not debate my amendment until we have had a quorum call.

The PRESIDING OFFICER. Does the Senator from New York ask unanimous consent that the amendments be considered en bloc?

Mr. JAVITS. I do.

Mr. NELSON. Mr. President——

Mr. JAVITS. Mr. President, I withhold the request.

Mr. NELSON. Will the Senator explain the amendment briefly?

Mr. JAVITS. It is simply that the words come in different places; it seeks solely to eliminate earmarking.

Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. JAVITS. Mr. President, for the information of the Senate, I would hope the Senator from Wisconsin (Mr. NELSON) would give me his close attention so that we can chart a course so that Senators will have some idea of what we are about.

I shall bring the amendment to a vote. I expect a rollcall vote on the amendment around noon, if Members of the Senate are willing to cooperate in that respect.

Mr. NELSON. Would the Senator like a unanimous-consent agreement?

Mr. JAVITS. No, I would rather not.

Mr. President, second, I am hopeful that other members of the minority, and I know some of them have amendments, will propose their amendments immediately after this rollcall, and I hope that Members will lend their help to the problems of so many of us so that we may conceivably have action on the bill by tonight. Whether that will happen no one knows, but at least that is the aspiration of the Senator from Wisconsin and me, and we humbly invoke the cooperation of the Senate.

Mr. President, if attachés will advise Members that the pending amendment relates to striking from the bill the provision which earmarks amounts of the authorized appropriation for the fiscal year ending June 30, 1971, Members who are interested might come over to hear the debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. PROUTY. Mr. President, I offer the following comments in connection with S. 3016, a bill now before the Senate to extend the Economic Opportunity Act. As a member of the Committee on Labor and Public Welfare which voted favorably to report the bill I intend to support the bill on the floor of the Senate.

Before I make specific comments on the bill, however, I would like to note that I do not think the hurried manner in which the bill has been presented is in any way conducive to proper passage because it does not lead to adequate understanding of the need for this legislation. At a time when the Nation is making great strides in meeting the needs of the poor it is essential that we in the Congress give full attention to a discussion of all the issues so that every citizen can be fully informed. The causes of poverty are so many and so varied that we cannot hope to succeed unless all citizens of the country cooperate in this endeavor.

As was stated in the committee report and the supplemental views of the minority Members, there are many aspects of the bill which should be of great benefit to the Office of Economic Opportunity in its future operations.

Perhaps most important is the recognition that OEO must be extended for another 2 years. This will give continuity to existing programs and flexibility to the Director in evaluating and reorganizing the total OEO structure.

The needs for such evaluation and reorganization have been outlined by the President and the new Director to reflect a desire to learn from the past and to make the future more successful.

In the past 5 years we have learned much from OEO's successful programs as well as those that did not achieve the desired results. We have learned the value of certain programs and even delegated some to other agencies where they can be implemented better. We have learned about the role that various State and local agencies can play in solving the problems of the poor. On the basis of this, the community action concept has been strengthened and the role of the States is now being improved. I heartily endorse this kind of evaluation and refocusing effort, and for these reasons, I think the 2-year extension will be most helpful.

With regard to the flexibility that will be given to the Director in this effort, however, I think the bill has several potential drawbacks. One of these is the specific earmarking of funds. Such earmarking is not based on proper evaluation of priorities or previous successes. Earmarking will only limit the flexibility of the Director in establishing his own priorities or in strengthening certain desired programs more than others. Another drawback is the limited flexibility given the Director in transferring funds from one program to another. I think we have improved the situation greatly by now allowing up to 15 percent of any program's funds to be diverted to another without placing a limit on the total to be added, but I think this should be increased to 20 percent. However, once having done so for the first year, and that we should increase the flexibility to at least 30 percent in the second year so that the Director, if the situation warrants it, can shift the emphasis even more. If the 15-percent transferability rate is kept the same for both years, it does not allow the Director to continue a change in focus once it has been started.

One other aspect of the bill that disturbs me is the level of funding that we have authorized. I fear it is in excess of that requested by the President and thus may limit his flexibility in determining priorities and balancing the budget. Specifically, in the first year the basic authorization is $2.048 billion as he requested, but the second year is for $2.148 billion, and this may not be warranted. More importantly, however, I think the addons proposed for specific programs each year are greatly unwarranted. They will add $292.1 million and $584.2 million for each year respectively and yet little basis can be found for adding or expanding each such program so disproportionately.

Although I have gone to some length in enumerating my hesitant feelings with regard to certain portions of the bill, I still feel it is worthy of support. I think the strengths enumerated here on the floor and in the committee report warrant its approval by the Senate. I further hope that the House will complement the work that we have done here.

The new direction of OEO that we all so heartily endorse deserves instant attention and commitment. I thank my colleagues on the committee for their interest and thank our chairman, the distinguished Senator from Wisconsin, who has worked most diligently and effectively to produce a bill worthy of bipartisan support. I hope my colleagues in the Senate will look favorably on these efforts and give solid approval to the bill.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. JAVITS. We have had an absolutely extraordinary degree of unity of opinion among the minority members of the Committee on Labor and Public Welfare, especially on very trying questions like the war on poverty and the OEO.

It is well known that we are not men of necessarily parallel views. My views are not necessarily those of other members of the minority. There are some exceptions to that. But I really credit my colleague from Vermont with exercising enlightened influence which has enabled me to point with such pride—and I do—to the degree of unity which we have been able to attain.

Time and again the able Senator from Vermont has subordinated what he has felt to be deeply held views to try to come, as far as he could, to meeting mine and that of other members of the committee.

It is characteristic that in his statement today he includes the administration's approach insofar as we were able to carry it through, even for some of the things the committee did itself; but the general outline of the bill is characteristic of the very, very constructive influence which has helped to hold the minority together and give it such a constructive position. It has made my work as ranking member, with the duties that carries, tenable and practicable. I am very grateful—speaking personally, and I mean it—I am very grateful to the Senator from Vermont.

Mr. PROUTY. Mr. President, may I say to my colleague from New York that I am, indeed, grateful for his most generous remarks. We may differ somewhat with respect to details but the overall objective is the same. I have supported this program throughout the years, and have made suggestions, some of which have been accepted and some rejected; but we have, nevertheless, made real progress.

Certainly, without the able assistance of the very distinguished Senator from New York, we would not now be well on the road to facing up to some of the serious problems we have in this field.

I pay my highest respect and tribute to the Senator from New York for his selfless help and encouragement.

Mr. JAVITS. I thank my colleague from Vermont.

Mr. NELSON. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. NELSON. I concur with what the Senator from New York has just said about the helpfulness and cooperativeness of the able Senator from Vermont, as well as the minority. I do not think that I have ever served on a committee—in the legislature of my State or here in Congress—which had to deal with issues that are as complicated, as volatile, and represent such diverse philosophical viewpoints. I have never seen better cooperation by the minority or whenever I was on the minority, by the majority, than the minority on the Subcommittee on Employment Manpower and Poverty.

It would not have been possible for this bill to be completed and now before the Senate if it had not been for the genuine spirit of cooperation and compromise that has been expressed and followed by members of the minority, including specifically the Senator from Vermont and the Senator from New York who are here today.

As chairman of the subcommittee, I want the Senator from Vermont and the Senator from New York to know that I appreciate very much their cooperativeness and their helpfulness in getting the bill before the Senate, even though I consider that there are Members on both sides who have specific and strong feelings and did not wish to compromise; but they were willing to do so, so that we could come out with a bill which I think, overall, represents a genuine bipartisan effort.

Mr. PROUTY. I am very grateful to the Senator from Wisconsin for his comments.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I should like to call to the attention of the able Senator from Wisconsin, the Senator in charge of the bill, an article published in today's Washington Post, written by Eve Edstrom, entitled "Rumsfeld Warning Miffs Poverty Unit."

I read some paragraphs from that article:

> The Nixon administration asked the nation's community action leaders yesterday to avoid "tactics of confrontation" but was promptly denounced as the "enemy of the poor."

The confrontation occurred at the Sheraton-Silver Spring where Office of Economic Opportunity director Donald Rumsfeld addressed 1,000 antipoverty workers from across the nation who had gathered for a three-day conference of the National Association for Community Development.

They debated and adopted a position paper that accused the Nixon administration of being the "enemy of the poor" and urged all Americans to join the "army of dissenters." The paper also urged OEO to establish a national advisory council of poor persons and to seek a strong role for community action agencies in the operation of manpower training programs.

The conference had been opened with a warning from Rumsfeld against the "tactics of confrontation."

Quoting from Mr. Rumsfeld, I read as follows:

If community action agency efforts are dominated by the kind of confrontation tactics which divide communities and further isolate the poor from other groups instead of bringing them into closer relations with the community, community action will soon be without the broad support it must have.

The article continues:

Before Rumsfeld could answer questions from the audience, Theodore T. Taylor, a New Jersey community action worker, demanded and received time to speak.

Taylor told Rumsfeld that "I consider your remarks to be an insult to us" . . .

Mr. President, I call this news story to the attention of the Senate and to the attention of the manager of the bill and other members of the committee, who are, of course, supporting this bill, for the purpose of asking whether or not there was concern on the part of the committee with respect to the tactics that have been used by some of the antipoverty workers throughout the country from time to time, tactics leading toward "confrontation," and, if so, what recommendations are being made by the committee, if any, that will serve to prevent use of the taxpayers' money by poverty employees, many of whom are misguided, to foment unrest and incite revolution and insurrection and stir up trouble.

I wonder if the able Senator would respond.

Mr. NELSON. Mr. President, let me say first that Mr. Rumsfeld is moving to eliminate those community action programs which have not been effective. He has authority to do it. If they are not performing the responsibility that he believes they have under the law, effectively, in getting a fair return for the taxpayer's dollar, he is eliminating them. I understand he is eliminating about 30 community action programs which he does not think are effective, or at least if they do not measure up in a very short period of time.

Second, as to that article, I would like to say to the Senator that I spoke there a couple of hours after Mr. Rumsfeld did. There were 1,100 delegates at that nationwide conference. They were behind schedule when I arrived, so I was there through the lunch hour and for about 1 hour and 15 minutes before I spoke. In the course of that period, I visited with a number of people there, including a couple of members of the board of directors, and a number of delegates, some from my State, some from California, and some from other States.

Though many of the people did not agree 100 percent with what Mr. Rumsfeld said, everyone I talked with said that he made a very fine presentation and handled himself well. I understand they had a question-and-answer period. Several of them said, using almost the same words, "He handled himself very well," though they did not agree with everything he said.

The Senator from West Virginia has been in politics for a long time. He knows that if you get 1,100 people in one place, even if 97 percent of them agree, 2 or 3 percent may get the floor and make it appear that there is great dissent.

Many of these people are concerned about the community action programs and about assurances that they will continue—which they have—and that at the local level they can develop sound, effective, locally managed programs.

I can assure the Senator that I was impressed with the fact that a number of people there said they thought, though they did not agree 100 percent, that Mr. Rumsfeld had presented his case and handled himself very well before that group.

I thought it was a very fine, representative group of people, during the 1 hour and 15 minutes I had a chance to be there before I spoke.

Mr. BYRD of West Virginia. I have no concern about those who may wish to express differing opinions about matters. The able Senator has referred to the fact that I have been in politics long enough to know that in an audience of this size there will be those who wish to express their own differing opinions. I know that to be the case. But I am concerned when the taxpayers' money is used by individuals who are employed in the antipoverty programs to stir up unrest and to foment disorder and to disrupt school board meetings, disrupt city council meetings, and so on. There has been a great deal of this all over the country. We have had some of this in my own State, where school board meetings have been disrupted and the board of education members have been forced to adjourn the meetings. City council meetings have been disrupted here in the Nation's Capital.

In so many of these cases, those who have disrupted meetings by duly constituted bodies have been individuals employed in the antipoverty programs.

I have had considerable correspondence from people in West Virginia who have expressed great concern at the misdirection of some of the antipoverty programs in that State.

I voted for the basic legislation which established the programs. I have voted for most of the appropriations to fund most of those programs. On the other hand, I have supported reductions in appropriations for certain programs. I have been quite critical of some of the programs, particularly the VISTA program as it has operated in my State. I do not know how it is operated in other States, but my State has had some unfortunate experiences with some of the VISTA workers.

I do not condemn all the VISTA workers; I do not say they are evil. Undoubtedly, many of them are well intentioned. But often they come into West Virginia knowing nothing about the State and nothing about West Virginians. They know nothing about being poor. By their conduct and their appearance and their activities they have done injury to the antipoverty program. They have performed a disservice to the poor, and they have created a bad image of a program which is funded by the Federal Government.

In some instances, some of the community action programs have operated in the same way. There have been instances in which some of the community action programs have worked to the detriment, in my judgment, of small business enterprises in my own State. There have been charges that Federal moneys have been used to foster competition with some of the small business establishments in West Virginia. The owners of the small businesses are taxpayers; they help to pay for these programs, programs which, in their judgment, are being used to destroy them.

Situations have occurred in the District of Columbia in which so-called poverty workers have contributed to demonstrations. For example, they have been involved in demonstrations against the Welfare Department and against the Police Department.

I just cannot help being concerned when I see one agency of the Federal Government making war on other agencies of the Federal Government.

Yesterday, the Washington Post published an article which indicated that 5 percent of the population of Washington is now on welfare. The Director of the District of Columbia Welfare Department expressed concern about spiraling caseloads, and concern about where the money was going to come from to finance the growing welfare caseloads in the District of Columbia. It was also indicated in the story that some of the neighborhood legal services, that are being funded by poverty moneys, are contributing to the upsurge in the welfare caseload, and there were indications, and have been indications all along, that some of these individuals who are paid through the antipoverty programs make it their business to attack the Welfare Department regulations, in an attempt to get such regulations relaxed or eliminated, and thus get more people on the welfare caseload.

Mr. President, I am not against welfare. I am not against helping people who need help. I am not against helping people who are in poverty. I want to see poverty eliminated, as much as possible. I want to help people to help themselves. But I do not think government should finance it's own destruction. I do not think any Federal agency should attack the regulations governing eligibility for welfare in an effort to increase welfare spending.

I think the basic ideas behind the war on poverty were good, but in actual experience they have not worked out too well in all too many instances.

I had a personal experience with some of these VISTA workers who came to Washington from West Virginia in the summer of last year at the time when Resurrection City was here. I suppose

there were a hundred or more persons who came here from West Virginia, but they were encouraged to do so by some of the antipoverty workers.

They demonstrated on my lawn over in Arlington. I do not think it is the intent of Congress to fund programs to encourage demonstrations against duly elected public officials.

I had another experience in which three of these so-called VISTA workers came to my office, asking for an appointment, at a later date, with a group of the poor people from West Virginia. The conversation went something like this:

I said to the young lady who was in the trio, "What part of West Virginia are you from?"

She said, "Well, I am not from West Virginia."

I said, "How long have you been in West Virginia?"

She indicated that she had been there several months.

I asked, "What have you been doing in West Virginia?"

She said, "I am with VISTA."

I said, "How much pay do you get?"

She said, "Forty-five dollars a day, as a consultant."

I asked, "How much education have you had?"

She said, "I am a graduate of Dominican College," which she indicated was in Louisiana.

I asked, "What have you been doing in West Virginia in your work?"

She said, "Well, the last few weeks I have been helping to organize this visit to Washington by poor people."

So I asked the second one, "How much education have you had?"

He said, "Well, I have had 1 year at the University of Colorado."

I asked, "Why are you not in school? Why are you not taking some summer classes?"

He said, "Well, I am getting some credit for being attached to Resurrection City."

I asked the third, "What does your father do?"

He said, "He is a doctor."

I said, "Do you have brothers and sisters in college?"

He said, "Yes, I have one who is a graduate of the University of Arizona."

I asked, "Have you graduated from college?"

"I am a junior at the University of New York," I believe he said. I am not sure as to the name of the educational institution; this conversation took place more than a year ago.

I asked, "Why are you not in school this summer?"

He said, "Well, I will get 9 hours of credit for working with Resurrection City."

Then I said, "Not one of you knows anything about being poor. Not one of you. And here you are, up here leading the poor."

I asked, "Were you in that demonstration over on my lawn a few days ago in Arlington?"

The response was, "Yes, we were there."

"Well," I said, "you did not convince me of anything by conducting that demonstration. You went over there and tried to intimidate my wife. She told you you could see me in my office. My doors were open for you at the office. I was there, but you were not interested in coming to my office."

This is a thing, Mr. President, that I resent. I resent poverty moneys being misused in such activities, and I resent poverty moneys being misused by those who use the poor, oftentimes to advance their own ends, while no real help ever gets down to the poor people for whom the programs were designed.

So, Mr. President, I take the floor today just to say that, while I want to do everything possible to help people to help themselves, I would hope that the committee would be concerned—as I am sure it is—and I hope Congress will be concerned about moneys that fall into the hands of extremists, radicals, and troublemakers, who misuse the poor to stir up strife, foment rebellion and insurrection, and make war on other Government agencies.

I have this concern, Mr. President. I wanted to voice it at this point. At an appropriate time—not during the debate on this measure—I shall place in the RECORD the correspondence that has come to me from my constituents expressing their viewpoints, and explaining how some of the war on poverty activities have indeed not been for the benefit of the poor, but have accrued to the creation of suspicion and antipathy for the poverty programs.

On the other hand, I have had considerable correspondence complimenting certain segments of the antipoverty programs. I have had correspondence complimenting the Headstart program and the Neighborhood Youth Corps program. So not all of the correspondence has been adversely critical; but, with particular reference to some—not all, but some—of the community action programs, and in large measure with reference to VISTA as it has operated in West Virginia, I have not had much in the way of correspondence from my constituents that would recommend the continuation of these programs.

I asked the manager of the bill yesterday whether or not the legislation would take away the prerogative of the Governor of a State to veto VISTA, and I was assured that the legislation does not do that. I have in the past urged the Governor of West Virginia—the former Governor, not the present Governor, though I may also have urged the present Governor, I do not exactly recall—to get VISTA out of West Virginia. I am glad that the legislation does not take away that prerogative of a Governor, because I think that is a proper responsibility of the chief executive of a State.

Mr. President, I trust that the committee will continue to look into these matters. I intend, as a member of the Appropriations Subcommittee which handles supplementals and deficiencies, to take a very close look at any requests for moneys from the Office of Economic Opportunity—not that I am out to cripple it or kill it, but I just want to see these programs used for the benefit of the poor, and I want to see the approach in the right direction. I do not want to see the taxpayer's money used to destroy the taxpayer himself and to undermine law and order in this great Republic of which we are all so proud.

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

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, the Senator from Wisconsin (Mr. NELSON) has spoken to this point. I would like to do so also.

It is not an easy matter to reconcile because when people are poor—and I am sure that the Senator from West Virginia, whose origins are as humble as mine, knows this as well as I do—they want to rebel and complain to someone about their position.

We had a very interesting point of view expressed by the American Bar Association. I would like the Senator from West Virginia to read it. It is printed in the committee report at page 20.

The representative of the American Bar Association, testifying before the committee, said:

> I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets . . .

He then goes on to say that the legal services are rendered under very serious pressure.

The Senator has been a Senator and a lawyer for too long to believe for 1 minute that we can run a placid society. It is a difficult situation for this reason.

Every case involving legal services, even if it involves what is called law reform—which is a kind of trade term applied to broad reform as contrasted to an individual case for goods sold and delivered—involves a case in controversy. It is a case. It may be a precedent making case. It may invalidate a law, but it is a case. It starts with A suing B, even if B happens to be the State.

I understand the Senator's point of view. He does not want to pay the money of the United States to disrupt the United States.

We must think about the matter. We thought about it very seriously. The Senator from California (Mr. MURPHY) is a very eloquent and effective advocate of this course.

If we try to put it "in haec verba," we run into the difficulty of cutting too much or too little.

Everything is a case. We do not want to cut legal services where an injustice has been done by the Government. I suppose that the Senator has had occasion to run into that situation.

I think that, in the administration of the legal services program particularly, the thrust might be to discourage the utilization of the legal services program as an instrument of social reform.

That is really what the Senator has in mind. I think he is right about the fact that we have to look at it on an opera-

tional basis. We are doing that. And I think we are satisfied with the result.

The Senator from Wisconsin (Mr. NELSON) has expressed himself on the matter.

The administration understands the matter and has a very clear concept of the perimeter within which they can operate without restricting individual liberty.

One cannot guarantee 100 percent that there will not be confrontation. That would defeat the program. However, one can use his head in the administration of the program in a very effective way.

I thought I would like to add my assurances to those of the distinguished Senator from Wisconsin and point out that we are sensitive to this matter, that we have looked into it and will continue to do so.

We consider it a proper area of legislative oversight to check to see what is going to be done with the Government's money in this very sensitive field. We thought about it. We tried to offer some restriction or phrase of statutory language. We run into the fundamental problem that it ceases to be the escape valve that the ABA feels very strongly that it is. Second, if it is a case in controversy, it might get into court. It is hard to draw a distinction except on a case-by-case basis. That substantially is what the Senator from Wisconsin had in mind. I am the ranking minority member of the committee, and I want to join in explaining this matter to the Senate.

Mr. BYRD of West Virginia. Mr. President, I appreciate very much the comments of the able Senator from New York. And I feel that they have been offered as assurance that the committee is concerned and that it has weighed these problems that it has had called to its attention before today—the matters which I have discussed.

I reiterate my concern, however. I do agree with the Senator that perhaps the ills can best be rectified in the administration of the program. And I have a feeling based on what the Senator has said that this has been discussed and that the administration of the program is going to travel in that direction. I hope it will.

I will make this comment about the quote which appears on page 20, to which the able Senator alludes. It is a quotation from Mr. John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defendants.

I am not against the poor having access to legal services. I want the poor to have their day in court as much as anyone else. But, Mr. President, I just want to reiterate and emphasize what I said earlier, that this, too, is an area of concern. And if it is not rectified and corrected by those who administer the program, then I have a feeling that the people will demand some kind of correction by Congress, perhaps an elimination of such program. And we may go too far when we start eliminating programs.

As to the quotation itself, Mr. Robb is speaking of the legal services offices and the fact that their effort has convinced the poor that in the legal services offices they have a true advocate who will take on anyone who opposes them and who picks on them unjustifiably.

He then goes on to say:

> That includes everybody from the corner merchandise house that sells a shoddy TV, to General Motors, if necessary. It includes everybody from the welfare case worker who makes an unlawful recommendation to discontinue benefits . . .

Mr. President, I was chairman of the Appropriations Subcommittee on the District of Columbia for 8 years. I do not know of one instance, not one, in which I recall an "unlawful" recommendation being made by any "welfare caseworker" to discontinue benefits.

I followed the welfare situation in the District pretty closely. Perhaps the great increase in welfare caseloads in the past 6 months is to be attributed, in part at least, to the fact that I am no longer chairman of the subcommittee.

As I stated, I followed the welfare situation pretty closely. And not once do I recall an unlawful recommendation being made by any welfare caseworker to discontinue benefits.

I would like Mr. Robb, if he has evidence of the fact that welfare caseworkers have "unlawfully" recommended discontinuation of benefits, to present the evidence of the committee. Perhaps he did. I do not know.

I will not let that statement by Mr. Robb go unchallenged. And he is quoted in a further statement which I shall not allow to remain unchallenged. His statement is as follows:

> The poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets . . .

Mr. President, there are too many people making excuses for those who riot in the streets. There is no excuse under our republican form of constitutional government for anyone to riot in the streets.

I have seen more poor people when I was a lad growing up in the coal mining communities of southern West Virginia than this country has today. I have seen millions walking the streets with holes in their shoes and in the seats of their pants looking for work. I have seen people hungry, with no work, and in debt. My own foster father used to work from daylight to dark in the mines, 6 days a week, and be overdrafted on payday.

Mr. President, when we talk about poverty, I have seen grinding poverty, and a lot of people who are sitting in this Chamber today have seen it and experienced it, and a lot of people in the gallery have experienced it. They know what grinding poverty is. The poverty of today is nothing compared to the poverty of the early thirties.

Many of us lived at a time when there was no running water in the house. We had our outside toilets, no radios, no television sets, no automobiles, no food stamps, no social security programs, no unemployment compensation programs, no public assistance, no welfare. Yet, the poor did not riot. Yet, a man in the position of Mr. Robb, the chairman of the American Bar Association's Committee on Legal and Indigent Defendants, would have the gall to excuse riots in the streets by saying of the poor that "it is not too surprising, I think, when they riot in the streets."

Mr. President, I do not recall ever having seen a Hungarian or a Pole or a Greek or a German or a Jew or a Lebanese or an Italian on welfare. I do not say that there have not been some on welfare, but I do not know of it. The early immigrants were poor, and they were crowded into cities. They were discriminated against, but they did not riot in the streets.

So I hope we will get away from trying to substantiate every program and support every program on the basis that it might prevent riots in the streets. We have had many, many millions of poor people in my time, in the time of the Presiding Officer, and in the time of every Senator, but those people did not set the torch to city block after city block. They did not drag motorists from automobiles and beat them and set their cars afire. They did not turn in false fire alarms and then throw bottles and bricks at the firemen who answered the false calls. They did not stomp policemen to death in the streets. They did not rape and murder and burn and loot.

Mr. President, I am concerned when quotations like this appear in substantiation of this or any program. I intend to vote for the extension of this program because I think there is much good in it, even with the bad, and I also feel that Mr. Rumsfeld will try to correct and improve the administration of the programs and weed out the bad, but I simply wanted to voice this concern today so that the administration downtown will know that there are those of us who want to see the eradication of the waste and inefficiency and an end to the abuses that have surfaced in some of the programs. I want to see the good programs continue; but I simply am against the use of the taxpayers' money by hoodlums—I have seen this in Washington—who head up some of the antipoverty activities and who make it their business to foment unrest and rebellion.

Mr. President, I as unanimous consent to insert the two newspaper stories to which I have referred.

There being no objection, the stories were ordered to be printed in the RECORD, as follows:

RUMSFELD WARNING MIFFS POVERTY UNIT

(By Eve Edstrom)

The Nixon administration asked the nation's community action leaders yesterday to avoid "tactics of confrontation" but was promptly denounced as the "enemy of the poor."

The confrontation occurred at the Sheraton-Silver Spring where Office of Economic Opportunity director Donald Rumsfeld addressed 1,000 anti-poverty workers from across the nation who had gathered for a three-day conference of the National Association for Community Development.

Conference planners came in for as much heat as Rumsfeld because the conference was located in affluent suburban Maryland instead of downtown Washington and because program speakers were "Nixon's come fetch boys" who "come here to give us no information."

Conferees were so dissatisfied that they forced the scrapping of the afternoon agenda, which had called for Commerce Department spokesmen to discuss minority businesses.

Instead, they debated and adopted a position paper that accused the Nixon administration of being the "enemy of the poor" and urged all Americans to join the "army of dissenters." The paper also urged OEO to establish a national advisory council of poor persons and to seek a strong role for community action agences in the operation of manpower training programs.

The conference had been opened with a warning from Rumsfeld against the "tactics of confrontation."

"If community action agency efforts are dominated by the kind of confrontation tactics which divide communities and further isolate the poor from other groups instead of bringing them into closer relations with the community, community action will soon be without the broad support it must have," he said.

Before Rumsfeld could answer questions from the audience, Theodore T. Taylor, a New Jersey community action worker, demanded and received time to speak.

Taylor told Rumsfeld that "I consider your remarks to be an insult to us" because they did not center on key problems.

OEO, Taylor continued, "has not carried out its mandate for maximum feasible participation of the poor." The administration. Taylor said, "has sold OEO down the river," and has "sold out the poor."

Rumsfeld observed that national priorities "already are shifting" toward meeting more of the needs of the poor. And he insisted that the administration is strongly committed to community action and participation of the poor.

He emphasized that President Nixon has urged Congress to act promptly on the administration's bill to extend OEO's life for another two years without crippling amendments.

On Capitol Hill, the House Education and Labor Committee scheduled another mark-up session on the poverty bill today. The Senate began debate on the bill yesterday and is scheduled to vote on it today.

WELFARE AIDS 5 PERCENT OF D.C. RESIDENTS

(By Carol Honsa)

Washington's welfare rolls increased so dramatically during the past fiscal year that nearly 5 per cent of the city's population now receives some sort of public assistance.

By the end of July, 43,202 persons here were on relief. Welfare officials said there is no indication that the upward trend will level off, and fears were expressed that there might not be enough money to go around.

A jump of 33 per cent in the biggest and most controversial welfare program in the city—Aid to Families with Dependent Children—accounted for much of the overall increase.

"We're very concerned," said Winifred G. Thompson, city welfare director.

"We don't know where the money is going to come from, quite frankly," she said.

The latest statistics illustrate the reason for her concern. "The 33 per cent increase in dependent children rolls for the year ending in June, 1969, compares with 8 to 12 per cent increase in preceding years.

In June, there were 32,957 persons enrolled in the AFDC program. By July, 1,094 names had been added, bringing the total to 34,051.

The growing caseload means that the city, which spent $11.8 million in fiscal 1968 for aid to families with dependent children, had to spend $14.6 million in fiscal 1969.

Under the program, a family of four gets $2,300 a year—and this figure is $1,000 below the government-defined poverty standard for families of that size.

Officials at public and private welfare agencies cite a number of causes for the increase in relief dependency:

Special programs are making more poor persons aware that welfare is available to them, and antipoverty workers are seeing that they apply for it properly.

Rising costs of living and inflation, which make it difficult for families to continue struggling on sub-welfare incomes, are moving them to apply for relief.

Washington's large young population is coming of age and forming families, but job opportunities are not expanding to meet the demand.

Elimination of the one-year residence requirement. Welfare officials found the largest group of newcomers seeking aid had lived here less than one month.

A new simplified, or declaration, method of making applications eliminates routine investigations and relies on the applicant's word. After the new method was inaugurated in July, the Welfare Department received a record 1,141 applications the same month and 1,123 in August, compared to 669 and 836 in the two preceding months.

Court decisions removed some more restrictive welfare policies, which has tended to make welfare less "degrading" than it once was. Relief clients no longer must admit welfare investigators into their homes, for example.

Medicaid. The medicaid program has no direct ties to public assistance, but it is having an effect on the relief case-load, according to Miss Thompson. Persons in the medical aid program have become more conscious of their eligibility for other services, she explained.

Last year's dramatic increase in aid to families with dependent children caught the welfare department by surprise, officials there acknowledge. The department had anticipated new cases would continue to be added at the old rate of about 50 to 80 a month. Instead, they averaged 245 new cases a month.

This year the department again underestimated. It sought money in the fiscal 1970 budget, which took effect in July, for an average caseload of 7,830 families. By July, the first month, 8,002 families were already on the rolls.

And Miss Thompson sees nothing to stop the upward spiral in caseloads.

Isadore Seeman, director of the National Capital Area Health and Welfare Council, estimates that only a third of the families eligible for relief actually receive it, both here and nationwide.

"We've got a pool of potential families all the time," Seeman said.

Richard Carter, head of the Neighborhood Legal Services Program law reform unit, said he is "proud" of the group's efforts to get former restrictive welfare policies changed. If the caseload is going up, "maybe we're just beginning to approach the number of people who should be getting assistance," he said.

Mr. MURPHY obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. MURPHY. I have the floor. I have not been able to get the floor for over an hour.

Mr. McCLELLAN. Mr. President, will the Senator yield to me?

Mr. MURPHY. I am glad to yield.

Mr. JAVITS. Will the Senator withhold for a minute, because we have sufficient Members present for the yeas and nays to be ordered.

Mr. McCLELLAN. Very well.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

RESOLUTIONS AGAINST ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, Federal and State agencies striving to develop programs for curbing organized crime have just received a significant contribution from one of the oldest and most respected associations of law enforcement officials.

The International Association of Chiefs of Police, at its 76th annual conference in Miami Beach, recently adopted an integrated set of resolutions on measures against organized crime. Those resolutions should be of great interest to Congress and the President as we work together to enact and utilize effective laws against organized crime.

The resolutions include a broad call for a strengthening of efforts at all levels against organized crime and a number of specific plans and recommendations. The association adopted programs to improve public awareness of organized crime conditions, to evaluate antiorganized crime techniques used by police departments, to foster regional police cooperation against organized crime, and to assist in developing model organized crime intelligence units, and resolved to join with related professional associations in an effort to eradicate corruption in the criminal justice system.

The association further resolved to support the enactment and use of legislation aimed at organized crime, such as electronic surveillance laws, and concurred with a number of specific organized crime bills now in the final stages of processing by the Subcommittee on Criminal Laws and Procedures: S. 30 and S. 976 on organized crime evidence gathering and penalties, S. 1624 on wagering taxes, S. 1861 and S. 1623 on infiltration of legitimate organizations, S. 2022 on gambling and corruption—with two amendments proposed by the association—and S. 2122 and S. 975 on witness immunity.

The leaders of our Nation's police agencies have joined together to summon, with a single voice, the strong and immediate action, by this body as well as other arms of government, which the crisis of organized crime demands. We must answer that summons: it is nothing less than the call of duty.

Mr. President, I ask unanimous consent to have the text of the resolutions printed in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

ORGANIZED CRIME—PENDING LEGISLATION

Whereas, The International Association of Chiefs of Police considers organized crime a problem of great urgency; and

Whereas, The Federal Government has a special responsibility and a special competence to deal with the interstate nature of organized crime; and

Whereas, There is now pending before the Congress of the United States legislation to make more effective the Federal Government's effort against organized crime, now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, concurs with the following legislative recommendations:

S. 30, a comprehensive revision on strengthening of the evidence gathering process in organized crime investigations.

S. 1623, prohibiting the investment of certain illegally gained income in any business enterprise affecting interstate or foreign commerce.

S. 1624, eliminating the self-incrimination hazards which embodied the Supreme Court's decisions in *Marchetti* v. *United States* and *Cross* v. *United States*, facilitating collection of taxes on wagering.

S. 976, providing increased sentences of up to 30 years for persons convicted of felonies which are part of a continuing criminal activity in concert with one or more persons.

S. 1861, prohibiting the infiltration of legitimate organizations by racketeers or the investment of proceeds of racketeering activity in such organizations where interstate or foreign commerce is involved.

S. 975 and/or S. 2122, endorsement of the principle of a general immunity statute.

S. 2022, making it unlawful for two or more persons to obstruct the enforcement of the criminal laws of a state to conceal an illegal gambling business if one of the persons is an employee charged with executing the criminal laws of the state.

Be it further resolved, That the International Association of Chiefs of Police mandate its staff to urge that Congress, when it considers S. 2022 amended to include the crimes of prostitution, loan sharking, narcotics and extortion, and to limit the jurisdiction of the legislation to organized crime activity.

ORGANIZED CRIME—A COMPREHENSIVE PROGRAM

Whereas The International Association of Chiefs of Police represents professional law enforcement; and

Whereas, Organized crime is a problem of such deep concern to the public and law enforcement; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, mandates the staff to develop under the leadership of the Organized Crime Committee a comprehensive program on organized crime including:

Preparation of public information materials on organized crime to be distributed to members for local use;

Assignment of at least one staff member full time to organized crime programs;

Conduct surveys on request to evaluate criminal intelligence, internal inspection, and other anti-organized crime efforts by police departments;

Sponsorship of regionalized police conferences of organized crime appropriately staffed;

Cooperation of Law Enforcement Assistance Administration in the development and implementation of model intelligence units;

Operation of a national clearing house for public information on organized crime activities;

Communication to Congress of the International Association of Chiefs of Police's support for legislation now before it, and endorsed by this Committee.

ORGANIZED CRIME—PROSECUTION OF CRIMINALS

Whereas, the difficulties of prosecuting organized criminals clearly point up the deficiencies in our system of criminal justice; now, therefore be it

Resolved, that the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, recommends that the Legislation, Criminal Law and Procedures Committee of the International Association of Chiefs of Police work with the American Bar Association, National Commission on Reform of the Federal Criminal Code, and other relevant organizations to re-examine jointly those aspects of the law in criminal procedures which retard the prosecution of organized criminals.

ORGANIZED CRIME—INTEGRITY WITHIN CRIMINAL JUSTICE SYSTEM

Whereas, the ability of the people to achieve justice depends on the integrity of those who administer the criminal justice system; and

Whereas, organized crime seeks the nullification of government through systematic corruption of those institutions which comprise the criminal justice system and exists, in part, because of its success in corrupting the components of said system; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, affirms its determination to eradicate corruption, and calls on other professional associations representing other components of the criminal justice system, to join in our efforts to eradicate corruption throughout the system.

ORGANIZED CRIME—ELECTRONIC SURVEILLANCE

Whereas, The proven effectiveness of the electronic surveillance provisions of the Omnibus Safe Streets and Crime Control Act of 1968 (Title III) make desirable a more general application; and

Whereas, Some states have enacted implementing legislation along the same lines; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, recommends that all states not now having such authority enact or amend their laws to permit the use of electronic surveillance devices as stipulated in Title III and that, as Congress intended, the statute be used by all relevant federal agencies.

ORGANIZED CRIME—A STRENGTHENING OF POLICE EFFORTS

Whereas, The law enforcement effort against organized crime has suffered in the past from lack of cooperation, fragmentation, and diffusion; and

Whereas, An effective law enforcement effort against organized crime requires a coordinated effort by law enforcement at all levels; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, calls on law enforcement agencies at federal, state, and local levels to strengthen law enforcement efforts against organized crime.

JUDICIAL PROCEDURE FOR OBTAINING EVIDENCE OF FINGERPRINTS

Mr. McCLELLAN. Mr. President, on October 7, 1969, I introduced S. 2997, which was based on the recent decision of the Supreme Court in *Davis* v. *Mississippi*, 394 U.S. 721 (1969). S. 2997 provides a judicial procedure for obtaining evidence of identifying physical characteristics such as fingerprints, footprints, hair fibers and the like. During my introductory remarks, I emphasized that I wanted this proposed legislation subjected to close scrutiny by those knowledgeable in the area of criminal law.

I was very pleased, therefore, when I received last week a letter from Justice Edward E. Pringle of the Colorado Supreme Court, who made reference to S. 2997 and enclosed a copy of the new Colorado rule of criminal procedure under which warrants may be obtained for fingerprinting. I have directed the staff to study the Colorado rule, and it may be that it contains some provisions that would improve S. 2997. At any rate, this will give us something with which to compare our bill; and, I should hope that in the future we will receive additional information that will be as helpful as Justice Pringle's correspondence. I urge each Senator to study and compare these two procedures and give me the benefit of his criticisms.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my remarks a copy of the Colorado procedure for issuing court orders for fingerprinting.

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

RULE 41.1—COURT ORDER FOR FINGERPRINTING

(a) *Authority to Issue Court Order for Fingerprinting.* A Court Order for fingerprinting authorized by this rule may be issued by any judge of the Supreme, District, Superior, or County Court, (or of the Court of Appeals upon the creation of that Court).

(b) *Issuance of Order.* A Court Order for fingerprinting shall issue only on affidavit sworn to or affirmed before the judge and establishing the grounds for issuance of the order. The order shall be directed to any peace officer of this State. If the judge is satisfied that grounds for the application exist, he shall issue the order naming or describing the person to be fingerprinted. Grounds for the issuance of a Court Order for fingerprinting shall exist when it be shown by facts alleged in an affidavit of a peace officer that:

1. A known criminal offense has been committed, and

2. There is reason to believe that the fingerprinting of the named or described individual will aid in the apprehension of the unknown perpetrator of such criminal offense, or that there is reason to suspect that the named or described individual is connected with the perpetration of the crime, and

3. The fingerprints of the named or described individual are not in the files of the agency employing the affiant.

(c) *Contents of the Order.* The order shall state:

1. The name or description of the individual to be fingerprinted, and

2. The names of any persons making affidavit for the issuance of the order, and

3. The criminal offense concerning which the order has been issued, and

4. A command to the officer to whom the order is directed to detain the person to be fingerprinted for only such time as is necessary to obtain the fingerprints and to compare such fingerprints to the fingerprints thought to be related to the perpetrator of the criminal offense, and

5. The typewritten or printed name of the judge issuing the order and his signature thereon.

(d) *Execution and Return.*

1. The Order may be executed and returned only within ten days after its date.

2. The Order shall be executed in the daytime unless the issuing judge shall endorse thereon that it may be served at anytime because it appears that the suspect may flee the jurisdiction if the order is not served forthwith.

3. The officer executing the order shall give to the person fingerprinted a copy of the order.

4. No search of the person to be fingerprinted under the Order may be made except a protective search for weapons, unless

a separate warrant has been issued for such search under Rule 41.

5. A return to the issuing judge shall be made showing whether the person named or described has been (a) detained for fingerprinting or not, and (b) released or arrested.

(e) *Motion to Suppress.* A person aggrieved by an Order issued under this Rule may file a Motion to Suppress fingerprints seized pursuant to such Order and the said motion shall be granted if there were insufficient grounds for issuance or the Order was improperly issued. The motion to suppress the use of such fingerprints as evidence shall be made before trial unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the Court, in its discretion, may entertain the motion at the trial. [Effective October 1, 1969]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. MURPHY. Mr. President, first I would like to congratulate the distinguished Senator from West Virginia for expressing experiences and feelings which coincide with mine. I, too, have had some experiences working in the coal mines, having been what might be called today, "underprivileged."

I, too, have objected over the years to some of the methods used with regard to the so-called war on poverty. I recall that at the very outset I tried to take the political activity out of the war on poverty, by an amendment which passed in this body and passed in the other body and was finally eliminated at the 11th hour. I felt that anybody who was receiving more than 50 percent of his salary from the poverty program should be precluded from political activities and should be subject to the provisions of the Hatch Act.

I have been concerned over the years with what has started out as a great idea, a badly needed idea, which seemed to go afoul of the mark so far as I am concerned; and, unfortunately, I think that billions of dollars, taxpayers' dollars, have been wasted and misdirected. Every year—this is my fifth year on the Labor and Public Welfare Committee—we say that, hopefully, we will fix the poverty program up next year. My concern has always been the same—that the money get to the poor people, to those who need it, and to eliminate many of the services I consider unnecessary.

I concur with the Senator from West Virginia in his remarks. I think that from time to time great damage has been done to this most needed and excellent idea, because of bad management, bad administration, and misdirection. I am hopeful that now, under the new administration, many of these things will be rectified.

Mr. President, I rise this morning to register a mild objection at the hurried manner in which this bill was brought to the floor today when there was other pending legislation which I was given to understand would be heard first. I am not prepared as well as I would have wished. However, since it is the desire of the majority, we will go along with it. Because of a prior commitment that requires me to leave the city this afternoon, and because of my great concern with respect to one particular aspect of the OEO program to which I will speak shortly, and most importantly because of the significance of this legislation, I had asked that debate on the bill be delayed 1 week. I was supported in this request by my colleague, the distinguished senior Senator from New York. We were led to believe the delay would be granted, until last evening when the decision was made to call up the bill this morning.

On a matter of such importance, which has been under consideration for so many months, it is amazing that the majority must suddenly find it necessary to start this matter in such a hurry. By working late last night with my staff, I was just about able to get copies of amendments printed. I am not certain this is the proper way to legislate. I think anything as important as this bill should have proper time for consideration and that it should be done in an unhurried manner.

We are talking about changes in a bill and in an operation that has been in existence for 5 years. As we have heard this morning, the operation in the past leaves a great deal to be desired. It is our hope we can give a better report of taxpayers' dollars in years to come. That is why we held such lengthy committee hearings. However, this is not my main purpose for addressing the Senate today.

As I pointed out in my individual views, printed in the committee report, and as mentioned by the distinguished Senator from West Virginia, I am seriously concerned over the direction in which the OEO legal services program has been allowed to move. At the outset I would like to point out that I was one of the original supporters of the legal services program, a program that I understood was intended principally to provide legal aid and services and assistance to the needy. We would provide a lawyer for the fellow who cannot afford to get a lawyer. I know that is important because there have been many times in my life when I needed a lawyer and could not afford one. And now the irony of life is that I find myself surrounded by 86 lawyers and too many of them are available.

However, in California, and I understand in many other States such as Arizona, Vermont, Colorado, and Florida, the major thrust of the project has been diverted from legal aid and assistance to so-called law reform. Law reform to this Senator means something entirely different. In most cases, this law reform has taken the aspect of the "class action" suit against government officials and agencies, from the superintendent of schools for Madeira Unified School District to the California State Assembly, to the Secretary of Health, Education, and Welfare, and the Secretary of Labor.

Many of the actions are based upon new and sometimes unique theories of law that have required time, imagination, and study in their preparation by OEO attorneys. Because many of the legal services projects have limited budgets to employ lawyers, something has to give. What is it? It is the availability of legal assistance to the poor person. For instance, I have been informed that 11 legal services offices have been closed recently in Los Angeles County and that there has been an announcement that a San Francisco legal aid program will be terminated. All this while the "class action" cases are on the increase.

At the same time, the overburdened taxpayer loses "coming and going" so to speak, as his tax dollars are used both to initiate the suits and to defend them—all when he may not agree with, and has no say in the political philosophy being advocated by the plaintiffs bringing the suit. Recently hearings have been conducted before the Senate Subcommittee on Migratory Labor on the "powerlessness of the migrant worker." I think this is a prime example of the powerlessness of the American taxpayer.

One so-called law reform example is the recent petition filed requesting the Food and Drug Administration to set a zero tolerance level for the use of DDT on raw agricultural products. No matter whether one supports or does not support the efforts of the United Farm Workers Organizing Committee to unionize the table grape pickers in California and Arizona, it is clear that UFWOC is presently employing the pesticide usage issue—particularly as it relates to DDT—to assist its boycott of table grapes. One aspect of this campaign to to attack the FDA and other established governmental institutions as being derelict in their duties to protect the farmworker and the consumer. Thus, on October 1, UFWOC supporters picketed the FDA and distributed a handout which said in part:

> Every day it becomes more and more clear that the FDA is more interested in protecting the growers and not the consumers and workers.

In this background, at a press conference last week presided over by a local organizer for UFWOC, the action against the FDA that I alluded to before was announced. However, the action was not filed on behalf of the union, but on behalf of a number of individuals and a substantial New York foundation. Who is representing these petitioners? None other than the California Rural Legal

Assistance, an OEO-funded legal services organization. It is also interesting to note, Mr. President, that on October 6, the same California Rural Legal Assistance issued a press release announcing, that it was representing farmworkers who have filed six major law suits and workmen's compensation complaints concerning reoccurring pesticide injuries against allegedly negligent growers.

Mr. President, this is not the appropriate place or time to decide the validity of such claims. It is important only to note that California Rural Legal Assistance, a tax-supported organization, is being employed for political gain by a private group. I suggest that this is a new form of Federal subsidy.

Certainly, this was not envisioned or imagined by this Senator when the legal assistance program was instituted. Mr. President, you can rest assured that I object to the political involvement of a federally funded organization, no matter to whose benefit its involvement runs, whether worker, grower, corporation, or otherwise.

Mr. President, I believe the issues involved here are succinctly expressed in a letter I received recently from the Governor of my State, Ronald Reagan. He stated, in part:

> We are satisfied that it was not the intent of the authors of the Economic Opportunity Act, or of Congress, to provide for taxpayers' funding of entities preoccupied with political issues under the guise of so-called "social reform" through the courts, rather than through the normal channels of legislative and executive action in which all segments of the public have equal representation.
>
> Nor do we feel that it was the intent of Congress to fund entities whose tools include harassment of individuals and groups, both public and private, and solicitation of some clients to the neglect of others at the door.

Mr. President, how do we direct this program back to its original and proper course?

Director Rumsfeld and the Director of Legal Services, Terry Lenzner, have asked for time and a chance to put their house in order. I suggest that we give them both, but I propose that we first make it crystal clear to them the intent of Congress in establishing the legal services program and that we are dissatisfied in part with its past performance—and, may I say, a great deal of its present performance.

Therefore, Mr. President, I submit my first amendment that eliminates the authorization of so-called add-on funds of $16 million for the fiscal year ending June 30, 1970 and $32 million for the fiscal year ending June 30, 1971. And, in addition, eliminates $10 million of the earmarked authorization. As a result the legal services program would receive an authorization of $48 million, $6 million in excess of what it received for fiscal year 1969. This I propose is a measurable expression of congressional displeasure at the course the legal services program has been allowed to progress. If a substantial improvement is seen in the direction of the program by next spring, the cuts could be restored for fiscal year 1971.

My second amendment is one which will provide the Governors of the various States with an item veto over legal services projects submitted for their approval. In testimony given before the subcommittee, Mr. James Martin of the National Governors Conference requested an item veto on all projects. However, it is my belief that it is only necessary now in relation to the legal services program. In addition, this amendment eliminates the Director's right to override the Governors' veto on legal services programs.

Mr. President, it will be recalled that at the outset of this program the Governors of the respective States had the right of veto. Gradually, the right of veto was taken away from them. Gradually, after objections, some of it was put back. But it could always be overridden by the Director.

I should like to restore the power of the veto to the Governors, it is in keeping with the dealings of the new administration that more and more of the determination be placed at the local level and at the State level, based on the theory that people within the States, as so well expressed by the distinguished Senator from West Virginia, know more about State problems than some of us in Washington or in other States.

I further believe that an item veto will allow a Governor to direct a legal services program to be more responsive to local needs and will allow him a means to express to the Director of the Office of Equal Opportunity his belief in the type of legal services program that should be undertaken. As we are now aware, a Governor must veto an entire program—a most difficult political act to undertake.

Mr. President, I am not happy about authorizing any amendments at a time when the President of the United States has asked that the program be continued for 2 years with no substantial changes. However, since the majority has made substantial changes in the bill as it has emerged from committee—matters already raised by the distinguished senior Senator from New York and the distinguished Senator from Vermont, and to be discussed by the distinguished Senator from Colorado, I felt it appropriate to raise the issues I have. More important, Mr. President, I sincerely believe, as I have from the beginning, that the legal services program is one of the most significant parts of the poverty program, and if it is implemented in the manner intended by Congress it can be of great benefit not only to the individual who so bady needs this service, but also to our entire society.

Mr. JAVITS. Mr. President, I think that all of us have been very well served by the statement just made by the Senator from California. I wish to attest to his fidelity to the programs generally. He has frequently raised this problem with the legal services program and its utilization. It is not necessary to agree with every aspect of what he has put before us in order to appreciate his concern, as developed in the colloquy with the Senator from West Virginia (Mr. BYRD), and to feel that a considerable amount of judgment must be exercised in the interest of the whole program in the day-by-day administration of the legal services program.

Whether or not I support the amendments which the Senator from California has proposed, I do not think we can eliminate from cases in controversy the question of challenge to an individual law or anything like that, but I do think that, on the whole, we have to try to exercise a specific rather than a revolutionary interest in the way in which the program is used.

I shall do my utmost, as the ranking member, in deference to the Senator from California's views, to support myself to that kind of administration.

Mr. MURPHY. I believe that my distinguished colleague from New York understands that it is not my desire to eliminate their activities. It is my feeling that their present activities belong in a different and possibly special category.

Based on the experience we have had in California, I believe that the original purpose of the legal assistance has been diverted to something entirely different.

I should like to see the program at the service of the individual, who so badly needs that service.

Possibly at some later date, the committee can take up a proposal to set up new machinery to carry out the other aspects, as expressed so ably by my distinguished colleague, and by the American Bar Association report, which we all believe and understand are needed; but it seems to me it would be difficult to express to my constituents why they are being asked for their tax dollars to pay for both sides of a legal case when they may have no interest in the case, or may be completely opposed to the purposes of the case.

That is the main thrust of my amendments which I have sent to the desk.

I thank the Senator from New York.

Mr. JAVITS. I thank the Senator from from California.

Mr. MONDALE. Mr. President, I should like to make a few comments. Although I understand the amendment of the Senator from New York is now pending, the question Senator MURPHY has raised relates to the structure of the OEO legal services program.

The Senator from New York will recall that I was planning, in committee, to offer an amendment to strike any Governor's veto of legal services. We consulted with Director Rumsfeld and the administration and they asked that the present structure which permits the Governor to veto, but the OEO Director, under special circumstances, to override that veto, should remain as it now is in the law.

Based upon the administration's interpretation, I reluctantly withheld my amendment.

Further, it was my understanding, and it is my understanding now, that the administration's position would essentially support the structural arrangement for OEO legal services as it is now in the bill.

Also, I should like to refer to and call the attention of the Senator from New York to a significant letter which appears on page 29682 of yesterday's CONGRESSIONAL RECORD, a letter from the president of the American Bar Association, Mr. Segal, which was addressed to me.

That letter spells out very clearly that the American Bar Association stands

strongly behind the OEO legal services program both in structure and amount of money as was recommended by the Senate Committee on Labor and Public Welfare. I shall not read the whole letter, but I would recommend it for the reading of all my colleagues. In this letter the president of the American Bar Association, Mr. Segal, says, in part:

DEAR SENATOR MONDALE: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

One final item: The proposed cut recommended by the Senator from California would reduce the funds authorized for OEO legal services below the amount recommended by this administration. The Senator from California proposes authorizing only $48 million. The administration, through its budget, has recommended $58 million. The American Bar Association, in its testimony before the committee, has strongly recommended an appropriation of $90 million. The committee bill is a compromise. The amounts for the first year is less than I would like to have. Only in the second year do we come up to the $90 million figure we feel is required.

Mr. JAVITS. Mr. President, I am very grateful for these comments from both my colleagues. I think they will come to the fore as the Senator from California moves his amendment. I prefer to discuss it then.

I should like to take 5 minutes to complete my statement on my own amendment. I think Members of the Senate would like to vote before 1 o'clock.

The amendment I offer would eliminate earmarking for fiscal year 1971. Earmarking is essentially by title and applies for both years.

There is a difference between the 2 years, which is the essence of why I offer this amendment. I am the principal sponsor of the administration's bill, which had no earmarking at all. For the year 1970, the President has, for all practical purposes, already earmarked. The earmarking of the committee in the bill is substantially the same as in the President's budget. The only increased item is an emergency food and medical services item, and the amount of the increase there is only $8 million.

So the fundamental concept of saying in law what the President has said in his budget, although the President did not call for earmarking, I certainly cannot, as the sponsor of the President's bill, object to. But for the second year I believe it is very unwise to earmark, notwithstanding the provisions that allows transferability of 15 percent from any program, because we would really be defeating ourselves as to the whole concept which we and which the President intend with respect to the OEO. The intention is that it shall now become in essence a staff rather than a line agency; that it shall have the opportunity for innovation, for new programs, for concentrating on particular programs that look the most promising; and that it shall spin off seasoned and ongoing programs at a rate which is much more accelerated from what it was under the previous administration and to existing line agencies of the Federal Government, and free the OEO to make the antipoverty program really meaningful and original. This is an excellent concept, and certainly the committee strongly subscribes to it.

The President has stressed this in his statements on the poverty program. Director Rumsfeld has emphasized it in his appearances before the Committee and the Subcommittee on Employment, Manpower, and Poverty. And the majority, in its report, has accepted it. The report notes, on page 54:

At the same time, there is no question that OEO has achieved sufficient success to merit its continuation as what it was meant to be—a program which is both supplemental and experimental, serving as an advocate of the poor within the agencies of government and in the Nation at large, facing up to the unmet needs and seeking the answers to the riddle of poverty which have eluded us in the past.

Mr. President, I submit that earmarking provisions are inconsistent in principle with this established concept of OEO as innovator, and an advocate and will act in practice to prevent full implementation of these roles, which all who support the poverty program have endorsed.

The earmarking provisions will act most detrimentally in the second year, that is fiscal year 1971. If those provisions are allowed to remain in this bill, the Director will be forced to make programing decisions on the basis of fiscal year 1970's budget submission, not on the basis of that year's experience. Earmarking provisions will stifle new approaches, limit OEO in providing supplemental programs, and dilute its ability to act as advocate for the poor, especially in the second year.

Mr. President, the committee may argue that the Director will not be shackled by earmarking in light of the committee's adoption of amendments to transfer provisions of the act, as set forth in section 4 of the bill. It is true that that section provides some relief as a general matter. That section would amend the law to permit the Director to transfer 15 percent of funds allocated or appropriated for a particular program or activity to another program or activity. It would also eliminate any restriction on the total amount that can be transferred into another program or activity. Under present law, transfers from a program are limited to 10 percent of the amount allocated or appropriated and no program may be increased by more than 10 percent.

But looking more closely, note how that the more liberal transfer provision when combined with earmarking, will still not operate to permit meaningful changes in programing, in fiscal year 1971: In each case where the bill earmarks a program at a certain level for fiscal year 1970, the bill provides for earmarking at the same level for fiscal year 1971. Under the 15-percent transfer provision, the Director could operate a program earmarked at $100 million at a level of $85 million during fiscal year 1970 and add $15 million to one or a number of other activities. Subsequently, the Director might consider it advisable to operate the earmarked program at a level below $85 million for fiscal year 1971, in order, first, to provide funds for a new program; second, substantially increase funds for a particularly successful existing program; third, to avoid duplication of effort between the earmarked program and activities undertaken by other public or private agencies from additional funding sources; or fourth, because of a combination of such considerations. However, he would be powerless to do so since the 15-percent transfer authority would once again be applied to the earmarked amount of $100 million.

Mr. President, I do not doubt that those who favor earmarking are motivated by a general concern for the preservation of the community action programs. That concern is evidenced by the fact that most of the specific earmarking has pertained to the title II "special emphasis" programs.

While I share the commitment of these Members to the programs, I submit that the statements and the actions of the administration should leave no cause for concern as to their futures, so long as the programs continue to constitute successful approaches to the solution of the problems of poverty. I think that these statements and actions suggest what might be regarded as a favorable disposition, if not a presumption, that in these programs lie much of our hope of dealing with poverty.

We have first the repeated statements of President Nixon that the vital community action programs will be pressed forward.

As further evidence of this commitment, we have only to look at table 1, set forth on page 46 of the committee report. That table shows the amounts requested by the Nixon administration for this fiscal year 1970 in each of the categories to be earmarked. Looking at the amounts indicated for community action programs under title II, it is seen that in every case, the Nixon budget requests exceeds the amount programed for fiscal year 1969.

In sum, Mr. President, the total amount for these special emphasis programs which the majority has earmarked is $1,597.5 million, or $174.4 million more than the amounts programed for fiscal year 1969.

Those who favor earmarking may say that if that is the administration's commitment, then why be concerned with earmarking. The fact is, Mr. President, that while it appears on October 14, 1969, that these programs provide the best promise, it may not be the case next year when the administration reviews its budget. What can change? Despite our expectations, the program as originally conceived may not be the best approach as to all of the poor or all of

the areas covered. Or just as likely, the administration may, in other departments, launch new programs from additional sources of funding. For example, health services in the Department of Health, Education, and Welfare might provide the local outreach that only the neighborhood health centers of the OEO can now provide. The Department of Agriculture or the Department of Health, Education, and Welfare might receive substantial moneys for nutrition education outreach and delegate some of those funds for use by community action agencies. In light of the substantial breakthroughs of this administration, in programs to benefit the poor, we must anticipate these possibilities. This, I think, is what is meant when we say that the programs of the Office of Economic Opportunity are supplemental. In short, OEO must be free to cover the "ground" not covered by established departments and agencies of the Federal Government. And to cover that ground, further flexibility is needed.

Ironically, many of the programs which the majority would hasten to protect by earmarking sprang from the local initiative to which we now look for new approaches to solve the problems of poverty. We must not arrest the evolution of new ideas and approaches from their beginnings in poverty areas to an established and secure place in an evolving antipoverty effort.

The committee report and the Director and the President have all stressed the role of OEO as an advocate for the poor within the agencies of Government. But earmarking will serve to undermine that role as the Federal Government approaches fiscal year 1971. Without earmarking, the Director might have some leverage with department heads on how much money should go to such agencies in respect to delegated programs, and, therefore, how those programs should be better administered to benefit the poor. Earmarking programs will, in effect, tell those agencies that irrespective of how well or how poorly they do, they will get a certain cut of the "antipoverty" pie. The result will be that the Director will have less of a voice for innovation and improvement.

Mr. President, the funds which have gone into the programs under the Economic Opportunity Act represent a small portion—less than 10 percent in 1969—of Federal funding for all antipoverty efforts. The aggregate of all Federal programs for assistance to the poor amounted to approximately $24.4 billion in fiscal 1969. The funds distributed in fiscal year 1967 under the Economic Opportunity Act are an estimated $1.9 billion. We are considering this bill at a time when the administration has taken the initiative in allocating additional Federal resources to solve the problems of hunger, and to reform the welfare system. It is essential that this agency with its unique participation of the poor and its unique authority and ability to innovate, be unshackled in applying its relatively small resources to those programs and approaches that have shown to be most effective in dealing with poverty and to those new approaches that give promise of maturing into programs that may spin off and become part of the system.

Adoption of this amendment would enable OEO to face the future with freedom to wage the aggressive and sustained and flexible attack on poverty which this administration has so clearly indicated that it will wage—if given the chance.

I would like to point out that there are funds, even for the second year, which are not earmarked, and those funds amount to about $500 million. They consist of the added $100 million which is authorized for the second year as against the first year, plus, under title II of the bill, which is the community action programs, an unallocated amount consisting of approximately $430 million.

This contributes to the ideas which I have espoused, but I think we really have to fish or cut bait in this matter of the second year. If we really want to give OEO an opportunity to move with innovative capacity and experimentation based on the proven record for the first year, for which there will be earmarking, then we have to unshackle it and untie it as far as the second fiscal year is concerned.

We want the most for our money. We want the greatest private participation. We want the best programs we can get. We want local participation. We want the most appropriate response to the needs of the poor and to social needs in the second year.

If we are going to go with this agency under this new director and administration, let us go with them, at least for the second fiscal year, all the way.

Mr. President, that is the case. There are many other facts and figures which I could use to buttress the case, but that is essentially the case for my amendment, and I hope very much the Senate will consider it favorably.

Mr. NELSON. Mr. President, the distinguished Senator from New York presented this position to the committee—very eloquently, I might add—and the committee discussed it at some length, and voted against accepting the concept of having no earmarking the second year of the bill. In my opinion, if we did that, the result would be that we would, in effect, give a blank check authorization for a minimum of $2.148 billion. As I have repeatedly emphasized earlier, the majority on the committee recognizes the need for flexibility in administering this program; we recognize the desire of the administration to innovate and experiment. But this bill gives the administration all the flexibility and all the freedom, I think, that it could possibly desire. What it does not do, and what I think the Senate must not do, is simply grant the OEO Director a blank check to do whatever he wants with the $2.148 billion basic authorization, not counting what possible add-ons may be included.

All education and health bills have authorizations earmarked by titles and parts. We think that the OEO Director should have some similar directive.

The only argument which has been advanced to support no earmarking for OEO is the argument that we would somehow "tie the hands" of the OEO Director or "lock him in" to programs. I do not think that is the case.

In the first place, the earmarking in this bill was drawn up by the OEO Director himself. That is, in their budget justification, they enumerated the earmarking of the programs for which they intended to expend the money. We merely took the OEO budget presentation and put it into the bill. These figures represent the OEO Director's own best judgment of how the money should be spent.

A special argument is made by the Senator from New York against earmarking in the second year of the 2 years covered by this bill. The fact is, by the time the agency receives any appropriations authorized under this bill, the first year will have passed for all practical purposes. At least 6 or 7 months of the first year will have passed.

That means that in 1 more year, OEO will be back before us asking for a new authorization. If they wish to revise their budget figures at that time, they will be free to do so. This bill will merely guide the operations of the agency in the intervening 14 to 18 months.

We do not think it is too much for Congress to specify how an agency shall spend $2.148 billion in such a period of time.

Furthermore, those who argue that the OEO Director is being "locked in," or at least many of them, I think, do not understand the tremendous freedom and flexibility that has already been written into this bill.

For example:

Take the whole category of "work and training" programs authorized in this bill. That alone accounts for $890 million of the slightly over $2 billion authorization in this bill. For that money there is no earmarking whatever beyond the fact that it be used for "work and training" programs.

A list of those "work and training" programs is as follows:

Operation Mainstream.

Neighborhood Youth Corps—out of school.

Neighborhood Youth Corps—in school.

Neighborhood Youth Corps—summer.

Job Corps.

Concentrated employment programs.

JOBS—job opportunities in the business sector.

PACE—public and community employment.

New careers.

This $890 million may be spent in any way the OEO Director desires, within the work and training programs, so his hands are not tied in that respect at all, except that the money must be spent within title I.

In arguing against congressional earmarking, OEO says, "But what if the JOBS program is not as successful as we hoped it would be? What if we want to take more money out of the Job Corps or out of the Neighborhood Youth Corps and put it into some other job training program?"

These are the questions raised by the OEO. The answer is that this bill allows them to do exactly that. The bill provides for $890 million with no earmarking other than that it is to be used for work and training programs.

I think the OEO Director has adequate flexibility within that program to expend that $890 million in any way he desires.

In addition to that $890 million, there is a lot of other unearmarked money in this bill.

For example, the bill earmarks $1.012 billion for title II community action. There is approximately $400 million in unearmarked money in that title. The Director has great latitude in how he may use this money. He can use it for research and experimentation, he can divert it to any of the other programs under title II such as Headstart, legal services, health services, emergency food programs, family planning, senior opportunities, and so forth. So this gives him $400 million, unearmarked in title II.

Finally, we wrote into this bill a completely new feature, allowing the Director to cut any program—or all programs—by 15 percent and reallocate the money as he sees fit to any authorized program within the agency. If this bill was fully funded, this would give the Director as much as $351 million in the first year and $409 million the second year which he could allocate within his agency any way he chose.

When we grant him $400 million of unearmarked money under the broad title of community action, and when we give him additional flexibility to reallocate $409 million within his agency, it seems to me that that is a substantial and liberal flexibility that we have granted to the Director of the Office of Economic Opportunity, a flexibility such as never before has been in the bill.

Personally, if we have erred in working out a compromise bill, I fear we may have made a mistake in giving the OEO Director too much flexibility.

The majority of the committee started out with the position that we were prepared to give 10 percent flexibility—that is, that the OEO Director could take 10 percent from any and all programs, reallocate it to any programs he saw fit, or all of it to one program. The minority wanted 20 or 25 percent flexibility. We ended up compromising at 15 percent, which I think was a good compromise.

Mr. JAVITS. Mr. President, I think the Senator from Wisconsin has stated the classic basis of the argument by which the committee decided that it did wish to earmark—that is, the majority did. I have stated the administration's position. I should simply like to add one other thing: I would not be here taking the position that I am taking if I believed it represented the remotest jeopardy to the community action agencies or their programs. I think that this is the really innovative and creative aspect of the antipoverty program.

On the contrary, every expression which we had from the Director, and the letter of the President of September 19, 1969, which I read into the RECORD yesterday testify that the community action agency program will do much better without earmarking.

That is my purpose and intent in trying to free the hands of the agency, because the really innovative programs will depend heavily upon self-help and local activity, which are epitomized by the community action agencies and their programs.

So I wish to affirm that offering this amendment represents an expression of confidence by me in the community action agencies, and in what the President, in his letter of September 16, and the Director in his testimony have affirmed to us as their confidence in the community action agencies.

Now, Mr. President, I am prepared to vote if the Senator from Wisconsin is. So that Senators may be notified that we are about to vote on this issue, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 36, nays 50, as follows:

[No. 120 Leg.]

YEAS—36

Aiken	Fong	Murphy
Allott	Goldwater	Packwood
Baker	Griffin	Pearson
Bellmon	Gurney	Prouty
Bennett	Hansen	Saxbe
Boggs	Hatfield	Schweiker
Case	Hruska	Scott
Cooper	Javits	Smith, Maine
Cotton	Jordan, Idaho	Thurmond
Curtis	Mathias	Tower
Dominick	Miller	Williams, Del.
Fannin	Mundt	Young, N. Dak.

NAYS—50

Allen	Hollings	Nelson
Anderson	Hughes	Pastore
Bayh	Inouye	Pell
Bible	Jackson	Proxmire
Burdick	Jordan, N.C.	Randolph
Byrd, Va.	Kennedy	Ribicoff
Byrd, W. Va.	Long	Russell
Cannon	Magnuson	Sparkman
Cranston	McCarthy	Spong
Eagleton	McClellan	Stennis
Ellender	McGee	Symington
Ervin	McGovern	Talmadge
Gore	McIntyre	Tydings
Gravel	Metcalf	Williams, N.J.
Hart	Mondale	Yarborough
Hartke	Montoya	Young, Ohio
Holland	Moss	

NOT VOTING—14

Brooke	Eastland	Muskie
Church	Fulbright	Percy
Cook	Goodell	Smith, Ill.
Dodd	Harris	Stevens
Dole	Mansfield	

So Mr. JAVITS' amendment (No. 241) was rejected.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The bill is open to amendment.

Mr. MURPHY. Mr. President, I call my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

"AMENDMENT WITH RESPECT TO THE GOVERNOR'S VETO

"SEC. 13. Section 242 of the Economic Opportunity Act of 1964 is amended by—

"(1) striking out 'In' and inserting in lieu thereof 'Except as provided in the second sentence of this section, in'; and

"(2) inserting after the first sentence thereof the following: 'No portion of any contract, agreement, grant, loan or other assistance made with, or provided to carry out the provisions of section 222(a)(3) of this Act (relating to the legal services program) shall be made with or provided to any State or local public agency or any private institution or organization for the purpose of carrying out such provisions within a State unless a plan setting forth such proposed contracts, agreement, grant, loan or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved, in whole or in part, by the Governor within 30 days of such submission.'"

Mr. MURPHY. Mr. President, I shall explain the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we can hear the explanation?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MURPHY. Mr. President, this is a very simple amendment. The thrust of the amendment is to restore more control with respect to legal services to the Governors. This is based on the understanding that the Governor of a State may know more about the problems of that particular State and may be more responsive to its particular problems. He can channel legal service programs into productive areas, rather than, as in the past, into areas that have created great dissatisfaction and confusion.

Mr. President, the amendment is very simple. It makes it possible for a Governor to have a line veto. As the law

stands now the Governor has to veto the entire program. This amendment gives him the opportunity to have a line veto or a select veto so that the good elements of the program can go forward and the elements to which the objects can be vetoed. That is the gist of the amendment, Mr. President.

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

Mr. MURPHY. I am happy to yield.

Mr. NELSON. Mr. President, I wish to ask the Senator precisely how the amendment would change the current law. Do I understand correctly that the Governor now has a veto over any program?

Mr. MURPHY. The Senator is correct.

Mr. NELSON. And the OEO Director may override the Governor's veto. Is that correct?

Mr. MURPHY. I am unclear on that. There are great discussions about it. Whether or not the Director may override the Governor, this particular amendment would merely authorize the Governor to veto line items in the overall program.

In the speed of writing the amendment, I have not had a chance to even read the language which the staff has included in the amendment, but that was my desire, as I suggested the amendment.

In other words, the Governor would have 30 days to disapprove and he would not have to disapprove the entire program. He could disapprove line items in the program and in this way permit the body of the program to go forward and merely exercise his veto on line items.

Mr. President, I understand the Senator from Minnesota (Mr. MONDALE) wanted to speak with reference to the amendment and I did not intend to have the amendment called up without him being present.

Mr. NELSON. The Senator from Minnesota has been sent notice to be here. In the meantime, I wish to ask the Senator a question. It was my recollection that when the issue was before the subcommittee the Senator from Colorado (Mr. DOMINICK) stated that the administration was opposed to any amendment on the legal services program. That is my recollection.

Mr. MURPHY. I believe the Senator is correct.

Mr. NELSON. It is also my recollection that the Senator from Minnesota (Mr. MONDALE), based on that statement, withdrew his own amendment. Am I correct in that?

Mr. MURPHY. I am not certain because I was not present at that meeting. However, I am told that was the gist of the discussion between the Senator from Minnesota (Mr. MONDALE) and the Senator from Colorado (Mr. DOMINICK). I now see the Senator from Minnesota (Mr. MONDALE) in the Chamber.

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

Mr. MURPHY. I am glad to yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I believe the Senator from California is aware of the discussion which took place on this issue in the Subcommittee on Employment, Manpower, and Poverty. I had proposed the adoption of an amendment which would strike the Governor's veto power entirely from the OEO legal services program. That matter was discussed with the administration, with the Director of the Office of Economic Opportunity, Mr. Rumsfeld, and it was the position of the administration, and I assume it is today, that the program structurally, as it relates to the veto, should remain as it has been and now exists in the law.

Being anxious to contribute to an OEO measure that would have the support of the administration and the support of a broad bipartisan cross section of the Senate, I withdrew my amendment.

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

Mr. MONDALE. I am glad to yield to the Senator from California.

Mr. MURPHY. Mr. President, I just want to make it clear that I heard something of the discussion but I was not present that day. Unavoidably, I had to be absent. I want to make it clear that I was not a party to that understanding.

Mr. MONDALE. The Senator is correct. My recollection is that he was not at that meeting, but my understanding is that the administration does not advocate or want any changes in the pending law as it stands, and as it affects the Governors' veto. Of course, insofar as the specific line items for OEO legal services are concerned, today the OEO Director has full power to determine the amount of the funds which any OEO legal service will have. That is entirely within the control of Director Rumsfeld and under the control of President Nixon.

The line item amendment as proposed by the Senator from California, in a sense, is redundant insofar as control over the Director and the administration are concerned over those funds.

The main point is that the American Bar Association and, really, the President of the United States, are proposing expansion of this program and have endorsed the broad outlines of the program as it now exists.

One of the key and indispensable elements of the program is not alone the funding but also the integrity of the program.

If we do not permit the poor to have attorneys who can present their cases free and unfettered from outside interference, which compromises the role of the law, we are in effect, even if we provide the funds, robbing the program of its greatest promise.

The American Bar Association which, to my knowledge, has never been charged with extreme leftwing irresponsibility, has repeatedly spoken out for the integrity and independence of the OEO legal services program. At its last convention, it passed a resolution strongly urging, in clear terms, continuing independence of the program.

In the letter placed in the RECORD yesterday, written by Mr. Segal, president of the American Bar Association, the ABA once again renewed the hope that OEO legal services would not only be adequately funded but would also be permitted to be a program which would provide the poor with independent, adequate, and competent legal services.

One of the interesting aspects of the OEO legal services since its founding is not only its impressive victories and the unique kinds of law reform cases brought, but also that it has significantly, subtly, and pervasively been subject to attacks attempting to try to destroy the program in terms of its integrity and independence in the kinds of lawsuits that should be brought. It has been subject to interference by local bar associations, Governors, and by the power structure generally trying to control it.

If we want to have a program of integrity, one that truly represents the poor, the present structure is the least we can accept.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution adopted at the annual meeting of the American Bar Association in Dallas, Tex., last August.

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

RESOLUTION

Whereas, attacks against Legal Aid and Legal Services lawyers and other lawyers threaten the rights of clients to have independent advocates;

Now, therefore, be it resolved, That the American Bar Association supports and continues to encourage every lawyer in the exercise of his professional responsibility to represent any client or group of clients in regard to any cause no matter how unpopular; and

Further resolved, That the American Bar Association deplores any action or statement by any government official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provide legal services to the community because the lawyers associated therewith, or any lawyer acting in good faith and within the confines of ethical conduct, zealously represent clients in matters involving claims against a government entity or individuals employed thereby.

Mr. YARBOROUGH. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to me on October 13 by Bernard G. Segal, of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, urging strongly passage of S. 3016 as reported by the Committee on Labor and Public Welfare.

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

AMERICAN BAR ASSOCIATION,
Washington, D.C., October 13, 1969.

Hon. RALPH W. YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might

arise. These provisions are consistent with the positions of the ABA and NLADA.

The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

Sincerely yours,

BERNARD G. SEGAL.

Mr. MURPHY. Mr. President, it is my view that the American Bar Association is a party of special interest to this matter. I generally go along with the recommendations of the American Bar Association. I know how diligently my colleagues follow its recommendations and I hope they will be as sensitive to its recommendations when the case of Judge Haynsworth comes before the Senate. I believe that the American Bar Association now has twice recommended approval of Judge Haynsworth.

If I may try to explain my position: I have not questioned the propriety or the need for law reform. However, it was my understanding at the time the legal services program was proposed, that it was to provide individual legal services for some poor fellow who could not afford a lawyer. This is why I so enthusiastically joined in its support.

The program was not to set up a bank of lawyers to enjoin the California State Legislature, or the Secretary of Labor, or the Governor of the State, or to come in and try to attempt to write complete legal reform. That is a different field of operation so far as I am concerned. That is the tack that has been followed by the California Rural Legal Assistance.

I believe that the legal service program should be returned to the purpose for which it was designed at the outset. Then, at a subsequent date, if the Labor and Public Welfare Committee wants to hold hearings and decides the matter of law reform is an important one, it could frame the appropriate legislation.

I have the greatest regard for the views of the American Bar Association, but the experience in my State makes it necessary in the area of legal services that the Governor have the right to a line veto and not to be overriden by the Director.

I am sensitive to the administration's request. I know the new Director very well. However, in my judgment in my State of California, from which I have the honor to represent one-twentieth of all the citizens of the United States, the legal services program will operate much better with this amendment.

As my colleagues know, I am the most pliable fellow in town. If a program is working well, I believe that it should be left alone. This program has not worked well. That is the reason I want to give it a reasonable chance by going back to its original concept. This was the condition under which the original program was sold to the Congress.

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

Mr. MURPHY. I am glad to yield.

Mr. MONDALE. Do I understand the Senator's amendment to apply only to the OEO legal services program?

Mr. MURPHY. That is exactly right.

Mr. MONDALE. In other words, of all the titles in the OEO Act, the only one that would give the Governor veto power over a line item as distinguished from a whole program would be the OEO legal services program?

Mr. MURPHY. That is right.

Mr. MONDALE. Does it worry the Senator from California that that might be used by a Governor to discourage lawsuits that might be unpopular, yet necessary to defend and assert rights of the poor? In other words, if a rural service wanted to do something about illegal Mexican migrants who crossed the border to break a strike and depress working conditions, and the rural legal service thought they ought to bring action in that kind of case, and the Governor did not think so, could the Governor then veto that lawsuit?

Mr. MURPHY. Yes; he could. If my distinguished colleague will permit me, that type of lawsuit might properly be brought, but it should not be brought under the guise of a provision that was put in there originally to provide legal services on an individual basis for some poor fellow who just cannot afford a lawyer. I know a great deal about the problem of the illegals as a result of Public Law 780 going out of existence. I would have fought for that law before it went out. We now would have legal farmworkers rather than illegal ones. I would hope that sometime in the future we might get back to that. But in this case, on basic principles, on my philosophy of government, I would have to say that a Governor is more sensitive to the needs in his particular State. That is the philosophy of the new administration. of renewed federalism. I would think it would be preferable that the Governor, if he were doing something contrary to the wishes of the majority, were quickly replaced. On the other hand, if it were the purpose to make this operation function more properly for the benefit of an individual, rather than some mass action, or some highly financed labor union, rather than in the case I mentioned this morning of a foundation from New York, I would think this would be a proper amendment and might work for the general benefit of the poor, who are the ones I am concerned with.

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

Mr. MURPHY. I yield.

Mr. MONDALE. Did I understand the Senator to draw a distinction between personalized legal services for individuals who are impoverished, on the one hand, and so-called law reform suits, on the other hand?

Mr. MURPHY. Yes; that is exactly my point.

Mr. MONDALE. Did I understand the Senator to say he supports legal services for individual purposes, but opposes them in the broad——

Mr. MURPHY. I must intervene. I did not oppose them. I oppose them in this particular piece of legislation, because it was not designed for that purpose. I have said that several times. I think hearings should be held. I think possibly another amendment to take care of so-called law reform, to take care of bracero problems, might be proposed. But under this statute, according to my understanding—and I was one of the developers of the concept—this was for legal services for some poor fellow who cannot afford a lawyer, and it was not to take up some extravagant move by social reformers, labor unions, or other organizations of that kind. That is why I draw the distinction.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. When the then nominated Director, Mr. Rumsfeld, appeared before the Employment, Manpower, and Poverty Subcommittee, I asked him his view about the proper role of the OEO legal services, and particularly whether he felt the OEO had a function to perform in the law reform field and whether it should be used for that. I must say I was very pleased by his answer. I quote a part of it, which appears on page 29682 of yesterday's CONGRESSIONAL RECORD. He said:

As you know, I support the legal services program. I am pleased with the recommended increase. I also agree with you when you suggest that there have been and will be instances where, by providing proper legal service for the poor, suits may result which might involve, for example, the Federal, State or local government if in fact the attitude of the individuals involved in this suit is that level of Government has not been responsive and has not been fulfilling its statutory obligations.

That can be controversial. In my judgment that does not make it bad. In fact, there are many of our institutions that are not perfectly responsive to the needs of the individuals they serve, and that they go through a process continuously of change. This might be one of the kinds of things that might help an agency of the Federal Government to recognize that what they are doing in fact at the point of contact does not compare with what they thought they were doing.

In other words, the Director of the Office of Economic Opportunity, Mr. Rumsfeld, I think quite clearly recognizes the importance of law reform services and underscores the need from time to time to make government more responsive and to permit lawsuits to be brought against various levels of government. Does the Senator from California disagree with that, for example?

Mr. MURPHY. I have said three times in the last 12 minutes that I am not in disagreement with it, but I am in disagreement with the use of a statute that was established to provide legal services for individuals being turned over to law reform, which is an entirely different operation and which should possibly be set up under a special provision in the bill. Perhaps at a later

time, the Director may agree with me. He is a new Director, who has just come in. I must say he comes in under the best auspices. I had the opportunity of knowing him. I think he will do an excellent job. But I also know that when he appears before a committee and is cross-examined by distinguished, great, trained legal minds, such as my dear friend from Minnesota, he might possibly not think as deeply as he should in order to have his logic catch up with the fluidity of his expression.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. To get back to the proposition, with all respect to the American Bar Association and the administration's suggestion and to the feelings and the wishes, as described and read, of the new Director, I am not in great disagreement that there should be law reform. That is not my purpose. I disagree that a statute that was enacted to provide legal services for some poor individual who cannot afford a lawyer, the poor man we worry about, should be used for another purpose. If my distinguished colleague wants to institute hearings with regard to law reform, I would welcome them. I think he would probably be on sound ground.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. I respect the position of the Senator from California, but I think I am fair in saying that both the OEO Director, Mr. Rumsfeld, and the Director of Legal Services, Mr. Lenzner, have not only endorsed the concept of legal reform lawsuits being brought by the OEO legal services program, but, in fact, have underscored it as the key, and one of the fundamental aspects, of the entire program.

We have seen cases where, for example, it is very difficult to define what is the difference between an individual need and a broad general need. For example, there was a State which had many counties in which there was no food stamp program. A lawsuit was brought requiring the Department of Agriculture to make food-stamp programs available in all counties. That lawsuit was won. The Department of Agriculture has not responded yet, but this shows how difficult it is to differentiate the individual situation from the broad public policy.

Mr. MURPHY. Mr. President, will my distinguished colleague yield?

Mr. MONDALE. I am happy to yield.

Mr. MURPHY. I should like to point out how difficult it was to decide whether or not there was need for food stamps. As I recall, it was almost 2 years ago now.

Mr. MONDALE. That has been settled.

Mr. MURPHY. Yes, but it took a year. It took a year, between members of the committee and the former Secretary of Agriculture, to decide whether or not there was a need for food stamps in one of our Southern States.

I think if we proceed with consideration of the amendment, and get underway quickly in setting up the instrument for legal reform, we would be making great progress and at the same time preserving the integrity of this piece of legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. MURPHY. Mr. President, I suggest the absence of a quorum. I ask that a quorum call be instituted, if it is agreeable, so that we may ask for the yeas and nays. I see no purpose to be served by continuing this dialog.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. After apologizing to my colleagues for interrupting their lunch, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. JAVITS. Mr. President, I am well acquainted with Senator MURPHY's amendment, and I am very sympathetic to the feelings which dictate it. There are, without any question, just grievances reflected in the position which he has put before the Senate.

As I introduced the administration's bill, and am in a sense handling it on the Senate floor as ranking minority member of the Committee, I deliberated, frankly, whether to say anything about this matter, because I am sympathetic with with Senator MURPHY's position.

But in all fairness to the administration, I think it is my duty to say that this is a provision which takes a positive step about a matter which the administration did not include in its bill, and which I did not introduce.

I was the architect of the compromise which resulted in dealing with the Governor's veto question, and in conscience, I must tell the Senate that I believe that, as to any part of the program—and I do not pick out this part, that is, legal services, particularly—I would not have favored and I do not think I would have introduced the administration's bill if it had favored giving the Governor an absolute veto.

I would state to the Senator from California that it was in legislative vigilance that we had that debate with the Senator from West Virginia (Mr. BYRD). In every way, I shall do my utmost to keep the feet of the administration to the fire on this question of what the Senator calls law reform—that is, endeavoring to lend themselves to these broad questions of governmental policy through the new initiative and new energy of the poor in the OEO.

Also, if there are specific situations which come up in which a Governor's veto is not getting the proper weight and proper consideration, again I would lend myself, whether it is my State or any other, as the ranking minority member of the committee, to doing everything possible to get the utmost evaluation for the Governor's point of view.

Mr. President, with all fairness and with all due respect, I simply must say that I could not bring myself to go against the compromise which was so very hard to work out in our previous conference with the House on the question of the absolute power of the governor to exclude a program from his State.

That is all I wish to say about the matter, again expressing the deepest respect and understanding for what the Senator from California is trying to do, and promising him that I will lend myself in every way to assist him in any case in which the OEO has taken a questionable direction.

Mr. MURPHY. Mr. President, I thank the distinguished Senator. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY) and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

On this vote, the Senator from Kansas (Mr. DOLE) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Kansas would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[No. 121 Leg.]

YEAS—45

Aiken	Fannin	Mundt
Allen	Fong	Murphy
Allott	Goldwater	Packwood
Baker	Griffin	Pearson
Bellmon	Gurney	Prouty
Bennett	Hansen	Russell
Boggs	Hatfield	Smith, Maine
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hollings	Spong
Cooper	Hruska	Stennis
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dominick	Long	Tower
Ellender	McClellan	Williams, Del.
Ervin	Miller	Young, N. Dak.

NAYS 40

Anderson	Jackson	Pell
Bayh	Javits	Proxmire
Bible	Kennedy	Randolph
Burdick	Magnuson	Ribicoff
Cannon	Mathias	Saxbe
Case	McGee	Schweiker
Cranston	McGovern	Scott
Eagleton	McIntyre	Symington
Gore	Metcalf	Tydings
Gravel	Mondale	Williams, N.J.
Hart	Montoya	Yarborough
Hartke	Moss	Young, Ohio
Hughes	Nelson	
Inouye	Pastore	

NOT VOTING—15

Brooke	Eastland	McCarthy
Church	Fulbright	Muskie
Cook	Goodell	Percy
Dodd	Harris	Smith, Ill.
Dole	Mansfield	Stevens

So Mr. MURPHY'S amendment was agreed to.

Mr. WILLIAMS of Delaware. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to reconsider the vote by which the amendment was agreed to.

Mr. MURPHY. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF CLEAN AIR ACT

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2276.

The PRESIDING OFFICER (Mr. HUGHES in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act which was to strike out all after the enacting clause, and insert:

That the first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and", and by striking out the period at the end thereof and inserting in lieu thereof ", and for the fiscal year ending June 30, 1970, $18,700,000."

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2276 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. MONTOYA, Mr. BOGGS, Mr. COOPER, and Mr. DOLE conferees on the part of the Senate.

REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—REFERRAL

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the report of the St. Lawrence Seaway Development Corporation for the year ending 1968, which was referred to the Committee on Public Works on September 24, 1969, be re-referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I also ask unanimous consent that all future proposed legislation and matters relating to the St. Lawrence Seaway Development Corporation be referred to the Committee on Commerce for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, on July 14, 1969, a number of nominations affecting the St. Lawrence Seaway Development Corporation were re-referred by the Senate to the Committee on Commerce. It was my intention at that time that all future proposed legislation affecting the St. Lawrence Seaway Development Corporation be within the jurisdiction of the Committee on Commerce.

In this connection, I ask unanimous consent that my statement which appears in the RECORD of July 14, 1969, be printed at this point in the RECORD.

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

STATEMENT OF SENATOR RANDOLPH

For some time I have been of the opinion that legislative matters relating to this corporation properly come within the jurisdiction of the Commerce Committee. That Committee, as you know, is directly concerned with matters relating to foreign and domestic commerce, and, of course, the Seaway Authority is an important link in this country's foreign and domestic trade. Also, the Commerce Committee recently established a special subcommittee to study transportation on the Great Lakes-St. Lawrence Seaway which will be directly involved with the activities of the Seaway Corporation.

For the information of the members of the Senate, the St. Lawrence Seaway Development Corporation is a wholly owned Government corporation which was authorized and directed by the act of May 13, 1954, (33 USC 981), to construct, operate, and maintain deep-water navigation works in the International Rapids section of the Saint Lawrence River together with the necessary dredging in the Thousand Island section. The act also directed the Corporation to coordinate its construction and maintenance activities with the Saint Lawrence Seaway Authority of Canada. Management of the Corporation is vested in an administrator and a deputy administrator appointed by the President by and with the advice of the Senate. In addition, the Act established an Advisory Board to review the general policies of the Corporation, including its policies in connection with design and construction of facilities and the establishment of rules of measurement for vessels and cargoes, and rates of charges or tolls, and is required to advise the Administrator with respect to these matters. The Board is composed of five members also appointed by the President, by and with the advice of the Senate.

In the past, legislation relating to the St. Lawrence Seaway has been handled by three Senate Committees; Commerce, Foreign Affairs, and Public Works. The Committee on Public Works first considered Seaway legislation in July of 1957, when a bill to designate the "Wiley-Dondero Lock" was referred to the Committee for consideration. Subsequent Seaway legislation has also been referred to the Public Works Committee. However, for the reasons previously stated, I recommend that the pending nominations and future legislation affecting the St. Lawrence Seaway Development Corporation again be referred to the Committee on Commerce for appropriate attention.

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

Mr. RANDOLPH. I yield.

Mr. AIKEN. I wish to ask the Senator if this matter has been cleared with the Committee on Public Works.

Mr. RANDOLPH. Yes, and with the Committee on Commerce.

Mr. AIKEN. And it is agreeable?

Mr. RANDOLPH. It is agreeable.

Mr. AIKEN. I thank the Senator.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk read as follows:

At the end of the bill insert the following new section:

"AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTI-POVERTY AGENCIES

"Sec. 13. (a) Upon receipt of any amount of a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 the recipient shall set aside a portion of the amount so received sufficient to satisfy the expected liability of the recipient for the taxes imposed by chapters 21 and 23 of the Internal Revenue Code of 1954.

"(b) Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 or 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend any portion of such payments due to such person and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that either such person is no longer delinquent in paying or depositing such taxes or that adequate provision has been made for such payment."

Mr. WILLIAMS of Delaware. Mr. President, I shall be very brief. I understand the managers of the bill have no objection to the amendment.

I merely wish to state that this matter was called to my attention a couple of months ago. It seems that some community action groups, while withholding their employment taxes, have not been forwarding them to the Treasury as required by law in operations of this type.

I felt by all means that subdivisions of the Government, and they are subdivisions of the U.S. Government, should be complying with the law as it relates to all other type operations; namely, that they should pay their taxes.

Mr. President, the purpose of the Economic Opportunity Act is to educate and train certain groups in order that as citizens, they may move out into useful

employment and meet their obligations to society. The best training that could be extended to any group would be to impress upon them their responsibilities as citizens to meet their tax obligations to the Federal Treasury when they become due.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter dated August 29, 1969, signed by the Acting Commissioner of Internal Revenue, along with attachments thereto, pointing out this problem as it relates to these delinquencies, followed by an explanation of the amendment as furnished by the legislative counsel which explains the manner in which the amendment would operate.

It will be noted that many of these groups which were first classified as delinquent show that the delinquency has been eliminated.

However, it should be pointed out that in far too many cases these delinquencies were paid with new grants from the Federal Government.

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

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 29, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This refers to your inquiry of June 20, 1969, concerning past and present Federal employment tax delinquencies on the part of the Neighborhood Youth Corporation of the Kent County Community Action Agency and similar organizations in Delaware and throughout the country.

We are unable to furnish you complete information on all Anti-Poverty organizations which are now or have been delinquent in payment of Federal employment taxes. As you know, our field offices are responsible for identifying and handling all taxpayer delinquencies, and it would be necessary for all 58 districts to research every open and closed case in every open and closed file in order to secure the data you have asked for. I am sure you will appreciate that, with our limited manpower and money, I cannot authorize such a costly undertaking. However I can give you information on those delinquencies in the Anti-Poverty area which field officials have specifically brought to our attention. Lists of these delinquencies are enclosed.

The liabilities shown on the lists may include income tax withholding, FICA taxes and FUTA (Federal unemployment tax). All of the organizations listed incur liability for income tax withholding, of course, even though they may be exempt from income tax as an organization described in section 501(c)(3) of the Internal Revenue Code. If the organization has not established tax-exempt status, liability is also incurred for FICA and FUTA taxes. However, if the organization has established exemption as a 501(c)(3) organization, it is automatically exempt from FICA taxes unless it has specifically waived its FICA exemption.

As to Kent County Community Action Agency, specifically, the enclosed list of open cases shows an employment tax balance due from this organization in the amount of $860. This represents FICA (social security taxes). However, the organization has applied for tax exemption, as a 501(c)(3) organization, and if exemption is granted, the organization will have no liability for FICA taxes unless it chooses to waive the FICA exemption. This seems unlikely, considering that the organization is no longer active. Thus, it appears probable that some part of the taxes which have already been paid by the organization will be refundable in an amount which may exceed the liability now shown on our books.

It may be that cases, in addition to those shown on the enclosed lists, have been or are now pending in the field and, indeed, delinquencies may exist of which the field is not yet aware. As I am sure you will appreciate, this entire area is one which is very difficult to monitor, considering the many funding Federal agencies which are involved, the many thousands of organizations which are funded, the variety of programs being undertaken and, quite often, the tax unfamiliarity of the persons undertaking them.

Ever since enactment of the Economic Opportunity Act of 1964, we have been aware of the need for educating the Anti-Poverty organizations to the tax responsibilities confronting them upon receipt of a grant and institution of the program for which the grant was given. Our aim has been to prevent delinquencies, an objective which, unfortunately, we have not fully realized. In attempting to do so, however, we have been working with the Office of Economic Opportunity, the Department of Labor, the Department of Agriculture and the Department of Health, Education and Welfare. We have obtained lists of grantee organizations from these agencies with the understanding that the lists will be kept current. Our field offices have been and are now checking these lists against our own lists of persons filing Federal employment tax returns. This cross check enables us to contact those organizations not appearing on our lists and to keep a close watch for delinquencies which may arise in the future. We feel that this is a good beginning, but we are convinced that much more can be and should be done. Bearing in mind that the United States is the source of the funds with which these organizations operate, we believe that the funding Federal agencies may be in a position to assist us further in assuring that all taxes due the Federal Government are paid in full and on time. We are continuing, therefore, to work with these agencies in hopes of developing a fully coordinated program, looking toward timely payment of all tax obligations incurred by each and every grantee organization. As you suggest, delinquencies in this area should be and are of major concern to the Internal Revenue Service.

I appreciate your interest in this matter, and assure you that we will continue to watch the situation carefully.

With kind regards,
Sincerely,

———— — ————,
Acting Commissioner.

[Enclosures]

The information given below reflects collection status as of August 18, 1969. It does not necessarily reflect the current status of the case since collections may have been effected by the field office concerned in the meantime.

Closed cases	Original delinquency liability	Outstanding balance
1. Dallas County and City of Selma Opportunity Board, Inc., City Hall, City of Selma, Selma, Ala	$1,681.30	0
2. Inner City Cultural Center, 1615 North Washington, Blvd., Los Angeles, Calif	94,697.98	0
3. Inland Area Urban League, 3792 Main St., Riverside, Calif	7,442.34	0
4. Monmouth Community Action Program, Inc., Garfield Grand Bldg., 279 Broadway, Long Beach, N.J	69,780.48	0
5. Fayette County Community Action Agency, Inc., 50 East Main St., Uniontown, Pa	$20,785.80	0
6. Interfaith-Interracial Counsel of the Clergy, 1528 Walnut St., Philadelphia, Pa	29,177.76	0
7. Neighborhood Youth Corps, New York City, N.Y	3,589,288.00	0
8. New Opportunities for Waterbury, Inc., trading as Now, Inc., 769 North Main St., Waterbury, Conn	124,930.00	0

Open cases	Original delinquency liability	Outstanding balance
1. Opportunities Industrialization Center, 1225 North Broad St., Philadelphia, Pa	$751,702.94	$28,395.25
2. O.I.C. Institute, Inc., 100 West Coulter St., Philadelphia, Pa	193,328.66	89,487.13
3. Allied Builders Union, Inc., 611 Division Ave. NE., Washington, D.C	31,387.94	9,469.85
4. Kent County Community Action Agency, Inc., Dover, Del	8,344.85	860.42
5. Business Training Center-Paterson Task Force, 367 Broadway, Paterson, N.J	1,816.36	1,816.36
6. Haryou-Act, Inc., 2092 7th Ave., New York, N.Y	(1)	(2)
7. Black Youth Movement, Inc., 43 North Main St., Waterbury, Conn	$39,142.00	$38,926.00
8. Opportunities Industrialization Center, 2947 North 3d St., Milwaukee, Wis	78,870.42	14,728.79
9. Archdiocesan Opportunity Program, 2140 East Canfield, Detroit, Mich	987,053.70	216,698.76

[1] Unknown at this time. Investigation being conducted to verify credits claimed. Earlier delinquency amounting to $208,986 has been fully paid.

[2] Unknown at this time. Investigation being conducted to verify credits claimed.

MEMORANDUM FOR SENATOR WILLIAMS OF DELAWARE

The attached draft sets forth the obligation of a recipient of a payment made pursuant to any grant, contract, agreement, loan, or other assistance made or entered into under the Economic Opportunity Act of 1964 to set aside a portion of the amounts received sufficient to satisfy the expected liability of the recipient for taxes imposed by chapter 21 (relating to Federal insurance contribution) and chapter 23 (relating to Federal unemployment tax) of the Internal Revenue Code of 1954.

Upon notice from the Secretary of the Treasury that any recipient of such a payment is deliquent in paying or depositing (1) the taxes imposed under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such recipient under chapters 21 and 24 (relating to collection of income tax) of such Code, the Director of the Office of Economic Opportunity shall not make any further payment due the recipient and he shall make or enter into no new grant, contract, agreement, loan, or other assistance under the

Economic Opportunity Act of 1964 until the Secretary of the Treasury has notified him that the recipient is no longer delinquent in paying or depositing the taxes referred to in the section or that adequate provision has been made for such payment.

The requirement set out in your proposed amendment is an addition to the "Economic Opportunity Amendments of 1969", the pending business of the Senate.

Respectfully,

A. BLAIR CROWNOVER,
Assistant Counsel.

OCTOBER 14, 1969.

Mr. WILLIAMS of Delaware. Mr. President, I shall request a record vote on this amendment, but I am willing to proceed as expeditiously as possible.

Mr. NELSON. Mr. President, I would like to say as to this amendment that I think the objective sought by the Senator from Delaware is correct. I have not had a chance to study the language. I assume the language that is in the amendment reasonably accomplishes the objective the Senator seeks.

I understand the deputy counsel of the Office of Economic Opportunity believes the language is satisfactory but he has not had a chance to study it either.

I shall vote for the amendment. I may wish to modify my position, depending on the legal interpretation of the OEO. I do agree with what the measure seeks to do.

Mr. WILLIAMS of Delaware. I appreciate the statement of the Senator.

The amendment will be in conference and if it needs to be perfected I would want it done because there is no disagreement on the objective.

Mr. President, I have also discussed the problem with the Senator from New York. I understand that he also agrees with the objective. On that basis, I am willing to proceed to vote.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. Mr. President, I wish to join the Senator from Wisconsin (Mr. NELSON) in saying that I, too, shall vote for the amendment. I feel that the way the matter has been worked out is probably the way which will prove generally agreeable to the Office of Economic Opportunity.

As the Senator from Wisconsin (Mr. NELSON) has stated, we will undertake in conference to make sure the purpose is retained, without any extraneous effect. I had hoped we could dispose of the matter without a rollcall vote this afternoon in view of the position of the Senator from Wisconsin of my position. However, the Senator from Delaware feels we should have a rollcall vote and I see nothing that we can do about it. That is his right. My purpose will remain as it would have been otherwise: to do our utmost to retain in conference a provision accomplishing this result.

Mr. WILLIAMS of Delaware. Mr. President, I am satisfied with the Senator's statement. I thank the Senator from New York.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. RANDOLPH. Mr. President, we have had expressions on this issue from the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. JAVITS). As a member of the Committee on Labor and Public Welfare, I wish to commend our colleague, the senior Senator from Delaware (Mr. WILLIAMS) on the presentation of the amendment. I think it is inconceivable that there would be opposition to the proposal as it is presented here this afternoon. It is my belief that it is not only proper but necessary to incorporate into this bill the amendment of the Senator from Delaware (Mr. WILLIAMS). I agree that amendment should impress upon antipoverty agencies receiving grant funds their obligation to comply in a timely manner with requirements of our tax laws. This will be an assurance of tighter procedures.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. I think the importance of the rollcall vote would be so that the agency, which has been perhaps a little dilatory in previous matters in enforcement, will know the Senate means business.

I am willing to proceed to the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware (Mr. WILLIAMS). On this question the yeas and nays have been ordered, the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), is absent on official business.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 122 Leg.]

YEAS—84

Aiken	Baker	Bible
Allen	Bayh	Boggs
Allott	Bellmon	Burdick
Anderson	Bennett	Byrd, Va.
Byrd, W. Va.	Hughes	Pearson
Cannon	Inouye	Pell
Case	Jackson	Prouty
Cooper	Javits	Proxmire
Cotton	Jordan, N.C.	Randolph
Cranston	Jordan, Idaho	Ribicoff
Curtis	Kennedy	Russell
Dominick	Long	Saxbe
Ellender	Magnuson	Schweiker
Ervin	Mathias	Scott
Fannin	McClellan	Smith, Maine
Fong	McGee	Sparkman
Goldwater	McGovern	Spong
Gore	McIntyre	Stennis
Gravel	Metcalf	Symington
Griffin	Miller	Talmadge
Gurney	Mondale	Thurmond
Hansen	Montoya	Tower
Hart	Moss	Tydings
Hartke	Mundt	Williams, N.J.
Hatfield	Murphy	Williams, Del.
Holland	Nelson	Yarborough
Hollings	Packwood	Young, N. Dak.
Hruska	Pastore	Young, Ohio

NAYS—0

NOT VOTING—16

Brooke	Eastland	Muskie
Church	Fulbright	Percy
Cook	Goodell	Smith, Ill.
Dodd	Harris	Stevens
Dole	Mansfield	
Eagleton	McCarthy	

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. GOLDWATER. Mr. President, on behalf of my senior colleague from Arizona (Mr. FANNIN) and myself, I send to the desk an amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 5, between lines 18 and 19, insert a new subsection as follows:

"(d) Notwithstanding any other provision of this Act or any other provision of law, none of the amounts appropriated pursuant to the section for the fiscal year ending June 30, 1970, and the fiscal year ending June 30, 1971, and none of the amounts appropriated pursuant to any other provision of law for any fiscal year prior to the fiscal year ending June 30, 1970, shall be expended on or after the date of enactment of this Act for use in carrying out the Legal Services program described in section 222(a)(3) on the Navajo Indian Reservation or on behalf of the Navajo people, unless the use of such amounts for such purposes is specifically approved by a resolution duly passed by the Advisory Committee of the Navajo Tribal Council for each such fiscal year, respectively."

Mr. GOLDWATER. Mr. President, I shall try to be as brief as I can with this presentation, and I would appreciate the attention of Senators, because this is a very, very peculiar situation. Some might argue that the passage of the Murphy amendment, which gave the Governors the right to veto, would take care of this situation. It will not, because the Navajo Reservation actually lies in three States. Most of it is in Arizona; part of it is in New Mexico; and a small part of it is in Utah.

The amendment is not complex. It is offered to carry out the express wishes of the Navajo Indian Tribal Government and to prevent the Office of Economic Opportunity from riding roughshod over the rights of the individual Navajo Indians and the sovereignty of the Navajo Nation.

This situation is a very peculiar one. At this point I would like to mention a few of the unusual features of the reservation situation. They have their

own democratically elected self-government. The laws of the State of Arizona do not apply. They pay no State taxes or Federal taxes or sales taxes, nor can the Governor impose them. My colleague, Senator FANNIN, was Governor when this matter was tested. They have their own police force, their own courts, and operate under their own laws. What they are asking, in effect, is to have some say in the operation of this program.

Mr. President, my amendment simply says that none of the funds appropriated to OEO can be spent hereafter for the operation of the legal services program on the Navajo Reservation unless the program has the approval of the Navajo Indians themselves.

There should not be any need for this amendment. It amazes me that it is necessary to add a requirement into the law in order to bind OEO to live by the letter and spirit of the existing law.

But, the agency has it in its head to jam a ridiculously high funded legal services project down the throats of the Navajo people whether they want it or not. And, I can tell you that they do not want it. Nor do the people living adjacent to the reservation want it.

Permit me to review the history of this bizarre situation which is serving to accomplish nothing but the division of the Navajo people into separate camps.

In April of 1965, the advisory committee of the Navajo Tribal Council passed a resolution creating the Office of Navajo Economic Opportunity. This organization was to be responsible to the Advisory Committee and was established for the purpose of administering the OEO community action programs for the Navajo Tribe.

Many of the programs implemented by ONEO have been of lasting benefit to people on the reservation, who have been encouraged to strive toward self-sufficiency and to become employable.

But, difficulties arose quickly with one component of the ONEO program. In October of 1967—a little after a year from the time that the legal aid program was approved for the reservation—problems began cropping up with DNA, Inc., the delegate agency for these services. For 3 months relations between the Navajo Office and DNA were so strained that the two were unable to agree to a new contract.

The matter was settled temporarily in January of 1968 when the contract was renewed. By June of 1968, however, conditions had reached storm proportions again. On June 28 of last year, the advisory committee of the Navajo Tribal Council voted its disapproval of the manner in which the legal services program was being handled by DNA under the direction of Mr. Theodore R. Mitchell. In fact, the advisory committee actually demanded the removal of Mr. Mitchell from his post.

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

Mr. GOLDWATER. I am happy to yield.

Mr. KENNEDY. Did the matter that was being considered at that time refer to the question of the water rights of the tribe itself?

Mr. GOLDWATER. No; that did not enter into it, although Mr. Mitchell at times tried to swing the tribe on it. Of course, this is of great concern to the water rights of the Lower Colorado River Basin. I must say the Indian rights in the basic contract have been recognized as being primary, above all other rights. The rights we are talking about are involved in the 50,000 acre-feet allotted to Arizona. Some of the works have been built. Others are in process of being built to enable the Navajos to utilize a portion of the 50,000 acre-feet.

Mr. KENNEDY. Could the Senator enlighten Members of the Senate with respect to the matter that brought about the dispute between the legal services office and the Navajo Tribe, and also the tribal attorneys? Would the Senator enlighten us about that conflict, or was he planning to do so?

Mr. GOLDWATER. I am planning to do so, but I can say that, very basically, these people have their own government, elected under democratic processes. They have law and order on the reservation. Having complete control of what goes on with respect to contracts for gas and oil, contracts for trading purposes, and so forth, they feel they should not be circumvented in this matter. In other words, the pending amendment merely recognizes and says that at the time when the tribal council votes to have the DNA on the reservation under its control, they have no objection to it. In fact, before the DNA came on the reservation, the tribe had its own legal program.

I think they were spending something like $100,000, as far as we can find out. That has been expanded now to $1.1 million under the OEO, which is over twice as much as the State of Arizona is spending on 1,600,000 people. We are talking about 100,000 Navajos in my State.

I think I can answer the Senator's question as I go along. If I do not, do not hesitate to ask.

By August, when the Navajos saw that this man Mitchell was not going to leave on his own, the advisory committee permanently excluded him from all Navajo lands for his personal obnoxious conduct before the tribal council.

Following his exclusion, Mitchell, who was still running the legal services program—ostensibly to assist the Navajo community—brought a lawsuit against the chief executive officer of the Navajo Tribe in which he challenged the right of the Navajos to evict a non-Navajo from the reservation. Taking advantage of civil rights principles, he succeeded in obtaining a court order forcing himself back onto the Navajo Reservation.

Under these circumstances, which were but the culmination of many earlier acts of adventurism and agitation by the staff of DNA, the advisory committee of the Navajo Tribal Council directed the chairman of the tribe to refuse to accept the grant of funds offered by OEO for the operation of the OEO legal services program in the Navajo Reservation for the 1969 fiscal year. The advisory committee further directed the Office of Navajo Economic Opportunity to refuse Federal funds to continue the operation of DNA and to return the grant offer to OEO. This resolution was approved by a vote of 12 to 1 on March 13 of this year.

The action failed to stir OEO, however. Regardless of the mandate given to OEO to extend financial assistance only for community action projects which are approved by the duly designated community action agency—in this case the advisory committee of the Navajo Tribal Council acting through the Office of Navajo Economic Opportunity—OEO has decided to pass over the Navajo agencies and fund DNA directly for the performance of the legal services program.

Such an incredible action is nothing short of a major affront to the governing bodies of the Navajo Nation. It is tantamount to the direct interference by the Government of the United States with the government of the Navajo Indian Tribe in a matter that involves the sovereignty of the Navajos over operations within the boundaries of their own reservation.

Mr. President, to illustrate by another point why this is a most unusual situation, the Navajo Indian Reservation does not operate directly under the Bureau of Indian Affairs. This tribe constitutes a little more than 25 percent of all the Indians who come under the jurisdiction of the United States. Its reservation is so vast and encompasses so great an area that there has been established a subbureau at Gallup, N. Mex., which operates for this tribe individually, and no other reservation comes under its jurisdiction.

On October 1, by a unanimous vote of 15 in favor and none opposed, the Navajo advisory committee strongly condemned the OEO action as "a direct rebuff of the wishes of the Navajo Tribal Council and a circumvention of the sovereign powers of the Navajo Tribe." In addition, the resolution caustically noted:

> Such action is in direct opposition to the express policy of the President of the United States and the Secretary of the Interior that tribal governments be granted more responsibility in handling their own affairs.

In these circumstances—where the Navajo Tribe itself has repeatedly determined that the continuation of DNA as the unit operating the OEO legal services program "is not in the best interests of the Navajo people"—I find it to be remarkable that OEO is acting in complete disregard of the wishes of the Navajo tribal government.

I might add, Mr. President, that the entire Arizona delegation backs up the Navajo tribal government in this matter. We are unanimous, both Democrats and Republicans, that this is an affront to the dignity of the Navajo. It is an affront to everything we are trying to do for the Indians in our part of the country who still live on the reservation.

If this is what is happening in regard to OEO programs, I think it is entirely uncalled for and that a check must be put on it by Congress. On top of this outrageous situation in which OEO is ignoring the democratically selected political authorities on the Indian reserva-

tion, the amount of money allocated to DNA for the fiscal year is ridiculous. OEO wants to spend $1.1 million to handle the legal aid program for 120,000 Navajos.

As I mentioned earlier, the State of Arizona spends less than $500,000 to take care of the legal problems of 1.6 million people.

No wonder DNA is putting its hand into every conceivable kind of venture. No wonder that it has been stirring up individual Navajos and injuring relations with non-Navajos such as the reservation traders and residents who live near the reservation.

One incident occurred only last month when the annual ceremonial dances were conducted at Gallup, N. Mex., by the Intertribal Indian Ceremonial Association. DNA, supposedly the legal aid service for indigent Navajos, is bringing suit against the ceremonial on behalf of a group of young men who were distributing a hate sheet labeled "When Our Grandfathers Had Guns." I think that this incident is a typical example of some of the unseemly ways that this group has put its nose into cases which rise far afield from its proper duty of aiding the poor on the reservation.

Mr. President, all my amendment will do is to require that before any more money is spent by OEO for the legal services program on the Navajo Reservation that it shall be approved by the community action group operating under the governing body of the Navajos.

The amendment will not cause any reduction in the amounts authorized in the committee-reported bill.

The amendment will permit the appropriation of the full amounts authorized in the committee bill.

The amendment will not affect the operation of any program in any community or State other than this one alone.

All it does is to prevent the expenditure of moneys for a program on the Navajo Reservation unless this program has the consent of the Navajo people.

This will simply require that OEO lives up to the express rules set forth in subchapter II and part B of the Economic Opportunity Act of 1964, which creates the community action and related programs, and which, I remind my colleagues, was further strengthened this afternoon by the tabling action on the amendment of the Senator from California (Mr. MURPHY).

The Navajo tribal government, acting through ONEO, has been officially designated as the community action agency for the Navajo people. This was done in accordance with the provisions of section 104 of subchapter II.

The Navajo office is thereby made the legitimate body through which OEO projects must be administered on the reservation, and I cannot see why anyone would object to making OEO use it.

Mr. President, there has been much talk in this Chamber at various times this year about the concern that the American Indian should be allowed and encouraged to control his own destiny. I am giving the Senate a chance to put this concept to the test. If my amendment is approved, we will have demonstrated to the Navajo citizens that we are willing to respect the decisions made by their democratically chosen leaders as to what is in the best interests of the Navajo Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions adopted by the advisory committee of the Navajo Tribal Council in protest of the operations of DNA.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE NAVAJO TRIBE,
Window Rock, Ariz., March 13, 1969.

DIRECTOR,
OEO Legal Services Program,
Washington, D.C.

DEAR SIR: Enclosed is a copy of a resolution adopted today by the Advisory Committee of the Navajo Tribal Council.

As you will see the Advisory Committee has determined that the continuation of DNA, Inc. as the organization operating the OEO Legal Services Program in the Navajo Nation is not in the best interests of the Navajo people. Therefore, the Advisory Committee has instructed me to refuse to accept your grant of funds for DNA's operation in 1968–69, and to return the grant offer to you.

In accordance with these instructions, I hereby refuse your grant and return the Grant Offer papers to you.

Yours truly,

RAYMOND NAKAI,
Chairman, Navajo Tribal Council.

PROPOSED RESOLUTION OF THE ADVISORY COMMITTEE OF THE NAVAJO TRIBAL COUNCIL, DIRECTING THE CHAIRMAN OF THE NAVAJO TRIBAL COUNCIL TO REFUSE OEO REFUNDING OF DNA, INC.

Whereas:

1. The Advisory Committee of the Navajo Tribal Council, on April 7, 1965, established the Office of Navajo Economic Opportunity (10 NTC 701) for the purpose of insuring that the full benefits of the Economic Opportunity Act of 1964 "shall accrue to the Navajo people," with the full cooperation of all divisions, committees and individuals of the Navajo Tribal Government, and

2. The Advisory Committee has been authorized by the Navajo Tribal Council to approve general policies, plans of operation, and programs which are beneficial to the Navajo Tribe and Navajo people under titles I–VI of the Economic Opportunity Act of 1964 (6 NTC 7), and

3. On June 28, 1968, the Advisory Committee (ACJN–119–68) expressed its disapproval of the manner in which the Legal Services Program of ONEO was being handled by the delegate agency, DNA, Inc., under the direction of one Theodore R. Mitchell. The Advisory Committee further demanded the removal of Mr. Mitchell from his position as Director of DNA, and

4. On July 17, 1968, the Navajo Tribal Council (CJY–88–68) authorized and directed ONEO to submit the Legal Services Program refunding application to the Office of Economic Opportunity in Washington, D.C., and further directed the Executive Board of ONEO "to continue to conduct and administer all community action programs on the Navajo Reservation in accordance with the guideline of the Office of Economic Opportunity and the wishes of the Navajo people," but took no action concerning the position of Mr. Mitchell as Director of DNA, and

5. On August 8, 1968, the Advisory Committee permanently excluded Mr. Mitchell from all lands of the Navajo Tribe for his personal obnoxious conduct before the Advisory Committee, and

6. Following his exclusion, Mr. Mitchell brought a lawsuit against the Chairman of the Navajo Tribal Council in Federal Court, in which he challenged the right of the Navajo Tribe, under the Treaty of 1868, to evict non-Navajos from the private property of the Navajo Tribe, and

7. As a result of this lawsuit, the sovereignty of the Navajo Tribe, and the absolute right of the Navajo people to be secure from outsiders on their reservation, has been placed in jeopardy, and

8. This lawsuit has injured not only the Navajo Tribe, but every individual Navajo, and

9. Under these circumstances, it is the opinion of the Advisory Committee that DNA is not operating in the best interests of the Navajo people.

Now therefore be it resolved that:

1. The Advisory Committee of the Navajo Tribal Council, in its capacity as the supervisory body over all economic development projects for the Navajo people, hereby authorizes and directs the Chairman of the Navajo Tribal Council, as Chief Executive officer of the Navajo Tribe and as Chairman of the Executive Board of the Office of Navajo Economic Opportunity, to refuse to accept the grant of funds offered by the Office of Economic Opportunity for the operation of the OEO Legal Services Program in the Navajo Nation for the program year 1968–1969.

2. The Executive Director of the Office of Navajo Economic Opportunity is hereby authorized and directed to cooperate with the Chairman of the Navajo Tribal Council in refusing federal funds to continue the operation of DNA, and in returning the grant offer to OEO in Washington.

3. The Chairman of the Navajo Tribal Council is further authorized and directed to seek a new organization to conduct OEO legal services for the Navajo people, and to submit such organization and its program to the Advisory Committee for approval. This new organization shall provide for a governing board to be composed of ⅓ elected officials of the Navajo Tribe, ⅓ representatives of the Navajo people selected at large, and the remainder to be members of major groups in the Navajo community, such as the Public Health Service, the Bureau of Indian Affairs, the Courts of the Navajo Tribe, the Navajo Police Department and local lawyers.

4. The Chairman of the Navajo Tribal Council is further authorized and directed to take any and all steps he deems necessary to carry out the intent of this resolution, and the Executive Director of ONEO is authorized and directed to cooperate with the Chairman in such efforts.

Certification:

NELSON DAMON,
Vice Chairman, Navajo Tribal Council,
Presiding Chairman.

RESOLUTION OF THE ADVISORY COMMITTEE OF THE NAVAJO TRIBAL COUNCIL

Whereas:

1. The Office of Economic Opportunity has deemed it advisable to fund directly to DNA, Inc., for the performance of legal aid service on the Navajo Reservation, and

2. The Navajo Tribal Council, by Resolution CAP–28–69, has requested that such funding of legal aid service be through the Navajo Tribal Council to the Office of Navajo Economic Opportunity, and

3. The advisory committee of the Navajo Tribal Council deems the action of the Office of Economic Opportunity a direct rebuff of the wishes of the Navajo Tribal Council, and a circumvention of the sovereign powers of the Navajo Tribe, and

4. Such action is in direct opposition to the express policy of the President of the United States, Mr. Nixon, and the Secretary of the Interior, Mr. Hickle, that tribal governments be granted more responsibility in handling their own affairs.

Now therefore be it resolved that:

1. The Advisory Committee of the Navajo Tribal Council hereby respectfully request a meeting with Mr. Donald Rumsfeld, Director of the Office of Economic Opportunity, for the purpose of reviewing the Office of Economic Opportunity's direct funding of DNA, Inc., thus disregarding the express wishes of the Navajo Tribal Government, and the expressed policy of the President of the United States and the Secretary of the Interior.

2. The Advisory Committee further instructs the legal department of the Navajo Tribe to make the necessary arrangements for a meeting of a subcommittee of the advisory committee with Mr. Rumsfeld in Washington, D.C.

Certification:

NELSON DAMON,
Vice Chairman, Navajo Tribal Council.

Mr. GOLDWATER. I hope, Mr. President, that the chairman will accept the amendment.

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

Mr. GOLDWATER. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. One of the difficulties we have in dealing with the pending amendment is that hearings have not been held on it. I have checked, however, as quickly and closely as I could with the OEO legal services office, and they have advised me that this particular program has been the subject of a thorough analysis by the OEO legal services branch, and that a few months ago, the program was refunded through August of 1970, and thus the program is in operation. The OEO administration, under the present Director, has reviewed it, has listened to all the arguments pro and con, and has issued a contract to the present DNA board and to the attorneys whom they hire.

Would the amendment which the Senator from Arizona proposes abrogate that contract, or what would be its purpose?

Mr. GOLDWATER. It is my understanding—and I talked with the Director last week—that this contract has not been settled, that there are no funds in effect for it.

As I mentioned earlier, the mere amount of the money requested for this item, $1,100,000, is ridiculous.

The Tribal Council are still of the opinion that they do not want a contract entered into that they have had no opportunity to discuss. The whole thrust of my amendment is to give these people the right to determine whether or not they want it.

Mr. MONDALE. Will the Senator yield further?

Mr. GOLDWATER. I yield.

Mr. MONDALE. I think this illustrates the difficulty of dealing with an amendment sucn as this, that has not been heard or discussed. Our information, obtained 10 minutes ago, is that the contract was let to the DNA board some weeks ago. It has been funded through August 1970. If that is true, it would be my opinion that the amendment now pending would abrogate that contract.

Also, if my information is correct, I think it would lead reasonably to the position that the OEO office and its Director had reviewed all the conflicting arguments and determined that the DNA board should be refunded and that they should have the independence they were granted under that contract through August 1970.

Apparently the Senator from Arizona has different information. It would be very difficult for the Senate to act when it cannot resolve a question like that.

Mr. GOLDWATER. Mr. President, I have tried to call the attention of the Senate to the fact that this is a most unusual situation. We have roughly 120,000 people involved, 100,000 of whom live in Arizona. I am not talking about those living in New Mexico or elsewhere. I am merely talking about Arizona. These people would like to have their say on what goes on on the reservation.

It is necessary to have tribal permission to do business on the reservation. It is necessary to have tribal permission to construct anything on the reservation. They have their own police force. They have their own schools. They are now experimenting with their own schools. They have a junior college. They are conducting experiments in things that will make them even more self-sufficient.

The surprising thing to me is that people are opposed to making the Indians more dependent upon themselves. This is what this tribe is trying to do. I am amazed that people should oppose this measure. Frankly, I do not care what the review board says about it. They have not reviewed this with the people who are concerned with it, the Navajo people.

If they had reviewed it with them, they would have found that the program is not wanted. In fact, I was told over a month ago by OEO that the chairman of DNA, Mr. Mitchell, was being removed.

The Senator might be interested in some of the reasons why they oppose an outside group coming in to handle legal matters which they feel they were handling adequately before.

Mr. Mitchell got all mixed up in a school board vote. There was certainly nothing legal about that. He has threatened from time to time to upset a very delicate relationship between the tribal council and the Upper and Lower Colorado Basin.

At the last intratribal celebration in Gallup, N. Mex., which has been going on for 50 years, some literature in very bad taste was distributed by militants who are now suing the ceremonial through DNA.

This organization is now trying to incite the young Navajos into committing actions similar to that which we see around the country.

I ask unanimous consent that a copy of the paper to which I have referred that was distributed on the streets in Gallup be printed at this point in the RECORD.

There being no objection, the paper was ordered printed in the RECORD, as follows:

WHEN OUR GRANDFATHERS CARRIED GUNS

When our grandfathers carried guns, they were free and they were people. The Anglos had to reckon with them and the Anglos were careful not to anger our People. Our grandfathers stood up for what they felt was right and they condemned what they knew was wrong. If we the Indians of today were like our grandfathers, we would not allow this Ceremonial to be held year after year in this manner and at this place.

The Ceremonial does not give a true picture of the Indian. Just because Indians sing and dance for you, that does not mean that they are happy. The City of Gallup calls the Ceremonial "A Tribute to the American Indian." Do not believe it. At the night performances, you will hear what a proud and happy people we are. Do not believe that either. Do not think that The City of Gallup respects the Indian because it gives them a free barbeque.

Do not let the Ceremonial let you forget that Indians have the highest unemployment rate in the country, the highest infant mortality rate in the country, the lowest average income of any group in the United States, the highest suicide rate in the country, the highest dropout rate in the U.S., and don't forget that many of the Indians you see are suffering from malnutrition. You will see many drunk Indians. Ask yourself why you see so many. Is it because they are happy and proud?

You should also ask yourself why the Ceremonial is held to benefit the City of Gallup, N.M. Ask yourself why Indians are not in charge of the Ceremonial. Ask yourself why the Ceremonial is not moved to an Indian reservation; since there are so many of them in the area. If you are brave enough to see what the City of Gallup thinks of the Indian, find out where the Gallup Indian Community Center is located and see it for yourself. Note that it is dirty and in need of repair. In a study made of the economy of Gallup last summer it was learned that about 72% of the business was carried on with Indians as customers. It was also learned that the merchants of Gallup contribute very little to the Indian Center.

Gallup provides little in the way of public services to the Indian. The City policemen are seen many times savagely beating helpless drunk Indians. But Gallup continues to call itself the "Indian Capital of the World." Recently Gallup decided it needed a flag. Most of the entries so far make use of Indian designs and figures and most are designed by non-Indians. The Ceremonial is only one example of how Gallup capitalizes on the Indians.

You will see many Indians at the Ceremonial and you will ask, "Why don't they protest?"

The answer is that we have learned that it is useless to ask for better things and so we settle for what we are given.

As you look at the drunk Indians and as the Indians dance and sing for you and as you hear what a happy people they are, say to yourself: "They were people . . . when their grandfathers had guns."

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

Mr. GOLDWATER. I yield.

Mr. KENNEDY. Mr. President, perhaps the Senator could enlighten us a bit on this matter so far as the organization of legal services on the Navajo Reservation is concerned.

As I understand it, a contract is let through a DNA board which is comprised of Indians. Is that correct?

Mr. GOLDWATER. No, that is not exactly correct.

The Tribal Council has authorized the advisory committee of the tribe to work through the Navajo Economic Office in making these contracts. The ONEO in turn has always entered into the contract with DNA, which is a private corporation. ONEO has not made a new contract as yet.

Mr. KENNEDY. Are there not 10 elected Indians on the DNA board?

Mr. GOLDWATER. The Senator is correct. There are some.

Mr. KENNEDY. Are they not the contracting agency for the legal services provisions?

Mr. GOLDWATER. The advisory committee of the Navajo Council has been delegated the complete say-so. And the advisory committee of the Navajo Tribal Council is entirely made up of duly elected Indians.

The board of directors of DNA, unless the situation has changed since I have been there, is made up both of Indians and not non-Indians.

Mr. KENNEDY. The Indians evidently are the ones who desire the legal services provisions that are contracted for. Is that correct?

Mr. GOLDWATER. No. Elected representatives of the Navajos do not want these services to be provided by DNA. The community action agency of the Navajos does not want DNA to handle this program. They are objecting to OEO going around them, so to speak, and establishing on the reservation legal services over which the Navajo governmental agencies have no control. That is in essence the whole thing.

Mr. KENNEDY. Mr. President, the question is whether the tribal council has a right to veto these provisions. Certainly, as I understand it, the DNA board, which consists of the Navajos elected from across the reservation and others whom they select including seven members of the tribal council, believe that the legal services are necessary and useful and that DNA has been instrumental, in raising important questions about the water rights of the Navajo Tribe, the highly questionable practices that have been alleged to exist among the trading post operators, and may other serious problems confronting the Navajo Tribe.

They have been extremely active, as I understand it, in trying to serve as an ombudsman, so to speak, for the Navajo people. I understand that DNA has provided legal counsel for over 11,000 Navajo clients since its inception.

I think that it is misrepresentation to suggest that we have a legal services program here that is operated on the Navajo Reservation with virtually no Indian support or interest in the kind of services provided.

I think it is quite clear that the legal services have served an extremely important function and purpose and do have broad support among the Navajo Indians themselves.

They have raised many different kinds of questions which have been overlooked for far too long and simply swept under the rug. I think we are oversimplifying the matter by saying that the matter before the Senate is whether we will give autonomy to the Indian tribes.

I ask whether we have had any complaints among other Indian tribes that the Senator is familiar with. I ask this with a great deal of respect because of the Senator's background and knowledge of Indian tribes. I know that the Senator has a very deep interest in the matter.

Does the Senator know of other situations similar to the one existing in the Navajo Tribe, or is that a special situation? Are we trying to suggest special legislation to meet this Navajo situation, or will we have amendments offered with respect to all other Indian tribes with legal services programs?

If so, should we not have the benefit of the head of the legal services who could come before the Judiciary Committee or the Committee on Labor and Public Welfare and talk about these charges and allegations?

There have been no public hearings to date on this matter.

It seems to me that we are skating on very thin ice.

Mr. GOLDWATER. Mr. President, I am rather amazed to hear my friend, the Senator from Massachusetts, speak against the democratic process. However, to try to answer some of his questions, the advisory commission of the Navajo Tribe voted the first of this month 15 to nothing that they did not want the legal services on the reservation without some agency of the tribe having some say about it. This is the way the OEO projects have been administered every year up to the present moment.

I do not know where the Senator gets his information. I happen to know a little about the Navajos. I have lived with them. I was a licensed Indian trader for 25 years. I can tell the Senator that one does not get away with anything on that reservation. Traders are policed. People are watched when they come there.

I wish that we had as good law and order in the non-Indian courts of our country.

The DNA is a separate private body. All the tribal council is asking is that we continue to allow some unit of the Navajo Tribe play a role in the conduct of OEO programs on the reservation. The tribal council operates, we might say, outside the usual principles of law. Neither the Federal nor the State Government can tax them. As I have mentioned many times, they have their own democratically elected government. And they are just as susceptible to election appeals as we are. They are elected to office.

If people in their district think that some Indian trader is on the wrong side of the fence and the council is doing nothing about it, that man does not get reelected.

I have attended many of their tribal meetings. They conduct themselves as well as does this body. They do not permit any actions on the reservations that would be detrimental to the Indians themselves.

All I am asking here is for this body to be consistent with the new movement toward giving these Indians more autonomy.

I might answer my friend the Senator from Massachusetts by saying that this is an unusual tribe. It is 25 percent of all the Indians. I think there is a problem like this on the Papago Reservation in southern Arizona, but I am not certain. I think I read something about it in the newspapers, but I am not absolutely certain.

This is also a very wealthy tribe, so far as tribal resources and tribal funds go. They have a $10 million educational fund. They have now graduated two doctors, and they have five more coming up this year, with 50 seeking their master's. I think it is safe to say that approximately 1,000 Navajos will receive their basic degrees this year.

These people are very proud. They have great dignity. They are a seminomadic people who have not yet learned to live in towns. We hope they will some day.

So far as legal services go, there was no demand for this OEO project from the people. The people always had free legal services from the tribe itself. I think they spent approximately $100,000 a year.

Mr. KENNEDY. Could the Senator tell me how many individual Navajo have been represented by DNA? Have they been providing service to any individual members of the tribe?

Mr. GOLDWATER. Yes. I cannot cite the number, because I do not know.

Mr. KENNEDY. I understand it is about 11,000, which is the information I have been given.

Could the Senator envision a situation in which the interests of individual Navajos might not be in conflict or run contrary to the interests of the tribal government?

Mr. GOLDWATER. I might say that we have people in this country who do not feel that their interests run parallel with our interests, and under the democratic processes we do not have to be reelected, and, they do not have to be, either. I have talked with Navajos who like the program. I have talked with Navajos who do not like the program. But all of them feel that the tribal government, being their government, should have the last word on what goes on on that reservation.

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

Mr. GOLDWATER. I yield.

Mr. FANNIN. I commend the distinguished Senator from my State of Arizona for the great interest he has given our Indian people. He is recognized as one of the most knowledgeable men in this Nation so far as Indian affairs are concerned.

I would like to answer the distinguished Senator from Massachusetts, if I may have his attention.

Mr. KENNEDY. Yes.

Mr. FANNIN. I certainly appreciate the interest that the Senator from Massachusetts has in the Indian people, and I commend him for the work that is involved in their activities.

But I think that what we are talking about in this amendment is simply to bring an understanding out of confusion. For the past couple of years we have had a great deal of confusion. We have had quarrels; misunderstandings have been very unpleasant. I have attended meetings at which these expressions of dissatisfaction have been voiced.

It is certainly not proper for the Navajo Indians not to understand whether they are working with the BIA, the OEO, or just what is going on, because the right hand does not know what the left hand is doing. I have been on the

reservation when the leaders have discussed this problem with me and have asked me what can be done. It is only their desire to try to expend this legal services money properly, if it is needed—and certainly it is needed—in a way that would do the most good and be of greatest benefit to the people.

The Senator has inquired as to how many cases they have handled. This depends on what is called a case. I have previously explained how many cases may come up in one night, when a group has gone to a party and there are eight, 10, or 12 cases to be settled the next morning. I think the Senator understands what would be involved.

We are not talking about just how many cases are handled. I think it is a question of whether or not these people, who want to have jurisdiction, and who certainly are entitled to that jurisdiction, should be given the opportunity to carry on their own affairs. Here we are expending money through the BIA and other agencies to get them to assume responsibility, and now we put a barrier in their paths.

I commend the distinguished Senator from Arizona for offering this amendment, because it is a needed clarifying amendment. All it will do is make possible greater accomplishments and bring about greater understanding between the tribe and the government.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. NELSON. Has this amendment been submitted to Mr. Rumsfeld, and do we have any comment from the OEO Director on it?

Mr. GOLDWATER. Frankly, I did not expect this bill to be called up this week. It was not until yesterday, when I returned from a trip, that I found out it was to be the order of business today.

I have discussed this matter at great length with Mr. Rumsfeld, as has the entire Arizona delegation—Democrat and Republican. I feel rather certain that he would approve of this, although we can take it and find out how he feels about it in conference, if that is necessary.

I might say that if a contract has been signed by DNA, I have strong doubts that it is legal. The Economic Opportunity Act requires coordination between the legal services program and the other community action programs. There is no coordination or cooperation here.

The Navajo community action agency has rejected the contract with DNA and returned the papers to OEO.

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

Mr. GOLDWATER. I yield.

Mr. MONDALE. In conferring with Mr. Leach of the OEO services program, I am informed that a grant has been signed and has been funded through September 1970. So that this amendment, if it is adopted, would in effect abrogate an existing contract.

The OEO legal services program, the OEO Legal Director has sifted through the debate we are talking about, and have decided that the DNA board should be funded if the impoverished Indians of the Navajo are going to have legal counsel to represent them in the cases that they have. Therefore, one wonders whether this amendment can legally affect an existing contract. As I understand constitutional law, certain rights cannot be abrogated.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The Senate will be in order.

Mr. MONDALE. Certain contractual rights cannot be abrogated retroactively in this fashion.

Second, may I say this: We have heard much about the validity of duly-elected representatives in the local government. I think all of us agree with elected local government. But the point is that with the Navajo, the Tribal Council is city hall. This would be the first legal service in the country where city hall controlled the legal services program, which, among other things, from time to time, would have to sue city hall or the State government or other government.

This is not just a detail. This is a fundamental principle which, if adopted, and expanded to other legal services would destroy the whole independence of the OEO legal services program. Indeed, it raises a conflict of interest, as the American Bar Association points out. These lawyers are supposed to be representing their clients. If they have to serve city hall as well as the impoverished people on the reservation, which master do they serve?

This is not just any amendment. This is a serious amendment which establishes a principle which, if spread throughout the OEO legal services program, will destroy it.

Mr. GOLDWATER. I am glad the Senator puts so much faith in the ABA decision. I hope he will be able to hold that same faith when the Haynsworth nomination comes before us.

Mr. MONDALE. I feel very strongly about the ABA ethics.

Mr. GOLDWATER. If a contract has been signed, it has not been signed with the Navajo government or the Navajo community action body. It has been signed by the United States directly with a private corporation. I believe this is against the economic opportunity law.

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

Mr. GOLDWATER. I yield.

Mr. MONDALE. We have checked further on that. The OEO legal services program on the Navajo Reservation is controlled and conducted by what is called a DNA board. That board is elected by the Navajos on the reservation, not picked by "city hall," as is the advisory council, but elected by the Navajos on the reservation. The board consists of 10 Indians elected by the Navajos. They, in turn, pick other members of the board and select the lawyers and the staff which represent them. That is the DNA board. It is this board which has been selected by the Director of OEO, Mr. Rumsfeld, and which has been funded to provide legal services for the impoverished Navajos through September 1970.

Mr. GOLDWATER. Mr. President, again, I am mystified by some of the statements being made. The DNA has always contracted with the Navajo economic office in the past. My amendment would restore the original situation. ONEO is not city hall. It is the community action agency of the Navajo Nation. I want to get back to the basic principle involved.

Are we going to deny an Indian government the same right we have just given the States; namely, the right to veto the legal program or any other program that comes on the reservation? This is not a complicated amendment. I think it falls within the bounds of what we all should believe in. I shall not raise the arguments that have already been raised again and again that these young lawyers on the reservation have not been confining themselves to legal services. They have disrupted the relationship between Utah, New Mexico, and Arizona in the field of water. They have threatened to take to court the tribal ceremonials that have been going on for 50 years. They have incited trouble on the reservation. I told Mr. Rumsfeld that in the interest of safety he should remove these people, for that reason, if for no other reason.

We have given the States the right of veto. Why not give it to an Indian tribe whose reservation covers more area than some of our States?

The tribe basically is not opposed to these people coming on the reservation. They want some control over who they are and where they go.

I hope the committee accepts the amendment.

Mr. President, to me the amendment makes commonsense. Frankly, I am amazed at people who classify themselves as liberal being opposed to extending the same rights to the tribal government that we insist on.

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

Mr. GOLDWATER. I yield.

Mr. MONDALE. This is one of the most basic principles in the entire OEO program. There is no reason to be confused about it. The reason is that if we are going to have lawyers who serve the legal interests of the poor and who are able to do so not only in individual lawsuits but in a law reform sense, they have to be free to sue city hall as well as others. This is the same principle we have in any community where there is an OEO program. The only difference is that with the Navajo, city hall is the tribal council.

In this case, to have an independent lawyer capable of suing on behalf of the impoverished on the reservation, a new board was created by the people. The Indians hire their lawyers and decide what lawsuits will be brought against other Indians, and sue city hall from time to time, which is why I think this amendment is pending.

This is not a simple matter. Running all through the OEO legal services program, through the Governor's veto, through the manipulation of funds, there are attempts to make it appear that the poor have legal representation, when in fact that representation is compromised and restricted. It is like going to a major corporation and saying, "You have legal

counsel and he may bring the lawsuits I say he may bring."

Let us say they are lawyers for the poor, let us not require that the suits which are brought must be approved by city hall, because if that is the principle—and that is the principle in this amendment—there is no OEO legal services program left that is worthy of the name.

In addition, I cannot understand how this amendment would deal with the fact that the DNA program has already been funded through November 1970.

Mr. GOLDWATER. Under the language of the act I think it is illegal and the question of the legality will be tested in court. The DNA is only a private group of Indians and non-Indians partially appointed and partially elected. We have a State organization comparable to this making an effort to develop resources on the reservations for the Indians. But the language of the act itself calls for community interest. I quote from the subchapter for the purpose of this discussion:

> A tribal government of an Indian reservation shall be deemed to be a political subdivision of a State.

This language means that the tribal council or a subdivision of it can act as the community action agency of the Navajo people for purposes of the Economic Opportunity law.

It has acted under this provision of law and has created a Navajo office of economic opportunity to administer and implement OEO programs. I believe this group should continue to participate in contracts for legal services as they always have up to now.

Turning to the matter of past legal services, I contest strongly the suggestion they have not been receiving legal services. Legal services have always been available. One who has not been on the reservation would find it difficult to understand.

If we do not agree to this amendment we are not complying with the law. All I am asking is that we go back to the original intent of the law and allow the Indian tribal government to make the judgment just as we are allowing the Governor of any State to make this judgment. The Indians are asking for what we give the white man.

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

Mr. GOLDWATER. I yield.

Mr. MONDALE. There is a third distinction. In the Murphy amendment we do not give the Governor the power to run a program. We give him more power than I wish he had but all we give him is the power to delete certain funds. Certain powers run from that.

The thing which is unique about the amendment of the Senator from Arizona is that it would make the first city hall-run-OEO legal services program in the country.

It would be run by city hall and the Navajo tribe. The reason there is an alternative DNA Indian board running the legal services program is that if there is going to be a legal program with integrity, one free to bring the kind of lawsuits the poor need to have brought, it must be independent from them.

For example, one of the issues now before the legal services program is whether a lawsuit should be brought for certain water rights of Navajos which may be of vital importance to the future of that locality. The officials of the tribe disagree. What is wrong with letting the Indians bring suit in court to determine who owns that water and under what circumstances?

It seems to me that under this entire national controversy, malaise and frustration, those of us representing the establishment are pleading to the poor to get out of the streets, to quit resorting to violence, and to use the institutions provided for them to get fair and equal power. But everyone knows that if the normal processes of justice are to be available to us but not to the poor because they cannot afford a lawyer, or worse, because the lawyer they have really works for city hall, then we make a mockery of our system of justice.

As to the "city hall" amendment proposed by the Senator from Arizona (Mr. GOLDWATER), first I do not know how it can work with a funded program and, second, it would be the first of its kind in the Nation and would be a principle which, if it extends nationwide, would destroy and corrupt the OEO legal services program.

Mr. GOLDWATER. The Senator is not talking to the point of the amendment. He keeps talking about city hall. This is not city hall. This is a tribal government elected democratically to pursue its own duties. This is a community action agency duly created to administer OEO programs.

Indians do not live in cities. They do not even live in small towns. They are a seminomadic people, wandering around constantly. If in the past they wanted a legal service, they have been able to get it without any trouble or expense.

Mr. DOMINICK. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. DOMINICK. As stated by the Senator from Arizona, we are dealing with a separate government; are we not?

Mr. GOLDWATER. We are dealing with an entirely separate government over which the Federal Government has practically no control. The State government has no control, and neither has the county government. The Indians run their own show, so to speak.

Mr. DOMINICK. Is it not true that when we began dealing with the Peace Corps, we made a rule that we could not go into any country unless we had been invited?

Mr. GOLDWATER. That is correct.

Mr. DOMINICK. It seems to me that we have the same kind of situation here, that if they do not want us to come in, I do not see any reason why the Federal Government should do so, that we should not force them to do something against their will. Does not the Senator agree they are in effect a separate and sovereign government?

Mr. GOLDWATER. This is a big question, in my mind. Who are the "we's"? Who are the "we's" to decide the question, that the tribe needs legal help? Who are they?

This has been long ago, I might remind my distinguished friend, established as a principle of legal representation. They have done it at a cost of $100,000 a year, with no complaints at all.

The Senator talks about water rights. I see the distinguished Senator from New Mexico (Mr. ANDERSON) sitting over here listening to this colloquy. He probably had as much to do with the writing of the compacts covering the Colorado Basin as any man. I served with him on boards which drew up the compacts. The first thing in those compacts referred to the rights of the Indians to their water, that it was not arguable, that they have the right to a portion of the 50,000 acre-feet of water, and so forth; and there has been no question about that. I do not know exactly how much water they are using now, but they are using it as fast as they can. This is another case of a nosy young lawyer who does not know the trouble he can uncover when he ge's into this very peculiar field in the Far West.

Mr. NELSON. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I was going to suggest the absence of a quorum for the purpose of calling for the yeas and nays on the amendment.

Mr. NELSON. Will the Senator withhold that momentarily?

Mr. GOLDWATER. Yes. I yield.

Mr. NELSON. As chairman of the subcommittee, this is the first time this matter was called to my attention. I recognize that Arizona and New Mexico—Arizona in particular—has the largest number of Indians of any State in the Nation. I also recognize that the Senator from Arizona (Mr. GOLDWATER) has been interested and concerned about their interests for a good many years and knows a lot about them.

The problem that bothers me is that I am not prepared, really, to have an independent opinion on the merits of this matter. I know that the Senator does, because he comes from the State of Arizona and has looked at it and has reached a judgment on it. But I certainly do not feel that I have enough information to come to an independent judgment about this matter.

The Senator does raise an important issue. I introduced a bill on April 15, and the Senator from New York (Mr. JAVITS) introduced the administration's bill on June 6. We conducted rather extensive hearings. A number of matters of various kinds, not comparable to this one, were called to our attention, and the committee addressed itself to them. We had an opportunity to hear testimony and bring it before the subcommittee. This is by way of saying that the Senator may be 100 percent right. I am not qualified to say to anyone, as the Senator in charge of the bill, whether the amendment of the Senator from Arizona, in its present form, or any form, should be accepted. I am not prepared to say what Mr. Rumsfeld's, the OEO's, or the council's position is.

I am just wondering—the Senator has

raised an important question—whether the Senator would be willing to present this to the committee. If so, I would be prepared within the next 4 weeks, if necessary in the next 2 weeks, to conduct a 1-day hearing. I will do it myself. I will set a day aside and the Senator can come in with any other representatives of whatever differing viewpoints there may be existing on the reservation and the OEO, and conduct a hearing; and, based upon that, either recommend an amendment or a bill. Would that meet with the Senator's approval?

Mr. GOLDWATER. Before I answer, I might explain that in June—I think that was the month the Senator mentioned—there were hearings.

Mr. NELSON. On April 15 I introduced a bill and then on June 6 the Senator from New York (Mr. JAVITS) introduced the administration's bill. We held a series of hearings over a period of time.

Mr. GOLDWATER. The question of why we did not bring in an amendment at that time I can easily explain. The delegation has been devoting itself, in meeting after meeting, to this problem, which is a sticky and touchy problem in Arizona. We had been in contact with Mr. Rumsfeld and up until yesterday that was the first time I heard that the bill was coming up today.

Today is the first time I heard that any contract has been signed. Mr. Rumsfeld told us to the contrary, that this was not going to happen. He told us that Mr. Mitchell, under the recommendations of the lawyers, was going to be removed from the reservation. I was a little surprised. I hate to say this about an official in the Republican administration, but he has not kept in touch with the boys down here who are most vitally interested in this. Had we had any idea that Mr. Rumsfeld was going to go around us, and the Governor of Arizona, and so forth, we would certainly have been before the Senator's committee. But we were caught on this by surprise, so to speak.

Mr. NELSON. I am not critical of the Senator for not having brought this before the committee. I know how these problems arise. We did not have it before the committee. I cannot make an independent judgment. So, at present, I would have to vote against the amendment. But I will conduct hearings.

The Senator from New York (Mr. JAVITS) just went by and stated he would cooperate with me on that. We could pick a time in which the majority and minority members of the committee could be present, and I will guarantee to the Senator a hearing within the next 30 days. If he thinks it is very important, I can look at the calendar and guarantee a hearing to the Senator on this issue in, perhaps, 2 weeks.

Mr. GOLDWATER. I have just conferred with my colleague (Mr. FANNIN), who is cosponsoring the amendment. With that promise and assurance from the distinguished chairman of the subcommittee, we will withdraw the amendment and I will have my staff get together with the Senator's staff on this matter.

Mr. NELSON. I will make sure that the Senator can bring anyone he wishes to the hearing, the OEO, and anyone else.

Mr. GOLDWATER. Would it be confined to 1 day? I ask that question because Arizona is a long way from Washington and it takes a little while to get the people together. In all fairness, I think both sides should be represented. I think it would be wise to have a hearing on this matter and then, if a bill is indicated, we can look forward to the Senator's insistence on getting it through.

Mr. NELSON. We will. I would suggest that the Senator pick a day—have his staff meet with mine—and on a day that I have an opening available that will be satisfactory to him, to the Governor, to the Navajos, to the OEO, and so forth, we will then set the date.

The Senator from New York (Mr. JAVITS) has just assured me that he will join in cooperating.

Mr. JAVITS. If the Senator will yield, yes, I should like to join with the Senator from Wisconsin (Mr. NELSON).

But, as I listened to the argument, it did seem to me to be a problem very susceptible of administrative handling, instead of getting caught in a House-Senate conference, and opposition, and so forth. I think we can give the Senator satisfaction, and I will undertake, with the Senator from Wisconsin (Mr. NELSON), to do my utmost to do that.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that my amendment, which I offered on behalf of myself and my colleague from Arizona, be withdrawn.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment. The yeas and nays have not been ordered.

The amendment is withdrawn.

Mr. MONDALE. Mr. President, I ask unanimous consent that a memorandum on the DNA legal services program be printed in the RECORD.

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

DNA LEGAL SERVICES PROGRAM—A COMMUNITY ACTION PROGRAM

TRADER PROBLEMS IN DISTRICT 19 ARE BEING SOLVED

We settled the case of a woman (the case where the trader came to her home with her welfare check, waved a knife at her and took her hand and endorsed the check with her thumbprint) with a return of the check in question and a hundred dollars in cash for signing a release in an action for assault, battery and conversion. Our release had an express condition written in it, that no force of threat or fear of any kind were to be taken against our client, her family or friends for seeking help from DNA.

In a second case, we are supporting a man in a criminal action for assault and battery. When the village policeman refused to serve the warrant against the Cuba trader who is the adverse party, he was fired. This is a welcome extent, since, according to a Cuba official, "the Indians were his prey before we made him leave them alone." According to the village official magistrate, a former justice of the peace, it is the first time in over twenty years of his court experience that an Indian had been a plaintiff in this kind of action in Sandoval County.

The trader who is owner of Tinian, Torreon and Pueblo Alto Trading Posts has been warned of the illegality of his former practice of holding pawn until all food merchandise bills had been paid.

It is extremely important that all of this trader's customers are made aware of this shift in policy so that they can remove pawn as soon as they can tender the pawn price without fear of refusal by the trader or his agents.

All Crownpoint DNA representatives should explain the following in their chapter meetings and post it as a notice.

Crownpoint DNA attorney, Stephen Conn, and DNA director, Ted Mitchell, have met with Morris Tanner, the owner of Torreon, Tinian and Pueblo Alto Trading Posts. They explained the law regarding pawn to Mr. Tanner and he has agreed to revoke the old rule of his trading posts that pawned goods could not be taken out until food debts and other bills were paid. Mr. Tanner now understands that when a customer presents the amount loaned for the pawned item and the legal interest, he must release the pawned goods, whether or not the customer still owes him money on other items.

So the new rule for all customers of Torreon, Tinian, and Pueblo Alto Trading Posts and the rule for all other trading posts is that pawn can be removed from the trading post by payment of the pawn price and legal interest. No Navajo has to wait until he has paid other bills that he owes the trader unless he signs a special agreement that states that he must wait. DNA representatives must warn their chapter members not to sign such an agreement unless it expressly says the legal period for goods to be pawned will be suspended until the customer is allowed by the agreement to pay for and to withdraw his pawn.

The safest rule is to sign no agreement.

If any trader or his employee refuses to release pawn upon attempted payment by a Navajo, he should report this to his DNA representative at once. The DNA representative should report this to Stephen Conn, Crownpoint DNA, Post Office Box 116, telephone number, 786-5277 (Collect).

An example of a case handled after the rule changed:

A lady at Torreon Chapter House told Mr. Conn that the trader at Torreon Trading Post would not release her family car. When Mr. Conn inquired, he found that the car was pawned for $6.25 and remove the car, until her grocery bill was paid. Under the new policy, she could pay the $6.25 and drive her car away without further delay.

Mr. Conn explained the change in policy to this happy lady. It is up to DNA representatives to explain it to their neighbors so that everyone may be helped by it.

LOCAL EFFORTS MADE TO EXTEND BENEFITS OF SCHOOL LUNCH PROGRAM

The *Tuba City DNA Office* has recently joined in local efforts to extend the benefits of the school lunch programs in the Tuba City Public Schools. Children unable to pay for their lunches at school have either gone without lunch, had lunch and been sent bills and reminders, or have felt obligated by the pressure of the bills and reminders to pay for their lunches. Often those paying for their lunches have done so from the meager family welfare checks when this money could be better spent on other necessities.

A DNA Attorney met with the local Welfare Advisory Committee and presented an explanation of the laws governing the National School Lunch Program. The Welfare Advisory Committee developed a proposal designed to improve operation of the existing local next meeting. It requested that students unable to pay for their lunches receive them free and not be billed. The proposal further suggested that the school board adopt as a criterion for eligibility all children of welfare recipients.

The school board heard the proposal and

discussed it at their meeting with members of the Welfare Advisory Committee and three Tuba City DNA Attorneys. The school board has not yet taken formal action on the proposal, but the principal of the high school has privately agreed that he will implement the proposal in the high school if he is supplied with a list of children who wish to qualify.

FLAGSTAFF SCHOOL DISTRICT DENIES WELFARE CHILDREN TO ATTEND PUBLIC SCHOOL

Flagstaff School District No. 1 enacted and enforced a policy which excluded from a State Public Elementary School within the district, children whose parents or guardians were recipient of State Welfare assistance. The policy allegedly makes the State public school available only to children whose parents are "gainfully employed" or have "visible means of support."

The parents of children who were not permitted to attend local public school in Leupp, Arizona contacted the DNA Legal Services Office in Tuba City, Arizona, for assistance in combating the unreasonable and unjustifiable discrimination against them and to secure the enrollment of their children in their public school.

The legal services attorneys filed a petition for an alternative writ of mandamus to compel the school district officials to admit all children to the Leupp Public School who were legally eligible to attend without regard to their family financial status. The alternative or temporary writ was issued by Judge Thomas Brooks of the Coconino County State Superior Court; and a hearing in the same court is presently scheduled for October 14, at which hearing it will be determined whether the temporary writ of mandamus should be made permanent.

The Petitioners allege among other things that their children have a constitutional, as well as a contractual right, to attend State Public Schools, that respondents' actions denied Petitioners of equal protection of the law and violated due process requirements.

Although the respondents have not yet filed an answer, they have indicated that the Indian children could receive an education at the Bureau of Indian Affairs Boarding School in Leupp (Leupp is located on the Navajo Indian Reservation).

Copies of the pleadings and briefs have been sent to National Clearinghouse for Legal Services.

1962 DEAD ANIMAL CASE SOLVED BY DNA

Client came in for assistance on a dead animal case (motorist striking and killing an animal on the highway in open range county). While we were discussing this recent accident the client mentioned a similar accident in *1962* where he had gone to Navajo Legal Aid Service in Window Rock for assistance. He stated that he had executed a release at Navajo Legal Aid Service (NLAS), but never received a check. The client executed a Discharge of Attorney and Authorization for letter in NLAS file was dated October 12, 1965, and asked for the check.

We wrote the insurance company and requested that they honor the release (also sent copies of all correspondences). Received a reply that the insurance company would be unable to help us unless we furnished them with policy number. We informed them that our file did not disclose the policy number and that the policy number of their insured should be more readily available to them. In all correspondence, we stressed that the crux of the matter was that they had received the executed release without tendering the settlement agreed upon. In our last letter, we advised them that if reparation was not forthcoming immediately, we would report this unfair practice to the Insurance Commission of the State of Arizona pursuant to ARS § 20–441. The check for $125.00 was sent by return mail.

Our client was very pleased to receive his check, even though it was six years after the accident.

DNA HELPS A LADY

A young woman came into the office on a Friday morning, asking for a divorce. When asked about her reasons, she said what she really wanted was to get her marriage back together again. After four (4) years of a very happy marriage, she became sick. Her mother-in-law demanded that her son abandon his wife, saying that she was no good for him. The son obeyed his mother, and for the past two years had abandoned his wife. After telling this, the client broke down and wept. The DNA attorney attempted to locate the husband in order to talk to him, but several phone calls produced no results. Finally, the client grew angry at this and walked out of the office, shouting that she knew the lawyer didn't want to help her.

The following Monday, she came back and the whole scene was repeated, except that this time as she began to walk out, she threatened suicide by running in front of a truck. The attorney stopped her and told her to sit down and that she had to trust DNA to help her, but that it took time. She was crying hysterically and did not seem to understand. At this point, the attorney called on Leo Haven, who spoke to the client in Navajo for several hours, and finally calmed her down and convinced her to trust DNA.

When the client left the office that day, she appeared much happier and even apologized to the attorney for walking out on him.

To date, we are still trying to find the husband, and to get a job for the client in the meantime.

UNLAWFUL PAWN PRACTICES IN HOLBROOK

This woman pawned a very valuable concho belt to a trader in Holbrook during the big snow. When she came to redeem the belt, he refused to return it unless she paid an amount of interest that was almost greater than the loan. She refused and saw a DNA lawyer. He called the trader and told him that the maximum interest on a pawn was 2% per month, and that the trader was unlawfully charging 10%. The trader said he was going to his lawyer. The DNA attorney met with the trader's lawyer, who had advised the trader of the unlawfulness of his actions. The trader's lawyer agreed to waive all interest on the belt and return it to the client for just the amount of loan still unpaid.

The Navajo County Attorney was also informed of the unlawful pawn practices going on in Holbrook, Arizona.

RAMAH HIGH SCHOOL CASE

DNA's suit against Gallup-McKinley County School Board and its Superintendent, Dr. E. B. Fitzsimmons, was heard in open court in Gallup, New Mexico on October 14 and 15, 1968.

After two days of testimony, the defense attorney for the school board and for Dr. Fitzsimmons made motions to dismiss the case. Two of his motions were granted, but the Judge, Frank Zinn of Gallup, denied the motion to dismiss the Equal Protection argument submitted by DNA. He suggested that DNA amend its original complaint to focus on the issue of whether the school board has extended its school bus routes far enough into Ramah Navajo area in order to bring Ramah Navajos into Gallup-McKinley County public schools. DNA plans to amend its complaint forthwith.

After the amended complaint is submitted, the judge will set a date for another court hearing. This time the only issue will be school bus routes. In making his order, Judge Zinn agreed with DNA that the school board must, as a matter of law, use every ounce of energy it has to get as many Ramah Navajos into its public schools as possible. The school board, said the judge, "must beat the bushes for every Navajo school aged child it can find so that he can attend a public school." The judge stated further that it makes no difference whether Gallup-McKinley County schools have no legal responsibility to educate Ramah Navajos who live outside the school district boundary in Valencia County. The fact that the school board has taken some of these children into its schools for ten years or more and has taken them partly because of an agreement it has with Grants Municipal School District, which covers Valencia County, prevents them from asserting their legal responsibility as a reason for not extending the bus routes.

Judge Zinn's decision is significant for Ramah Navajos for these reasons: 1) It means that, although the Ramah High School will remain closed, there is a very strong chance that the bus routes to Gallup-McKinley public schools will be extended. If that happens, which is likely, Ramah Navajos will no longer have to send their children to off-reservation BIA boarding schools or bordertown dormitories. 2) Aside from the question of how many Ramah Navajos attend public school in McKinley County, Judge Zinn's decision marks the first time, as far as we know, that Ramah Navajos have come to Gallup, told a story about governmental injustice against them to a white judge from the Gallup community, convinced the judge that they were right, and persuaded the judge to order the government to do something differently for the benefit of Ramah Navajos.

The Ramah School Case is not closed. But the issues are now different. Now DNA must prevail in its assertion that busses can go further than they do now. DNA stands a very good chance of getting the routes extended. The next hearing in the case has not been set. It will probably occur within six weeks. After that the school board, if DNA wins, will have to go to Santa Fe to petition the State Transportation Division to contract for more busses and longer routes in the Ramah area. If all go well, the busses may be running this year.

DNA PREVENTIVE LAW AND COMMUNITY EDUCATION

During the month of September, the DNA staff has talked to 3,576 people at 36 community meetings and conferences. The DNA staff in the five agency offices have talked to chapter residents about knowing the law, understanding the law, respecting the law and to encourage others to maintain respect for laws within their chapter areas. A special legal educational leaflet has been prepared for local residents to understand and know the necessary agreements they make when they sign a conditional sales contract, to buy furnitures, appliances or automobiles. The residents are also informed in Navajo that they must have the contract explained to them in detail, so they can understand and know the figures of the financial negotiations very plainly before they sign the contract.

Oral presentations are made to residents that they must know the federal and tribal laws that regulate the traders, who have stores and deal with Navajos on the Navajo Reservation. A legal educational leaflet is being prepared for the public, which explains in simple English the tribal and federal laws that apply to trading posts.

All DNA staff attorneys, counselors and interpreters/investigators have attended two OEO legal services conferences where they were informed about consumer laws, consumer fraud, consumer lawsuits, consumer conseling, consumer practices, and consumer education. The purpose for the DNA staff attending these conferences was to acquire more knowledge about consumer laws, so the staff can better understand and effectively serve DNA clients. DNA staff members who attended these conferences also talked to many conference participants about

DNA's legal services, preventive law, community consumer education programs, and exchanged ideas on the types of legal cases processed on the reservation and other programs. DNA education staff talked to tribal fair visitors about DNA's preventive law and community education program, showed legal educational films, slide pictures, played tape recordings on legal educational program, handed out educational brochures and distributed information on the activities of DNA legal services program to thousands of residents and visitors at the Navajo Tribal Fair.

Mr. MILLER. Mr. President, I send an amendment to the desk, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 4, line 20, it is proposed to add at the end thereof the following:

"*Provided*, that no part of any such funds shall be used to make any payment to any lawyer during the period that he is disbarred or suspended from the practice of law;".

Mr. JAVITS. Mr. President, I have one question to ask of the Senator from Iowa. Is the understanding that such a lawyer shall not be employed in any way in the legal services program?

Mr. MILLER. That is correct.

Mr. JAVITS. That is the purpose of the amendment?

Mr. MILLER. Yes.

Mr. JAVITS. Mr. President, I see no objection to it, though I know of no such case, and, so far as I know, neither does the OEO. I ask the Senator if he can tell us of one. I am not saying that challengingly, but apparently he does not know of any. However, it is a precautionary measure, and I would have no objection to it.

Mr. NELSON. Mr. President, I accept the amendment.

Mr. MILLER. Mr. President, I thank my colleagues. I make the observation that the legal services activity is a comparatively new one and there is a great deal of hope for its future. I feel strongly that we must make sure nothing is done that will impede it. I believe the amendment will satisfy the desire of a great many people who are concerned about such a thing happening.

Mr. NELSON. Mr. President I agree with the Senator.

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

Mr. MILLER. I yield.

Mr. MONDALE. I have no objection to the Senator's amendment. The one problem I have is this: Suppose there is a State which unfairly disbars an attorney. Under the amendment of the Senator, would the Senator say that the Director would have authority to review that matter and consider it as a special circumstance? I do not see the likelihood of it, but should that occur, what would happen?

Mr. MILLER. Frankly, I had not thought about that, but it seems to me that if there is such an occurrence—and I can understand how there could be—certainly there should be a way handling it through the Federal courts or through the Civil Liberties Union, which I know takes cases like that.

Mr. MONDALE. In the opinion of the Senator, could the OEO Director take cognizance of that possibility?

Mr. MILLER. Let me say that I would hope the OEO Director in such a case would see to it that a person whom he felt to be unlawfully disbarred was appointed to some other office until such a matter could be taken care of. I do not think that would be a problem.

Mr. MONDALE. Mr. President, I have no objection to the amendment.

Mr. MILLER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

EDUCATIONAL TELEVISION AND RADIO AMENDMENTS OF 1969

Mr. PASTORE. Mr. President, I call up a privileged matter and ask the Chair to lay before the Senate a message from the House of Representatives on S. 1242.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1242) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Educational Television and Radio Amendments of 1969".

THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES

SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: "There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year."

(b) The last sentence of such section is amended by striking out "July 1, 1971" and by inserting in lieu thereof "July 1, 1974".

ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ", and for the next fiscal year the sum of $20,000,000" after "$9,000,000".

(b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969,".

Mr. PASTORE. Mr. President, the pending measure involves the extension of grants for construction of educational television or radio broadcasting facilities and the support for the Corporation for Public Broadcasting created by the Public Broadcasting Act of 1967.

The bill was passed by the Senate on May 13, 1969. The House made certain perfecting modifications, but the bill is substantially as passed by the Senate.

I would like to point out the modifications made. The Senate provided authorization for a 5-year period for educational facilities, with the general authorization of such sums as may be necessary for each of the next 5 fiscal years.

The House amended that provision by cutting down the 5-year period to 3 years and putting a ceiling on the amount to be authorized of $15 million for each of the 3 years.

I further want to state that this matter has been taken up by my Republican counterpart on the subcommittee, and it meets with his approval.

I therefore move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. DOMINICK. Mr. President, I call up my amendment, which I have already sent to the desk.

The PRESIDING OFFICER. The amendments offered by the Senator from Colorado will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments proposed by Mr. DOMINICK are as follows:

On page 4, lines 9 and 10, strike out "7,000,000 for the fiscal year ending June 30, 1970, and".

On page 4, lines 13 and 14, strike out "$120,000,000 for the fiscal year ending June 30, 1970, and".

On page 4, lines 17 and 18, strike out "$16,000,000 for the fiscal year ending June 30, 1970, and".

On page 4, lines 21 and 22, strike out "$40,000,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 1 and 2, strike out "$75,000,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 6 and 7, strike out "$1,600,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 10 and 11, strike out "$7,500,000 for the fiscal year ending June 30, 1970, and".

On page 5, lines 15 and 16, strike out "$25,000,000 for the fiscal year ending June 30, 1970, and".

Mr. DOMINICK. Mr. President, I think I can explain the amendments very quickly.

First of all, I want to say I have enjoyed working on the committee and I have enjoyed working on a bill which I think has a real significance in our national structure.

I was particularly pleased that the committee was willing to take, and did take, the provision that I offered, which gives us, for the first time, a national program for rehabilitation of drug addicts and drug abuses. I think that this will be extremely helpful.

I have had the opportunity of serving

on the Subcommittee on Alcoholism and Narcotics with the Senator from Iowa (Mr. HUGHES) and the Senator from Ohio (Mr. SAXBE), and other Senators, studying alcohol and drug abuses. It is apparent that both of these fields need attention, and need national attention. So the effort which was made by the committee to put both the alcoholism and drug programs into the bill are of real significance in the national picture.

With regard to my pending amendment, we have a rather peculiarly structured bill. President Nixon requested $2.048 billion for OEO in the 1970 fiscal budget. That $2.048 billion is contained in the bill in total.

The Senator from New York (Mr. JAVITS) attempted, by his amendment, to strike the earmarking of these funds. He was unsuccessful in that effort. Therefore, the money requested by the administration for OEO for fiscal year 1970 is now tied down.

That $2.048 billion is not effected by my amendment at all. What we have, in addition to the $2.048 billion, can be found in the bill, starting on page 4, in line 6, and going through page 5, on line 19. In the committee we referred to this as "add-ons." They are additional authorizations for eight specific programs over and beyond the $2.048 billion, and in the first year they total $292.1 million.

My amendment would strike all authorizations for the first year "add-ons."

I know we had extensive testimony in the hearing record indicating that, first of all, the OEO is designed, under its new reorganization plan, to be an innovative agency, not an operating agency. OEO will not operate proven programs on a nationwide basis, but will innovate by way of pilot programs and then, when they are proven, turn them over to existing agencies which would have jurisdiction for actual operation.

The $292.1 million in this bill is, once again, earmarked for the first year and for the second year. $292.1 million is added to the $2.048 billion in fiscal year 1970, at the very time when Congress has put a limit on what the President is allowed to spend in this fiscal year.

So here we go once again, with a law from Congress, passed by both Houses and signed by the President, putting a limit on the maximum amount that he is entitled to spend, and then we go right on from there, as Congress, and authorize the expenditure of a considerable amount of taxpayers' funds, over and beyond the budgetary figures.

Not only do we propose to do that by this bill, unless my amendment is accepted, but we are also doing something which the administration does not want: We are earmarking more money for specific programs, and, in addition to that, authorizing the expenditure of funds which the administration itself has said that it cannot spend fruitfully this year.

Let me state the position we are in. Here we are, in the middle of October. The Appropriations Committee is just starting hearings on the Labor and HEW appropriation bill. It probably will not be marked up, because of a jurisdictional question involved, until late November, and it will probably be about the middle of December before it ever gets to the floor. We have yet to go to conference on whatever the House of Representatives may do on this bill. We are not possibly going to be able to get something into fundamental legal condition for passage and for the President's signature until considerably later this year.

As a result of this situation, we were successful, in committee, after some strenuous arguments, in getting the sponsors of these various amendments to reduce the amounts as originally proposed to one-half for fiscal year 1970. Even so the add-ons total $292.1 million. What in the world are we doing, authorizing this amount of money, when the agency says it cannot spend it fruitfully, when the administration has said it does not want it, and when we have already put a budgetary limit on the President, limiting what he can spend for this fiscal year?

It seems to me that we are going about it the wrong way, no matter how nice, how pleasant, and how sincere the people are in presenting the need for expanding these programs.

What are the programs? One of them is one I happen to be deeply interested in: the Headstart program. My amendment will not cut back the Headstart program. The fact of the matter is that we have $338 million for Headstart in the $2.048 billion which will remain in the bill, so we are not in fact cutting down Headstart at all. As a matter of fact, we are increasing it over last year's estimated expenditures, and over the actual expenditures in 1968, and we are leaving in the very amounts that President Johnson and President Nixon suggested: a total of $338 million.

So if we strike this from the Headstart program—as I say, I am deeply interested in that—we will still have $338 million left in the program as authorized spending for this year. That, I think, is very important to keep in mind. More than that cannot be spent.

And so on, in each one of these programs. For the special impact programs, there is $46 million in the original bill. As I say, we have $338 million for Headstart. There is $58 million for legal services, $80 million for comprehensive health services, and $25 million for the emergency food and medical services.

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

Mr. DOMINICK. In a moment, when I finish with this list.

There is $15 million for family planning programs, $8,800,000 for senior opportunities, and a lot of other things, including $34 million for migratory workers, $12 million for rural loans, $16 million for administration and coordination, and $37 million for VISTA.

This amendment would not cut back any of these. They are not affected at all. What I am doing is cutting out the authorization for the add-ons.

I am happy now to yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, my question is this: If I understood the Senator correctly, he stated that the Agency, or some of the agencies, would not be able to spend the amount of money that is authorized in the bill if it were appropriated? Is that correct?

Mr. DOMINICK. That is correct, fruitfully. We had testimony as to that in the hearings.

Mr. NELSON. The biggest add-on of all is the $240 million for Headstart.

Mr. DOMINICK. Yes. That is for the second year. I am not touching the second year. My amendment would cut only the first year "add-on," which is $120 million.

Mr. NELSON. So $120 million is the add-on the first year. Now, in fiscal year 1969, 667,600 children were in Headstart. Under the budget proposed by the administration, with their movement, now, to the year-round Headstart program—on the ground that that is much more effective than the limited summer program—they could handle only 488,100 children. That would mean 179,500 children would have to be dropped from Headstart.

The staff asked the OEO how much money it would take to maintain the same number of children in the Headstart program as are in the Headstart program in fiscal 1969. The OEO gave us the figure of $240 million. We cut the $240 million in half for the first year, on the perfectly logical ground that by the time we get the bill passed, something approaching a half year will be gone. So it is perfectly clear that as to the largest add-on, if we are to maintain the 667,700 who are already in the program, we will have to have that money. Is that not correct?

Mr. DOMINICK. No, I do not really think it is, because it is my understanding that the administrative capability is lacking to put together and approve year-round programs for the first year for Headstart, to serve the number of children that the Senator is talking about. Nor do they have the community support to be able to do it on a year-round basis.

So what they are saying is that if everything were fair in a fair world, this is what they would like to do. That is not the case.

So how are we going to balance these things? We are going to spend $338 million, and we have not received an appropriation for even that money yet. If we are going to spend that amount, it would seem we would need all the time we could get in order to make logical plans for a year-round Headstart program.

Also some of these children have probably been counted twice. Some of them are from families which are not low-income families. Under the bill they would be permitted to go ahead, but they would have to pay for it.

When I say that some of them are counted twice, I am talking about some of the kids who have gone to summer Headstart programs and then go to the school year program afterward. I do not know whether they have been counted twice or not. I am surmising that they have.

Mr. NELSON. Mr. President, will the Senator yield further?

Mr. DOMINICK. I yield.

Mr. NELSON. If the Senator's amendment prevails and no additional money is provided for the first year—I assume the statistics are correct—when they get into the year-round program, there would have to be less children in the Headstart program than now. I do not suppose that anyone really knows how many less.

We do know that if we were on a full year-round program, with the amount of money that the administration has asked for, about 179,000 children would have to be dropped from Headstart. That is the best estimate we can get from the OEO.

Mr. DOMINICK. Mr. President, let me reply that the $338 million which would still be included is the amount that President Johnson asked for. It is also the amount that President Nixon asked for. It is the amount now in the bill.

The question about the year-round program is interesting.

Part of the problem, as the Senator knows, is due to the fact that the summer programs were using facilities which would have to be used for the regular schools in the school year.

Consequently, the facilities are not available under the present circumstances. They will have to find other facilities, set them up, get community support behind them, and find out how much local money can be put into programs of this type which we are authorizing in the bill. This is needed.

I say that we should go ahead and spend the $338 million which can be spent meaningfully. After that I would be happy to go along with the Senator from Wisconsin and say for fiscal year 1971, let us have more money for Headstart if it can be used properly.

We are only talking about 1 year. We have a lot of other items which I think are important. For the purpose of the RECORD, I would like to mention some of them.

Let me just take the emergency food and medical services. This add-on provides $75 million for the first year. I am offering to strike that.

On the emergency food and medical services in 1968, we spent $12.8 million. In 1969, it is estimated that we spent $16.6 million.

President Johnson asked for $17 million. President Nixon asked for $17 million. And we put $25 million into the $2.048 billion. So we are already $8 million over what both administrations asked for on that item alone. And here we come along and have an add-on of $75 million for this year just after we have recently passed the most generous bill, I guess, in history in order to try to help people get food. We have just finished doing that.

Mr. NELSON. Mr. President, it is correct that we had $17 million in the "emergency food and medical services" for fiscal 1969. And the administration does intend to spend $25 million for fiscal 1970. However, the problem is that there are 400 community action agencies now involved in the emergency food program, 95 percent of which are rural community action programs.

There are 600 urban community action programs which have no emergency food programs because no money was available. We asked how much money it would take to bring the 600 urban community action programs under the emergency food program. They gave us the figure $150 million which we put into the budget.

It is not a question that they cannot spend it. The question is that there was not any money to spend. We do not have any programs in 600 urban areas where they are as urgently needed as they are in the rural areas.

Mr. DOMINICK. Mr. President, that is a good argument. However, I would not agree for the reason that the OEO is not an operating agency. The OEO is now an innovative agency.

I have asked the Director—and I am sure it is in the record—whether he wants to go forward with an operating emergency food and medical services program around the country. His answer is that they are not equipped to do that.

Mr. NELSON. Who said that?

Mr. DOMINICK. The Director of the OEO said that they are not equipped to do that.

Mr. NELSON. But they are the managers of the program.

Mr. DOMINICK. We reported that we have conversed on this matter. They are not equipped to cooperate on emergency food and medical services program around the country. We are trying to get funds on an emergency basis where it is needed and other agencies cannot get to them.

Mr. NELSON. Is it not correct that it was never intended that the OEO would directly operate the program? It is being operated at the local level through community action agencies.

The program responsibility is with the OEO. We know that 600 urban communities are without emergency food and medical services programs and that 400 rural areas do have them.

When we asked how much money it would take to put the program into the urban areas in the same fashion as in the rural areas, the OEO gave us the figures. We put them in the budget.

If Congress wants to decide that it will run the emergency food and medical services program for hungry people in rural America but not for hungry people in urban America, that is a decision it will make. However, I do not think that is the position Congress wants to take.

Mr. DOMINICK. Mr. President, again I do not want to be put in the position of saying on the floor that I am against emergency food and medical services programs. We have $25 million in the bill for that purpose out of the $2,048 million in the first portion of the bill.

I want to go through some of the other items to show what we are doing. Let us talk about legal services. We have been battling about that all afternoon in one form or another. It seems to be perfectly evident that some people are against it. I happen to think it is a pretty good idea by and large. I would like to see it continue providing we can keep it in focus rather than have it as a political mechanism as happens in some areas.

There was $35.9 million for legal services in 1968. There was $42.0 million for legal services in 1969. President Johnson asked for $50 million for this program. President Nixon asked for $58 million. That is an increase of $8 million, and an increase over fiscal year 1969 spending of $16 million.

The bill provides $58 million for legal services out of the $2,048 million. Now, we come along again and add on another $16 million for this year and $32 million for next year.

My point is that we should get some of these problems straightened out before we start authorizing the spending of the whole Federal Treasury on a group of programs some of which are good and some of which are not. Until we get the programs ironed out, I think it is perfectly ridiculous to tell the President to hold the budget down to the amount we said and then go ahead and authorize appropriations way beyond that amount.

I could go on with a lot of interesting items in the add-ons. However, the net effect is to keep the $2.048 billion that President Nixon requested. Let us cut out the $292 million add-ons which have been put in the bill and which cannot be spent if appropriated.

Mr. NELSON. Is the Senator prepared to vote?

Mr. DOMINICK. I am prepared to vote. First, however, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 47, nays 38, as follows:

[No. 123 Leg.]

YEAS—47

Aiken	Goldwater	Packwood
Allen	Griffin	Pearson
Allott	Gurney	Prouty
Baker	Hansen	Russell
Bellmon	Hatfield	Saxbe
Bennett	Holland	Schweiker
Boggs	Hollings	Scott
Byrd, Va.	Hruska	Smith, Maine
Cooper	Javits	Sparkman
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Talmadge
Dominick	Long	Thurmond
Ellender	McClellan	Tower
Ervin	Miller	Williams, Del.
Fannin	Mundt	Young, N. Dak.
Fong	Murphy	

NAYS—38

Anderson	Inouye	Nelson
Bayh	Jackson	Pastore
Bible	Kennedy	Pell
Burdick	Magnuson	Proxmire
Byrd, W. Va.	Mathias	Randolph
Cannon	McCarthy	Ribicoff
Church	McGee	Spong
Cranston	McGovern	Symington
Eagleton	McIntyre	Tydings
Gore	Metcalf	Williams, N.J.
Gravel	Mondale	Yarborough
Hart	Montoya	Young, Ohio
Hartke	Moss	

NOT VOTING—15

Brooke	Eastland	Mansfield
Case	Fulbright	Muskie
Cook	Goodell	Percy
Dodd	Harris	Smith, Ill.
Dole	Hughes	Stevens

So Mr. DOMINICK's amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PREMIER PHAM VAN DONG'S LETTER TO THE AMERICAN PEOPLE

Mr. TOWER. Mr. President, if the Senate will indulge me for a moment, we have just received notification of some rather interesting support for the moratorium tomorrow. Here is a letter from Premier Pham Van Dong of North Vietnam to the American people. The letter states:

HANOI,
October 14, 1969.

DEAR AMERICAN FRIENDS: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U.S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a broad and powerful offense throughout the United States to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home.

Your struggle eloquently reflects the U.S. people's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.S. and world public opinion.

The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.

The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.

The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental National rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.

We are firmly confident that, with the solidarity and bravery of the peoples of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.

May your fall offensive succeed splendidly.

Affectionately yours,

PHAM VAN DONG,
Premier of the DRV Government.

Mr. BYRD of West Virginia. Mr. President, those who participate in the moratorium have a right to do so as long as they break no laws. Many of those who participate undoubtedly will do so out of good motives; others may not.

I want to see our country get out of Vietnam as much as anybody. But national policy—while it must take into account public opinion—cannot be made by demonstrations in the streets. I am convinced that the President is doing the best he can to withdraw our forces and negotiate a workable solution.

My concern is that the moratorium may undercut his efforts and encourage Hanoi to think that if it holds out a little longer it will get everything it wants without the need for reciprocal action.

I have no quarrel with anyone's desire to end this war, but I hope the participants will direct some of their energies to the enemy who stands in the way of peace.

I ask unanimous consent to insert in the RECORD a news story which appeared in the October 9, 1969, edition of the Morgantown, W. Va., Post entitled "Hanoi Ignores U.S. Peace Plan, Asks October 15 Support," together with an editorial from the October 13, 1969, Fairmont, W. Va., Times, titled "The Vietnam Moratorium."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Morgantown (W. Va.) Post, Oct. 9, 1969]

HANOI IGNORES U.S. PEACE PLAN, ASKS OCTOBER 15 SUPPORT

PARIS (UPI)—North Vietnam and the Viet Cong today went over the head of U.S. negotiators and appealed directly to the American public to increase its opposition to President Nixon's Vietnam policies.

The Communists ignored allied peace proposals and zeroed in on next Wednesday's Vietnam protest day in the United States.

Col. Ha Van Lau, the Hanoi deputy negotiator, and Mme. Nguyen Thi Binh, the Viet Cong's "foreign minister," appealed to American citizens to increase their resistance and force Nixon to accept their negotiating proposals in Paris.

Today's skirmishing at the 37th weekly session of the eight-month-old talks indicated that Hanoi and the Viet Cong will make no concession from their own 10-point peace package until after they have assessed the scope of popular opposition in U.S. universities.

U.S. Ambassador Henry Cabot Lodge vainly pleaded for immediate talks on how to insure the national rights of the South Vietnamese people through free elections.

Madame Binh scorned the renewed U.S. plea and said: "The so-called free election plan amounts to asking the Vietnamese people to lay down their arms in exchange for a ballot—that is to say, to accept fraudulent elections organized by the Saigon administration under the control of American and puppet troops."

The two Communist delegations likewise turned a deaf ear to a statement by South Vietnamese delegate Pham Dang Lam. He formally laid before them President Nguyen Van Thieu's Oct. 6 declaration in which he offered to discuss "any matter whatsoever, including the question of a ceasefire, provided they wish to end the war through serious negotiations."

Though no progress was expected to emerge from today's session, observers watched closely two developments related closely to the talks.

Lodge denied several side assertions of the Communist delegation including one contention that the Allies were responsible for the failure of the conference to make any progress.

"We are intent on setting the record straight," Lodge said. "We are willing to negotiate on the basis of the fundamental rights of the Vietnamese people."

Lodge's remarks indicated U.S. negotiators were anxious to try to overcome the Communist side's opposition to free and internationally controlled elections in South Vietnam.

The Allied delegation expected little progress until the return from Hanoi of Xuan Thuy, North Vietnam's chief delegate to the talks.

Thuy went to Hanoi Sept. 4 for the funeral of President Ho Chi Minh and has remained in the North Vietnamese capital for what diplomatic sources said were extensive talks with the new leaders of the nation.

[From the Fairmont (W. Va.) Times, Oct. 13, 1969]

THE VIETNAM MORATORIUM

Neither advocates of Wednesday's Vietnam Moratorium nor those who oppose it can find fault with the attitude toward the proposed school "holiday" taken by President Eston K. Feaster of Fairmont State College. He, like President James G. Harlow of West Virginia University and the heads of most other state-supported schools, have taken the position that they can coerce no student into either agreeing or disagreeing with the movement.

The idea of a moratorium in protest against this country's continuing involvement in the Vietnam war originated at the student level. It has received support on campuses across the country and now has the backing of many public officials, some of whom see a chance for political favors from the youths whose cause they espouse.

As Dr. Feaster pointed out when the subject of institutional participation in the moratorium was laid before him, every student and faculty member must decide on his own whether he wants to participate or ignore the event. The college has never, and

will not in the present instance, take an official position on a public issue like the moratorium, President Feaster said, reaffirming a long-standing policy in West Virginia institutions of higher learning.

James Butcher, student body president who is organizing Fairmont State's participation, has not sought sanction of the movement from the student council and has wisely and reasonably accepted the school's policy declaration. He and a Student Moratorium Committee have arranged for a march from the campus to the courthouse and a speech there by Dr. Wesley Bagby of West Virginia University, a history professor often identified with liberal causes.

Unlike the University's Daily Athenaeum, which has come out editorially in favor of the moratorium and has devoted much space to stunts designed to publicize it, the Columns at Fairmont State takes the position that each student should weigh the facts pro and con and only then make up his own mind about attending or staying away from class on Wednesday.

Patty Vandergrift, editor of the Columns, who is working on The Times while attending school, raises an interesting point in her discussion of the moratorium. "How will the people of Fairmont and especially contributors to school funds such as the Student Loan Fund react to FSC's participation?" she asks.

It would be safe to assume that most of the affluent supporters of the various funds raised to help students at Fairmont State are something less than left-wingers. Some of them already have voiced objections to the participation of certain athletes, whose education is being financed in part from publicly raised scholarship funds, in recent picket demonstrations in downtown Fairmont.

Others who give annually to the Student Loan Fund, where a dollar likely brings a greater return than any other investment in education, may take a dim view of a holiday from school called to protest a war in which this country is morally and legally involved however wrong it now seems.

We believe it is only natural for the younger generation to want a share of the decision-making process. College students are especially zealous to join protest movements of every kind and character. The male portion of the student population has a very real concern, for most of them face induction in the armed services as soon as their student deferments expire.

But we are experiencing some difficulty in deciding just who the students expect to convince with their nation-wide moratorium. Certainly it will not be President Nixon, who made his feeling "crystal clear" at his Sept. 30 press conference in reply to an inquiry on the moratorium.

Anti-war senators and other public figures already are doing just about as much as they can to bring about American disengagement in Vietnam. The student protest may provide them moral support in their endeavors, but its practical effect must be open to serious question.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Colorado proposes an amendment, as follows:

On page 4, line 10, strike "$14,000,000" and insert in lieu thereof "$7,000,000".

On page 4, line 14, strike "$240,000,000" and insert in lieu thereof "$120,000,000".

On page 4, line 18, strike "$32,000,000" and insert in lieu thereof "$16,000,000".

On page 4, line 22, strike "$80,000,000" and insert in lieu thereof "$40,000,000".

On page 5, line 2, strike "$150,000,000" and insert in lieu thereof "$75,000,000".

On page 5, line 7, strike "$3,200,000" and insert in lieu thereof "$1,600,000".

On page 5, line 11, strike "$15,000,000" and insert in lieu thereof "$7,500,000".

On page 5, line 16, strike "$50,000,000" and insert in lieu thereof "$25,000,000".

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. DOMINICK. I do.

The PRESIDING OFFICER. Is there objection to the Senator's request? The Chair hears none, and the amendments will be considered en bloc.

Mr. DOMINICK. Mr. President, I do not know whether I am going to need the yeas and nays on this but, in effect, what this does is to take the second year add-ons and reduce them by 50 percent. This would save $292 million in terms of authorization as opposed to $584 million which was put on by the committee. There is $2.048 billion authorized for fiscal 1970. There is $2.148 billion authorized for fiscal 1971. These add-ons would add 584.2 million on top of $2.148 billion for fiscal year 1971. It would be, in effect, a net increase of $684 million in 1971.

It seems to me that we are completely out of the ball park on this type of figure. What I am suggesting is that we take the $292.1 million, which is one-half the sum total proposed for "add-ons," and leave that in for 1971. This would mean an increase of approximately 10 percent over what the authorization will be in the main part of the bill for that same year.

Mr. President, I am ready to take it to a vote with that kind of explanation. I will be happy to answer any questions.

Mr. NELSON. Mr. President, I think it was unfortunate that the Senate accepted the amendment of the Senator from Colorado to remove from the bill all of the add-ons that the committee approved. I point out that roughly half the Republicans supported the add-ons we put on in the committee, and that the Democrats were unanimous. I further point out that on the Headstart program alone, as the OEO now converts to a year-round program—as I think every one agrees it should—and makes full conversion under the administration's budget, 179,000 children who are now covered in the Headstart program will go out of the program.

The Headstart program now is taking care of only 10 percent of the children in this country who need the benefits of the Headstart program. So what we would be doing would be to reduce the number of children who would be covered by the Headstart program. I am informed that the conversion of Headstart to a year round program, without the new funds the committee has proposed, means that in Alabama approximately 4,700 children now under Headstart would be dropped from the program.

In Arkansas, an estimated 4,300 kids who need the benefits of the Headstart program would go off the program.

In California, 4,700 would go off.

In Florida, 3,400 would go off.

In Georgia, 5,700 would go off.

In Illinois, 9,300 children who are in the Headstart program now, a program in which we are trying to take disadvantaged children and give them an opportunity in life, will be taken off the program.

In Kentucky, 6,100 children would go off the program.

In Louisiana, 5,000 would go off.

In Michigan, 5,900.

In Minnesota, 2,700 would go off.

In Missouri, 3,600 kids would go off.

In New York, 10,600 children would go off.

Mr. President, is that what the U.S. Senate stands for?

Does it stand for taking kids off the Headstart program just to save a handful of dollars?

If that is what it stands for, I do not want any part of it.

Mr. President, let us look at the emergency food and medical services program. There are 400 community action programs in this country which have an emergency food and medical services program—almost every single one of them rural.

There are 600 urban programs—600 CAP programs—which have no emergency food and medical service programs at all.

The $150 million would give them that program.

Does the U.S. Senate stand for not feeding kids who are hungry in the cities?

If that is what it stands for, then stand on the rollcall.

Mr. YARBOROUGH. Will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. YARBOROUGH. I ask the distinguished Senator, is it not a fact that the budget of President Nixon has asked for more money for OEO this year than Congress appropriated last year? I invite the attention of the Senate to the table on page 46 of the report, showing that fiscal year 1969 program expenditures were $1,948,000,000.

In April, the administration revised those figures and asked for $2,048,000,000.

The President has, therefore, asked for more money than was asked for last year. Is that not a fact?

Mr. NELSON. That is correct.

Mr. HOLLAND. Mr. President, if I may interject there, is that not the amount in the bill?

Mr. DOMINICK. That is correct.

Mr. NELSON. Yes.

Mr. HOLLAND. He so states. Therefore, I do not understand the question of the Senator from Texas, indicating that he thought we had cut that amount.

Mr. NELSON. Mr. President, I want to make one more point. There is $50 million in the committee bill for fiscal 1971 for day care projects. This amendment

would cut that in half, to $25 million. We authorized day care projects—title V–B—in 1967. We have people all over the country saying, "Why do not people work and earn a living?"

There are women all over the country who have dependents. They are asking to work. They are dying to work. They want to make a contribution. They do not want to sit home all day long, but they have little children to take care of. Yet we have not funded that program since it was enacted in 1967.

We passed a bill a few weeks ago in which we authorized employers and employees to join in making contributions to opening day-care centers at their plants. Under the committee bill, we could use this money to match the cost, so that mothers who want to get off welfare, who want to go out to the plant and make a contribution—or wherever they may want to go to work and earn a living—will find a place to leave their children. But here we are, being asked to cut the program by $25 million.

All right, cut it $25 million, but let us not run around the country saying, "Let us get people off welfare. Let us have people work. Let us have people work and earn their living," but at the same time make it impossible for them to do so.

If that is what the Senate stands for, let us have a rollcall vote. Let Senators live with their consciences. I will live with mine.

Mr. MONDALE. Mr. President, one of the things that I have commended the President for is his frequent public support of programs to help children in the first 5 years of life. He has pointed out—and correctly, I think—that the institutions of this country, by and large, ignore children suffering from cultural and emotional deprivation until at least the age of 6, and for most of them it is then too late. They are already at the point where only a unique, costly, and personal effort can save them.

Thus, we have the anomaly in this country where, in a rich and powerful nation, millions and millions of children never have a chance. I have applauded the President for his statement. I have applauded him for saying we must redeem the promise of America for children in the years before they enter school, the years of dynamic growth and development.

Do we in the Senate say that the words of the President are hollow rhetoric? Are we going backward or forward? Is the Senate to believe the President and fight for a program which gives children, in the first 5 years of life, some chance for nutrition, some chance for reading and education, some chance for emotional and other kinds of strength which children must have, to avoid being destroyed?

The pending amendment would not only fail to add new positions, but would also strike approximately 180,000 children from the Headstart programs of this country. This reduction would occur even though now only 10 percent of the disadvantage children under age 6 are receiving any benefits under the Headstart program.

It seems to me to respond in that way is to regard the President's words as mere rhetoric, to take away those opportunities for many children in their first 5 years of life, to go backward rather than forward. That certainly makes a mockery of the President's words, and it denies to thousands and thousands of American children any hope for a meaningful opportunity in life.

Mr. President, I ask unanimous consent that a table which estimates the approximate number of children that may be stricken from the Headstart program, together with the committee proposal, be printed in the RECORD.

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

NUMBER OF CHILDREN SERVED BY HEADSTART, BY STATE, BY TYPE OF PROGRAM IN FISCAL YEAR 1969, AND ESTIMATED NET LOSS OF HEADSTART OPPORTUNITIES UNDER THE ADMINISTRATION BUDGET, BY STATE

State	Summer program	Full-year program	Estimated decrease under administration proposal for fiscal year 1970
Alabama	14,290	5,676	4,700
Alaska	375	1,141	125
Arizona	4,315	1,062	1,150
Arkansas	13,014	3,045	4,300
California	14,194	16,623	4,700
Colorado	3,383	3,747	1,100
Connecticut	3,255	2,130	1,100
Delaware	1,191	643	400
District of Columbia	3,515	2,405	1,200
Florida	10,364	6,724	3,400
Georgia	17,047	3,135	5,700
Hawaii	1,630	960	550
Idaho	1,145	1,130	350
Illinois	28,007	9,218	9,300
Indiana	6,485	4,198	2,150
Iowa	4,325	1,717	1,450
Kansas	2,338	1,999	770
Kentucky	18,348	3,689	6,100
Louisiana	15,076	4,893	5,000
Maine	3,573	647	1,200
Maryland	5,478	1,853	1,800
Massachusetts	5,046	4,467	1,700
Michigan	17,604	3,464	5,900
Minnesota	7,999	1,738	2,700
Mississippi	325	29,253	100
Missouri	10,911	6,293	3,600
Montana	360	976	100
Nebraska	1,475	1,568	500
Nevada	675	140	225
New Hampshire	2,567	229	850
New Jersey	10,924	4,731	3,600
New Mexico	3,744	1,685	1,200
New York	31,855	10,458	10,600
North Carolina	24,428	3,870	8,100
North Dakota	1,441	60	500
Ohio	20,834	7,691	7,000
Oregon	1,690	810	580
Oklahoma	8,653	4,737	2,900
Pennsylvania	12,510	10,186	4,200
Rhode Island	1,003	725	350
South Carolina	16,855	3,283	5,600
South Dakota	1,407	477	450
Tennessee	20,578	4,889	7,000
Texas	30,744	13,360	10,000
Utah	728	1,011	250
Vermont	1,443	500	500
Virginia	9,760	1,916	3,300
Washington	2,632	2,659	900
West Virginia	8,983	2,430	3,000
Wisconsin	4,132	2,444	1,400
Wyoming	1,539	495	500
Puerto Rico	6,715	6,013	2,200
Virgin Islands	500		200
Guam		250	
Trust territories	2,690	280	850
Indian grants	2,011	6,991	700
Migrant	760		250
Total	446,899	216,714	

COMMITTEE BILL PREVENTS HEADSTART CUTBACKS

The Committee bill seeks to prevent an impending cutback of 180,000 Head Start opportunities by increasing authorization by $120 million in FY 1970 and $240 million in FY 1971.

Background

There are 6,000,000 disadvantaged American children under age six. Last year only 668,000 of them were able to participate in Head Start and receive the nutritional, educational and health services they need. A cutback in this program—which currently serves only about 10% of the preschool children in need—cannot be justified.

Impending cutback

Administration proposals call for substituting full-year Head Start programs for many of the summer Head Start programs currently being funded. This substitution, which the Committee supports, is based on OEO's conclusion that "evaluative evidence gathered so far suggests that full-year programs are more effective than summer in fostering sustained developmental gains."

But because full year programs cost about $800 more per child than summer programs, if this substitution occurs without increasing the Head Start budget, there will be 180,000 fewer Head Start opportunities this year than there were last year.

NUMBER OF CHILDREN SERVED BY HEADSTART IN FISCAL YEAR 1969, AND UNDER ADMINISTRATION BUDGET FOR 1970

	Fiscal year 1969	Estimate, fiscal year 1970	Increase or decrease under administration budget
Full year	214,000	249,800	+35,800
Summer	450,000	225,000	−225,000
Experimental	0	9,700	+9,700
Parent and child centers (families)	3,600	3,600	0
Total	667,600	488,100	−179,500

Committee proposal

The authorization increases in the Committee bill would permit the shift from summer programs to full year programs to occur without requiring a cutback in the number of children served.

Based on estimates that 300,000 of the current 450,000 summer Headstart slots could be converted to full-year programs in the next two years, at a net Federal cost of about $800 per slot, this conversion would ultimately cost approximately $240 million. The Committee authorizations are intended to permit sufficient funding to cover the initial costs of conversion in FY 1970, and the full cost of converting 300,000 slots in FY 1971.

The Committee believes it would be unwise and unfair to force a 27% reduction in the number of children served by Headstart by denying these needed authorization increases.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I do not want the RECORD to stand as though the Senate of the United States is acting like some kind of heartless fascist stepping on the heads of poor children. I think both the Senator from Wisconsin and the Senator from Minnesota know better than that.

Mr. NELSON. Mr. President, did I suggest anywhere here that Senators are a bunch of fascists stepping on the heads of children?

Mr. DOMINICK. I would say the Senators left the general impression that what we were doing was cutting off funds for poor children all over the place.

Mr. NELSON. Does that make somebody a fascist stepping on children's heads?

Mr. DOMINICK. The Senator from Wisconsin did not use those words; I did.

Mr. NELSON. I will say the Senator did, and he had better learn what the words mean.

Mr. DOMINICK. The $2.048 billion we have for fiscal 1970 was increased in committee by $100 million for fiscal 1971. We have $2.148 billion, an amount that is not even being touched by this amendment; in addition to which, if my amendment is adopted, we will be adding another $292 million to the $2.148 billion.

So we are adding to the money authorized for expenditures for fiscal 1971, $392 million over what it will be for this year, fiscal 1970.

Anybody who says that we are not supplying children and other facilities with needed funds and authorizations for funds just really is not looking at this amendment the way he ought to. A strong emotional appeal has been made against this amendment but it ignores practical realities. We cannot spend that much money.

We are talking about adding $7 million for special impact programs; $120 million for Headstart; $16 million for legal services; $40 million for comprehensive health services; $75 million for emergency food and medical services; $1,600,000 for senior opportunities; $7.5 million for migrants; $25 million for day-care centers; in addition to the $100 million which the administration can use anyway it wants to in fiscal 1971.

So I do not take very kindly to the idea that we are depriving children of one thing after another.

What is the effect of the amendment? It has the net effect of saying we are going to add on to the authorization for fiscal 1971 a total of $392 million.

Mr. JAVITS. Mr. President, I would like to speak to the Senate with the greatest feeling of confidence in my colleagues, because this is a very human and deep thing that we are discussing now. Some of you may have been surprised that I voted with Senator DOMINICK on the last amendment. It is not of character for me, as the Senate knows; but I am handling the bill, on this side, for the administration, and having put the bill in under certain concepts, which I will explain to the Senate, I felt it was my duty, if I were to be trustworthy, to be faithful to those principles.

I know the Senator from Rhode Island (Mr. PASTORE) is smiling at me. He has been in this position many times before, himself.

The position of the administration was, and is, that $2.048 billion, which is the authorized amount, and which Senator DOMINICK'S amendment did not challenge, represents its allocation of national priorities for the purpose of a poverty bill.

I am satisfied that within the administrative framework they have erected, in which the OEO is now a staff agency, essentially, rather than a line agency—and that most of the programs, as they mature and develop, are going to be turned over, as they have been in the case of the Job Corps and Headstart, to line agencies of the Federal Government—the $2.048 billion is about the right figure that they can handle and spend intelligently.

The add-ons, coming as they would, with only about 6 or 7 months left to put additional amounts into programs made me question whether they could be put to meaningful use.

That is coupled with the fact that we have big problems in education, which can use more money, which helps roughly the same people, the poor. We have massive problems with hunger and malnutrition, for which the Senate has voted a much bigger amount than the House may be willing to support. Appropriations may be competing, as it were, with poverty appropriations.

For all those reasons, I thought the network of money which would be available to the poor would be improved and benefited by the fact that I tried to encourage the administration rather than discourage it in respect to the plan which it has with regard to the OEO.

I do not believe, however, that these considerations apply to the amendment which the Senator from Colorado (Mr. DOMINICK) has now proposed to the bill; and I shall vote against it. There it is possible, and entirely practicable, to gear the OEO to higher standards in terms of its ability to utilize the amounts of money involved in the second year. I deeply believe the amounts are justified by the needs to be met.

I think the arguments which our colleagues have made, with respect especially to resources which go to children, are important, and can be deployed and well used as this type of administration—as I say, the OEO is now a different kind of agency—settles down and gets going.

The orders of magnitude are large. The Senator from Colorado (Mr. DOMINICK) is absolutely right when he says $300 million is a lot of money; but we have also enormous needs to fill, in critical areas such as Headstart and day-care centers. Day-care centers tie into the whole welfare plan which the administration itself has authored.

In addition, it is very significant, it seems to me, that notwithstanding my sponsorship of the administration's bill, I feel perfectly free to be against this amendment, because I think that, as to the year 1971, the plans of the administration—though I am not speaking for them in my opposition to this amendment—can accommodate intelligently, feasibly, and usefully the sums which have been added on here.

Therefore, Mr. President, I believe that at least for the authorization phase—after all, as the entire Senate knows, this matter still has to run the gauntlet of appropriations in due course—we ought not to cut off these opportunities which are available in the war against poverty at this particular point, in respect to fiscal year 1971; and I believe that that is a consistent position, in view of the approach which the administration has now taken with respect to OEO. I see nothing inconsistent, and I shall vote accordingly. I voted for the Dominick amendment insofar as it related to 1970, where I think there is a real question of practicability during changeover. On the other hand, by fiscal 1971 the changeover will have been made and I am satisfied that the resources which we would authorize may be very effectively, feasibly, and practically used.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. I ask that the Chair direct attachés to take seats or leave the Chamber.

The PRESIDING OFFICER. The attachés will please be seated.

Mr. JAVITS. Mr. President, I said when I began that I was speaking in a most intimate way to the Senate, and I feel that way. I know it is very public, and there is nothing secret here, but in the sense of personal feeling and personal warmth on the subject, I did wish to communicate this point of view to the Senate.

To give just one example that happens to be, in my judgment, one of the most relevant, in March of 1967 there were 4½ million working mothers with children under 6 years of age. There are today only 531,000 spaces in licensed day-care centers and family homes which are equivalent to day-care centers—roughly speaking, as Senators can see, but between 10 and 12 percent of the need is actually being served.

Those of us who have had experience in government know that it takes time to get organized for a job; that when you change over an agency such as the OEO, there is a time lag in adjusting it to its new responsibilities. But I believe 1970 gives adequate time for that process to take place, and that in 1971 we ought to begin to endeavor to more nearly accomplish many of these things which need to be done. That is the purpose of the add-ons and that is why I feel constrained to vote "no" on the amendment proposed by the Senator from Colorado.

Mr. DOMINICK. Mr. President, I shall be very brief.

If adopted, this amendment, will combine the additional $100 million with the $292 million that will be there. We will be providing about 15 percent additional funds for 1971 over those authorized for 1970. It strikes me that this is a pretty substantial improvement.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. RUSSELL), and the Senator from Mississippi (Mr. STENNIS) are absent on official business.

I further announce that, if present

and voting, the Senator from Georgia (Mr. RUSSELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. GOODELL), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 33, nays 47, as follows:

[No. 124 Leg.]

YEAS—33

Allen	Ervin	Long
Allott	Fannin	McClellan
Baker	Goldwater	Miller
Bellmon	Griffin	Mundt
Bennett	Gurney	Pearson
Boggs	Hansen	Spong
Byrd, Va.	Holland	Talmadge
Byrd, W. Va.	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Jordan, N.C.	Williams, Del.
Dominick	Jordan, Idaho	Young, N. Dak.

NAYS—47

Aiken	Hatfield	Pell
Anderson	Inouye	Prouty
Bayh	Jackson	Proxmire
Bible	Javits	Randolph
Burdick	Kennedy	Ribicoff
Cannon	Magnuson	Saxbe
Church	Mathias	Schweiker
Cooper	McGovern	Scott
Cranston	McIntyre	Smith, Maine
Eagleton	Metcalf	Sparkman
Ellender	Mondale	Symington
Fong	Montoya	Tydings
Gore	Moss	Williams, N.J.
Gravel	Nelson	Yarborough
Hart	Packwood	Young, Ohio
Hartke	Pastore	

NOT VOTING—20

Brooke	Goodell	Muskie
Case	Harris	Percy
Cook	Hughes	Russell
Dodd	Mansfield	Smith, Ill.
Dole	McCarthy	Stennis
Eastland	McGee	Stevens
Fulbright	Murphy	

So Mr. DOMINICK's amendments were rejected.

PROGRAM

Mr. SCOTT. Mr. President, I should like to inquire of the distinguished acting majority leader whether he knows of any other amendments and also what will be the next order of business.

Mr. KENNEDY. As I understand, the Senator from Vermont (Mr. PROUTY) has an amendment. I do not know at this time whether there will be a rollcall vote on that amendment.

Mr. PROUTY. There will not be.

Mr. KENNEDY. The leadership does not know whether any Senator is going to request a rollcall vote on final passage.

Mr. NELSON. We will ask for a rollcall vote on final passage.

Mr. KENNEDY. It is my understanding that at this point in time the Senator from Vermont has an amendment and that there will not be a rollcall vote on the amendment. There will be a rollcall vote on final passage.

Mr. JAVITS. There may be one other amendment.

Mr. KENNEDY. There may be one other amendment.

Then following final passage tonight, we will lay before the Senate the Eisenhower dollar minting measure, which will then be the pending business. That bill will be brought up for debate tomorrow. The Senate will convene at 12 noon tomorrow. After the disposition of that measure, the Senate will proceed to consideration of the two measures on the calendar dealing with potatoes, orders Nos. 412 and 414.

Mr. SCOTT. I understand that no votes are expected on the Eisenhower dollar matter tonight.

Mr. KENNEDY. There will be no votes on the Eisenhower dollar matter this evening.

Mr. DOMINICK. There will be a vote tomorrow.

Mr. SYMINGTON. Will there be a vote on the amendment that the distinguished Senator from New York mentioned?

Mr. JAVITS. We really do not know. We hope not, but we do not know.

Mr. KENNEDY. So there definitely will be a rollcall vote on final passage of the pending bill. There is the possibility of a vote before, and then we will lay before the Senate the Eisenhower dollar matter.

NATIONAL SCIENCE FOUNDATION APPROPRIATIONS AUTHORIZATION

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1857.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended, which were to strike out all after the enacting clause, and insert:

That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $474,305,000.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pusuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

SEC. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

SEC. 7. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

(b) that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

SEC. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

And amend the title so as to read: "An Act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1857 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. EAGLETON, Mr. NELSON, Mr. PROUTY, Mr. DOMINICK, and Mr. SCHWEIKER conferees on the part of the Senate.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PROUTY. Mr. President, I send an

amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, strike out line 25, and insert in lieu thereof the following: "15 per centum for the fiscal year ending June 30, 1970 and 20 per centum thereof"; and.

Mr. PROUTY. Mr. President, section 616 of the Economic Opportunity Act of 1964, as amended, provides that up to 10 percent of the funds earmarked for one program may be transferred to another program. It also specifies that no program may be increased by a transfer of funds of more than 10 percent.

Realizing the restrictiveness of these original provisions, the committee made some very significant changes by allowing for a 15-percent transferability rate and by removing the limitation on funds that can be added to any particular program.

However, I do feel that the revision of section 616 now in the committee bill does not go far enough, especially in relation to the second year. This is so because it does not give the Director any additional flexibility in the second year to continue a shift in focus already started through a transfer in funding from one program to another.

As the committee bill is now written, the same level of funds is earmarked for the first and second year. Section 616 as revised would allow up to 15 percent of any program's funds to be transferred to another program. This would be done at the discretion of the Director to indicate a desire to strengthen certain programs that have proved successful or that are in need of reinforcement. However, once the Director had made such a decision, the revised version of section 616 would not allow him to carry through this change in emphasis during the second year. The Director would be forced to look at the level of funds earmarked which are the same as the first year and would again only be allowed to transfer up to 15 percent. This would mean that virtually the same level of funding would be locked in even if the Director wished to shift the focus more during the second year than the first. If we are to make OEO truly an innovative agency capable of meeting the needs of the poor, I think we must give the Director our full support by allowing him additional flexibility.

Mr. President, this amendment simply provides for a 15-percent transferability for the current fiscal year and 20 percent thereafter. I, therefore, propose that we change to 20 percent the rate by which the Director could transfer funds during the second year.

Mr. NELSON. Mr. President, we debated this issue in the committee at some length. The Senator took the same position in the committee. We insisted on 15 percent the first year and 20 percent the second year. There is some rationale in support of the Senator's position I am prepared to accept the amendment.

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

Mr. PROUTY. I yield.

Mr. JAVITS. Mr. President, I think this is a most constructive amendment. Now that we see the shape of the bill, including the retention of the earmarking and the disposition we just made of the amendment on the add-ons, the Prouty amendment really becomes essential to intelligent administration. I believe that the manager of the bill has come to the right conclusion, and I join him in it. We will do our best to retain it in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of section 242 of the Act add the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

Mr. NELSON. Mr. President, let me make a brief explanation.

When the amendment offered by the Senator from California (Mr. MURPHY) was adopted, it provided for veto power by the Governor over any item in the legal services program, with no appeal from that whatever. This amendment simply proposes that the President of the United States shall have the authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and further purposes of this title.

It seems to me that there ought to be some escape valve; and if that authority is given to the President, rather than to the Director of the Office of Economic Opportunity, we are sure that it will only be exercised in cases of compelling necessity.

Mr. JAVITS. Mr. President, will the Senator yield

Mr. NELSON. I yield.

Mr. JAVITS. Mr. President, the Senator from Wisconsin has explained the essence of the amendment. The real impact of the amendment is this: If we did nothing before the bill leaves here, this would be the only OEO program which is subject to absolute veto by the Governor. When it was proposed to me that this just ought to be revised—the suggestion was made that the Director again be given this authority. I vetoed that. I do not think that would be fair to the Senator from California (Mr. MURPHY), and I am a little embarrassed that he is not here. But we are about to lock up the bill, and nothing can be done about it.

So I felt that by making it the President, especially this President, every Member would feel some assurance that this is not going to be handled lightly. But I do feel that there is force to the argument that inasmuch as this is the only program in the OEO that a Governor can absolutely veto, at least somewhere there ought to be a way of avoiding a really unjust solution. Obviously, there is no higher authority in our land. Considering the attitude of President Nixon with respect to this program—it is a 2-year program, so that it expires within his term—it seems to me that should make Members feel a sense of assurance with respect to the effort of dealing with a manifest injustice.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. Has the Senator from California (Mr. MURPHY) been advised that this emasculating amendment is being offered?

Mr. JAVITS. I have no way to advise him. I think he is on a plane. I am embarrassed about it. The bill is about to be locked up. I have done the best thing I can think of and that is to put the authority in the President. There is no higher authority. It inspires confidence. I have explained the situation.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on agreeing to the amendment.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President I wish to ask the Senator from New York a question. This amendment giving the power to the President to override the decision of a Governor would that not be a delegable authority? Could he not then delegate that authority to the head of the department and we would then be back where we started?

Mr. JAVITS. I do not think that he could escape the responsibility in that way. He could call up the Director and say "should I override the Governor."

Mr. ALLEN. Would it not be possible, as soon as this measure is enacted and becomes law, for him to issue an Executive order placing the authority back in the hands of the Director?

Mr. JAVITS. I will be a conferee on the bill and if this amendment is agreed to and there is any legal question about that, I will do my utmost to lock it in. I could not see any President delegating to any other official the authority to override a Governor. Therefore, I can assure the Senator the intent is clear. It must be a decision made by and signed by the President.

Mr. ALLEN. Would the Senator object to adding the words "the nondelegable authority"?

Mr. JAVITS. I would not object. I am very embarrassed. If the Senator from Alabama and the Senator from Florida feel that is a fair disposition and we would not have a rollcall vote on it, I would accept it.

Mr. ALLEN. I think that is prudent. I feel the Senator from California (Mr. MURPHY) felt so strongly about this matter. I heard him on the floor of the Senate speak with considerable emotion when he discussed the fact that he had asked for a postponement of the bill for 1 week and he did not get that postponement. He felt very strongly about the amendment, and I would hate to see the Senate emasculate the amendment that the Senate adopted by a rollcall vote.

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

Mr. JAVITS. I yield.

Mr. MONDALE. Mr. President, I have a copy of the transcript. I cannot speak for the Senator from California. I am sure he would be the first person to agree with that. Earlier in today's debate, the manager of the bill asked the Senator from California how his amendment related to the Director's ability to override a Governor's veto and the Senator from California said, "I am unclear on that." The key point is that the Murphy proposal as presented earlier dealt with the line item veto legal service proposals.

Mr. HOLLAND. Mr. President, not only do I feel that the Senate should not act to emasculate the amendment of the Senator from California in his absence and without his knowledge, which we just voted on a little while ago before he left, but it seems to me that those of us who voted for it are left in a completely difficult situation by the offering of this amendment.

I discussed this matter with the Senator from Wisconsin at noon. The one feature of the OEO which has been most aggravating to the people of our State has been this legal setup. The Senator spoke of the fact that our bar association is very strongly against it. They are against it after they have seen it work. I see my colleague in the Chamber and I am sure he will recall that has been the case.

I do not think we should emasculate the Murphy amendment when he is not here. I do not think it is fair and we should not do it.

Mr. NELSON. Mr. President, I wish to say as to that that the Senator from California (Mr. MURPHY) is a very distinguished and helpful member of the committee that drafted the bill and conducted the hearings. This bill has been pending before the committee since April 15 of this year. He is on the committee. We had extensive hearings and markup sessions. Ten days ago we voted to report the bill to the Senate. It is not as though it was a Senator who is not a member of the committee.

Mr. HOLLAND. Will he be on the conference?

Mr. NELSON. He will be on the conference.

Mr. HOLLAND. Will the Senator agree with me that if he does not agree to that in conference this will come off the bill?

Mr. NELSON. I, speaking for myself, do not think I could. I do not know if anyone else would do that. I did not agree with him in the first place.

We discussed and debated legal services in the committee. I never saw the amendment until the moment it was brought to the floor of the Senate, so it was brought to my attention at the last moment.

I regret the Senator had commitments in California during the business week. He had them and he kept them.

I do not think it is unfair to the Senator any more than it was to me when I saw the amendment for the first time today. It is just one of those things that happen. We debated this in committee; that is, the Legal Services aspect.

I think it is really pretty strong language when it is said that only the President could override a Governor. He would never do that for trivial reasons. This is the only program within the entire OEO bill in which he could override the Governor's veto. So the amendment which makes it nondelegable only allows the President to act in a very important case in which the President thought that he was prepared to override the veto of the Governor of a State. That is pretty strong action, but it is a safety valve for some circumstances that might arise.

Mr. GURNEY. Mr. President, I came in at the end of the colloquy, but I heard my senior colleague from Florida mention something about some experiences we had in the State of Florida with Legal Services. I support him in what he said. It was an unholy mess all the way through. It satisfied no one except the legal staff of the OEO. Both Republicans and Democrats opposed it and finally we had to get the bar association to bail it out. It was more in the way of agitation and stirring up trouble than lending legal services to others. I strongly support the statement of my colleague. It was a complete disaster.

Mr. HOLLAND. If the Senator will yield to me, I thank my distinguished colleague for his statement. I was sure he would recall the experience because the matter became quite notorious in Florida.

This bill was reported during the adjournment of the Senate on Friday afternoon. Yesterday was the first day it could have been brought up. It seems to me that when the Senator from California stayed here, offered his amendment, it was debated and then voted upon in a rollcall vote on the floor of the Senate and then adopted and he left, and while he is still in the air, for Senators to offer an amendment which, in effect, can emasculate what the Senate has already done is not fairplay and not the way the Senate would want to work. So far as I am concerned, I cannot support the amendment. I hope it will be withdrawn. I would support it on only one assurance, that the conferees were to assure the Senate, in the event the Senator from California would not agree to this, or some rewriting of it in conference, where he will be a conferee, that they, too, will take that position. It seems to me, under the circumstances, that is the only way we would be justified in reversing what we have done already.

Mr. NELSON. I would not want to be in the position of suggesting that I was being unfair to the Senator. Everyone has a right, when we are in business in this Chamber, to be here and participate in the business pending before the Senate, and if he has a commitment elsewhere in his State, and he goes out to it, he cannot complain because another Senator thinks we are being unfair to him because he presented something to the Senate for action, which was a complete surprise to me, and then after action is taken, he leaves town. I do not believe that to be unfair at all.

I respect the inclination of the Senator from Florida to protect the interest of the Senator from California. I would be pleased to have him on my side under a similar circumstance. I am prepared to change what I said to him. I will, if the Senator will not agree to any modification in conference, support his position on it.

Mr. HOLLAND. With that assurance, I will withdraw my objection. I hope the request for a rollcall vote will be rescinded, and I ask unanimous consent that that may be done.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Is there objection?

Mr. JAVITS. Mr. President, let me say that I am the ranking member and——

Mr. ALLOTT. Mr. President, I want to reserve the right to object, when the Senator from New York has finished.

Mr. JAVITS. I will be happy to yield now. I appreciate what the Senator from Wisconsin (Mr. NELSON) has said. I will sustain that position. I am very much embarrassed by the situation. We do face a situation and not a theory. Unless there is something in the bill on which the conferees can act, even if the Senator from California (Mr. MURPHY) would agree, the situation would help none of us because it is hardly likely that a matter like this would be handled specially. Therefore, I think that the Senator from Wisconsin (Mr. NELSON) has shown a spirit of splendid comity in taking the position he has and I join him and believe that in that way, the rights and sensibilities of the Senator from California will be fully protected.

Mr. HOLLAND. I want to thank the Senator from Wisconsin and the Senator from New York.

Mr. President, I again renew my unanimous-consent request that the rollcall vote decision of the Senate of a few minutes ago be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object—and I do not know whether I shall or not—first let me say that since the Senator in charge of the bill was facing in the other direction, we could not hear him.

As I understand the situation, the Murphy amendment was agreed to by a rollcall vote and we are now confronted with an amendment which, in effect, would emasculate it.

Now I should like to ask the Senator in charge of the bill whether he would state clearly what the understanding is. As I understand it, number one, the Senator from California (Mr. MURPHY) will be one of the conferees and, second, that if——

Mr. JAVITS. He is already one, as chairman of the subcommittee.

Mr. ALLOTT. If the Senator from California does not agree with the present form of the amendment upon which it is now desired to recall the yeas and nays, the Senator in charge of the bill and the conferees—that being the Senate's position—will revert to the Murphy amendment and that will be the position of the Senate in the conference. Is that correct?

Mr. NELSON. That will be my position. I do not know whether all the conferees are here now, but if the Sen-

ator from California (Mr. MURPHY) does not want any modification and wants to stick with his amendment as is, I shall support him in conference.

Mr. JAVITS. Mr. President, I shall do the same. The Senator from California will be a conferee because he is the ranking minority member of the subcommittee. And the Senator from Vermont (Mr. PROUTY) feels the same way, I know.

Mr. ALLOTT. Mr. President, I know that I cannot yield to the Senator from West Virginia (Mr. RANDOLPH), but I can yield the floor and then I may object, but first I wish to find out what the Senator from West Virginia has to say.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. JAVITS. Let us withdraw the request.

The PRESIDING OFFICER. The Senator from Florida has the floor. Is there objection to the request of the Senator from Florida?

Mr. PASTORE. Reserve the right to object and then talk.

Mr. RANDOLPH. Mr. President, reserving the right to object, and I reserve the right to object, I will be a member of the conference. Senators joined with the House in consideration of the two measures that will be before us.

I have heard that the distinguished Senator from Wisconsin has said, that he binds himself but does not bind other Senators who will be conferees.

I want to assure Members of the Senate that I would also wish to bind myself in the agreement that has been made here this afternoon.

Mr. HOLLAND. Mr. President, I thank the Senator from West Virginia. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

The Chair hears none, and it is so ordered.

Mr. NELSON. Mr. President, I do not know whether the distinguished Senator from Alabama (Mr. ALLEN) offered an amendment.

Mr. ALLEN. Mr. President, I understood that the Senator from Wisconsin accepted the position, making the amendment read, nondelegable.

The PRESIDING OFFICER. Does the Senator request that his amendment be so modified?

Mr. NELSON. I request that it be modified, yes.

The PRESIDING OFFICER. The amendment will be so modified.

The question is on agreeing to the amendment, as modified, of the Senator from Wisconsin.

The amendment, as modified, was agreed to, as follows:

At the end of section 242 of the Act, add the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

Mr. KENNEDY. Mr. President, in total wealth and in individual opportunity, no nation in the world's history can match the United States. In 1968, our gross national product was $861 billion. Median family income has reached $8,000 a year—almost $2,000 higher than in the country with the next highest standard of living. We are surrounded by the trappings of material wealth—60 million automobiles, 70 million television sets, homes owned by two-thirds of our families.

Despite our aggregate prosperity and national wealth, however, an estimated 25 million Americans still live in serious poverty—without necessities such as food, clothing, shelter, and medical attention which the fortunate of us take for granted; and without the opportunities for education and employment required to enjoy a satisfactory standard of living.

For the last 4 years, the Office of Economic Opportunity has been the focal point for a concentrated Federal effort to combat poverty in America. The problems it has faced have been great. The results it has achieved have been encouraging.

From 1965—when the OEO program began—through 1967, 7 million Americans escaped from poverty status. In 1968 approximately 4 million more Americans rose above the poverty line for that 1 year alone. OEO programs have been an important influence in achieving these results.

In my own State of Massachusetts, OEO programs have meant opportunity and advancement for hundreds of thousands of citizens. As of December 31, 1968, a total of $121 million in OEO funds have been granted to the State.

Massachusetts has 25 community action agencies—organizations formed by local people to help solve problems they have defined for themselves. In Boston, Action for Boston Community Development—ABCD—has developed several area plans and action councils to carry out OEO programs and sponsor economic development. Half of those who govern the CAP agency in Boston are poor, although the national requirement for such participation is only one-third.

In Berkshire County, the community action agency convinced the public schools to hire nonprofessional teacher aides. In Brockton, the CAP increased employment possibilities by getting a revision of civil service regulations so as to allow people lacking high school diplomas to get Government jobs.

Approximately 30,000 preschool children from disadvantaged backgrounds have been enrolled in Headstart since 1966. Five thousand and forty-six children participated in summer Headstart programs this year.

In Boston's Columbia Point housing project, 6,000 poor persons receive comprehensive medical service from three family health care teams at a neighborhood health center. The project is operated by the department of preventive medicine of Tufts University School of Medicine. Columbia Point's poor residents are being trained at the center and employed as medical assistants and family health care workers. Using the expertise developed at Columbia Point, Tufts is also operating a similar project in Bolivar County, Miss. In the Roxbury district of Boston, another neighborhood health center is operated by Boston University's School of Medicine.

Fourteen legal services programs in Massachusetts have received OEO funds. They include 11 community legal services projects—in Boston, Brockton, Cambridge, Chelsea, Fitchburg, Hyannis, Lowell, Lynn, New Bedford, Springfield, and Worcester. They also include a statewide experimental defender program in criminal law, and research and demonstration projects on poverty law conducted by Harvard and Boston Universities. Close to 300,000 low-income citizens have received legal assistance.

Over 1,900 young men and women—persons who were once hard-core social dropouts with no productive future—were trained by the Job Corps.

About 60 VISTA volunteers are now working in Massachusetts—helping Spanish-speaking school parents to organize in Boston's South End, organizing consumer cooperatives and credit unions, helping the handicapped in Fall River, working with delinquents in Worcester, and so forth. Close to 200 Massachusetts residents presently are working as VISTA volunteers throughout the Nation.

These and many other successful projects, in Massachusetts and across the Nation, have shown the potential and the effect of OEO. Much has been accomplished by Federal antipoverty programs. But more, much more, remains to be done.

In the United States today, 5.1 million Americans live in families whose yearly household income is less than the equivalent of $1,200 for a family of four. According to OEO, 1.3 million of these very poor have no cash income at all.

Another 9.3 million Americans live in families whose incomes are less than the equivalent of $2,400 per year for a family of four.

An additional 10.6 million have incomes between $2,400 and $3,600.

Even in Massachusetts, which has one of the highest per capita incomes among the States, one person in 10 lives in poverty. In 1965, Massachusetts had a per capita income of $3,050, and ranked ninth among the 50 States. The number of poor was estimated at 539,000, of the State's population at that time of 5,361,000. Two years ago Lowell, Fall River, and New Bedford were classified as areas of persistent unemployment—with an average of 6.2 percent compared to the national average of 3.8 percent. Massachusetts ranks 26th in the Nation in the number of persons below the poverty line.

For the Nation as a whole, the latest estimate of the Census Bureau is that 25,400,000 Americans—13 percent of the population—are living in poverty. Forty-two percent are children under 18. Eighteen percent are senior citizens over 65. The estimate is based on a newly established poverty line of $3,553 per year as the minimum income needed by a non-

farm family of four to live above the poverty level.

If anything, the line seems low. For the above figure of $3,553 works out to be only $2.42 a day per person for all of his personal needs—food, clothing, housing, medical care, and all other expenses. More realistically, perhaps 40 million Americans are poor or near poor.

Once caught in the poverty cycle, it is difficult to escape. As psychologist Ira Goldenberg has said:

> Poverty is a psychological process which destroys the young before they can live and the aged before they can die. It is a pattern of hopelessness and helplessness, a view of the world and oneself as static, limited and irredeemably expendable. Poverty, in short, is a condition of being in which one's past and future meet in the present—and go no further.

It is a paradox of our times that the richest nation the world has ever known has so many of its people living in serious poverty. It is also an outrage. It is a situation which we must continue to give our highest priority.

I am sure that all of us in this Chamber agree on the need for strong and effective Federal antipoverty programs. I am sure that most of us agree on the need for extension of the Economic Opportunity Act. If there is disagreement, it is not on whether to have the bill, but rather on what the bill should contain.

I support S. 3016 as it has been reported from the Committee on Labor and Public Welfare. As a member of that committee, and of the Subcommittee on Employment, Manpower, and Poverty, I have followed the bill closely. I think that it is a good bill. I would like to comment briefly on several aspects.

First, I support the funding level of $2.34 billion for fiscal year 1970 and $2.732 billion for fiscal year 1971. When we consider the extent of poverty, this is a modest sum indeed. It works out to be approximately $100 per year for each of our Nation's 25 million poor.

Just a few weeks ago, the Senate passed a military procurement authorization of $21 billion to protect our people from military aggression. The Senate authorized going ahead with an antiballistic-missile system which eventually will cost a minimum of $15–$20 billion and probably much more.

Authorizations of $2.3 billion and $2.7 billion are equally justified to protect our people from poverty. Antipoverty programs deserve as high a priority as the military programs recently acted on by the Senate. If we cannot solve our problems at home; if we cannot give every American the opportunity for a fair, decent living; if we cannot meet the challenge of poverty in our cities and our rural areas—if we fail in these endeavors, we will have failed as a nation.

Second, I support the approach of earmarking specific funds for specific programs. We in Congress have had an opportuntiy to follow OEO, and to assess the success or failure of particular programs and approaches. It is appropriate that we give the Director of OEO guidance as to how Congress thinks the money can best be spent. By the time this bill passes both Houses of Congress and is signed by the President, there will be perhaps 1½ years left to run on the Economic Opportunity Act. The earmarkings will guide the Director for that period of time.

The bill also gives the Director flexibility. Several hundreds of millions of dollars are unearmarked at all, and the Director has discretion to transfer up to 15 percent of the funds earmarked for any program to any other program or activities.

Third, I favor increasing the authorization for comprehensive health services to $120 million for fiscal 1970 and $160 million for fiscal 1971. I offered the amendment in committee to raise these authorizations. Much higher levels can be justified, but I think that these compromise levels are a good first step in strengthening one of the most effective OEO contributions.

At present, there are 49 neighborhood health centers serving 1 million persons. 350,000 persons have actually received benefits.

But it is estimated that over 15 million persons could be served by the traditional neighborhood health center facility. Millions of others could be served by innovations and variations on that basic approach.

OEO has received applications from over 200 communities for traditional neighborhood health centers. To be fully operational, each center would require a Federal outlay of $2 million a year.

In addition, OEO could use an additional $100 million not for traditional centers but for innovation and experimentation in expanding the neighborhood health center concept. Work is necessary to adapt the approach to rural areas, to encourage medical schools to provide neighborhood health services, and to bring the approach into hospital inpatient and outpatient programs.

S. 3016 will permit modest expansion of the comprehensive health services.

Fourth, I favor expansion of the special impact program of title I D of the Economic Opportunity Act. I offered an amendment which was accepted in committee and is contained in the present bill to authorize funding levels of $54 million for fiscal 1970 and $60 million for fiscal 1971.

The special impact program has been immensely successful in mobilizing community resources and promoting community development. One of the most constructive features has been attracting outside business to locate in poverty areas and supply jobs and training for residents of those areas. The successes of the Bedford-Stuyvesant project in Brooklyn and the Hough project in Cleveland have set an example which has been duplicated in several cities and rural areas and can be applied much more broadly.

At present, OEO has applications for $93 million for 81 communities. One-hundred and seventy other community groups intend to submit proposals. Increased authorizations will allow a few of these requests to be funded.

Fifth, I support the specific authorization of $10.4 million in fiscal 1970 and $12 million in fiscal 1971 for the senior opportunities and services program. Again, I offered in committee the amendment which set these authorization levels.

In the United States today 20 million Americans are 65 or over. Forty percent of them are poor or near poor. Five million fall below the poverty line.

Two hundred and seventeen programs are funded at the present time. However, OEO has received over 300 new proposals, totaling in excess of $12 million. The new authorizations would allow a few of these additional requests to be funded.

Sixth, I think that the funding levels of $100 million for fiscal 1970 and $175 million for fiscal 1971 for emergency food and medical services is extremely important.

As a member of the Select Committee on Nutrition and Human Needs, I have seen and heard extensive testimony on the seriousness of the hunger and malnutrition problem. It is clear that Federal efforts to date have been insufficient. The food stamp and commodity distribution programs each serve only 3.2 million poor persons, for a total of 6.4 million of the currently estimated 25 million poor and 13 million near poor. Thus these programs reach only 26 percent of the 25 million below the poverty line—whose incomes place them in substantial danger of being malnourished. The select committee has estimated the "food income gap" to be $5.2 billion.

The initial Senate bill to extend the Economic Opportunity Act called for an expenditure of $1 billion for emergency food and medical services. This was later reduced in committee to $300 million, and finally to these authorization figures. There is evidence that OEO could use far greater sums. I hope that the Senate will at least approve the more modest figures in S. 3016.

Seventh, I support expansion of the legal services program. These projects have been extremely helpful in bringing free legal counsel to poor and minority groups—persons who, without such assistance, would be precluded from exercising their legal rights. But at the present time, still only 15 percent of the poor have access to legal service or VISTA lawyers. Last year over 100 communities had applications turned down for lack of funds. The authorizations in the present bill would enable the program to reach a size which was called by the American Bar Association to be "absolutely the minimum acceptable."

Eighth, I support expansion of the Headstart program. At present, Headstart serves only 10 percent of the disadvantaged children under six who should be offered child development opportunities. We have received increasing evidence that the first few years of life are critical if a child is to reach his full potential later on. The program has been a success. It should be continued and expanded.

Ninth, I am disturbed that the day care program under title V B of the Economic Opportunity Act has never been funded. If we are going to encourage mothers to work, we should offer satisfactory child care arrangements while they are on the job. That is why Congress passed title V B in the first place. And that is why I support funding of the program which we passed 2 years ago.

Finally, Mr. President, I would like to stress my own very great interest in evaluation of Federal antipoverty efforts. I am pleased that Mr. Rumsfeld, the current Director of OEO, feels that "the evaluation of programs must be one of the most important activities of the Office of Economic Opportunity." Mr. Rumsfeld has indicated that he feels evaluation has been one of the most neglected aspects of OEO, and that broad evaluation of all Federal antipoverty efforts is important. President Nixon indicated that he shares this concern in a recent letter to the chairman and ranking minority member of the Labor and Public Welfare Committee in which he says:

The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation.

The committee report on S. 3016 discusses the importance of evaluation, the need for overall planning, the need for cross-agency evaluation and coordination, the concern of Congress that we be informed about the 5-year national poverty plan, and the importance of strengthening the National Advisory Council on Economic Opportunity. I strongly endorse the committee views on these points, and hope that the administration will be responsive.

Mr. President, the other sections of S. 3016 which I have not elaborated on are also important. Children who are not from low-income families would be able to participate in Headstart projects, if adequate private payments were made. As a member of the Special Subcommittee on Alcoholism and Narcotics, I also endorse the two new special emphasis programs—"Alcoholic Counseling and Recovery" and "Drug Rehabilitation." I agree that the legal services program should be protected from delegation to any other existing Federal agency. I support the other provisions in the bill.

Mr. President, poverty can be eliminated or very subtantially reduced. We have seen impressive gains to date. We must continue to move ahead to insure equal opportunity and hope and a chance for a better living for all Americans. With this spirit and with this commitment, I support S. 3016 and hope that it will be passed by the Senate.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that a letter from the Resident Commissioner of Puerto Rico be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 13, 1969.

DEAR SENATOR: During floor debate early this week the Senate will consider the Economic Opportunity Amendments of 1969.

As Resident Commissioner, I represent nearly 2.7 million U.S. citizens living in Puerto Rico, and I want to express my support and endorsement of the concepts contained in the legislation reported by the Senate Labor and Public Welfare Committee.

Two features of the legislation, in particular, provide authority which, if enacted, would be of significant benefit to government personnel in Puerto Rico working on human resources problems.

The first of these is Project Head Start which already provides needed educational, nutritional and health services for our preschool children.

When this is combined with Follow Through, authorized by Title II of the legislation, Puerto Rico has the available means to bolster services at the pre-school and early childhood educational levels.

The second is the reservation of funds under Title II of the legislation to provide $5 million for drug rehabilitation programs. These reserved funds, if added to existing and proposed authorizations, would give authorities in Puerto Rico additional and effective means in our continuing effort to control illicit drug traffic.

I am grateful for your interest in your fellow-citizens in Puerto Rico.

Sincerely,

JORGE L. CÓRDOVA.

Mr. McGOVERN. Mr. President, I rise in support of S. 3016, the economic opportunity amendments of 1969. S. 3016 is a bill which will continue and expand the war on poverty for the next 2 years. It will expand those programs administered by the Office of Economic Opportunity which have been the most successful and the most needed by the poor—Headstart, legal services, neighborhood health services, opportunities and services for senior citizens, day care projects, programs for migrants and seasonal workers, and the emergency food and medical services program.

It is this latter program which has received the greatest expansion in funding under this year's poverty bill.

The emphasis which has been placed upon this program in the bill before us is both well deserved and necessary, for the EFMS Program has helped provide hungry families in hundreds of counties with thes assistance they need to buy food stamps and secure commodities.

In 1964 we declared, in the words of President Johnson, "unconditional war on poverty in America." We launched a campaign to educate, train, employ, house, clothe, provide legal services, a Headstart, health care and family planning for nearly 40 million poor Americans. But what we failed to do in 1964 was to declare war on what is now recognized as the most fundamental aspect of poverty: hunger and malnutrition. We left out of the battle plan for the war on poverty its most important single campaign—the elimination of hunger and malnutrition which afflicts between 10 and 15 million of our 25 million poor.

We passed the Food Stamp Act the same year we passed the Economic Opportunity Act, but we did not think of the food stamp program as part of the war on poverty. We thought of it as a way to help supplement but not meet the food needs of a few poor people and as a way to help the food business. But we did not design it and it has never been administered to fill the food-income gap which is the primary reason for the existence of hunger.

We even defined poverty, in 1964, using the cost of food as the base. Then as now, we say that a family of four whose income is less than three times the amount of money they need for food is a poor family. But when we declared war on poverty we focused upon the two-thirds of that income not related to food.

The Poverty Subcommittee discovered our error in 1967, almost 3 years later. It discovered that no effort to eliminate poverty can ignore the fact that people without enough to eat cannot hold a job or be educated.

We also discovered, in 1967, that the food stamp and commodity programs together served less than 5 million out of 30 million poor. We found that none of those 5 million received an adequate diet and that millions of others could not afford to participate in the food stamp program because they could not afford the cost of stamps. We discovered that most of the poor did not even know about food stamps or commodities and that the administration of those programs was so encumbered by bureaucratic redtape that many who did know could not become certified to participate.

The EFMS program was passed in response to these findings.

As a result, millions of Americans have benefited because the OEO had a mandate to do what the Congress did not give the Department of Agriculture authority to do under its food programs. The emergency food program was designed as both a stop gap and an experiment. As the committee points out, it now operates more than 400 projects covering about 1,000 counties. It has provided food aid in the form of cash or vouchers to purchase food stamps to those who could not afford the food stamp program; it has assisted in the distribution of commodities in commodity counties; and it has provided food in counties without family food assistance programs. It has provided services such as outreach and transportation and done all these things for the poorest of the poor who are the hungriest and the most desperate in need of help.

Let us look at the record. In its studies and field trips this year, the Select Committee on Nutrition and Human Needs has repeatedly found that the number of poor families who are actually participating in our family food assistance programs is abysmally low. Incredibly, only one of every five poor famiiles that live in counties which have a food stamp program are benefited by that program.

The problem of nonparticipation, even when a program is theoretically available, is particularly acute among families who do not receive welfare. These families are often the poorest of the poor. They do not receive even a modest welfare check. Many of them have never heard of our food programs, and those who have, lack the cash or transportation to do anything about it.

It is a tremendous tribute to the EFMS program that in the counties where it operates, participation by these abjectly poor families is 200–300 percent higher than in non-EFMS counties. I ask unanimous consent that a short table showing that program is doing just that—helping the poorest and hungriest of our citizens, be inserted in the RECORD at this point.

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

PARTICIPATION BY POOR FAMILIES IN FAMILY FOOD PROGRAMS: EFMS COUNTIES VERSUS NON-EFMS COUNTIES [1]

	Food stamp program participation by—		Commodity program participation by—	
	All poor	Non-welfare poor	All poor	Non-welfare poor
Counties with EFMS program	33	30	47	40
No EFMS program—poor counties	15	10	32	24
Nonpoor counties	13	6	24	27

[1] Based on participation in median county in each category as of February 1969. Poor county means 1 of 1,000 poorest counties in United States.

Mr. McGOVERN. Mr. President, it will no doubt be contended that even though the EFMS program has successfully provided emergency assistance to those most in need there is no longer a need for this program since the Senate has already passed a food stamp reform bill.

But that bill has not been enacted into law, and even if it is, there will still be a need for the specific services and experimentation which are at the heart of the EFMS program.

As the committee report points out, the Senate passed food stamp bill provides no funds specifically for the outreach, counseling and instruction of either food stamp or commodity program recipients.

The committee report stated:

The Senate enacted Food Stamp Bill would by no means eliminate the need for OEO's emergency food program.

Success of the reformed food stamp program will depend largely upon the ability of Federal and local agencies to provide outreach—to seek out eligible families, inform them of the program and their right to participate, and see that they are given the opportunity to become certified.

The Senate Food Stamp Bill requires the Food Stamp Program be administered to insure that participants receive the necessary instruction and education so that they can spend their food stamps wisely. It also requires that it be administered to insure that all eligible families are informed of the program and assisted in becoming certified. This outreach and education effort would be conducted through existing Federal, State local and private agencies. The Senate Food Stamp Bill does not, however, provide funds for outreach and education services. Nor does it allocate funds authorized for the program for these purposes.

There is no better mechanism to provide outreach and education services than locally based community action agencies. These are the agencies best equipped to find the poor, inform them of the benefits of food programs, and see that those benefits are provided.

I shall not take further time to detail the other vital functions of the EFMS program. They are fully set forth in the committee report which describes in detail its research and development projects, seeking new ways to combat hunger and malnutrition. As the committee report states, EFMS is not merely a program designed to facilitate the use of other existing food assistance efforts, it is also a creative instrument finding new experimental approaches to feeding the poor and assuring their nutritional well being. This is a function which is performed by no other Federal agency including the Department of Agriculture. Even if there were no further need for emergency food assistance to fill the gap in our food stamp and commodity programs there is no doubt that the increased funds provided by S. 3016 for the EFMS program are needed for research and experimentation alone.

I commend the members of the Senate Labor Committee and particularly the chairman of the Poverty Subcommittee, for they have provided in this bill funds for a successful program which needs expansion and which as much as any other has helped eliminate hunger and malnutrition in this country.

SENATOR RANDOLPH ENDORSES S. 3016, THE OEO EXTENSION BILL, AS HELPFUL IN REDUCING POVERTY

Mr. RANDOLPH. Mr. President, a decade ago West Virginia was being characterized to the Nation as an abysmal pocket of poverty in an otherwise affluent America. Many of the descriptions presented a distorted picture, but it is also true that we were faced with a number of severe economic problems. People came to know how the transition of our principal industry, coal mining, to a highly automated procedure and the effects of a nationwide recession had caused unemployment, social dislocation and a lack of adequate public resources with which to attack these problems.

I am gratified to report that the situation of 10 years ago does not exist in West Virginia today. The unemployment rate has been substantially reduced, new and expanding industry has strengthened our economy, there has been widespread diversification to provide a more resilient base, and heavy public investment has aided in improving the quality of life. Our State still has problems, just as every other State does, but the West Virginia of 1969 is not the West Virginia of 1959. We are a better State.

Much of the progress we have achieved is due to the determination, resourcefulness and diligent work of the people of West Virginia. But they could not have achieved the very difficult turnaround and begun the strenuous uphill climb without the assistance afforded by a number of governmental programs. Such unique ventures as the Appalachian regional development program and the accelerated public works program have been of tremendous importance.

A leading role in ameliorating the problems of West Virginia has been performed by the Office of Economic Opportunity, through its war on poverty Creation of the Office of Economic Opportunity was a bold and venturesome step that generally has brought tangible dividends to the Nation and its people.

Thousands of West Virginia children have profited from the experiences of the Headstart program. Medical programs have helped improve the health of many. People have become involved in public decisions affecting them, and other aspects of the OEO's multifaceted attack on poverty and deprivation have made a direct impact in West Virginia and elsewhere.

There have, of course, been problems encountered in organizing and executing programs of the OEO. This is not unusual in any endeavor of such a magnitude and which approaches its task with the spirit of innovation that has characterized the OEO. The shakedown period is now completed, and the smoothing-out of administrative rough spots is reflected in the proposed legislation now before us. There are safeguards in effect and proposed that will preclude abuses of the humanitarian purposes of the effort to reduce poverty.

The proposed authorizations lean heavily toward provision for programs directly affecting people. Activities like Headstart, programs for migrant workers and elderly citizens and those providing medical services, food and legal services, all cope specifically with the needs of people.

Extension of the Office of Economic Opportunity as provided in S. 3016, a measure I helped to draft in the Labor and Public Welfare Committee, is essential if we as a people are to continue to be responsive to the needs of the less fortunate. I shall hope for the day when there is no need for the Office of Economic Opportunity, but until that time there must be an unstinting national effort to end the cycle of poverty by eliminating the root causes of economic hardship.

Mr. CRANSTON. Mr. President, I support S. 3016, a bill to provide for continuation of programs authorized under the Economic Opportunity Act of 1964.

There is overwhelming evidence that the extension and expansion of the Office of Economic Opportunity's programs is sorely needed. An August 1969, Census Bureau report showed 25,400,000 Americans living in poverty, redefined to mean less than $3,553 yearly income for a nonfarm family of four. OEO figures indicate that the present level represents a one-third reduction in poverty since OEO began its war in 1964. But statistics can be interpreted many ways and methods of measuring poverty have changed several times during that period.

Despite the significant achievements of OEO over the past 5 years, this staggering number of impoverished Americans, almost 13 percent of our population, makes manifest that our effort to eradicate the blight of poverty, especially among the 42 percent of the poor who are under 18, must continue and be vigorously pursued.

This is the crux of the recent dramatic report, "One Year Later," which stated:

The cycle of poverty in the slums and ghettos has been slowed by the counterforce of the whirring economy. Unemployment is down and income is up, even in the hardest-to-reach places and categories of people. But the cycle of dependence, measured by the number of welfare recipients, has accelerated more than the (Kerner) Commission anticipated. . . . Progress in dealing with the conditions of slum-ghetto life has been nowhere near in scale with the problems. Nor has the past year seen even a serious start toward the changes in national priorities, programs and institutions advocated by the Commission. The sense of urgency in the Commission report has not been reflected in the Nation's response. One Year Later, published by Urban America, Inc., and the Urban Coalition, March 1, 1969.

In short, we are still committing far too few of our resources. We are still doing much too little, much too late. This

lack of response to the inequities and inequalities deeply imbedded in our way of life is a substantial cause of much of the major unrest we have seen across the country—in our inner cities and on our campuses. The cost of doing the job well can be shown to be far less, in pure economic terms, than doing it badly or not doing it at all. And cost data is only part of the story. At least as vital is the cost in human misery, human values, and the human spirit. Although these are impossible to quantify, we should have little difficulty in recognizing the results of our failure to commit ourselves fully to the type of war on poverty first envisioned by President Johnson.

S. 3016 authorizes the appropriation of $2.34 billion for OEO programs during fiscal year 1970 and $2.732 billion for fiscal year 1971. This is, frankly, not enough to do the job well. But it continues and expands the efforts which have been helping to hold the line. And it does not seem to me that it is in any way excessive to call for an annual level of Federal expenditures to fight poverty at home roughly equal to what our Government spends in 5 weeks to fight a war in Southeast Asia.

More specifically, I wish to add my enthusiastic support to the proposed significant increase in authorization for the Headstart program. Last fiscal year $327 million was authorized for Headstart. The authorization levels in S. 3016 represent an increase of one-third above that level for fiscal year 1970 and two-thirds for fiscal year 1971. Even then, the number of Headstart children served will be only about 10 percent of the 6 million disadvantaged children under 6.

That is why I was a cosponsor of Senator MONDALE's excellent bill, S. 2060, the proposed Headstart Child Development Act of 1969, which would authorize a comprehensive approach to child development for disadvantaged infants and youngsters.

As the testimony on this bill so powerfully illustrated, Headstart, as presently constituted in the fourth and fifth year of a child's life, may more aptly be termed "catchup." And, as the Westinghouse Learning study indicates, it may well be too late at that point in life to make up the gap in a child's development—to overcome the debilitation and learning impairment which a disadvantaged environment may produce.

If "Headstart" or even a "fair start" is the goal, and I think it must be, the emphasis on prenatal care and the first several years of life which Senator MONDALE's bill makes is, I feel, urgently needed. Thus, S. 2060 would authorize approximately four times the amount of funds as were appropriated last fiscal year for Headstart.

What is really at stake as we consider the future direction of poverty programs is our national security; no less. Our survival as a great, democratic nation is, I believe, challenged at this point in time by our failure to establish the proper priorities to achieve security and opportunity for all our citizens.

No Federal investment promises more far-reaching and, hopefully, enduring effects than total commitment to a program at a level over 5 years sufficient to reach the full child population so badly in need of assistance, and to do so in the crucial earliest years. Thus, I hope that passage of the Headstart provisions of S. 3016 will not in any way preclude or postpone consideration of the type of comprehensive approach to child development as proposed in S. 2060.

I would like to focus specifically on one other poverty program—the legal services program—which I believe is absolutely vital to any meaningful effort to fight poverty, its causes, and manifestations. S. 3016 would authorize a two-thirds increase over the fiscal year 1969 level in appropriations for fiscal year 1970—to $74 million—and more than double the fiscal year 1969 level in fiscal year 1971—to $90 million.

The fiscal year 1971 authorization level, which the American Bar Association recommended in 1967, would permit hiring of 2,000 more attorneys and the opening of 200 new offices. Presently, there are at least 41 metropolitan areas—two of them in California, Glendale and Chico—with populations of over 75,000 persons without any organized legal aid services.

If the poor are to become meaningful participants in our society, they must have the same access to the courts and other tribunals as those able to hire attorneys to prosecute their claims and vindicate their rights through the judicial process. Providing for redress of grievances within legally constituted channels is the very stuff of which democracy is made. Gideon against Wainwright has settled once and for all that the right to counsel cannot be predicated upon a person's pocketbook. Certainly, life, liberty, and property are as involved in certain civil cases—such as those involving welfare payments, consumer fraud, pure food, housing conditions, air pollution—as they are in most criminal cases. Yet, on the civil side of our legal system, the poor are generally denied legal counsel as defendants and similarly have no one to prosecute their legitimate rights when an affirmative action is warranted.

Day after day all of us are becoming increasingly aware of a great need in this country to make our governmental and social institutions more responsive to the needs of the people. To a significant degree, all Americans—regardless of economic status or cultural background—feel a growing frustration in their attempts to cope with or affect the huge and impersonal institutions of our times. This lack of power or response creates an attitude of hopelessness which saps our strength and limits our horizons.

In no area of our society is this hopelessness so pervasive as with the poor. Frustrated by lack of job opportunities, degraded by racial discrimination, and often educationally deprived these persons are the least able to assert the rights and benefits accorded by our society.

Mr. Justice Douglas in a dissent to a dismissal of an appeal in Hackin against Arizona in 1967 stated:

> Rights protected by the first amendment include advocacy and a petition for redress of grievances . . . and the fourteenth amendment ensures equal justice for the poor in both criminal and civil cases . . .
>
> But to millions of Americans who are indigent and ignorant—and often members of minority groups—these rights are meaningless. They are helpless to assert their rights under the law without assistance. They suffer discrimination in housing and employment, are victimized by shady consumer sales practices, evicted from their homes at the whim of the landlord, denied welfare payments, and endure domestic strife without hope of the legal remedies of divorce, maintenance, or child custody decrees.

In recent years, legal services programs funded by OEO have had a significant impact, not only on the law, but on their clients and the surrounding community. For the first time, large numbers of poor persons have been able to redress grievances through the use of counsel. The courts and the law became friends and protectors rather than a system to be loathed or feared.

Some of the finest, brightest, young legal minds produced by our law schools are applying to legal services programs each year. Because of funding limitations many of these persons must be turned down. Attorneys who are accepted must battle unbelievable caseloads while attempting to unravel years of procedure, neglect, and discrimination in pursuing their clients' causes.

Despite these handicaps these lawyers and programs have won the hard earned respect of judges, private attorneys, and bar associations across the country. They have obtained significant victories for the poor in the areas of welfare, housing, and consumer abuses. In the process they have been able to prosecute these actions at a remarkably low cost per case.

In no State has the impact of legal services programs been more significant—or more successful—than my State of California. The California rural legal assistance program provides services for the rural poor and was the recipient of the first award made by the National Advisory Committee to OEO legal services as the most outstanding legal services program in the country. The impact of this program on its client population can be measured by the results of a recent survey which indicated that 64 percent of potential clients in three California counties were aware of the program. Only the name of the late President Kennedy drew a heavier recognition factor. Also, 57 percent of those surveyed—who had received CRLA Services—felt that the courts treated the poor fairly, whereas only 40 percent of those surveyed—who were not CRLA clients—had this same view.

I ask unanimous consent, Mr. President, that the following three reports detailing important work of legal services programs in California be printed in the RECORD in full at the conclusion of my remarks: An August 1, 1969, report of the Berkeley Neighborhood Legal Services; a report entitled "Rural California: Hope Amidst Poverty" by California Rural Legal Assistance; and on August 27, 1969, report prepared by the San Francisco Neighborhood Legal Assistance Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Finally, Mr. President, I wish to note that section 9 of S. 3016 contains an amendment I offered in the Poverty Subcommittee and which was unanimously adopted by the Labor and Public Welfare Committee. That amendment would extend to former VISTA volunteers the identical length-of-service credit now accorded former Peace Corps volunteers who later gain Federal employment. This provision is fully explained on pages 44 and 45 of the committee report. I am grateful that the amendment, which is noncontroversial in nature, received the support of my colleagues on the committee and I commend it to the Senate.

I think it worthy of note that this disparity of treatment between former VISTA and former Peace Corps volunteers was called to my attention by one of my younger constituents—a former VISTA volunteer—Linda A. DeCoss of Ed Cerrito, Calif. And I wish to add to the private commendation I have already extended to her this public recognition of her contribution.

Thus, Mr. President, I urge all Senators to vote for S. 3016, to place the Senate squarely behind continuing the tremendously important fight to assist 25.4 million Americans in breaking the bonds of poverty.

EXHIBIT 1

REPORT TO THE BOARD OF DIRECTORS OF BERKELEY NEIGHBORHOOD LEGAL SERVICES

BNLS LAW STUDENT PROGRAM EFFECTIVE IN INCREASING QUANTITY AND QUALITY OF SERVICE TO THE COMMUNITY

This summer Berkeley Neighborhood Legal Services has had on its staff part and full-time student volunteers, and also full-time students provided by the Law Students Civil Rights Research Counsel and the federal work-study program. The students are from Columbia University in New York City, Stanford University, Hastings College of Law, Boalt Hall (University of California at Berkeley), and the University of Chicago.

With this available manpower, BNLS has cleared up the backlog on its appointment list, has handled an average of 74 cases per week, and has given better and more service to more people in the community than has ever been possible before.

Under the program any client who calls or walks in is seen immediately by the student on duty that day (except divorce cases, which are still being handled on a special appointment-only list). The student takes sufficient information to determine whether the client is financially eligible. If the client appears financially eligible the student then takes in detail the information regarding the client's problem.

At 5:00 o'clock p.m., all of the students and all of the BNLS attorneys meet to discuss the problems that have come in that day. The student presents each client's legal problem in a short statement (written and oral) and the attorneys then engage, with the students, in a collective application of legal knowledge and analysis. If more investigation or further information is needed, the student is instructed to take care of it the following day and report back at the 5:00 o'clock p.m. conference. If the client's problem is determined to be non-legal, or to be a matter which should properly be referred to another attorney or to another agency, the student is instructed to make the referral by letter or by telephone.

If the legal problem is one which involves litigation or an extensive commitment of the resources of BNLS, the attorneys discuss the legal issues throughly to decide whether or not BNLS has resources available to take the case. They then determine which attorney shall handle it, and how it shall be handled.

This system has many advantages. Firstly, it permits law students to gain valuable experience and knowledge. Secondly, it saves the time of the attorneys and permits the handling of a much larger number of cases than has ever been possible before. Thirdly, the discussions among the attorneys permit the application of any given problem of maximum quantity of legal talent and experience for the sclution of every problem. Finally, it permits a quality control over the work of BNLS, in that any action or inaction by BNLS on the case of any individual must be agreed upon after full discussion.

BNLS WELFARE CASE DOCKETED IN SUPREME COURT OF THE UNITED STATES

On the 7th of July, 1969 Berkeley Neighborhood Legal Services docketed in the Supreme Court of the United States an appeal in the case of *Lewis v. Montgomery*, appeal No. 560 Misc., U.S. Sup. Ct. Berkeley Neighborhood Legal Services attorneys representing Mrs. Lewis are contending that a California statute is unconstitutional. Welfare and Institution Code Sec. 11351 permitted the Alameda County Welfare Department to deduct from the welfare budget of Mrs. Lewis and her needy children amounts which the welfare department claimed were "available" from the income of a male friend of Mrs. Lewis. The Welfare Department claimed that even if the amounts were not available, under the statute Mrs. Lewis's welfare grant could be reduced.

DIRECTOR OF BNLS SELECTED FOR LEGAL SERVICES COLLOQUIUM

The executive attorney of BNLS, Miss Carol Ruth Silver, has been chosen to attend a legal service colloquium at Vail, Colorado in August. As stated in the announcement of the award, the Colloquium will ". . . address the causes and possible remedies for certain of the fundamental institutional injustices victimizing poor communities throughout the nation. The colloquium has been undertaken as one response to both the complexity of those problems and the diverse competing demands ordinarily made upon the attention of legal service lawyers."

OEO GRANTS SUPPLEMENTAL FUNDS TO BNLS

BNLS has received a supplemental grant of $2,977 from the office of Economic Opportunity. This sum is granted out of an amount previously returned to OEO by BNLS for "B" year. It does not represent any increase in the size of the program, but permits BNLS to wipe out a deficit which has been carried along since the closing of the "B" year books.

FBI REQUEST AID OF BNLS IN FINDING PERSONS WILLING TO COMPLAIN ABOUT POLICE MISCONDUCT

The Justice Department and the FBI have requested the assistance of Berkeley Neighborhood Legal Services attorneys in finding persons who are interested in complaining about their treatment by peace officers during the recent disturbance in Berkeley. Any person wishing to make such a complaint is requested to speak with Mr. Koenig at the BNLS office.

STATISTICS ON CASELOADS FOR QUARTER ENDING JUNE 30, 1969

During the quarter ended the 30th of June, 1969 BNLS saw a total of 277 new cases, of which 251 were accepted. The breakdown of kinds of cases is as follows:

Cases accepted; quarter ending June 30, 1969:

Consumer and employment	32
Administrative (including welfare)	36
Housing	55
Family problems (including divorce)	58
Miscellaneous (including complaints against the police)	70
Total new cases accepted	251
Cases rejected	26
Total cases	277

During the same period 282 cases were closed, as follows:

Referred	27
Advice only	110
No litigation necessary	65
Litigated (include 64 domestic cases)	80
Total	282

RURAL CALIFORNIA: HOPE AMIDST POVERTY

(By Cruz Reynoso, Director, California Rural Legal Assistance)

Poverty is not just a lack of money or education;
it is racial discrimination,
it is cultural difference,
it is a state of mind.
Most of all, it is a position of non-participation,
the symptoms of which are apathy,
fear,
lack of organization and involvement,
divisiveness,
resentment.
It is self-denigration.
The poor see the law and lawyers as oppressors.
They come in contact with lawyers when they are being sued,
when they have been arrested,
or when their children are in trouble.
The poor see the law as benefitting those with money
and with power.
The poor have little faith that the agents of the law
—the judges, police, lawyers—
will protect them,
the poor.
The poor see laws meant for their benefit ignored and unenforced.
Most of us see a different world—
Lawyers are officers of the court;
the judges (who sit on courts) uphold the law.
The policemen enforce the law.
The law is meant to be a protector of the weak
and of the common good.
Society cannot exist without laws
and without the enforcers of these laws
including lawyers.

California Rural Legal Assistance. . . .

The poor whom we have represented
have seen that the law can be a friend;
that the law can be a vehicle for protecting the rights of the poor;
that the laws meant for the protection of the poor can be enforced;
that the powerful, too, can be accountable.

These insights can be the beginning of hope among the poor
that the law and lawyers
will serve man
irrespective of station or wealth.

A FEW OBSERVATIONS

Rosendo Montana, farm worker, McFarland: "Growers and contractors should be made to have sanitary facilities out in the field for the workers. If there is such a law that these facilities have to be provided, I can't understand what the hang-up is. If it's a law, it's a law. And it should be obeyed. CRLA should help here. Mostly the law is to protect the growers and the rich. Most of the time, when a farm worker is in contact with

the law it is because he is in trouble with the law, or the law is being used against him. And that isn't right."

California has one of the most extensive series of laws designed to protect the health and safety of farm workers in the nation. Government agencies charged with their enforcement have been derelict in their enforcement duties. CRLA has brought a number of suits, only some of which have been successful, seeking to compel the government to apply the standards set by the law to the rich as well as the poor.

Antonio Dorado, farm worker, Castroville: "I have worked for the same employer for more than a year. He grows artichokes, and I have no complaint with him. He is fair with me. Last year because of the rains I could not find work for about three months during the winter. This year when the rains come, I guess I won't be able to find work again. I don't like to have to get help from welfare. I want my self respect. I need unemployment insurance before the rains come so that I can have enough to give food and shelter to my eight children."

Every major occupational group but farm workers is covered by unemployment insurance. CRLA has a pending case seeking to provide this basic protection to every American farm worker.

Hector Reyes, community organizer, El Centro: "The government has a lot of programs, like the War on Poverty. I do believe that they are going wrong because they are trying to cure poverty without getting rid of the thing that causes povery. Can you see what I mean? Like you're trying to cure cancer with an aspirin. I think that one of the biggest problems is we got to take into consideration the people as a people, and we should try to teach the people their rights as a human being."

Most Federally-funded programs perpetuate dependence rather than encourage independence. Although most of CRLA's cases are service-oriented and designed solely to treat the symptoms of poverty, a number of its class action cases seek to deal with the causes of poverty. In addition, it has helped design various farm worker controlled corporations to produce housing and jobs.

CHARACTERISTIC PROBLEMS ENCOUNTERED BY CRLA

Rural poor need better educational opportunities

College for Farm Workers

In Gonzales, California, in a school district with a 50% student enrollment of Mexican descent, a young Mexican-American National Teacher Corps teacher was fired, and her husband's job as a school-home liaison representative eliminated, when she helped local high school students form a chapter of the Mexican-American Youth Association (MAYA). The primary function of MAYA was to encourage in Mexican-American students a pride in their cultural heritage, and to stimulate interest in further education among some who previously had accepted farm work as an end in itself. In part, the program attempted to awaken the students' interest in professional careers, such as medicine and law, and at least to encourage them to secure their high school diplomas. As a result of this dual emphasis, farm worker parents, who had always assumed that their children would be farm workers by the age of 17, began to encourage them to apply for college. A record number of Mexican-American students (35) thereafter applied under special minority-group programs at several local colleges. CRLA, after failing to convince the local school board to reinstate the fired teachers, was successful in securing a Federal Court order of temporary reinstatement.

(*Alavarez v. Force*, U.S. District Court for Northern California, No. 51089.) CRLA was joined in this suit by the Mexican-American Legal Defense and Education Fund.

Equal Education for Rural Poor

Although an equal education for all children is guaranteed by California's Constitution, local taxpayers are forced to absorb 70% of the costs of this state-guaranteed education without regard to their financial ability. Beverly Hills taxpayers, therefore, are able to provide their children with free musical instruments, intensive medical and psychiatric care, and remedial education, while rural taxpayers do not even have sufficient funds to secure an adequate number of teachers or to provide children with school transportation even when they reside three hours walking distance (10 miles) from the school. CRLA filed suit to alter this by requiring a more equitable rate of taxation and distribution of such sums throughout the state. However, as the result of a recent U.S. Supreme Court case, it dismissed its lawsuit without achieving the desired result. The Governor of California has recently proposed a plan whereby some of these tax inequities will be eliminated.

(*Silva v. Atascadero*, California Superior Court, San Francisco County, No. 595954.)

Majority Rule on School Facilities

California school children are denied adequate school facilities unless their parents can convince two-thirds of the voters in the school district to approve such facilities. As as result of this requirement, the will of the majority of voters favoring additional school facilities has been frustrated in 155 out of 218 instances in the last two years. In reliance on the Supreme Court's "one man, one vote" principle, CRLA has brought suit seeking to prevent a small minority from frustrating the education needs as determined by the majority.

(*Larez v. Shannon*, California Superior Court, Sutter County, No. 2657.)

Farmworker failure to participate in the community stems from a lack of stable, adequate employment.

Unemployment Insurance

Every major occupational group in the United States is covered by unemployment insurance benefits with the exception of one: farmworkers. A combination of Federal and State legislation precludes one of America's poorest and most seasonal occupational groups from these benefits. As a result of a CRLA lawsuit, a three-judge Federal Court is presently considering whether to declare that exclusion unconstitutional and order unemployment benefit coverage for farm workers. Should the Court so order, farm workers throughout the United States could receive approximately $250 million dollars per annum, and hundreds of thousands of them would be removed from dependence upon welfare assistance. Most important, job security would partially eliminate the need to be migratory, thereby keeping children in school throughout the year, and encouraging their parents to become involved in community affairs.

(*Romero v. Wirtz*, U.S. District Court for Northern California, No. 50213.)

Illegal Foreign Competition

Virtually every occupational group has restrictions, either by statute or professional code, on the number of persons who can practice their occupation. Farm workers are not only denied such benefits, but are faced with a continuous supply of cheap foreign labor competition. A number of CRLA lawsuits have sought to prevent illegal and unfair foreign competition without obstructing growers from securing an adequate supply of labor. Until CRLA brought a successful lawsuit on September 8, 1967, hundreds of thousands of foreign laborers (braceros) had been imported into California each year to compete with local farm workers. As a result, American citizens were forced upon welfare and deprived of work. Subsequent to CRLA's success in Federal Court, the U.S. Department of Labor on September 11, 1967, entered into a formal agreement with CRLA in which for the first time domestic farm workers were given a voice in determining future farm labor policies. Thus, in 1968 for the first time in 25 years, the U.S. Secretary of Labor announced that no foreign workers (braceros) would be imported into the United States. It is estimated that this decision provided $3 million dollars in additional income for local farm workers, a minimum of $1 million dollars in additional income to local merchants, and $750 thousand dollar savings to local welfare departments.

(*Alaniz v. Wirtz*, U.S. District Court for Northern California, No. 47807.)

Working Conditions

In 1965, California passed legislation which for the first time protected the farm worker's health and safety. Because of the inability of the appropriate government agencies to enforce the law, farm workers were compelled to go to court in a series of suits seeking what the law ordered: toilets, handwashing facilities, and drinking water for farm workers. As of the summer of 1969, neither the law of four years before, nor the conditions that the law sought to improve, had substantially changed.

(*Manriquez* v. *Mosesian*, California Superior Court, Kern County, No. 105175; *Garcia* v. *Kovaceirch*, California Superior Court, Kern County, No. 105072; *Perez* v. *Morales*, California Superior Court, Stanislaus County, No. 100602.)

Both local communities and the poor are often ignored by big government

Food and the Hungry

Congress has provided two Federal food programs to assist the poor; the Food Stamp and the (surplus) Commodity Distribution programs. As of December, 1968, 16 of California's 58 counties had refused to institute such programs. CRLA secured an injunction, before a three-judge Federal Court, to compel the U.S. Secretary of Agriculture to institute Federal food programs in each of these counties. On June 2, 1969, State Superintendent of Schools Max Rafferty joined CRLA in contending that the U.S. Secretary of Agriculture was discriminating against poor people and violating President Nixon's mandate that all hungry persons be afforded an opportunity for a minimal adequate diet. The State of California joined CRLA in this action primarily because the U.S. Secretary of Agriculture ignored the law and refused to comply with a binding Court Order to make food available for hungry persons in every California county. By the summer of 1969, California became the first large state in which every county was operating a Federal food program—CRLA, therefore, voluntarily dismissed its suit.

(*Hernandez* v. *Hardin*, U.S. District Court for Northern California, No. 50333.)

Federal Government Encourages Fathers Not To Work

Perhaps the most striking example of the Federal Government's failure to be responsive to the needs of the states, local communities, and the poor, is a CRLA case presently before a three-judge Federal Court seeking to abolish the "Don't Work" rule, a Federal welfare rule which discourages fathers from seeking employment and encourages them to desert their families. (Fathers can secure assistance for their children only if they refuse to work or desert their families.) U.S. Housing, Education and Welfare Secretary Robert H. Finch is at least equally concerned, and has submitted certain proposals to the President which could achieve legislatively the results CRLA seeks in its lawsuit.

(*Macias v. Finch*, U.S. District Court for Northern California, No. 50956.)

Divorce or Deprivation Welfare Rule

The Federal welfare structure encourages divorces, and frequently makes assistance for children dependent on the securing of a divorce without regard to the desires of the parents. Presently pending before a Federal three-judge Court is a CRLA action seeking to abolish this "Divorce or Deprivation" rule, which annually destroys thousands of California marriages and compels a similarly high number of persons to file fraudulant divorce proceedings. A preliminary order on behalf of the clients has been issued in this case.

(*Jenisch v. State of California*, U.S. District Court for Northern California, No. 48462.)

The "Divorce or Deprivation" case is presently before the three-judge Federal Court as a result of a prior CRLA case which was the first successful Legal Services case ever brought before the U.S. Supreme Court.

(*Damico v. State of California*, U.S. Supreme Court, No. 629 misc., Oct. term, 1967.)

The poor need to be able to speak for themselves, not to depend upon others to do so

The Right To Vote

Only one major group in America is denied the right to vote: the American of Mexican ancestry who is literate only in Spanish. As the result of special Congressional legislation, even illiterates are permitted to vote in certain states. In addition, Americans of Puerto Rican ancestry, despite being literate only in Spanish, are permitted to vote in most states. The irony and the irrationality of this is graphically illustrated in California. Despite the State's long and uniquely rich Spanish-Mexican heritage, and its 11% Spanish-surnamed population, Spanish literacy has not been sufficient as a basis for eligibility at the polls. The result of this inequitable exclusion has been an increasing loss of interest in community affairs by a group that helped write the California Constitution (in both Spanish and English) and which continued to be a real part of the California community until recent decades when the California Constitution was changed. CRLA presently has before the District Court of Appeals in California a case contending that it is unconstitutional to discriminate against persons who are literate in Spanish, especially since a large number of Spanish-language newspapers and radio stations serve these people. U.S. Attorney General John Mitchell recently suggested legislation (nation-wide abolition of literacy tests) that might achieve the same result.

(*Castro v. State of California*, California Court of Appeals, No. 33529.)

Water in the Desert

Imperial County lies at the southeast corner of California. It is part of the Colorado Desert, one of the most geologically arid regions in North America. The Imperial Irrigation District, through its control of waters from the Colorado River, has made this land into the fifth most productive agricultural county in the United States. On the other hand, it still has one of the highest percentages of poor anywhere in California. This paradox has occurred partially as a result of the Irrigation District charging abnormally low water rates to the grower and unusually high rates to the consumer. The Irrigation District has been successful in continuing this inequitable system solely because it has been unconstitutionally apportioned. The voters residing in districts serving growers have 5 times more voting power than their numbers would justify. As a result, CRLA, on behalf of Imperial County consumers, has brought suit to compel the Irrigation District to permit majority rule. The case was on appeal at the beginning of summer, 1969.

(*Girth v. Thompson*, California Superior Court, Imperial County, No. 40096.)

Right to Freedon of Association

Federal law guarantees to every major occupational group except farm workers the right to join a labor union. California is one of the few states that does protect farm workers. It prohibits employers from firing any worker, including a farm worker, merely for exercising his freedom of association by joining a labor union. Some growers have recently commenced to negotiate with such farm worker unions. On the other hand, at least a few growers have not only refused to negotiate with farm worker unions, but have proceeded to summarily fire workers who have exercised their legislatively-protected right to join a labor union. In one case, 9 skilled farm workers were fired when their employer discovered that they had joined the United Farm Workers Organizing Committee, AFL–CIO. CRLA filed a lawsuit on their behalf, and within four months the men were rehired and a full settlement was reached. As part of the settlement the farm workers were guaranteed a minimum annual salary of $4,500, protected from future firing by an arbitration clause, and their rights to join a labor union were fully recognized.

(*Wetherton v. Martin Produce*, California Superior Court, Monterey County, No. 63696.)

Farmworkers Need To Have a Share in the Free Enterprise System

The problems confronting farm workers and the rural poor cannot be resolved by litigation alone. The vast housing shortage in California is one graphic illustration of the limitations of lawsuits which, at best, can only serve to redistribute qualitatively and quantitatively inadequate housing. Another example is the shortage of job opportunities for seasonally employed farm workers. CRLA; in conjunction with a number of other community organizations, has attempted to use and cooperate with the vast business acumen and financial resources available within California to resolve some of these problems without resort to conflict or litigation. Described below are two free enterprise oriented programs CRLA has participated in—the first already in operation, the second recently proposed.

Rural Development Corporation

In 1968, California's U.S. Senators jointly announced the funding of a corporation to provide technical expertise and seed money for the construction of low-income housing in rural areas. The corporation, RDC, while operating in a fashion similar to other corporations, would seek to develop new methods of design and construction in order to facilitate housing at a cost within the reach of families at the poverty level. Predicated on the philosophy that home ownership encourages family stability and community interest, most of the corporation's efforts have been in the area of home ownership. A major project, involving relatively unique design and construction methods, has been started in Calexico, a California town bordering on Mexico and heavily populated by farm workers.

Economic Development Corporation

The fertile San Joaquin Valley has one of the highest unemployment rates in the nation—it exceeds 16% during the winter and is as high as 40% for minority groups. CRLA, in conjunction with a local community action program, has submitted a proposal for an Economic Development Corporation to be operated and owned by a combination of farm workers and local businessmen. It would attempt to capitalize on the seasonal nature of employment in this agricultural area by establishing seasonal manufacturing operations, requiring minimal capital investments, in which semi-skilled and unskilled labor is necessary. The business community would contribute its business and financial expertise, and the low-income persons their labor. An example of the type of light manufacturing item that would effectively utilize unskilled and semi-skilled workers without a substantial capital investment would be the manufacture of simple furniture such as garden furniture. Common stock with voting power in the corporation would be offered to all employes in combination with a public offering to the low-income community at large. The remainder of the capital investment would be from the local business and financial community. The expectation is that in the initial year a corporation would be formed employing approximately 30 persons, which would commence work on five similar-sized and related enterprises.

Statistical overview

CRLA has a potential client community of 577,000 persons. The percentage of poor families in rural California is over three times greater than in the urban areas of the state.

	Percent
Urban poor	13.2
Rural poor	43.1

Minority groups constitute a disproportionately high percentage of all California farm workers.

[In percent]

Anglos:	
Population	78.8
Farm workers	12
Mexican-Americans:	
Population	11.1
Farm workers	67
Non-white:	
Population	10.1
Farm workers	21

California agriculture is perhaps today's most profitable business. Revenue in 1968: over $4 billion dollars. Although only 2% of nation's farms produce 10% of national cash gross receipts from farming. 75% of state's workers employed on 7% of state's farms. 79% of agricultural land owned by 7% of the farms.

Average farm workers earnings in 1967: $2,024.

Industrial workers average 2,000 hours of work a year.

Farm laborers average 1,100 hours a year.

Four out of every 5 California farm workers live in sub-standard, dangerous housing.

One out of every 3 has no toilet facilities.

One out of every 4 lacks even running water.

Farm workers have the highest occupational disease rate in California.

Twenty-five percent more farm workers than workers in general are hospitalized for serious injuries on the job.

Thirty-six percent more babies born to farm worker mothers die than is true of other occupational groups.

Farm workers are not protected by unemployment insurance or collective bargaining legislation.

Despite laws protecting children, some rural school boards have closed schools at peak harvest to provide child labor for the fields.

The percentage of family heads in rural California with only a grade school education is over three times greater than in urban areas of the state.

Urban family heads: 12.7%.

Rural family heads: 41.7%.

Almost half of California's 58 counties have no free legal assistance programs.

CRLA provides legal services in 17 counties including 7 where it is the sole legal services program.

WHAT CRLA IS

History

California Rural Legal Assistance is a statewide law firm, funded by the Office of

Economic Opportunity to provide free legal services to many of California's rural poor. It was the first OEO program designed to assist farm workers, and its initial funding in June of 1966 in the amount of $1.276 million dollars represented the largest grant ever made by the OEO office.

During the first year of its existence, its central administrative office was established in Los Angeles, with nine regional law offices throughout the state. Despite often strong political pressures, the program has been refunded each year since. For two years, CRLA also maintained a special office to represent Indians in their peculiarly Indian problems. Recognizing the enormity and the uniqueness of these problems, CRLA was successful in securing independent funding for a program to exclusively serve Indians—"California Indian Legal Services."

In 1968, the central office was moved from Los Angeles to San Francisco as an efficiency-economy measure. As a result, the central office was placed substantially closer to a majority of the clients served by CRLA's nine regional offices and to the agencies and courts where most of their problems are sought to be resolved. An office was also opened in Sacramento to conduct an advocacy and legislative information program which would serve administrative agencies, the Legislature, and other rule-making bodies on issues affecting CRLA's client community.

In the same year, the firm was named the outstanding Legal Services Program in the nation by the Office of Economic Opportunity's National Advisory Committee for Legal Services "for its service to the cause of justice for the poor, through innovation, law reform, legislative work, and test cases."

Organization

Legal services are most effective in rural areas if they are provided on a statewide basis. This is true, partly because in the sparsely populated regions of the state there is often no single county with a population large enough to support a program of its own. It is also true because clients are frequently compelled by their work to migrate from one area of the state to another, repeatedly crossing county lines, and thus losing touch with attorneys whose operations are restricted by jurisdictional boundaries. A statewide organization provides a unique opportunity for correlation of activities for maximum efficiency, and for specialization in problems of particular concern in the rural population.

The CRLA staff, statewide, consists of approximately 120 persons, of whom about 40 are attorneys and 25 are liaisons with the local community (investigators, community workers), plus appropriate secretarial and clerical staff. The central office coordinates legal and agency matters throughout the state and houses the administrative staff for the entire organization.

Caseload and costs

During the calendar year, July 1, 1967, to June 30, 1968, CRLA accepted 10,351 new cases. Despite this average of 1,000 new cases per office, the median number of open cases per office was less than 150, indicating that there was a reasonably rapid resolution of the majority of the cases. Approximately 85% of CRLA's cases have been and continue to be conventional "service" cases—such as adoptions, wage attachments, and used car problems.

According to the monthly reports of CRLA regional offices, 25,877 clients were directly benefitted by these cases during the same calendar year, with indirect benefits being extended to as many as one million more persons because of the statewide effects of some of the cases handled.

The average cost per case during the same time span was under $100 ($96.26). This low cost was partially attributable to CRLA's low attorney-per-hour costs—$10.93 including overhead per hour as compared with a minimum of $25 per hour for associate attorneys in most California law firms. It is estimated that CRLA annually has produced income, or secured savings, to the California taxpayer in an amount in excess of one hundred times its yearly appropriation.[1]

Philosophy of service

Since its inception, the philosophy of CRLA has been to provide to the poor the same high quality of service that the wealthy client would expect from the law firm representing his interests. The poor, like the rich, are entitled to good lawyers who take the time to serve their needs. Just as the best large law firm represents business associations and groups of wealthy clients, because those groups have similar interests, so CRLA has acted as "house counsel" for groups of poor people. The problems which a poor person faces are not just his individual problems; all too often they are problems common to all the poor.

The wealthy have traditionally used the lawyer as an adviser—on what is best regarding his business, on what is best regarding his children's education, and on what is best regarding his employees. CRLA attorneys have attempted to be that type of resource for the poor—to advise regarding schools, jobs, housing and government. Those clients which CRLA has been able to serve, for it is only able to serve a fraction of those who need its services, have come to see the law as a vehicle for their betterment.

Poverty often brings despair and cynicism toward the possibility of change, individual and collective, through the legal order. The philosophy of CRLA has been and is that the poor, when served by vigorous, competent and high-minded lawyers, can have hope amidst poverty. Our short history confirms that this philosophy works.

LOCATION OF OFFICES

Central office

San Francisco, 1212 Market Street (415) 863–4911.

Regional offices

El Centro, Professional Building, Fifth and Maine Streets, Room 228 (714) 353–0220.

Gilroy, 22 Martin Street (408) 842–8271.

Madera, 529 South "D" Street (209) 674–5671.

Marysville, 116 7th Street (916) 742–5191.

McFarland, 335 Perkins Street (805) 792–2157.

Modesto, 405 "H" Street (209) 529–8452.

Salinas, 328 Cayuga (408) 424–2201.

Santa Maria, 109 East Cook, (P.O. Box 425) (805) 922–4563.

Santa Rosa, 1049 4th Street (P.O. Box 879) (707) 545–4610.

Legislative office

Sacramento, 901 "F" Street (916) 446–7901.

SAN FRANCISCO NEIGHBORHOOD LEGAL ASSISTANCE FOUNDATION

The San Francisco Neighborhood Legal Assistance Foundation averages 1150 new cases a month in its 6 offices throughout San Francisco. The following cases are representative of major litigation currently being handled by Foundation attorneys. However, the examples do not in any way cover all the substantive areas of law and types of activity in which the Foundation is engaged.

WACO v Weaver, US District Court No. 49053.

On December 26, 1968, Federal District Court Judge William Sweigert issued a preliminary injunction halting the $100 million renewal project in the Western Addition A–2 Area, until an acceptable plan had been approved, by the United States Department of Housing and Urban Development (HUD) and the Court, for relocating uprooted families. Federal law requires that HUD have satisfactory assurance that the local Redevelopment Agency will be able to relocate displaced persons into safe, decent and sanitary housing at rents which they can afford before the Agency can proceed with the project. Judge Sweigert's decision not only restrained HUD from further funding of the project, but also prohibited the local Redevelopment Agency from proceeding with the enforced displacement of residents by condemnation or threats of condemnation or by eviction or threats of eviction. It did not, however, halt demolition of buildings already acquired by the Agency and vacated by tenants. The injunction was to remain in effect until a plan could be agreed upon which, in the words of Judge Sweigert, would be "satisfactory . . . at least (in) that it assures reasonable and present availability of safe, decent and sanitary housing."

Following the decision there was extensive organizing activity in the Western Addition resulting in the formation of a Western Addition Project Area Committee (WAPAC) representing WACO and many other neighborhood organizations. WAPAC worked with the local Redevelopment Agency in preparation of a revised relocation plan which was acceptable to the community and allowed the resumption of redevelopment at the earliest time.

The suit had additional significance in that it was a class action brought on behalf of poor individuals and families residing in the project area. Previously the courts generally had held that persons who were about to be displaced from a renewal area did not have standing to sue on such issues, moreover, that such issues were not subject to judicial review.

The WACO decision produced reactions across the country; it can aid the urban poor in enforcing Federal law wherever redevelopment and urban renewal are scheduled. Its significance was noted in a New York Times article of December 28, 1968, which commented that urban renewal—"urban removal"— has traditionally been the enemy of the poor who are evicted from their homes and neighborhoods; new buildings are eventually constructed in their old neighborhoods at rents far above their means while no adequate alternate housing is provided for them.

Burns v. Montgomery, U.S. District Court, Northern District of California Civil Action No. 49018.

This was a companion case to *Thompson v Shapiro*, the Connecticut case decided in April, 1969, in which the United States Supreme Court held unconstitutional State's requirements that an applicant for welfare must have resided for at least one year in the state in which he is making his application, before he can be considered eligible. On June 20, 1969, Judge Alfonso J. Zirpoli granted plaintiffs' motion for summary judgment, thus enforcing the Supreme Court decision in California. Plaintiff Burns had filed this class action on behalf of applicants for welfare in California in October, 1967.

Ivy v Montgomery, San Francisco Superior Court Civil Action No. 592705.

August 11, 1969, Superior Court Judge

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[1] For example, $9 million per annum saved by the elimination of county subsidies to landlords, *Phillips v. Davenport*, California Superior Court, Monterey County, No. 64125; $3 million generated in income in 1968 through restrictions on foreign workers, *Alaniz v. Wirtz*, U.S. District Court for Northern California, No. 47807; $250 million saved in 1968 by the suit to prevent Medi-Cal cuts, *Morris v. Williams*, California Supreme Court, No. SAC–7817; and $10 million per annum saved by the food stamp case, *Hernandez v. Hardin*, U.S. District Court for Northern California, No. 50333. On the other hand, CRLA's annual budget is only $1½ million dollars.

Alvin E. Weinberger found for the plaintiffs in this class action challenging the adequacy of rental allowances for families receiving Aid to Families with Dependent Children (AFDC). The class action was filed in June, 1968, by two San Francisco AFDC mothers and one from Alameda County on behalf of all California AFDC recipients whose housing allowances fall short of the actual amount they have to pay for safe, healthful housing.

The court found invalid the cost schedules promulgated for each county in California as violating due process as they were drawn up without any prior notice or hearing to afford recipients an opportunity to present evidence of their actual housing costs. These schedules also violate State Department of Social Welfare (SDSW) regulations, by not being based on the actual current costs of housing in each county. Both the schedules and the SDSW regulation on which they are based were found invalid as in conflict with Welfare and Institutions Code Section 11452, which requires the State Director to promulgate housing schedules regulations which provide for safe and healthful housing.

The counties must immediately pay AFDC recipients the difference between the amount of their rental allowances and the amount they pay for safe healthful housing, up to the maximum. These payments must be made pending the adoption of a new cost schedule by the State Director, which will be based on the actual cost of safe healthful housing in each county.

Alvarado v. Orr, Supreme Court of California.

In early June, the California Supreme Court upheld the decision of Superior Court Judge Robert Drews in requiring the Department of Motor Vehicles to determine whether an uninsured driver might be at fault prior to suspending his driver's license, after his involvement in an auto accident.

The unanimous decision of the Supreme Court also indicated that such drivers are entitled to a court review of the Department's determination. When there is no reasonable possibility of the driver being held responsible for damages arising out of the accident, the reviewing court must order the Department to reinstate the license.

Prior to the Supreme Court decision, the Department made no effort to determine culpability. To keep his license, a driver was required to put up security covering the injury and property loss of the other driver. If unable to do so, his license was suspended. Since an automobile is an absolute necessity—for work, emergency medical care, etc.—the loss of the right to drive created a severe hardship for drivers who could not afford to post security.

McCallop v Universal Acceptance Corporation, Superior Court, No. 605038.

In June, 1969, the U.S. Supreme Court in a Wisconsin case, ruled that prejudgment garnishment violated an individual's right to due process of law and that he must have a chance to be heard in court before his wages can be attached.

The Foundation filed suit in San Francisco Superior Court in July, 1969, on behalf of San Francisco debtors whose wages had been attached prior to judgment. On July 11, 1969, Superior Court Judge John W. Bussey ruled that the Supreme Court decision applies to California debtors and that all debtors whose wages have already been attached are entitled to have their money refunded until there is a judgment against them for this amount. The San Francisco Sheriff, who holds the attachment money in a trust fund, was ordered to refund the money until the cases are decided.

This decision will affect many indigent debtors whose wages have already been attached, and will protect countless others from similar deprivation.

Santos v Alioto, San Francisco Superior Court, Civil Action No. 604203.

Two of the Hotel's residents filed suit in District Court on March 27, 1969, on behalf of all the residents, against the Mayor, various city agencies and owners of the hotel. The suit asked for injunctive relief against the demolition of the hotel and the eviction of its residents.

The Hotel has long served as the center of the Filipino Community. Many of the 196 residents have lived there for 20 years or more. Two thirds of the residents are over 65 years old. The majority are Filipino and most of the others are Oriental. Demolition of the Hotel would mean the destruction of the Filipino community and would cause most of the residents to relocate outside the City, thus losing their employment and generally causing a tremendous emotional upheaval in their lives. Neither the Milton Meyer Company nor the City had at any point assisted in the relocation of the tenants, an extremely difficult task in San Francisco, where low income rentals for minority group members is practically non-existent.

The saga of the Hotel began in June, 1968, when a demolition permit was issued for the Hotel, without any notice to the tenants. A week later the owners had a hasty informal hearing before the City Planning Commission, which approved a permit to create a parking lot on the land upon which the International Hotel is located. Again, there was not notice to the tenants. The hearings were held two days before the relevant sections of the City Code were changed to necessitate a formal conditional use hearing rather than the informal review granted to the Milton Meyer Company, which has title to the Hotel.

In November, the tenants were notified that they must vacate the Hotel by January 1, 1969. The climax was reached, however, on March 16, 1969, when a fire in the hotel caused the death of 3 persons, and seriously damaged the property. However, 4 days later, the Superintendent of Building Inspection stated at a Human Rights Commission Meeting that in his opinion there was no hazard that would require vacating the building.

The next week a hearing was held before the Director of the Department of Public Works concerning a complaint of the Superintendent of Building Inspection that the building was in violation of City codes. The Director found that building unsafe and ordered the owner to apply for a permit to begin repairs of the Hotel within 10 days or else the Director would, by a subsequent order, direct that the building be vacated and demolished.

It was at this point that the tenants filed suit. There were several other alternatives open to the Director. It was obvious that the owners would not spend money to repair a building which they wished to demolish, if they were given any alternative. The City could have ordered the repair of the building. It is also within the power of the City to assume the cost of repair itself to bring the building up to code standard. By virtually ordering its demolition, the City assumed the responsibility for the eviction of the tenants, thus passing the matter into the hands of the Sheriff who can bring criminal actions against non-compliant tenants. This would save the company the delay, trouble and expense of bringing unlawful detainer actions against each tenant.

After the filing of the suit, there were many public meetings at which the Foundation attorneys represented the tenants. At a Coroner's Jury on April 17, it was ruled that the deaths in fire were accidental, but that there was cause for further inquiry. At the Coroner's hearing, the Superintendent of Building Inspection testified that although substandard, the hotel was not on the priority list of some 1,000 multiple unit dwellings which are far below code, but which are not scheduled for demolition.

The problem of the International Hotel was finally resolved in the form of a stunning victory for the Filipino community. A three-year lease as signed on July 10, 1969, between the United Filipino Association and the Milton Meyer Company. The Center for Community Change, a Ford Foundation funded organization which assists community organizations signed as guarantor of the lease for the United Filipino Association. Under the terms of the lease, the UFA will pay the lessor a flat monthly sum. The UFA will be responsible for repairing the damage caused to the Hotel in the fire in March, 1969, and of gradually bringing the building up to code standard. The UFA will ensure that the Hotel maintains its central role in the Filipino community and that rents charged to tenants are based on the individual tenant's income. A rent schedule has been formulated designating the percentage of income to be charged for rent. This varies from 15% to 20%, according to the amount of income. At the same time as managing the Hotel and living up to the terms of the lease, the UFA is working on the building of a permanent home for elderly Filipinos to be completed before the lease expires in 1972. The Mayor has agreed to provide an acceptable site for the permanent facility as well as staff assistance in planning. The City has also agreed to cooperate in sensible code enforcement. The UFA now has all the rewards and responsibilities of a "ghetto business," and is actively engaged in learning how to run a hotel. This resolution of the problems surrounding the Hotel and its elderly residents was reached largely by negotiation and direct political action in the face of substantial political forces and after the legal machinery of the City had implicitly condoned the demolition of the Hotel and the displacement of its tenants. The Foundation, through its Director of Litigation, Sidney M. Wolinsky, and other attorneys, has been involved throughout the lengthy proceedings as attorney for the residents of the Hotel. Numerous other agencies and individuals have been involved, including planner Marshall Kaplan, the Human Rights Commission, Self Help for the Elderly, and the Center for Community Change.

Rios v. Rudolph, San Francisco Superior Court, Civil Action No. 599285; *Davis v. Rudolph*, San Francisco Superior Court, Civil Action No. 141588; *Gomez v. Rudolph*, San Francisco Superior Court, Civil Action No. 599286.

In January, 1969, the Foundation filed 3 suits against Rudolph Ford and Ralph Williams Ford, two major car dealers in the Bay Area. Each of the class actions attack a separate fraudulent practice or pattern.

The first suit alleges that defendants deliberately and repeatedly wrote into the contract a false monthly installment figure, and then altered the figure after the contract was signed. The second suit contends that the car dealers used a false warranty to entice buyers, but that the warranty was not binding and not honored. The third suit alleges that Rudolph Ford, Ralph Williams Ford and the other dealers had an overall plan to cheat the public. This plan included refusing to sell the advertised vehicle and attempting instead to sell a higher priced car, advertising vehicles for sale after they have in fact been sold, charging excessive rates on insurance, frequently requiring insurance to be purchased when not necessary, and pressurizing plaintiffs by means of "sweat-box" techniques. These techniques consist of passing the customer from salesman to salesman, having the buyer initial a large number of documents, and negotiating in a tiny and hot office—all techniques designed to confuse and put pressure on the customer.

Certain charges in the Foundation's suits

parallel the attorney general's suit of December 16, 1969, against Rudolph Ford, which charged the firm with "fraudulent deceptive and unfair business practices . . . designed to confuse, mislead and through pressure, induce customers to sign a sales contract.

The Foundation's suits expanded upon the attorney general's suit by calling for rescission ("rollback" or "unwinding") of each of the car sale contracts, at the buyer's option they name individual defendants, such as Robert Rudolph and Ralph Williams, and allege still more fraudulent practices by the car salesmen and dealers.

Vanslayke v Williams Bayshore Chrysler Plymouth, San Mateo Superior Court Civil Action #146654.

In a suit filed July 17, 1969, in San Mateo Superior Court, customers of Ralph Williams Bay Shore Chrysler-Plymouth charged Williams and other Bay Area auto dealers with fraudulent sales and deceptive advertising.

The complaint charges the auto dealers offered to sell cars at monthly rates far lower than payments actually required by the purchase price, to get the customer to sign a sales agreement. Once the agreement is signed, the customer is told a mistake was made in figuring the monthly payments and the payments will have to be increased. The dealers are accused of similar price manipulations in calculating the costs of auto insurance. These practices, according to the complaint, are regularly used by dealers "to confuse, deceive and mislead customers in order to obtain their down payments and then trick and intimidate them into buying automobiles at higher monthly figures."

The suit also charges Williams and other dealers with making false and misleading statements in television advertisements and televising partial "views of automobiles which grossly misrepresent their actual physical condition."

Plaintiffs are seeking to enjoin Williams and other Bay Area auto dealers from continuing the alleged fraud and misrepresentation, and are asking for damages of $5,000 each from Williams. The suit, if successful, could directly affect auto dealers throughout the State.

Discovery is under way in all four auto cases, but none have as yet come to trial.

Mr. NELSON. Mr. President, have the yeas and nays been ordered on the passage of the bill?

The PRESIDING OFFICER. Yes. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. RUSSELL), and the Senator from Mississippi (Mr. STENNIS), are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from Maine (Mr. MUSKIE), the Senator from New Mexico (Mr. ANDERSON), and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea."

I further announce that if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS), are absent on official business.

The Senator from Illinois (Mr. SMITH), is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 72, nays 3, as follows:

[No. 125 Leg.]

YEAS—72

Aiken	Griffin	Mundt
Allott	Hansen	Nelson
Baker	Hartke	Packwood
Bayh	Hatfield	Pastore
Bellmon	Holland	Pearson
Bennett	Hollings	Pell
Bible	Hruska	Prouty
Boggs	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Va.	Javits	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Saxbe
Cannon	Jordan, Idaho	Schweiker
Church	Kennedy	Scott
Cooper	Long	Smith, Maine
Cotton	Magnuson	Spong
Curtis	Mathias	Symington
Dominick	McClellan	Talmadge
Eagleton	McGovern	Thurmond
Ellender	McIntyre	Tydings
Ervin	Metcalf	Williams, N.J.
Fannin	Miller	Williams, Del.
Fong	Mondale	Yarborough
Gore	Montoya	Young, N. Dak.
Gravel	Moss	Young, Ohio

NAYS—3

Allen	Goldwater	Gurney

NOT VOTING—25

Anderson	Dodd	Harris
Brooke	Dole	Hart
Case	Eastland	Hughes
Cook	Fulbright	Mansfield
Cranston	Goodell	McCarthy
McGee	Russell	Stevens
Murphy	Smith, Ill.	Tower
Muskie	Sparkman	
Percy	Stennis	

So the bill (S. 3016) was passed, as follows:

S. 3016

An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1969."

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Section 161 of the Economic Opportunity Act of 1964 is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and $2,148,000,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that, of the amounts so appropriated for each such fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $1,012,700,000 shall be for the purpose of carrying out title II, of which $338,000,000 shall be for the Project Headstart program described in section 222(a)(1), $60,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $25,000,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

(4) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(5) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(6) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(7) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any such fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (7) of this subsection, then the amounts specified in each such clause shall be prorated to

determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $240,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222(a)(1);

(3) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222(a)(3): *Provided*, That no part of any such funds shall be used to make any payment to any lawyer during the period that he is disbarred or suspended from the practice of law;

(4) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a)(4);

(5) $150,000,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a)(5);

(6) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(e)(7);

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(8) $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 4. Section 616 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out "10 per centum" the first time it appears in the section and inserting in lieu thereof "15 per centum for the fiscal year ending June 30, 1970, and 20 per centum thereafter"; and

(2) striking out the following: "; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum".

ADEQUATE LEADTIME

SEC. 5. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 6. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income may be required to make payment in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 7. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor."

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 8. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and transquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 9. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any other existing Federal agency.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 10. (a) Section 8332 of title 5, United States Code, is amended as follows:

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter."

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a"; and

(3) Before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) and this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

AUDIT REQUIREMENT

SEC. 11. Section 243 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this title."

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 12. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being

discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

AMENDMENT WITH RESPECT TO THE GOVERNOR'S VETO

SEC. 13. Section 242 of the Economic Opportunity Act of 1964 is amended by——

(1) striking out "In" and inserting in lieu thereof "Except as provided in the second sentence of this section, in";

(2) inserting after the first sentence thereof the following: "No portion of any contract, agreement, grant, loan or other assistance made with, or provided to carry out the provisions of section 222(a)(3) of the Act (relating to the Legal Services program) shall be made with or provided to any State or local public agency or any private institution or organization for the purpose of carrying out such provisions within a State unless a plan setting forth such proposed contracts, agreement, grant, loan or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved, in whole or in part, by the Governor within thirty days of such submission."; and

(3) by adding the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 14. (a) Upon receipt of any amount of a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 the recipient shall set aside a portion of the amount so received sufficient to satisfy the expected liability of the recipient for the taxes imposed by chapters 21 and 23 of the Internal Revenue Code of 1954.

(b) Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend any portion of such payment due to such person and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that either such person is no longer delinquent in paying or depositing such taxes or that adequate provision has been made for such payment.

Mr. NELSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3016.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I voted "yea" for the passage of this bill largely because of the fact that I do strongly support the Headstart program. I want it distinctly understood that there are other portions of the bill which I do not favor, and that I reserve the right, in the hearings on appropriations, to consider them on what I think are their very small merits.

I might state also that I voted for this bill, in some measure, because of the cordial and conciliatory way in which the matter has been handled on the floor, particularly in the most recent discussions. I want it to be clear that I do favor Headstart, and that much of the rest of the bill I do not favor.

Mr. NELSON. Mr. President, I should like to say, first, that as chairman of the subcommittee I appreciate very much the wonderful cooperation that I have received from the Senator from New York (Mr. JAVITS) and all the members of the minority who have worked with us over the past 6 months, off and on, through the hearings and in the markup, in order to develop what I think is a genuinely bipartisan bill. It could not have been done without the kind of spirit of cooperation that was manifested by the minority at all times; and, though we had differences from time to time, I think we resolved them with honest and fair compromise on each occasion.

I also wish to thank the members of the majority who worked so hard and cooperated so fully in getting this bill together, and as well the hard-working members of the staff on both the minority and the majority sides, who did the yeoman work of researching and putting the details of the committee report and the bills together, and performed all the various kinds of work without which we could not have gotten any bill before the Senate at all. I particularly wish to thank the majority staff of the subcommittee—William Bechtel, William Spring, Richard Johnson, Carol Williams, and Carole Dunn, and the minority staff—John Scales, Jo Ann Newman, Betty Noble, and Whitney Stewart.

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

Mr. NELSON. I yield.

Mr. JAVITS. I realize that whenever a difficult and important bill is over, these things are said; but the amount of work that goes into getting a job like this completed by committee members and staff is so great, and the degree of public spirit which is displayed in the compromise of views very deeply and sincerely held is so great, that it must be credited.

I had the invaluable assistance of Mr. Scales, the minority counsel on this particular subcommittee.

The Senator from California (Mr. MURPHY) is the chairman of the subcommittee. I am the ranking member of the whole committee and a member of the subcommittee. Senator Murphy would be speaking if he were here today. He did a remarkable job himself. He was most understanding and cooperative.

I wish to express my real satisfaction to the Senator from Wisconsin (Mr. NELSON), who epitomized the attitude he has exhibited toward members of the committee by the graciousness with which he handled the problem we had about an amendment following Senator MURPHY's necessary departure for California.

I compliment also the majority staff for the very hard work they have done, particularly William Bechtel, Richard Johnson, William Spring, Carole Dunne and Carol Williams. The satisfaction from these efforts comes through the realization of what is done for millions of Americans by virtue of the bill we have acted upon; and I think the members of the staff can very well feel that they have had a really creative part—as much as we—in the final result.

Other members of the majority who were very active on this bill included the Senator from Minnesota (Mr. MONDALE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Massachusetts (Mr. KENNEDY); and, of course, without our chairman, the Senator from Texas (Mr. YARBOROUGH), the bill would never have come to the floor; for the cooperation and leadership of the chairman of the committee is indispensable.

On the minority side, this debate on the bill could have been extended interminably by the Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. PROUTY), and the Senator from California (Mr. MURPHY); but, feeling that they wanted the bill expedited, they handled the parts where they disagreed with great understanding and expedition, with the result of getting the bill passed in a day and a half. I am very grateful to them, and again I state I feel that the reward will come in the realization of the good we do.

Mr. YARBOROUGH. Mr. President, as chairman of the Committee on Labor and Public Welfare, I congratulate particularly the Subcommittee on Manpower and Poverty for their fine work on this bill, as exhibited on the floor of the Senate today. There has been great cooperation on the subcommittee between the majority and minority members, as cited by the distinguished ranking minority member of the committee, the Senator from New York (Mr. JAVITS), in bringing out a bill that authorizes the appropriation of more money, despite all the attacks on the poverty program,

than was spent last year, and we think to better purposes. There have been some transfers and a shaking out of the less successful programs, with better support for the more successful programs. I believe the bill as passed represents a consensus of the views of both parties.

I particularly congratulate the distinguished Senator from Wisconsin, the chairman of the subcommittee (Mr. NELSON), who held long and arduous hearings, and the members of the minority who participated in them. As chairman of the full committee, I thank the members who attended the hearings and gave us their support. It is not easy to obtain a quorum these days. We have a rule in our committee that it can vote only with a majority of the committee present. Some committees do not have that rule. It was sometimes difficult, due to the absence of Senators for illness and other reasons, to obtain a quorum.

I believe we brought out a good bill, which, with the mine safety bill, the construction safety bill, and a number of other bills, adds up to a very significant record of accomplishment for the committee this year. I feel privileged to serve on the committee with the other 16 members, all diligent men, from both parties. The passage of this bill is another significant achievement they have attained through winning the confidence of the Senate on all but, I beileve, two amendments. After 2 years of one of the most controversial programs in the history of the Nation, to bring this major bill before the Senate and achieve its passage with only two contested amendments is, I think, a wonderful achievement for the committee.

Mr. KENNEDY. Mr. President, first of all, I commend the chairman of the Subcommittee on Manpower and Employment, as have the rest of my colleagues. I think few pieces of legislation which have come before the Senate have had a more direct effect on the lives and well-being of the people than will this measure.

As we all know, the history of this program has been that of a program which has done great good. It has been the subject of significant controversy as well. But any kind of endeavor which addresses itself to really meeting critical human needs and human problems would naturally engender some controversy.

I believe the chairman of the subcommittee has performed an extremely and sensitive service to the Senate. I commend the Senator from Wisconsin (Mr. NELSON) for his work on the legislation.

I commend the minority Members who have performed so well in the development of the legislation.

Mr. BYRD of West Virginia. Mr. President, I add my comments to those Senators who have expressed appreciation and admiration for the excellent work of the able Senator from Wisconsin (Mr. NELSON) in managing the bill on the floor today. I commend also the ranking minority member of the subcommittee, the senior Senator from New York (Mr. JAVITS).

It was a very fine display of work on the part of the Senator from Wisconsin and a very fine display of leadership with respect to a difficult bill to manage.

I voted for the bill, although there were certain aspects of the poverty program which I do not support on the basis of our experience in the operation of the program. However, I expect to vote to support reductions in appropriations when the time comes. And I reserve my right to do so with respect to those programs which I do not fully support.

I again compliment the able Senator and the members of the Subcommittee on Employment, Manpower, and Poverty.

AGREEMENT WITH CANADA RELATING TO ADJUSTMENTS IN FLOOD CONTROL PAYMENTS TO THE CANADIAN GOVERNMENT—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive H, 91st Congress, first session, the "Texts of Notes Constituting Agreement with Canada Concerning Adjustments in Flood Control Payments," dated August 18 and 20, 1969, transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the approval of the Senate, I transmit herewith the texts of two notes, signed at Washington and dated August 18 and 20, 1969, constituting an agreement between the Government of the United States of America and the Government of Canada concerning adjustments in the flood control payments by the United States Government to the Canadian Government as a result of early completion of projects (Arrow Dam and Duncan Dam) contemplated by Article II (2)(b) and (c) of the Columbia River Treaty.

It is provided in the agreement that it will enter into force upon notification by the United States Government to the Canadian Government that all internal measures necessary to give effect to the agreement for the United States have been completed.

Pursuant to the treaty relating to cooperative development of the water resources of the Columbia River basin signed at Washington on January 17, 1961, Canada constructed the Duncan Dam and the Arrow Dam in British Columbia. The treaty provides that the United States shall pay to Canada specified sums with respect to each of the dams for the flood control benefits. The sums specified were based on a period of 55 years of flood control benefits, and it was expected that the projects would be completed subsequent to the spring of 1969. The dams actually commenced operation well in advance of the expected dates, so that the United States has received additional benefits for two years in the case of Duncan Dam and one year in the case of Arrow Dam.

The treaty provides that the United States would pay less if full operation of the storage were not commenced within the time specified, but does not provide for additional payments if such operation were commenced prior to the time specified. By an exchange of notes dated January 22, 1964, prior to the entry into force of the treaty, the two Governments agreed to consult with a view to adjustments in the payments if there should be an early completion of the dams. The agreement transmitted herewith has resulted from such consultation. It provides for a payment to Canada of a total of $278,000 for the additional flood control benefits resulting from early completion of Duncan Dam and Arrow Dam.

The treaty of 1961 does not without modification provide a basis for authorizing the additional payments. It is desirable, therefore, that in effect the treaty provisions be modified so that there may be an adequate legal basis for an authorization for appropriations. The notes of August 18 and 20, 1969 have been exchanged for this purpose.

I also transmit for the information of the Senate a report by the Secretary of State relating to the agreement effected by that exchange of notes.

I urge that the Senate give early and favorable consideration to the agreement concerning adjustments in the flood control payments by the United States Government to the Canadian Government.

RICHARD NIXON.

THE EISENHOWER DOLLAR

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the consideration of calendar No. 447, Senate Joint Resolution 158. I do this so that it will be the pending business.

The PRESIDING OFFICER. The measure will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 158) to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. DOMINICK. Mr. President, at the appropriate time tomorrow I will offer a substitute for the resolution which would provide for a dollar with 40 percent silver in it for 3 years, followed by the cupro-nickel clad type.

For the RECORD, there will be a vote tomorrow as soon as I can get it after we have had a chance to debate the matter.

Mr. KENNEDY. Mr. President, by agreement there will be no vote on this matter today. It will be unfinished business when the Senate convenes tomorrow.

ORDER FOR ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate adjourns this evening, it stand in adjournment until noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION ACCEPTS INCREASED UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, it is time for the Nixon administration and its economic policymakers to specify the detailed plans and policies they have prepared to deal with added unemployment if the rate should continue to rise.

I have sent a letter to Secretary of the Treasury Kennedy asking for the administration's detailed plans to deal with such an adverse economic situation.

Secretary of the Treasury Kennedy testified before the Joint Economic Committee last week that the 4-percent jobless rate was acceptable. But he and Budget Director Mayo indicated that they had no plan or program to deal with a further rise in unemployment. They have no plans to deal with joblessness if it becomes a more serious problem than the present inflation.

Later the Secretary recognized the serious consequences of this position and said the administration is unhappy with any increase in unemployment including that suffered last month.

He also said the administration is prepared to act decisively if unemployment rises too sharply. But the administration was unable to give our committee any specific program to combat rising unemployment other than a termination of the President's public works cutback order. This termination as Mr. Mayo admitted would have a minuscule effect on employment.

This is both a shocking and disheartening situation. Joblessness and unemployment are the most shameful wastes of all. They waste time, skills, and human resources which can never be recouped.

Furthermore, the Nation will be far less willing to take the unpopular steps to deal with the serious problem of inflation and the continuing steep rise in prices if there is no plan or no policy to head off a higher level of unemployment than now exists.

I have addressed my letter to the Secretary in the hope that it may induce some long overdue planning on the administration's part.

Any administration should be thoroughly prepared with specific plans for adverse economic eventualities. This is especially true for a problem as highly sensitive as increasing unemployment.

We no longer operate in the climate of the early 1930's. The Nation is as unwilling to purchase price stability at the expense of full employment as it is equally unwilling to purchase full employment at the expense of high prices.

But according to the testimony of two of its chief economic policymakers, Secretary Kennedy and Budget Director Mayo, the administration has no major program to halt inflation except high interest rates and tight money. Equally, they testified the administration has no plans to stop unemployment if the jobless rates continue to go up.

We now face a twofold danger. Not only does inflation exist but we also face the prospect that it will be combined with excessive unemployment.

That would be the worst of both worlds. We need leadership from this administration to combat both problems.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. KENNEDY. Mr. President, I move in accordance with the previous order that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, October 15, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, October 14, 1969:

IN THE MARINE CORP

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of major general:

Douglas J. Peacher
Charles T. Hagan, Jr.

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

John R. Blandford
William J. Weinstein
Harold L. Oppenheimer

HOUSE OF REPRESENTATIVES—*Tuesday, October 14, 1969*

The House met at 12 o'clock noon.

Rev. Richard T. Gaul, S.J., director of development and alumni, Jesuit High School, El Paso, Tex., offered the following prayer:

Unless the Lord guard the city, they labor in vain who build it.—Psalms.

Heavenly Father, teach our lawmakers to hear their constituents but to heed their own consciences, to make laws the people can accept because You, Father, have already blessed them. Teach them to consult You on Capitol Hill as Moses consulted You on the hill of Sinai, that so You may deliver into their hands laws filled with Your knowledge, Your wisdom, and Your fatherly love.

Teach them that a public office is a public trust but that America puts all its trust in You who alone give us reason to trust one another as brothers of a common Father. Heavenly Father, bless our President, the Speaker of this House, and all its Members, as together we pray: Direct all our actions by Your holy inspirations, help us to carry them on by Your gracious assistance so that every word and work of ours may begin in You and happily find its completion in You, our Father in Heaven. Amen.

FATHER RICHARD T. GAUL, S.J.

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, today this House is honored to have Father Richard T. Gaul, S.J., deliver the invocation. It is apparent from the depth of the prayer and its poetic and theological balance that Father Gaul is a human being of considerable substance. His background, reflected in this prayer, is witness to the depth and insight resulting from years of dedication to mankind.

He was born 1903 in the western hills of Massachusetts at Pittsfield, where he was reared and was educated in his early years. From these solid beginnings of his New England upbringing, his motivations led him, after his graduation from Holy Cross college in Massachusetts to enter the Society of Jesus, in Macon, Georgia, in August 1921 to dedicate his life to his fellow man. The course of his life has taken him crisscross through the Southland and Southwest of the United States, each position being one of responsibility and service to men of all faiths. Among other positions, he served as dean of men at Springhill College, in Mobile, Alabama, during the trying years of World War II. He then was made pastor of the Church of Immaculate Conception, in El Paso, Tex., and while in that capacity served as the first superintendent of Catholic Schools in El Paso, Tex.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13194) entitled "An act to amend the