ence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 15609. A bill to establish a sonic boom and aircraft noise damage fund to provide for the payment of damages caused by sonic booms and other aircraft noise; to the Committee on the Judiciary.

By Mrs. CHISHOLM (for herself, Mr. BIAGGI, Mr. BROWN of California, Mr. BURTON of California, Mr. CORMAN, Mr. DIGGS, Mr. DADDARIO, Mr. HANSEN of Idaho, Mr. HAWKINS, Mr. HELSTOSKI, Mr. MCCLORY, Mr. MATSUNAGA, Mr. MIKVA, Mrs. MINK, Mr. MOORHEAD, Mr. PREYER of North Carolina, Mr. RHODES, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. STOKES, Mr. SISK, Mr. TAFT, and Mr. WIDNALL):

H.J. Res. 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; to the Committee on House Administration.

By Mr. MARTIN:

H.J. Res. 1070. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. DADDARIO, Mr. UDALL, and Mr. GREEN of Pennsylvania):

H.J. Res. 1071. Joint resolution to establish a Joint Committee on Environmental Quality and Population Policy; to the Committee on Rules.

By Mr. PEPPER (for himself, Mr. JOHNSON of California, Mr. BROWN of California, Mr. KEE, Mr. FLOWERS, Mr. BYRNE of Pennsylvania, Mr. BEVILL, and Mr. REES):

H. Con. Res. 493. Concurrent resolution to express the sense of the Congress with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. TAFT:

H. Con. Res. 494. Concurrent resolution to provide early appropriations for Federal educational programs; to the Committee on Rules.

By Mr. MATSUNAGA (for himself, Mr. ADAMS, Mr. ASHLEY, Mr. BINGHAM, Mr. BROWN of California, Mr. BUTTON, Mr. CLEVELAND, Mr. FRASER, Mr. FRIEDEL, Mr. GIBBONS, Mr. HARRINGTON, Mr. HICKS, Mr. KOCH, Mr. LEGGETT, Mr. LOWENSTEIN, Mr. MIKVA, and Mr. Moss):

H. Res. 806. Resolution to provide for record voting in the Committee of the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. MATSUNAGA (for himself, Mr. OBEY, Mr. O'HARA, Mr. OLSEN, Mr. OTTINGER, Mr. PIKE, Mr. RANDALL, Mr. REES, Mr. REUSS, Mr. ROSENTHAL, Mr. RYAN, Mr. ST. ONGE, Mr. TIERNAN, Mr. TUNNEY, Mr. VANIK, and Mr. YATES):

H. Res. 807. Resolution to provide for record voting in the Committee of the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 808. Resolution to provide funds for the study and investigation authorized by H. Res. 17; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 15610. A bill for the relief of Jesus Cruz-Figueroa; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 15611. A bill for the relief of Mr. and Mrs. Donald Ashworth; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 15612. A bill for the relief of the Lockport Canning Co.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

381. The SPEAKER presented a petition of the Metropolitan Citizens Advisory Council, Washington, D.C., urging Congress to override the presidential veto relative to the health, education, and welfare appropriation bill; to the Committee on Appropriations.

SENATE—*Wednesday, January 28, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

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

O Thou who art from everlasting to everlasting, whose grace is sufficient for all our needs, renew us in wisdom and in strength. May Thy presence prompt judgments which lead to fullness of life for all men. Help us so to live that the truth of the Divine Master may be fulfilled in us—

Blessed are the poor in Spirit, for theirs is the kingdom of heaven.

Blessed are the pure in heart, for they shall see God.

Blessed are they who hunger and thirst after righteousness, for they shall be filled.

Blessed are the peacemakers, for they shall be called the children of God.

In the name of Him who incarnated the words He spoke. Amen.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore 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 received today, see the end of Senate proceedings.)

ATTENDANCE OF A SENATOR

Hon. EUGENE J. McCARTHY, a Senator from the State of Minnesota, attended the session of the Senate Tuesday, January 27, 1970.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered on yesterday, the Chair now recognizes the Senator from Wyoming (Mr. HANSEN).

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield to me, without losing his right to the floor, to allow me to make some requests and to proceed for not to exceed 10 minutes, without any time being taken out of the time allotted to him?

Mr. HANSEN. Mr. President, I will gladly yield to the Senator from Montana.

The PRESIDENT pro tempore. The Senator from Montana.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 27, 1970, be dispensed with.

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

ANOTHER MONTANAN GUNNED DOWN IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, last March 12, Harry P. Gelsing was gunned down as he walked to his home at 810 Tuckerman Street NW., here in the District of Columbia. Harry Gelsing was a Montanan. He was a medical researcher who had no immediate family and lived alone here in Washington. For 10 months—until January 15—Harry remained in the Washington Hospital Center paralyzed and lingering halfway between life and death. He died and he is now a statistic; a casualty of street crime; a loser in the war against crime.

It has been said that this murder stemmed from a senseless, brutal "let us get this guy" kind of attack by a gang of hoodlums. That is the kind of criminal we must deal with; that is the kind of senseless, wanton act we are seeking to prevent. In return, I think we must be absolutely relentless in our pursuit of these twisted misfits who cannot live or function normally in society; we must redouble our efforts to assist our police and law-enforcement officials. But that is not all we must do.

Harry Gelsing was a kind and gentle man. I knew him personally, and all of us who knew him can testify to the fine character of the man—to his warm and gentle nature. What a contrast he must have presented to those who attacked him, dragged him into an alley, and gunned him down mercilessly. Why? For kicks? For excitement? Or just because

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Harry happened to pass by at that moment?

I am sick of these occurrences. There have been too many others like Harry Gelsing, and like Thad Lesnik, another Montanan, who was gunned down some months ago, too many who have been brutally subjected to the senseless violence that plagues this Nation.

So we must do more. We must dedicate ourselves to finding new and better ways to fight crime; to cut down the inordinate rate of violence. I have advocated stiff mandatory prison sentences for those who use guns in committing crimes. My bill—the Lesnik bill—has already passed the Senate. I supported the law that seeks to stem the flow of firearms into the hands of the lawless and untrained, the addict, the criminal, the mental incompetent, and the unfit. In the end, these measures should help, but even they may not provide the full answer. We need new and imaginative remedies. We need remedies that seek not only to restrict the number of weapons available to criminals and to impose severe penalties, but remedies that consider as well the deplorable state of the prisons and penal institutions of this Nation that now serve only as graduate schools for crime. We need remedies that consider other criminal breeding grounds—the urban areas, the ghetto, the crowded, congested, and decayed inner city, and other areas that have been neglected. We need remedies that will help us identify the twisted minds like those who attacked Harry Gelsing and Thad Lesnik; identify them before they are able to strike.

Last year, the Senate District of Columbia Committee passed all five crime bills requested for the District of Columbia by the President of the United States.

Last week the Senate passed the Organized Crime Control Act of 1970. I was happy to support that measure. It is a proposal that was carefully developed here in the Senate by the distinguished senior Senator from Arkansas (Mr. McCLELLAN), the distinguished Senator from Nebraska (Mr. HRUSKA), and others. Many of its features were requested by the administration as a way of complementing the Crime Control Act of 1968. But the fact is, none of its features were designed to meet the problem faced by Harry Gelsing.

That problem concerns the quality of life in the streets of our great metropolitan centers. I am no expert in crime control, but it seems to me that just as crime has affected the quality of life on city streets, so has the condition of life on some city streets itself produced a good deal of crime and violence. In the weeks and months ahead, I would hope that in seeking a better balance among our domestic needs and our foreign and security interests, we place far greater emphasis on the need to solve the problem of crime.

This week we hope to conclude action on the pending strong drug control bill, another weapon in our fight against crime.

Mr. President, I am today directing an inquiry to the U.S. district attorney for the District of Columbia asking for a complete report on the gunning down of Harry Gelsing, just as I did in the case of the gunning down of Thad Lesnik, of Fishtail, Mont., and requesting a continuing determined investigation of the murder of this fine Montanan. May I say, incidentally, that the attackers of Thad Lesnik were captured, tried, and sentenced to prison.

A story appeared in last Sunday's Washington Star about Harry P. Gelsing. It is a very human story about a man from Montana whose tragic death was occasioned by one of the most severe problems we face today. I ask unanimous consent that the story be printed at this point in the RECORD.

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

GENTLE MAN'S MURDER LEAVES A MYSTERY

(By Harriet Griffiths)

Harry P. Gelsing was a gentle man, a medical research technician who lived alone, but not lonely amid his cultural interests and his friends.

At 62, he "had come to that part of his life when he looked toward retirement," an associate at Walter Reed Army Institute of Research said. "He was hoping to go back to Japan and stay for a year or so among all his friends there."

But last March 12, as the microbiologist walked from a bus stop to his home at 810 Tuckerman St. NW after a concert, a still-unexplained street attack destroyed those plans with gunfire.

Gelsing lingered for 10 months at Washington Hospital Center, partially paralyzed, his strength draining from the complications of his injury, faced with living out his life in a wheelchair, until Jan. 15, when he died.

Why was he attacked? His friends are at a loss. The police, who found no evidence of a robbery motive at the time, have no clues to the youthful assailant or assailants who pulled up in a car and cursed, beat and kicked the man before shooting him.

Some think it may just have been a kind of senseless, brutal, "let's get this guy" attack.

"He woudn't have hurt anyone," said Lawrence Scheewe, attorney and friend who, like Gelsing, was graduated from Carroll College in Helena, Mont. "He was confused about the whole thing. He couldn't see what the purpose was."

To a fellow scientist at the research institute, Dr. Herman Schneider, "He was a very nice man, with wide-ranging interests. He was well liked. I worked later at the same laboratory in Japan where he had worked during the Korean war and afterwards. To a man and woman, the people he had worked with there worshipped him."

Mrs. Abraham Danzig, his landlady, counted up 13 years of knowing Gelsing: "He lived in our house for three years, and next door for over 10 years. They don't come any better. That man could not have any enemies.

"He liked to walk a lot. A book was always in his hands, even when he went for a walk. Most of his friends were family men, and they would invite him to their homes. He wasn't lonely. He had a lot of friends. In winter, he went to classes.

"He kept his apartment spotless, and he cooked. He didn't use TV dinners. Some times, he even baked. We were just like one family."

Gelsing left no immediate survivors. Those who arranged his funeral back in Helena, with burial in Resurrection Catholic Cemetery, suggested that expressions of sympathy might be in the form of gifts to the scholarship fund at Carroll College.

His friends said Gelsing was open handed to charitable causes, and it was understood he had helped one or more Japanese students through medical school.

"He did not deserve what was done to him," Mrs. Danzig said.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Wyoming for yielding me this time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming (Mr. HANSEN) is recognized for not to exceed 30 minutes.

THE NATIONAL SECURITY ASPECTS OF THE MANDATORY OIL IMPORT PROGRAM

Mr. HANSEN. Mr. President, the controversy over oil imports centers around the national security aspects of the mandatory oil import program which was established by Presidential proclamation in 1959.

During May of 1968, the Committee on Interior and Insular Affairs of the other body held hearings and published a most comprehensive report on the background leading to the establishment of the mandatory program and also its findings and recommendations for modifications in the program.

The pending report and recommendations of the Cabinet task force and oil import controls as I understand it from published reports, does not, in my opinion, adequately consider the national security provisions of the program.

In order that the national security precepts upon which the mandatory oil import program was established are fully and clearly understood, I quote the following from the report:

THE PROGRAM SINCE 1959

The mandatory oil import program was established by Presidential Proclamation No. 3279, issued March 10, 1959, under authority of section 2 of the Trade Agreements Act of July 1, 1954 as amended (72 Stat. 678). The proclamation, as amended, has been continued under authority of section 232 of the Trade Expansion Act of 1962 (76 Stat. 877).

The overriding significance of national security is clearly brought out in House Report 1761 of the Committee on Ways and Means in reporting on H.R. 12591, 85th Congress, which was subsequently enacted as the Trade Agreements Extension Act of 1958 (72 Stat. 678). The following comments are contained in that report:

THE NATIONAL SECURITY AMENDMENT

Section 2 of the 1954 Extension Act provided that no trade agreement reduction in duty shall be made if it would threaten domestic production needed for projected national defense requirements. Section 7 of the Trade Agreements Extension Act of 1955 amended this section by adding a new subsection providing a procedure for investigation and action by the President if he agrees with the Director of the Office of Defense Mobilization that any article is being imported in such quantities as to threaten to impair the national security. The 1955 amendment provided that, if the President found such to be the case, he take such action as he deems necessary to adjust imports to a level that would not threaten to impair the national security.

These provisions were the subject of voluminous testimony to the committee and of extended committee consideration. Most of the witnesses who addressed themselves to section 7 of the 1955 act were of the opinion

that the provision should be amended in such a way as to speed up investigations and determinations under the section, and to clarify and make more specific the standards applicable to its administration. The committee has carefully considered the points of view expressed and has concluded that any question as to the adequacy of section 7 is resolved by the amendments to that section which the committee has made.

Your committee (that is, the Committee on Ways and Means) was guided by the view that the national security amendment is not an alternative to the means afforded by the escape clause for providing industries which believe themselves injured, a second court in which to seek relief. Its purpose is a different one—to provide those best able to judge national security needs—namely, the President and the Director of the Office of Defense Mobilization, acting with the advice of such Cabinet officers as the Secretaries of Defense, Commerce, and State—a way of taking whatever action is needed to avoid a threat to the national security through imports. Serious injury to a particular industry, which is the principal consideration in the escape-clause procedure, may also be a consideration bearing on the national security position in particular cases, but the avoidance or remedy of injury to industries is not the object per se. There are other differences between the two procedures, such as that the one here under consideration applies to all imports whether or not the subject of trade agreement concessions. Again, in the choice of remedies the President is not limited in national security cases to actions which he might take under the authority delegated to him in the trade-agreements legislation. However, it should be pointed out that the actions he may take under the authority of the national security amendment are limited to actions to adjust imports. In emergencies and for such time as necessary, the President may also take any action available to him under any of his other powers. Your committee considered it paramount to emphasize, however, that any action, large or small, for a short or long time, may be taken only if warranted by national security considerations. The interest to be safeguarded is the security of the Nation, not the output of profitability of any plant or industry except as these may be essential to national security.

Subsequently, in House Report 1818, accompanying H.R. 11970, 87th Congress, enacted October 11, 1962, as the Trade Expansion Act of 1962 (76 Stat. 877), the Committee on Ways and Means commented as follows:

SECTION 232. SAFEGUARDING NATIONAL SECURITY

Except for conforming changes, section 232 is identical to, and continues in effect, the provisions of section 2 of the Trade Agreements Act approved July 1, 1954, as amended by Section 8 of the Trade Agreements Extension Act of 1958.

Section 232(a) provides that no action is to be taken pursuant to the bill or section 350 of the Tariff Act of 1930 to decrease or eliminate the duty or to decrease any other import restriction on any article if the President determines that the reduction or elimination would threaten to impair national security.

Section 232(b) provides that upon request, application, or notice from specified sources the Director of the Office of Emergency Planning (OEP) must undertake an investigation to determine whether the article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. If he so finds, he is required to so advise the President, who is required to take such action as he deems necessary to adjust imports unless he determines that the article is not being imported in such quantities or under such circumstances as to threaten to impair the national security.

Section 232(c) enumerates various factors to which the President and the Director of the OEP are to give consideration in carrying out their functions.

Section 232(d) requires a report to be made and published on each final disposition of any request for investigation under section 232(b). It also requires the Director of the OEP to publish procedural regulations governing the exercise of the authority vested in him by section 232(b).

The House Committee on Interior and Insular Affairs wishes to point out the deep and continuing concern of other committees of Congress in the mandatory oil import program. In that respect, and without further extensive elaboration, attention is directed to the following:

1. Hearing held by the Select Committee on Small Business, House of Representatives, pursuant to House Resolution 46, 87th Congress, and House Report 2567.

2. Hearings held by the Select Committee on Small Business, U.S. Senate, 88th Congress, second session, entitled "Oil Import Allocations" and to the 14th and 15th annual reports of that committee.

3. Hearings before the Committee on Finance, U.S. Senate, 90th Congress, entitled "Import Quotas Legislation."

With respect to the last-named hearings, those before the Committee on Finance, U.S. Senate, Secretary of the Interior Stewart L. Udall, on October 18, 1967, testified with respect to oil imports as follows:

"I would like to state here my firm view that, in the present world petroleum situation, oil imports should be controlled in the interests of our national security. I think there has always been a strong case for this and there is today. This is the paramount, the only reason why such imports are controlled. In no sense does this position alter my views with respect to opposing trade barriers generally. But in the case of oil, our security would be jeopardized unless we have a strong, healthy, domestic oil industry, capable of meeting the demands of any conceivable emergency. One only has to look at the Middle East and what happened there a few months ago; Israel had to win or lose a war in a matter of days because of the fact that the mobility of their machines rested on very limited supplies of petroleum and I just use this to underscore what I mean.

"This we could not do if low-cost oil from petroleum-exporting countries were to flood this country, with consequent damage to our own energy-producing industries.

"The relationship between our national security and adequate supplies of oil is clear. On this score, it suffices to point out that oil is practically the sole source of energy for transportation—both civilian and military, and we are a highly mobile Nation.

"Adequate domestic supplies depend upon exploration and discoveries, and these activities will not be carried on in the absence of an adequate market for domestic production.

"It was with these circumstances in mind that in 1957 the President's Special Committee To Investigate Crude Oil Imports reported to President Eisenhower that, taking all factors into consideration, our national security requires the maintenance of some reasonable balance between imports and domestic production at this time, and as a result of that, the President took action that ended in 1959 in the mandatory program under Presidential proclamation."

IMPORT CONTROLS AND THE NATIONAL SECURITY

A basic question for consideration as a result of the testimony and statements given to this subcommittee is whether the same need exists today for control of imports of crude and unfinished oils as prevailed at the time that mandatory controls were adopted in 1959. It is noteworthy that none of the testimony offered during 3 days of hearings advocated discontinuance of import controls, although some parties would have exceptions made for special categories.

The report included the following Committee findings:

COMMITTEE FINDINGS

The following points summarize the findings of the Subcommittee of Mines and Mining with regard to the present status of the mandatory oil import program, its effect upon the domestic petroleum industry, and its effectiveness in the enhancement of our Nation's security:

1. The need for control of foreign crude and unfinished oils in order to assure a healthy U.S. petroleum industry is as great today, from the standpoint of national security, as when the plan was conceived originally. The steady decline in the industry's exploratory effort over recent years and demonstrable inadequacy of known petroleum reserves accumulated have rather alarming implications from the standpoint of the Nation's security in times of emergency.

2. While the voluntary and mandatory oil import program has been helpful, its stated objective of preserving a "vigorous and healthy domestic petroleum industry for purposes of national security" has not been achieved. U.S. exploration and development has been declining for the past 10 or 11 years and even more alarming are the indications that unless steps are soon taken to reverse this trend it will continue at an accelerating rate. Instead of finding more than 4.5 billion barrels per year, which the Department of the Interior indicates are needed to meet future demands and maintain a stable reserve-production ratio, only 2.6 billion barrels per year have been found and developed during the past 7 years.

3. There is substantial evidence that the import program is weakened by the injection into the program of special treatment provisions, particularly since 1965. The profusion of these special treatment provisions threatens to undermine the program by destroying confidence in its administration and by creating special situations which permit imports both within and without the controlled levels.

4. The program is plagued by instability and frequent changes which create uncertainty and lack of a sense of direction. This makes it extremely difficult for segments of the industry to arrange their long-term expansion programs or to develop long-range plans.

5. The import program legally has only one basis for its existence; i.e., to protect the Nation's security by promoting a strong domestic oil industry capable of dealing with unforeseen emergencies. We find that the program is being used for many alien purposes. Many of these are undeniably worthwhile, yet all of them should be accomplished by means other than the oil import program. These include such activities as (a) economic aid to insular possessions and territories; (b) improvement in the Nation's exports; (c) enhancement of the competitive capabilities of the petrochemical industry; and (d) abatement of air pollution.

6. The program is beset by procedural irregularities in its administration. Some actions have been taken by the Secretary and the Oil Import Appeals Board without benefit of adequate notice or public hearings.

7. Declining exploration activity and declining crude reserves are endangering the health and well-being of the domestic petroleum industry and seriously endanger the national security of this Nation.

8. The import program is becoming increasingly complex and is burdened with confusing definitions and regulations so that

participants are never sure as to how certain regulations should be interpreted or how they might be affected by future actions. These ambiguous definitions have resulted in conflicting decisions for like situations.

9. The relationship that controlled imports bear to domestic production—12.2 percent—has been adhered to as far as controlled imports are concerned but weakened by the exceptions permitted outside the 12.2-percent limit. Thus, the effectiveness of the entire program is weakened. The exceptions tend to be increasing at a rapid rate. In addition, total imports of oil into the United States exceeded 26 percent of domestic production for the year 1966. In many respects this is a more significant figure than the 12.2-percent limitation.

The Committee recommendations were as follows:

COMMITTEE RECOMMENDATIONS

1. The mandatory oil import program must not be weakened by use for purposes unrelated to the preservation of national security, regardless of the merits of the alien objectives. This includes projects such as improvement of the economic conditions in any particular geographic area, improvement of competitive conditions for any industry, alleviation of air pollution, economic hardships, or any other unrelated purposes.

2. All inequities in the program should be removed so that the Government is administering a plan that is equitable and fair for all who are governed by it. Features that should be carefully reviewed include the extent of the sliding scale method of allocation, the historic guarantee feature, special provisions for northern tier refiners, allocations to refiners located in insular possessions, allocations to customers of the petroleum industry and other allocations for purposes not basic to national security.

3. The program should be simplified to the greatest extent possible to eliminate the present chaotic condition which causes serious inefficiencies in the planning and operations of the entire petroleum industry.

4. Rules of procedure should be strengthened and observed so as to eliminate decisions made without benefit of adequate notice and public hearings. Amendments and changes to the regulations should be made in a formal, uniform manner; the granting of relief by the Oil Import Appeals Board should be done in accordance with established procedures of the Administrative Procedures Act.

5. Canadian sources of crude oil should continue to be considered within the scope of our national security planning and therefore should receive special treatment. However, participation of Canadian crude oil in our growing U.S. market must not be disproportionately greater than the growth enjoyed by domestic producers. In the past, informal methods of managing such control have been arranged by the Department of the Interior and the Canadian Government. Such a method of control may well be continued but must be improved to prevent Canadian imports from consistently exceeding estimates.

6. It is the view of the committee that any program authorized under the national security provisions of the Trade Agreements Extension Act should be administered strictly in accordance with the purposes of that act and not extended to unrelated matters, notwithstanding the merit of such other programs.

Mr. President, the oil import task force staff recommends that a tariff plan should replace the mandatory quota plan and that the objective of such a plan should be "to move domestic market prices smoothly to their lower levels in all sections of the country while imports rise very gradually to their higher levels."

The committee report makes it abundantly clear that the oil import program or any program authorized under the national security provisions of the Trade Agreements Extension Act "shall be administered strictly in accordance with the purposes of that act and not extended to unrelated matters, notwithstanding the merit of such other programs."

I would certainly not include the objective of lowering domestic market prices of crude oil as anything related to national security.

I wish to make the record of congressional intent perfectly clear in respect to national security and I would further refer my colleagues to a colloquy that took place here last October 13 during consideration of a resolution to extend the interstate compact to preserve oil and gas for 2 years.

The Senator from Massachusetts (Mr. KENNEDY) had asked for consideration of an amendment to the national security clause of the Trade Expansion Act of 1962 which had adopted that clause from the Trade Agreements Extension Act and on which the mandatory oil import program is based.

On points of order as to the germaneness of the amendment, the Senator withdrew his amendment on assurances that hearings would be held as soon as practicable by the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee and by the Senate Finance Committee within their respective jurisdictions in the matter.

These hearings will, I am sure, be held in the near future. Inasmuch as the mandatory oil import program has its legal base in the national security clause of the Trade Expansion Act, I would hope that the President would defer any action on oil imports until those and other committees of Congress that may have jurisdiction in the matter have had an opportunity to hold hearings and make recommendations, or possibly amend the clause.

The Department of Defense prefaced its recommendations to the oil import task force staff with the following:

In fact, the Middle East crisis posed the most severe test of the DOD petroleum system in recent years. It didn't last long enough to have any real impact, but we can draw some object lessons from it.

For example, it showed that:

Our System is delicately balanced.

Prolonged interruptions cannot be tolerated.

U.S. domestic petroleum capability must be available to meet military need in case normal foreign sources are denied. These denials can take many forms. For example, a denial of a supply source in a normally friendly country, which may not at the time be in sympathy with our cause, can be just as final as the destruction of those sources by enemy action.

Oil remains the No. 1 munition of war. We have learned how unreliable foreign oil is in time of emergency.

The Department of Interior has just released a report on the 1967 Middle East petroleum emergency when all imports from that part of the world were suddenly cut off along with closure of the Suez Canal. We were able, only because of our carefully preserved producing capacity, and the remarkable efficiency and expertise of the U.S. oil industry, to fill the needs of the rest of the free world, largely dependent on this oil, and also divert imports from this hemisphere to Europe to prevent a crisis in the economies of those countries.

Following are excerpts from that report:

It has also been contended that the 1967 crisis in the Middle East has added to the relative attractiveness of U.S. producing ventures by underlining the vulnerability of foreign concessions on one hand and stressing the need for accelerated domestic exploration and investment on the other. Aggressive bidding in recent offshore lease auctions, and increased exploratory activity in Alaska, as well as stepped up activity in some of the more attractive onshore areas of the continental United States, have all been cited as indications of this renewed interest. It is too early to characterize this as a reversal in trend and one cannot say with certainty that the motivation for this activity derived from the Middle East crisis. Yet there is reason to believe that the crisis did call for a serious reappraisal of domestic and foreign producing prospects, and early signs are sufficient to provide trend watchers with a new vista on the United States producing industry.

Nothing has been settled as a result of that conflict. We are caught in the middle of one of the major power plays of today's continuing struggle between communism and the free world. France has reneged on her deal with Israel and has taken up the cause of the new Government of Libya which has just kicked us out of the giant Wheelus Air Force Base and made arrangements with France to train jet pilots for the planes France promises to furnish them. These activities will be carried on through the courtesy of the United States on facilities on which we had spent hundreds of millions under agreements that had not expired by any means. Libya has just announced her intentions to 21 major oil exporting companies to raise the price of crude oil exports.

Just previous to that announcement, Libya, Iraq, Egypt, and Algeria had signed an oil cooperation pact and called it a first step toward freeing Arab oil resources from foreign monopolies.

Although the agreement did not outline any plans to end the current concessions of Western companies, it pledged all four countries to "stand together in firm solidarity against any pressure brought by foreign monopolies against any signatory."

In our own hemisphere, we have witnessed the recent takeover in Bolivia of a U.S. company with a proclamation that she would sell her oil to any country in the world, including the Soviet Union, and the Russians are reported to have told them they are buyers.

We can be hopeful that other Latin American oil sources are more reliable, but Chile has not treated the U.S. copper industry kindly.

Are these the sources we want to become dependent on in the hope of cheaper oil?

The New England States which, understandingly would like to have cheaper heating oil, might find themselves paying more rather than less for imported products. Four out of 10 barrels of New England oil products are imported now. During the Middle East crisis of 1967, the domestic industry quickly supplied needs of the east coast but would not be able to do so if that area became entirely dependent on imports as is the eastern area of Canada.

There is no promise, in fact, in the tariff plan proposed by the oil import task force study, for lower prices at all for that area. However, alternate proposals under a revised quota plan would include increased imports of heating oil to New England terminal operators close to the amounts they have sought, and at real savings to the consumer, rather than a rakeoff by the U.S. Treasury.

Such a plan would also preserve the economic strength of the domestic oil industry and encourage the development of increased oil and gas supplies, both in the United States and other parts of the free world. The use of petroleum in the United States rose by 4.6 percent in 1969, which means that Americans consumed an average of 600,000 barrels a day more than they did in 1968. This year, still another half-million barrels a day will be needed to meet the expected U.S. demand, to say nothing of the continuing increase in the use of gas.

To accomplish these supply objectives, however, vast amounts of capital and exploratory expenditures will be required. This is not the time to single out and penalize an industry that has been notable for its technological achievements not only in this country but in all parts of the world. Oil product prices in the United States have remained remarkably stable during a period of inflation and are well below prices in practically all other countries.

Today's free world crude oil reserves stand at 400 billion barrels. But some 80 percent of these supplies—four out of every five barrels on which the free world depends for much of its future energy supply—are concentrated in the Middle East and North Africa. Within the total figure of 400 billion barrels, the United States accounts for only some 30 billion barrels of proved reserves. Thus, it is obviously essential to the welfare, not only of the United States, but of all the free nations of the world, that Middle Eastern and African supplies continue to be readily available. But it is also equally essential that every encouragement be given to development of increased supplies both in the United States and other areas of the world.

The only way to keep foreign oil available and cheap, is to have the reserve capacity available from reliable sources to guarantee self-sufficiency and avoid dependency on sources that could be denied us overnight.

I shall next discuss the economic impact of a 30-cent cut in the price of domestic crude oil and the adverse impact it would have on our 31 oil-producing States, independent producers, and refiners, and the companion problem of an impending gas shortage.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

Under the order of yesterday the Senate proceeded to the consideration of routine morning business.

THE REAL CAUSE FOR INFLATION

Mr. HANSEN. Mr. President, I read with a great deal of concern last night that Dr. Gardner Ackley, a leading economist and former Chairman of the Council of Economic Advisers, sharply criticized President Nixon for vetoing the Labor-HEW appropriations bill.

Dr. Ackley is a man who has served not only in the academic world with great distinction, but he also served President Lyndon Johnson for 4 years as his top man in economic affairs. Advice from a man such as this, it would seem to me, is well worth analyzing.

But then, Mr. President, I remembered something and I took a careful look at the record.

I find that Dr. Ackley was chief prophet and seer of the Democratic administration during a period when the Federal Government managed to run up deficits totaling $39.3 billion.

And is not that pretty much what this is all about?

President Nixon is leading a courageous fight against inflation precisely because Democrats like Gardner Ackley gave the Nation such horrendous advice back in the mid-1960's. President Johnson was told by men like Dr. Ackley to keep right on spending for everything—in addition to the war in Vietnam. And the result was disastrous inflation. Even one of his colleagues, Dr. Arthur Okun, also a member of the Council of Economic Advisers, blames inflation on the policies which Ackley helped develop and sell to the President.

Now, when the Republicans are in office, trying desperately to halt the erosion of ever-higher prices, along comes Dr. Ackley again with advice. And again he says, spend, spend, spend.

I recommend strongly to my colleagues on the Democratic side of the aisle that they consider carefully before accepting the words of this threadbare prognosticator.

Furthermore, the U.S. gold stock rose a steep $688 million last month. Treasury officials said December's increase in the gold stock was by far the largest monthly rise in the past decade. The increase brought the total U.S. gold supply to $11.86 billion at the end of December, up from $11.17 a month earlier and $10.89 billion at the end of 1968.

And under a Republican administration, the U.S. trade surplus last year rose to $1.26 billion from $837 million a year earlier under a Democratic administration.

It would appear, therefore, that the absence of Democratic Party economists from the Government is having a positively beneficial effect. I would hope the country sees fit to continue this healthy trend for a long time to come.

U.S. SERVICEMEN CAN SEE THE REAL CONSEQUENCES OF THE WAR IN VIETNAM

Mr. CHURCH. Mr. President, the intense political discussion of the Vietnam war has produced a number of tragic misconceptions. One of the worst has been the invalid identification of the war's supporters as the only true friends of the Vietnamese people.

As I have tried so often to make clear, the war is even more harmful to the Vietnamese people than to ourselves. Our continued involvement in Vietnam only increases the violence of the civil conflict there; it lengthens and extends a war that the people want ended. Even President Nixon's irreducible goal of self-determination for the Vietnamese people is rendered unobtainable as long as we maintain so massive a foreign presence in that country.

This connection between our continued presence in Vietnam and the worsening political troubles of the people there is not obscure; it is obvious. American fighting men can clearly see the way in which the American military presence is eroding South Vietnam's capacity for self-government.

A petition which I have just received, written by a group of 60 GI's who are now serving in Vietnam, bears powerful witness to that fact. These servicemen have something of significance to add to our understanding of the consequences of the war, and our need to disengage from it. I ask unanimous consent that their statement be printed at this point in the RECORD.

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

QUANG NAM PROVINCE, VIETNAM,
December 20, 1969.

DEAR SENATOR CHURCH: We call for the withdrawal of all American forces from Vietnam in 1970. This is the only way that our country can regain her honor and the people of Vietnam their self determination.

This is not a time to be silent. We speak now so that 20 years from now, we will not be those German parents of today who turn away when their children ask them, "what did you do to stop it?". This is part of our answer.

You do not prolong a tragedy. The war must end and a new and different fight for a just peace at home must be won. We want to come home and work for all of the decent things America once stood for in the past and which still can be our future.

PFC George D. Roberts, Conn., PFC David T. Hirsheim, Minn., Cpl. Everette E. Mathis, Tenn., Cpl. Robert E. Ferrie, New York, Daniel J. Kosharek, Wisc., Anthony R. Pelase, Penna., L/Cpl. Dennis E. Schafer, Wisc. Cpl. Victor O. Lee, Colo., PFC John Fireman, Mich., PVT Misheal L. Johnson, Atlanta, Ga.

Douglas W. Lange, Ill., Roger D. Comee, N.C., Terry E. Larson, Ill., Paul V. Kelley, Mass., Freddie L. Henderson, La., L/Cpl. Loren B. Garne, Pa., L/Cpl. George D. Kelly, N.Y., L/Cpl. Bruce W. Anderson, Mass., L/Cpl. Ron Henlors.

L/Cpl. Steve E. Meining, Colorado, L/Cpl. Robert L. Ingham, Pennsylvania, Pvt. David C. Morton, South Carolina, Sgt. Alan W. Cannon, Ohio, Cpl. Richard M. Staszak, Wisconsin, L/Cpl. David P. Cowelin, New York, Sgt. Michael J. Malone, Oklahoma, Pfc. Larry A. Batten, Virginia.

L/Cpl. Joseph S. Foscano, Connecticut, Pfc. J. P. Ribloor, Illinois, L/Cpl. Allen Gabe, Michigan, Cpl. Julius Brown, Pvt. Wayne J. Penton, Massachusetts, Cpl. Walter B. West, Indiana, L/Cpl. Ronald L. Bloomquist, Minnesota, L/Cpl. Dick L. Columbia, California.

Gary C. MacLean, Mass., Victor J. Gray, Calif., Sherman Ray Leensvourt, Calif./Colo., Richard Worobey, Pa., Kervin Driscoll, New York, Johnny A. Davis, Fla., Forrest S. Burnette, Jr., Pa., Lawrence D. Curtis, Tenn., Larry D. Goetz, Illinois, Edward E. Westwood, Pa., David E. Howell, Detroit, Donovan R. Mason, W. Va., Games W. Woodard, Mich.

Roger P. Bristiat, Ill., Kurt Mueller, California, Kenneth G. Krueger, Chicago, Donald J. Bery, Wisconsin, Thomas Rustman, Chicago, Michael S. Aguias, Ohio, Thomas P. Gray, Iowa, Robert Lombardi, New York, Thomas A. Jackson, Baldwin City, Kans., Peter Cullen, Boston, Mass., William B. Shrever, Calif., Herman Limberger, Chicago.

IS VIETNAMIZATION BEING UNDERMINED?

Mr. CHURCH. Mr. President, there is much evidence to suggest that the administration's own policy of Vietnamization is being undermined by the "big brother" attitude of our military leaders in Saigon, who are clinging to their command and advisory positions.

In the January 1, 1970, issue of the Christian Science Monitor, Mr. George W. Ashworth reported that—

> The unwillingness of the Americans to let go of the reins of power is a major continuing problem in Vietnam. Indeed, in terms of overall effectiveness, the abundance of Americans at the top levels—and down the chain of command—has produced what many in the field see as a major hindrance to the development of the Vietnamese.

In my own view, there is little enough reason to expect that the President's policy of Vietnamization will work. I find it hard to believe that a government which was unable to win a civil war with the aid of half a million American troops will be able to win without them. But if the policy is to have any chance of working, the South Vietnamese must be given the opportunity to stand on its own.

Our reluctance to turn the reins back to the Vietnamese—the declared objective of the President notwithstanding—is well exposed by Mr. Ashworth.

I ask unanimous consent that his 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 TO CUSHION GI WITHDRAWAL: WOULD MORE U.S. ADVISERS HELP SAIGON?

(By George W. Ashworth)

SAIGON.—In the midst of American withdrawals from Vietnam, the United States command in Saigon is endeavoring to convince Washington to allow still more advisers to the South Vietnamese.

On the surface, it would appear that advice to the Vietnamese is already plentiful. As an example, the Vietnamese protocol list for Saigon names nearly 100 American officers of general and flag rank. By comparison, there are fewer than 50 South Vietnamese generals and admirals on active duty with all of the Vietnamese armed forces.

The hope for more advisers is not generally held in the field.

In interviews throughout Vietnam, numerous Army officers and civilians acting in advisory capacities expressed the view that they could get by with fewer—not more.

But as the American involvement in combat has waned and the emphasis upon development of the South Vietnamese forces has constantly grown, the military and civilian advisory effort has been looked upon in many quarters as the new way to grow.

This desire for expansion marks what many American sources see as a major continuing problem in Vietnam: the unwillingness of the Americans to let go.

One American officer put it this way: "We have fought Washington on every reduction so far. And I am sure we will keep fighting them."

Despite withdrawals, American strength remains quite high in many areas of South Vietnam. In northernmost I Corps, for instance, there are nearly three times as many American fighting men as there are Vietnamese, despite the withdrawal in early fall of the 3d Marine Division. As of early December, there were still 55,589 American marines and 67,810 Army officers and enlisted men in I Corps. Vietnamese Army forces totaled 41,010.

In Saigon, the headquarters of the Military Assistance Command Vietnam (MACV) now contains about 2,400 A senior officer thought for a moment before guessing that the headquarters could be cut by about 1,000 without great difficulty.

The latest withdrawal announcement, made Jan. 12, included orders for a 10 percent cut in many headquarters staffs. It is the first major reduction in headquarters staffs, and there is general agreement that much of the American staff in Saigon, both civilian and military, is far too large.

One officer new to the field from an assignment at the Saigon MACV headquarters termed his departure an escape.

"There were seven colonels in our office," he said, "and we had almost nothing to do. Sometimes, one or the other of us would skip lunch in hopes something would come along to do while the others were out."

In some provinces, the advisory staffs number several hundred.

The abundance of Americans at the top levels—and down the chain of command—has produced what many in the field see as a major hindrance to the development of the Vietnamese.

Withdrawals so far have left the various headquarters and advisory efforts relatively untouched. Some staffs even have grown.

As the American withdrawal continues, and still more combat troops leave, the size of the so-called "tail" will become still more disproportionate, if current trends continue.

Aware of the problem, Washington ordered the military command at one point in recent withdrawals to increase the share of headquarters personnel leaving. Even then, it was but a tiny fraction of the whole.

One senior official in Saigon suggested that the overall effort could be substantially enhanced if a careful study were made to see precisely which departments could be abolished and which moved back to the United States.

One officer suggested facetiously, "we could let those in the United States put up some barbed wire around their headquarters and wear jungle boots if they would be happier."

GRAVITY SUMMED UP

While many sources who have followed the war effort closely joke about the vast continuing American presence, they carefully agree that it is a most serious problem for several reasons:

The sheer size of the bureaucracy leads to a lot of waste motion as well as dreadful slowness from time to time in matters of great urgency. And many officers, particularly younger ones, complain that mediocrity is often forthcoming when brilliance is needed.

Because there are so many Americans, the Vietnamese simply are not afforded the challenges they desperately need at this stage in their development. There are so many Americans that they often must do more than they should simply to stay busy.

And there is the continuing problem of the American belief that only the American way is best acceptable. Too often, many sources here maintain, Vietnamese ideas are shunted aside needlessly and unthinkingly.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON WORKING CAPITAL FUNDS OF THE DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on the financial condition and operating results of working capital funds at June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF AUDIT OF THE EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting pursuant to law, a report of audit of the Exchange Stabilization Fund, U.S. Treasury Department, fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT 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, the report on Department of Defense procurement from small and other business firms for July–October 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF DISPOSAL OF FOREIGN EXCESS PROPERTY

A letter from the Deputy General Manager, U.S. Atomic Energy Commission, reporting, pursuant to law, on the disposal of foreign excess property during fiscal year 1969; to the Committee on Government Operations.

REPORT ON MIDDLE EAST PETROLEUM EMERGENCY OF 1967

A letter from the Assistant Secretary of the Interior, transmitting a report on the Middle East petroleum emergency of 1967, prepared by the Office of Oil and Gas, De-

partment of the Interior (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of Kentucky; to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 13

"A RESOLUTION HONORING THE LATE DR. MARTIN LUTHER KING, JR.

"Whereas, January 15 is the anniversary of the birth of the late Dr. Martin Luther King, Jr.; and

"Whereas, throughout his life Dr. King exemplified the principles of adherence to law and of bettering the law through lawful change; and

"Whereas, Dr. King has become the symbol to all Americans of the power of passive persuasion; and

"Whereas, there is now before the Congress of the United States House Resolution 7703, to designate January 15 as a legal public holiday: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That the House of Representatives of the Commonwealth of Kentucky endorses and urges the passage of House Resolution 7703 to establish January 15 as a legal holiday honoring Dr. Martin Luther King, Jr.

"2. That the House of Representatives, when it adjourns on January 15, 1970, does so in memory of the late Dr. King.

"3. That the chief clerk is directed to send a copy of this resolution to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States."

A resolution of the Urban Commission, Department of Christian Social Relations, Diocese of Long Island, Brooklyn, N.Y., praying for the declaration of the 15th day of January a national holiday in honor of Dr. Martin Luther King., Jr.; to the Committee on the Judiciary.

A letter, in the nature of a petition, from Commodore William Moss, Represa, Calif., praying for a redress of grievances with respect to the equal protection of the law; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AIKEN, from the Committee on Agriculture and Forestry, without amendment:

S. 2116. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformly of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes (Rept. No. 91–639).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

S. 2306. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes (Rept. No. 91–638).

AMENDMENT OF SECTION 302(c) OF THE LABOR-MANAGEMENT RELATIONS ACT, 1947, TO PERMIT EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS IN CERTAIN INSTANCES—INDIVIDUAL VIEWS (REPT. NO. 91–640)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (S. 1369) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed as requested by the Senator from New Jersey.

SENATE RESOLUTION 326—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS FOR INQUIRIES AND INVESTIGATIONS

Mr. RANDOLPH, from the Committee on Public Works, reported the following original resolution (S. Res. 326); which was referred to the Committee on Rules and Administration:

S. RES. 326

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to flood control, navigation, rivers and harbors, roads and highways, public buildings, regional economic development, disaster relief, environmental quality, and all features of water resource development and economic growth.

SEC. 2. For the purposes of this resolution, the committee from February 1st, 1970 to January 31st, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31st, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $211,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

SENATE RESOLUTION 327—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS FOR INVESTIGATIONS OF AIR, WATER, AND ENVIRONMENTAL MATTERS, AND SUCH OTHER RELATED MATTERS

Mr. RANDOLPH, from the Committee on Public Works, reported the following original resolution (S. Res. 327); which was referred to the Committee on Rules and Administration:

S. RES. 327

Resolved, That the Committee on Public Works, and its duly authorized Subcommittee on Air and Water Pollution, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of the financing of waste treatment facilities, extension and amendment to the Clean Air Act, including creation of an Office of Noise Pollution Abatement; extension and expansion of the Solid Waste Disposal Act; completion of action on the Water Quality Improvement Act and the Office of Environmental Quality; limitation of underground uses of nuclear energy; potential administration proposals on amendments to the Clean Air Act and the Federal Water Pollution Control Act, the recovery and recycling of waste materials and assessment of waste disposal technology, the establishment of National Environmental Laboratories, and such other matters as may be referred to the subcommittee during this Session.

SEC. 2. For the purposes of this resolution, the committee from February 1st, 1970 to January 31st, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31st, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $163,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. CHURCH:

S. 3347. A bill to reorganize and strengthen the U.S. Government structure for dealing with Western Hemisphere affairs; and for other purposes; to the Committee on Foreign Relations.

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

By Mr. TALMADGE (for himself, Mr. CRANSTON and Mr. YARBOROUGH):

S. 3348. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Finance.

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

By Mr. ERVIN:

S. 3349. A bill to amend the Internal Revenue Code of 1954 with respect to the amount of deduction allowable for casualty losses to timber; to the Committee on Finance.

S. 3350. A bill for the relief of George W. Sharman; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 3351. A bill to provide for the termina- of mineral leases in the area of the outer Continental Shelf seaward of the Santa Barbara state oil drilling sanctuary in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3352. A bill for the relief of Solomon Simtab; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. METCALF, and Mr. MONDALE):

S. 3353. A bill to require the Secretary of Agriculture to make part payment to producers under the wheat and feed grain programs in advance of determination of performance; to the Committee on Agriculture and Forestry.

S. 3347—INTRODUCTION OF A BILL TO CREATE AN UNDER SECRETARY OF STATE FOR WESTERN HEMISPHERE AFFAIRS

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to reorganize the U.S. Government structure for dealing with Western Hemisphere affairs, and for other purposes, and ask that it be appropriately referred. The bill would implement a recommendation made by the President in his October 31 speech on Latin American policy.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks, together with a letter from the Secretary of State to the Vice President and an explanation of the bill prepared by the Department of State.

The bill would have the effect of upgrading the State Department official in charge of Latin American policy from an Assistant Secretary to an Under Secretary. This is said to be desirable for two reasons.

In the first place, it would be a recognition of the special place which Latin America holds in our foreign relations.

In the second place, it would give the new Under Secretary greater standing within our own Government. One of the problems of our Latin American policy is that of interagency coordination.

Latin American policymakers in the State Department not only have to deal with 24 countries in Latin America but also with the Department of Defense, the U.S. Information Agency, the Agency for International Development, the Central Intelligence Agency, the Department of the Treasury, the Department of Agriculture, the Department of Labor, the Department of Commerce, and the Department of Justice, among others. The Department of State is supposed to be the preeminent foreign policy agency. Representation of the Department of State by an Under Secretary, instead of an Assistant Secretary, would help to insure that this is, in fact, the case.

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

The bill (S. 3347), to reorganize and strengthen the U.S. Government structure for dealing with Western Hemisphere affairs, introduced by Mr. CHURCH, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 2 of the Act of May 26, 1949, as amended (22 U.S.C. 2653), is hereby further amended by adding a new paragraph (c) at the end thereof to read as follows: "(c) There is established in the Department of State an Office of Under Secretary of State for Western Hemisphere Affairs which office shall be filled by appointment by the President, by and with the advice and consent of the Senate. The incumbent of such office shall perform such duties as may be prescribed by the Secretary of State."

SEC. 2. Section 5314 of title 5, United States Code, is amended to add the following new paragraph at the end thereof "(54) Under Secretary of State for Western Hemisphere Affairs."

The material furnished by Mr. CHURCH follows:

THE SECRETARY OF STATE,
Washington, D.C., December 20, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. VICE PRESIDENT: Enclosed for consideration and action by the Congress is a draft bill to reorganize and strengthen the United States Government structure for dealing with Western Hempshire affairs.

Relations with the other nations of the Western Hemisphere are a matter of special interest and concern to the United States. This special concern has been forged by ties of geography, history, common interests and common aspirations. Given the importance and special nature of our relationship with the nations of the Western Hemisphere—and given the seriousness and complexity of the problems that face us in the decade ahead—the President has proposed that the nations of the inter-American system develop an action program, based on a mature partnership, to revitalize our relationship and to stimulate progress in the development of these societies.

To fulfill more effectively our commitment in this new partnership program in the hemisphere will require a significant reorganization and upgrading of effectiveness of the U.S. governmental structure dealing with Western Hemisphere affairs. In recognition of this need, the President announced in his speech of October 31, 1969, on Latin American policy, that he would seek legislation to establish the position of Under Secretary of State for Western Hemisphere Affairs. The proposed bill will carry out that pledge.

This proposal is thus a key element in the President's Western Hemisphere policy. It is designed to: (a) produce more effective and efficient implementation of new policy approaches in the Hemisphere by providing an authority to coordinate various U.S. Government activities in the area; (b) create one place in the United States Government where other hemisphere nations can come to discuss their problems and thus speed decisions and reactions; and (c) signify to the nations of the hemisphere the special importance we attach to our relations with them.

The President's announcement in his speech that he would propose the establishment of an Under Secretary for Western Hemisphere Affairs received wide and enthusiastic approval in the other countries in the hemisphere.

The new Under Secretary will represent the President and the Secretary of State in all matters concerning Western Hemisphere affairs. He will be concerned with a broad spectrum of problems relating to the Hemisphere and will be given authority to coordinate all U.S. Government programs and activities related to those problems. He will be responsible for developing and implementing new approaches for solving these problems. His area of involvement will include military, education, health, scientific, technological, agricultural, developmental and other programs in addition to general economic and political affairs.

The Bureau of the Budget advises that this proposal is in accord with the President's program. I request that the Congress give it favorable consideration at an early date.

Sincerely yours,

WILLIAM P. ROGERS.

EXPLANATION OF PROPOSED LEGISLATION

Relations with the other nations of the Western Hemisphere are a matter of special interest and concern to the United States. Because of the importance and special nature of our relationship with these nations, the President—in his speech of October 31, 1969 on Latin American policy—proposed that the nations of the Inter-American system develop an action program, based on a mature partnership, to meet the pressing needs of the decade ahead.

To fulfill more effectively our commitment in this new partnership program in the hemisphere will require a significant reorganization and upgrading of effectiveness of the U.S. government structure dealing with the Western Hemisphere. In recognition of this need, the President announced in his speech his intention to seek legislation to establish the position of Under Secretary for Western Hemisphere Affairs.

The President considers the proposed legislation to be a key element in his Western Hemisphere policy. It is designed to: (a) produce more effective and efficient implementation of new policy approaches in the Hemisphere by providing an authority to coordinate various U.S. Government activities in the area; (b) create one place in the United States Government where other hemisphere nations can come to discuss their problems and thus speed decisions and reactions; and (c) signify to the nations of the hemisphere the special importance we attach to our relations with them.

The new Under Secretary will represent the President and the Secretary of State in all matters concerning Western Hemisphere affairs. He will be concerned with a broad spectrum of problems relating to the Hemisphere and will be given authority to coordinate all U.S. Government programs and activities related to those problems. He will be responsible for developing and devising new approaches for solving these problems. His area of involvement will include military, education, health, scientific, technological, agricultural, developmental and other programs in addition to general economic and political affairs.

The proposed legislation will amend Section 2 of the Act of May 26, 1949 (22 U.S.C. 2653), An Act to Strengthen and Improve the Organization and Administration of the Department of State, by adding a new paragraph (c) authorizing the position of Under

Secretary of State for Western Hemisphere Affairs. This legislation will also amend Chapter 53 of Title 5, U.S. Code, by adding the position of Under Secretary of State for Western Hemisphere Affairs to Level III of the Executive Salary Schedule.

S. 3348—INTRODUCTION OF A BILL INCREASING THE RATES OF COMPENSATION FOR DISABLED VETERANS

Mr. TALMADGE. Mr. President, yesterday I introduced a bill to increase compensation payments to disabled veterans whose disability is related to their military service. Unfortunately, the section of the bill to raise dependents' allowances was inadvertently omitted. I am, therefore, introducing a clean bill today which includes this section.

I am pleased that this bill is being cosponsored by the distinguished chairman of the Committee on Labor and Public Welfare, Senator YARBOROUGH, and by the chairman of that committee's Subcommittee on Veterans' Affairs, Senator CRANSTON.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

The bill (S. 3348), to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, introduced by Mr. TALMADGE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$48";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$72";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$99";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$550" and "$750", respectively;

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$550";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$600";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$675";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$750"; and

(16) by striking out "$450" in subsection (s) and inserting in lieu thereof "$500".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) The increase in rates of disability compensation made by subsections (a) and (b) of this section shall become effective July 1, 1970.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$25" in subparagraph (A) and inserting in lieu thereof "$28";

(2) by striking out "$43" in subparagraph (B) and inserting in lieu thereof "$48";

(3) by striking out "$55" in subparagraph (C) and inserting in lieu thereof "$61";

(4) by striking out "$68" and "$13" in subparagraph (D) and inserting in lieu thereof "$75" and "$14", respectively;

(5) by striking out "$17" in subparagraph (E) and inserting in lieu thereof "$19";

(6) by striking out "$30" in subparagraph (F) and inserting in lieu thereof "$33";

(7) by striking out "$43" and "$13" in subparagraph (G) and inserting in lieu thereof "$48" and "$14", respectively;

(8) by striking out "$21" in subparagraph (H) and inserting in lieu thereof "$23"; and

(9) by striking out "$40" in subparagraph (I) and inserting in lieu thereof "$44".

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding a new subsection as follows:

"(b) For the purposes of section 310 of this title, the disability of any veteran of a war or of service after January 31, 1955, shall be deemed to be service-connected for a period of not less than 180 days during his active military, naval, or air service such veteran (1) was held as a prisoner of war, or (2) while in line of duty was forceably detained or interned by a foreign government or power, unless the Administrator can show by clear and convincing evidence that such disability was not incurred in or aggravated in line of duty by such veteran while serving in the active military, naval, or air service."

(b) The catch line of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities."

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"312. Presumptions relating to certain diseases."

and inserting in lieu thereof the following:

"312. Presumptions relating to certain diseases and disabilities."

Mr. YARBOROUGH. Mr. President, I am pleased to join with the distinguished chairman of the Finance Committee's Subcommittee on Veterans Legislation, Senator TALMADGE, and the distinguished chairman of the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee, Senator CRANSTON, in cosponsoring S. 348, which would increase compensation payments to veterans who suffer from service-connected disability.

The most significant feature of this bill is that it recognizes that economic loss should be measured in terms of the increase in average earnings and not the rise in the cost of living. The payments provided for under the present law are far too low and have needed to be increased for some time. This bill seeks to raise these payments by applying a reasonable standard: the increase in average earnings. In the case of totally disabled veterans, this bill would increase their monthly payments from $400 to $450. This bill would increase the payments to veterans with disabilities ranging from 10 to 90 percent by 11 percent. It would also increase the allowance for dependents of veterans whose disability is 50 percent or higher by 11 percent. Finally, the bill provides that disabilities suffered by veterans who were prisoners of war for 6 months or more will be presumed to be service connected unless the Veterans' Administration can show otherwise by clear and convincing evidence.

I commend the sponsors of this bill for the efforts they have put into this important legislation. I am proud to be a cosponsor of this bill and hope that it will receive prompt consideration.

SENATE RESOLUTION 328—TO PRINT AS A SENATE DOCUMENT A COMPILATION ENTITLED "MAJORITY AND MINORITY LEADERS OF THE SENATE

Mr. MANSFIELD (for himself and Mr. SCOTT) submitted the following original resolution (S. Res. 328), which was considered and agreed to:

S. RES. 328

Resolved, That a compilation entitled "Majority and Minority Leaders of the Senate", prepared under the direction of the Secretary of the Senate, Francis R. Valeo, by the Senate Parliamentarian, Floyd M. Riddick, shall be reprinted with revisions and certain tables as a Senate document, and that an additional two thousand copies be printed for distribution by the Secretary of the Senate.

NEWSPAPER PRESERVATION ACT—AMENDMENT

AMENDMENT NO. 466

Mr. HART. Mr. President, S. 1520, the Newspaper Preservation Act, which would exempt certain newspapers from antitrust prohibitions against price fixing, profit pooling, and market division is on the calendar awaiting debate.

I am opposed to the measure and, as I have several times said, intend to vote against it.

The bill as reported by the committee contains amendments which had been offered by the late senior Senator from Illinois, Mr. Dirksen. These amendments, in my view, made an already bad bill worse. One of the amendments grants the Attorney General the authority to approve future agreements without giving the parties the right of appeal. The other adds language to the definition of failing newspaper, language which in my view will give the courts an impossible interpretation job.

Mr. President, I, therefore, submit an amendment which would strike the Dirksen amendments giving the Attorney General the power to approve future agreements and which simplifies the definition of "failing newspaper." I am sending the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

ORGANIZED CRIME CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, the passage last Friday by the Senate of S. 30, the Organzed Crime Control Act of 1969, by a vote of 73 to 1, will, I am sure, be recorded by history as a landmark in our Nation's response to the special challenge posed by the rapidly growing and dangerous menace of organized crime. This legislation, which is a bipartisan product of a year's hearings, consultations, and concentrated effort, embodies many of the recommendations of such distinguished groups and organizations as the President's Commission on Crime and the Administration of Justice, the American Law Institute, the American Bar Association, and the National Council on Crime and Delinquency. In addition, in two of its 11 titles, the bill implements specific items of the President's legislative program in the field of criminal justice. The evidence-gathering processes and the organized crime control features of this bill represent an embodiment of the best legal thought and judgment that could be marshaled and brought to bear on this most urgent problem.

Mr. President, the passage of S. 30 by such an overwhelming vote unequivocally records the judgment of the Senate and serves notice that it is ready and willing to provide our law-enforcement agencies with all legislative tools that can be made available within the framework of the Constitution to aid them in successfully prosecuting the war on crime.

It is also significant, I think, Mr. President, to note that since the passage of the bill by a vote of 73 to 1, 23 of the 26 Senators who were absent and not voting at the time the bill was passed have subsequently announced in the RECORD that had they been present and voting they would have supported this measure.

Mr. President, the action of the Senate in having fully met its responsibility carries with it an urgent invitation to the other body to consider immediately and move expeditiously on this measure. I recognize that fear has been expressed by some few that there are some unconstitutional provisions in S. 30—provisions that tread unduly on civil liberties. Nevertheless, I am confident that close and careful scrutiny of the measure will lead all fairminded Representatives, as it led the Members of the Senate, to conclude that its provisions are not only constitutional, but that they are prudent and sorely needed for the administration of justice and the protection of society.

Mr. President, I know that all Senators now share my hope that the House of Representatives will act expeditiously and favorably on this legislation and that the President may soon have the opportunity to sign the bill into law.

THE ARMED RESERVE FORCES

Mr. GOLDWATER. Mr. President, all too little attention has been focused upon the tremendous asset the Reserve Forces of the United States are to our total commitments both in peace and in war. Too many of our citizens are prone to look upon these forces as "weekend warriors." They do not realize that the total experience in a Reserve or National Guard organization is far, far greater than the experience found in the Regular Forces.

The Air Force Reserve, for example, is committed to many tasks such as airlift and air evacuation, both domestically and overseas, and I think it is proper to invite the attention of Congress to the fact that in 1969, when more than 11,000 missions were airlifted, including 1,500 overwater missions to Europe, Africa, the Near East, the Pacific, and Southeast Asia, totaling over 150,000 hours in eight different types of aircraft, not one single accident occurred.

These missions counted for 186 tons and close to 115,000 troops in airdrops in support of special exercises and Army airborne training. In accomplishment of these missions the Reserve pilots and crewmembers encountered many flight emergencies and adverse weather conditions which were handled skillfully, and all this reflects tremendously to the credit of these men of all ages who maintain the aircraft, schedule their operations, navigate them, engineer them, and fly them, and I, as a former Reserve officer, hope that proper recognition to the importance of the reservist will be forthcoming by this administration, this Congress, and the different branches of the military.

In further recognition of this achievement, I ask unanimous consent that a letter from the Vice Chief of Staff of the Air Force, Gen. John C. Meyer, to Maj. Gen. Tom E. Marchbanks, Jr., the Chief of the Air Force Reserve, be printed in the RECORD.

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

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
U.S. AIR FORCE,
Washington, D.C.

Maj. Gen. TOM E. MARCHBANKS, Jr.,
Chief of Air Force Reserve.

DEAR GENERAL MARCHBANKS: It is a pleasure to acknowledge that the Air Force Reserve has just completed an aircraft accident free year in 1969 which is an achievement never before attained by our Reserve forces. Considering the global scope and diversity of the Reserve flying mission, this record is truly commendable. Attainment of this difficult goal attests to the high degree of professionalism existing at all levels within the command.

I congratulate you and each member of the Air Force Reserve for this truly outstanding achievement.

Sincerely,

Gen. JOHN C. MEYER,
Vice Chief of Staff.

SENATOR WILLIAMS OF NEW JERSEY CALLS FOR THE UNITED STATES TO DEMONSTRATE SUPPORT FOR ISRAEL IN WORD AND DEED

Mr. WILLIAMS of New Jersey. Mr. President, in a statement issued on Sunday, January 25, 1970, the President has recognized that peace in the Middle East can be achieved only through direct negotiations between Israel and the Arab nations. I hope that the President's statement reflects a return of U.S. policy from the disastrous course the State Department has been pursuing.

As I have stated time and time again, no foreign power can impose a settlement upon the parties to the Middle East conflict. The Arab nations must be made to understand that the only prospect for a settlement of the dispute lies in their willingness to recognize Israel's status as a member of the family of nations and their willingness to negotiate the peace directly with Israel.

In his statement, the President also said that "we will not hesitate to provide arms to friendly states as the need arises." However, it has been reported that both White House and State Department officials said that the President's comments did not signal any decision on Israel's pending request to purchase additional jet fighters.

While I deeply regret any escalation of the arms race in the Middle East, we cannot ignore the fact that Syria, Iraq, and Egypt together have almost four times as many combat planes as Israel. Nor can we ignore the recent agreement by France to sell Libya 100 jet fighters.

The United States, while making every effort to halt the arms race in the Middle East, must not hesitate to conclude an agreement to sell Israel the military equipment, including jets, she desperately needs. We must also undertake to provide Israel with economic assistance to enable her to pursue peace for all people in the Middle East.

In recent weeks, I have been meeting with various groups who are deeply concerned about the sincerity of America's commitment. This past Sunday I addressed the Jewish Welfare Council of Bergen County. In the course of that address, I read the text of a letter I sent to Secretary of State Rogers on January 19, 1970, demanding that the United States in word and in deed demonstrate to the entire world that the continued integrity of a secure State of Israel is vital not only to the national interests of the United States, but to the interests of world peace.

I ask unanimous consent that the address and text of my letter to Secretary Rogers be printed in the RECORD.

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

REMARKS OF U.S. SENATOR HARRISON A. WILLIAMS, JR.

Thank you very much for inviting me to join you this morning at this annual breakfast honoring the Presidents of Teaneck's Jewish organizations.

There are many subjects about which I could address the Jewish Welfare Council of Bergen County. I could for example talk about the severe problems facing the elderly in our society. I could talk about aid to refugees from behind the iron curtain. I know that both of these are among the most important, vital activities that the Council performs.

This morning, however, as we meet in Congregation Beth Sholom, I think it is appropriate to talk about "Peace," not only for the aged, not only for the refugees, but for all in that geographically tiny, giant of democracy in the Middle-East—Israel.

The news from the Middle East is not encouraging. For several months now we have been witnessing the gradual but nonetheless shocking erosion of U.S. support for the continued secure existence of Israel. The Arab nations each day, confirm their resolve not to negotiate a lasting peace since they see a weakening of American resolve.

The French Government demonstrates its complete disregard of the views of its own citizens as well as responsible people throughout the world by the sale of 100 Mirage Jets to Libya. The British began to negotiate the sale of tanks to Libya. Surely our Government must realize, as France must, the likelihood that these Jets are destined for Egypt.

Secretary Rogers has publicly proclaimed his desire that America be "even-handed" in its approach to Israel and the Arabs. He has underlined his concern for friendly relations with the Arab States. And he has made it crystal clear that we have to conduct our foreign policy, in his own words, "In a way that we think is best for our national interests."

Well, what is best for our national interests?

Is it best for our national interests to permit the farmers who live below the Golan Heights to be used for Syrian target practice?

Is it best for our national interests to permit Nasser to arbitrarily blockade international waters?

Is it best for our national interests to permit terrorists to return to their bases in Gaza and the West Bank?

Is it best for our national interests to permit the Holy City to be redivided with free access prohibited to Jews?

Of course, our answer must be a resounding "No" to each of these questions.

I do not suggest that the Administration wants this to happen. But it must be made to understand that the apparent weakening of American resolve may lead to just those consequences.

I have written to Secretary Rogers in the strongest terms. Permit me to share the text of this letter with you:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C. January 19, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
State Department,
Washington, D.C.

DEAR MR. SECRETARY: For several months now, we have been witnessing the gradual but nonetheless harmful erosion of U.S. support for the continued secure existence of Israel.

In your recent press conference, you called for an "even-handed" approach to the Middle East crisis. You solicitously called for continued American friendship for the Arab nations.

Perhaps you can explain to America why it is in our national interest to be even-handed when dealing with a pro-American democracy, on the one hand, and pro-Soviet dictatorships on the other.

Let us look at the record.

Israel is the only bastion of democracy that is willing to stand in the way of Soviet domination of the entire Middle East. She is willing to do so without the aid of even one American soldier. The Arab nations at war with Israel, on the other hand, have demonstrated a willingness and even a desire to embrace the Soviet Union.

Perhaps you can explain why Americans should be willing to continue to seek friendship with Arab nations at the cost of weakened security of Israel when those same Arab nations have nothing but contempt for an America which has provided billions of dollars in aid over the past twenty years.

Let us again look at the record.

Over the past twenty years, we have given in direct grants, $917 million of economic aid to those Arabs whose military might was thrust against Israel in June, 1967. During the same period, we have given Israel only $369 million.

Viewing the parties from a purely economic sense also discloses a distorted basis for a claim of even-handedness. We have loaned these same Arab states $803 million since 1946. In that same period of time, we have loaned Israel almost the same amount, $786 million. Yet, Israel has already repaid 47% of that loan. We have generously permitted the Arab nations to repay less than 17% of their loans.

Not long ago, this country granted almost $20 million to Jordan for an irrigation project. Yet, when your Administration prepared its first Budget, you deleted President Johnson's proposed authorization for a grant to Israel for development of a desalination plant. You still have not seen fit to approve the Congressional proposal for a $20 million loan to Israel for the same peaceful purpose. Why, Mr. Secretary, does "even-handedness" always lead us down the same one-way street?

Despite this record, you equate American friendship with Israel to American friendship with nations such as Egypt and Syria. Despite this record, you call for an even-handed approach.

We can already see some of the many unfortunate consequences of the State Department's policy shift. First, the Arab nations have confirmed their own resolve not to negotiate a lasting peace since they see a weakening of American resolve. Then, just a few days ago, the French government demonstrated complete disregard of the views of its own citizens as well as responsible people throughout the world by the sale of 50 mirage jets to Libya. Surely you realize, as France must, the likelihood that those jets are destined for Egypt.

It is imperative that you clearly reiterate America's position of unrelenting support for the continued and secure integrity of Israel. You must assure the world of America's willingness to approve the sale of military equipment to Israel as well as our desire to provide economic assistance to Israel's projects of peace.

Instead of permitting the four-power talks to be the cloak for continued war in the Middle East, we must expend all our efforts to demand (1) that the Arab nations negotiate a lasting peace with Israel and (2) that all powers desist from providing the Arab nations with the tools to fulfill their maniacal dreams of destruction of Israel.

To do less, in the name of "even-handedness," signals a complete return to the disastrous Dulles policy of the 1950's.

Sincerely,

HARRISON A. WILLIAMS, Jr.

The Administration must not be misled and distracted from the real issues in the Middle East conflict.

The Administration, from the President and Secretary of State on down, must remember that the publicly proclaimed goal of Israel is to live in freedom on the shores of the Mediterranean, in the historical homeland of the Jewish people. And let us never forget that the publicly proclaimed goal of the Arab States is to destroy the State of Israel.

Once we remember these two vital facts, our national interests become clear. The United States in word and deed must demonstrate to the entire world that the continued integrity of a secure State of Israel is vital not only to the national interests of the United States but to the interests of world peace.

The Administration must be made to understand that we in the United States, and people throughout the world, must unite with Israel in her pursuit of peace.

THE NOMINATION OF COL. DANIEL JAMES, JR., OF FLORIDA, TO BE BRIGADIER GENERAL IN THE AIR FORCE

Mr. GURNEY. Mr. President, I invite the attention of Senators to the nomination, recently submitted by the President, of Col. Daniel James, Jr., to be a brigadier general in the U.S. Air Force. Colonel James is a native of Pensacola, Fla., and an outstanding member of our military. He is also a Negro.

Colonel James, who is now 49 years old, began his career in the military as an aviation cadet in January 1943, during World War II. He served with distinction during the Korean war, flying 101 combat missions in Korea. He has served with equal distinction during the Vietnamese war as the wing vice commander of the 8th Tactical Fighter Wing based in Thailand.

His rise in the Air Force has been well deserved. Beginning as a second lieutenant in 1943, he attained the rank of captain in 1950, major in 1952, lieutenant colonel in 1956, and full colonel in 1964. His awards and decorations are really too numerous to mention: He is the holder of the Legion of Merit, the Distinguished Flying Cross with one Oak Leaf cluster, the Air Medal with 10 Oak Leaf clusters, the Air Distinguished United Citation, and medals from Korea and Vietnam, including the Republic of Korea Presidential Unit Citation.

I have written a personal letter of congratulations to Colonel James, but I think it well that his record of distinguished service to his country have wider currency. We know that in the past very many of our Negro citizens have been cruelly held back and discriminated against solely because of their race. That sorry state of affairs is now coming to an end. It is much easier for a black man now to reach the limits of his capabilities than it was heretofore. This fact makes Colonel James' accomplishments all the more real and noteworthy. I take this occasion to congratulate him again publicly: in my judgment, he is a great credit to his country and to the Air Force.

COMMISSIONERS OF MONTGOMERY COUNTY, TEX., TAKE A STEP IN THE EFFORT TO CONTROL POLLUTION

Mr. YARBOROUGH. Mr. President, everyone who pays attention to current events knows that there is a growing concern in the Nation with the quality of the environment. We appear to be united as people in the desire to control air and water pollution as we have not been on any other issue in years.

Fortunately, there is also a growing awareness that the desecration of our environment cannot be stopped by the action of the Federal Government alone. If pollution is to be stopped, it must be stopped by all Americans, regardless of where they live and work.

Recently, I received from the county commissioners of Montgomery County, Tex., encouraging evidence that they, too, are interested in helping to control air and water pollution.

Mr. President, I ask unanious consent that the resolution be printed in the RECORD, together with the signatures of the county judges and the county commissioners, and the attest of the county clerk.

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

A PROCLAMATION

Whereas, the County Judge and Montgomery County Commissioners Court, Conroe, Texas, on Monday, January 12, 1970, adopted a resolution reading as follows:

Whereas, the President of the United States, Richard M. Nixon, has declared a grave national crisis in the area of air and water pollution which must be corrected in this decade.

Whereas, we as officials of Montgomery County and the Citizens of Montgomery County, are becoming more and more aware of these problems of air pollution, water pollution, garbage disposal, sewage disposal and other conditions destructive to our naturally beautiful land area.

Whereas, we as officials of Montgomery County and the Citizens of Montgomery County wish to keep the air we breathe clean, the water we drink pure, and our countryside free from trash, debris, and the other garbage left by mankind in his use of our beautiful county.

Whereas, Montgomery County can expect a tremendous growth in population, industry and recreational undertakings in the next decade, and with these good things, additional problems in the areas of air pollution, water pollution and environmental pollution in general.

Whereas, we as officials of Montgomery County, realize that governmental units at all levels must work together to combat and control pollution at all levels before pollution destroys our environment.

Therefore, be it resolved by the Commissioners Court of Montgomery County, that we pledge our support to President Nixon in his efforts to clean up our air and water pollution in the United States of America.

We pledge to support governmental efforts at all levels to help make our nation and our county in particular, a better place to live in the coming decade by—

Working to control or eliminate air and water pollution in our county.

To provide adequate sanitary landfill garbage disposal areas on a county-wide basis.

Promote county-wide planning for waste and sewage disposal in an orderly and efficient manner.

Make an all out effort to remove and keep trash off of our roads and highways.

Be it further resolved that a copy of this resolution be sent to President Nixon, Governor Smith, Senators Tower and Yarborough, and Congressman Dowdy.

In witness thereof, we have hereunto set our hands and caused the seal of Montgomery County to be affixed, in Conroe, Texas, this 12th day of January, 1970.

JONATHAN THORNBERRY,
County Judge.

BO CALFEE,
Commissioner Prect. One.
BOBBY YANCEY,
Commissioner Prect. Two.
G. B. HOSFORD,
Commissioner Prect. Three.
L. D. FULTZ,
Commissioner Prect. Four.

Attest:

ROY HARRIS,
County Clerk.

SMOKING ON AIRCRAFT—III

Mr. HATFIELD. Mr. President, Senators may recall that before the adjournment of the first session of the 91st Congress, I introduced S. 3255, a bill to separate smoking and nonsmoking sections on aircraft. The bill will allow nonsmokers to fly free from many effects of other passengers' smoking. Currently, I am preparing requests for cosponsorship to circulate to Senators.

It was with great pleasure that I noted an article entitled "Pan Am to Offer Seats Just for Nonsmokers," published in the New York Times of January 27. It describes one airline that noted my comments when I introduced the bill that the airline which initiated this practice on its own would benefit from increased travel and goodwill from the many nonsmokers who now must suffer from takeoff to touchdown.

I ask unanimous consent that the Times article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HATFIELD. Mr. President, it also should be remembered that, in addition to my bill, Action on Smoking and Health petitioned the FAA to achieve this same result. It is a credit to Pan Am, which did not wait for a mandatory ruling or legislation, but realized that all its passengers should be given consideration.

I note that Pan Am is reserving only 36 economy and 12 first-class seats for nonsmokers. I hope experience will cause the airline to raise this number.

I might tell Senators what a favorable reception I have received from around the country following the introduction of S. 3255. I trust that Senators who cosponsor the bill will experience a similar reaction in their States.

I plan to enclose a copy of these remarks in response to the many persons who have written me about this condition. I think they will try to patronize this airline, for its action shows us nonsmokers that "Pan Am makes the going great."

EXHIBIT 1

PAN AM TO OFFER SEATS JUST FOR NONSMOKERS

Pan American World Airways said yesterday that it would provide a smoke-free refuge for nonsmokers in its new 362-passenger Boeing 747 jetliners.

The Federal Aviation Administration announced recently that it was considering a ban on smoking in airliners, or segregation of smokers from nonsmokers.

The F.A.A. proposal, still under study, was prompted by petitions filed by Ralph Nader, the consumer advocate, and others.

Pan American said it would voluntarily reserve 36 of the 304 economy-class seats and 12 of the 58 first-class seats in the 747 for passengers who said they did not want to be near smokers.

The airline said it would provide nonsmokers with four rows of nine seats to themselves in the economy class.

COLLECTIVE BARGAINING IN THE 1970'S—ADDRESS BY LANE KIRKLAND

Mr. WILLIAMS of New Jersey. Mr. President, on January 12, 1970, Mr. Lane Kirkland, secretary treasurer of the AFL–CIO, addressed the annual staff seminar of the Federal Mediation and Conciliation Service on the subject of "Collective Bargaining in the 70's." Since Mr. Kirkland's remarks reflect a most thoughtful analysis of the trends in collective bargaining that we may anticipate in the decade ahead, I should like to bring them to the attention of Senators and others. I therefore 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:

COLLECTIVE BARGAINING IN THE 70'S

(An address delivered by Lane Kirkland, Secretary-Treasurer of the AFL–CIO, to the annual staff seminar of the Federal Mediation and Conciliation Service at the Robert Meyer Motor Inn, Orlando, Florida, on January 12, 1970)

I do not pretend to be able to discern the shape of events in the next decade—any more than ten years ago. I could have foretold any significant aspect of the 60's. I have, in fact, some difficulty in penetrating the veil of next week, never mind next year.

I can, however, recall some of the circumstances and trends of recent years. And some of those trends do suggest certain features of the outline of the near future.

Or, at least, I know of no reason why they won't.

First, it seems to me that collective bargaining and trade union organization and activity will continue to be substantially affected by certain significant changes in the character of the civilian labor force.

The proportion of the work force that makes its living from private, profit-making industries will continue to decline. The proportion employed by government (federal, state and local) and by nonprofit organizations (such as colleges and hospitals) will continue to grow.

If you discount random influences such as the Viet Nam war, a case can be made that private, profit-making industry, as a whole, stopped providing the economy with new job opportunities—other than through turnover—some 20 years ago.

In large areas of manufacturing, mining, and transportation, private industry has been engaged, instead, in the process of destroying jobs—particularly blue-collar jobs.

Within the shrinking or static opportunity sectors of private industry, there has been a distinct tendency for the ratio of supervisory, technical, professional and semi-professional, sales, office and managerial personnel to increase relative to the production and maintenance force.

This trend has been clearly reflected in the membership of those unions based primarily on P&M units in manufacturing and processing.

Between the early fifties and the early sixties, the trend was very evident. While the labor force increased about 15%, there was a net decline, over this period, in full-time jobs in profit-making industries.

The slack was taken up by increases in state and local government employment, jobs in non-profit institutions and by part-time work, mainly in services and trade.

It remains to be seen whether a reduction in defense, space and related expenditures will cause this trend to re-assert itself. One thing, however, seems reasonably certain—private, mass production industry is no longer the great job opportunity frontier for an urbanized population that it was say in the twenties and thirties.

In terms of employment, the growth industries of today and tomorrow will be in the public, non-profit and service sectors.

Certainly, the increasing urbanization and mobility of the population can lead only to

increasing pressure upon a rising demand for public services of all kinds. The new attention being paid to consumer and environmental welfare will add to those pressures and demands.

With the break-through and rapid expansion of trade union organization in these areas, that too is being reflected in the membership and vitality of the unions involved.

In the years immediately ahead, this will certainly be one of most volatile scenes of action, in terms of organization, collective bargaining and disputes.

Secondly, the main issues in collective bargaining will continue to revolve around money in the pay envelope—and the settlement of most disputes will continue to hinge, not on principle but on price.

Beyond that, however, issues relating to the division between work and leisure time will, I believe, assume a growing importance.

There has been, over the years, a steady and consistent reduction in the commitment of men to work as a way of life. That movement has accelerated in recent times.

The extension of free compulsory education and the growing emphasis on, and availability of, advanced education has reduced working time at one end of the spectrum of a man's life. Social Security plus private pension plans have done the same thing at the other.

The adoption and rapid improvement of paid vacation and holiday provisions—a relatively recent phenomenon in our history—have significantly reduced the work year below the classic 2080 hours.

Unemployment compensation, supplementary unemployment benefits, and guaranteed annual earnings have further increased the amount of paid non-work time.

This broad trend will continue and may accelerate—in part, perhaps, as a consequence of the changing moves and attitudes of the younger generations who will become an increasing part of the work force.

It may well translate, itself into a broad new movement to reduce the work day or work-week and give impetus to a drive for the four-day week.

In any event, the expansion of paid leisure time will continue and there may well be—particularly if the rise in living costs slows or stabilizes—a greater tendency to choose leisure over additions to income, where that choice can be made.

Thirdly, there will undoubtedly be a continuation of the trend toward the rationalization of the structure of the trade union movement and of bargaining units—through mergers, the broadening of jurisdictions, and through coordination of bargaining, organization and other functions among unions.

This will come in response to the costs and complexity of operating an effective modern trade union and to the realities of the economic environment—characterized by continuing concentration of industrial power and the growth of conglomerate and multinational corporations.

Finally, in closing—let me note that in this country, there are fairly close limits on what can be done by orders, directives, command decisions or judgments—even by persons deemed wise or heavily clothed with the trappings of authority. The experience of the last decade has shown how much the exercise of the police power itself depends upon voluntary acceptance and the consent of the objects of that power.

By and large, most of our ends must be gained, sooner or later, by the process of negotiation, compromise and agreement. And that includes the process by which the laws and orders we more or less observe are themselves formulated.

In our kind of a system, the role of the mediator, the middleman, the go-between, is central and vital. The greater the tendency toward so-called "polarization" in our society—the more energetic the militancy, the more rabid the commitment, the harder the positions and the less negotiable the demands—the more crucial becomes the presence of the unpolarized man—the practical person, unintoxicated with sacred principles and zealous only for a resolution of the immediate issue at hand—in short, the classic mediator, armed and guided only by a burning skepticism, a thick hide and a big tuchus.

This is a most unfashionable person today, at a time when the inflation of areas of disagreement seems a far more popular and stylish activity than the search for areas of agreement. But fashion has little connection with fact or necessity. And the fact is that the mediator's role grows ever more important and more necessary—more so, I would suggest, than that of the idealogue, the executive, the arbitrator, the judge or the cop.

That role deserves to be more widely appreciated and understood. The talents required should be more widely sought out, more fully developed and better employed.

I would hope that this proves to be one of the trends of the decade of the seventies.

UKRAINIAN NATIONAL REPUBLIC

Mr. YOUNG of North Dakota. Mr. President, January 22 marked the anniversaries of two very important events in the lives of all Americans of Ukrainian descent.

This date was the 52d anniversary of the Proclamation of Independence of the Ukrainian National Republic and the 51st anniversary of the Act of Union in which all Ukrainian lands were united into one independent nation. This year, the dual anniversaries are being observed a few days late because of the President's state of the Union message, which was delivered January 22.

These two events were proclaimed in the city of Kiev, the capital of the Ukraine, on January 22, 1918, and 1919, respectively.

The Soviet Union, despite having stated its formal recognition of the Ukrainian Republic, almost immediately invaded the Ukraine and after a struggle of 3½ years against overwhelming odds, the gallant Ukrainian people were subdued and became a puppet regime of the Soviets.

The Ukrainian people, Mr. President, have never ceased to fight, in whatever way they can, against harsh Soviet domination. They have suffered from relentless and severe persecution through all the intervening years, but have never been intimidated to the point where they have abandoned their goal of once again achieving liberty and freedom.

I think it is fitting that we join with these intensely loyal and dedicated people to observe these two anniversaries. I ask unanimous consent that the letter I received from Dr. Anthony Zukowsky of Steele, N. Dak., president of the Ukrainian Congress Committee of America, Inc., Branch of North Dakota, be printed in the RECORD.

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

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC., STATE BRANCH
OF NORTH DAKOTA,
Steele, N. Dak., January 12, 1970.

Hon. MILTON R. YOUNG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YOUNG: January 22nd will mark the 52nd Anniversary of Proclamation of Independence of Ukrainian National Republic and 51st anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign Nation. The Independence and the Act of Union were proclaimed in Kiev, Capital of Ukraine on January 22, 1918 and 1919, respectively.

The Ukrainian National Republic was recognized by a number of foreign governments including that of Soviet Russia. The latter, however, almost simultaneously with recognition declared war and began invasion of Ukraine. For almost 3½ years Ukrainian people waged a gallant struggle in defense of their country, alone and unaided. The free Ukraine was subdued to a puppet regime of Soviet Socialistic Republic.

The freedom loving people of Ukraine have not accepted Soviet-Russian domination and regardless of harsh persecutions, artificial famine and genocide Russian policy have been fighting for reestablishment of their Independence by all means accessible to them for the last 50 years. During World War II the Ukrainian people organized a powerful underground Ukrainian Partisan Army (U.P.A.), which fought against Nazi regime and against the Soviets as well.

Stalin and Khrushchev unleashed bloody persecutions and reprisals against the Ukrainian people in late 1940's.

Relentless and severe persecutions of Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in the Kremlin. Brezhnev-Kosygin leadership is bent on keeping the Soviet-Russian empire intact by persecutions and deportations of Ukrainian youth, students, scientists and Ukrainian intellectuals.

Recently the international press has been providing a vast amount of documentation of the suppression of Ukrainian culture.

Briefly, the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Middle-East, Africa and Latin America. Genocide and systematic deportation of Ukrainians to central Asia. Arrest and trials of Ukrainian patriots including Ukrainian Communists defending freedom of their country.

Persecutions of all religions in Ukraine and enforced Russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people; therefore, the Russian leadership in Kremlin took brutal measure against liberal movement in Czechoslovakia, since Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help Ukrainian liberals and other captive Nations.

Both the U.S. Congress and the President of the United States have expressed their concern over captive non-Russian nations in the USSR by enacting the "Captive Nations Week Resolution" in July 1959.

The American-Ukrainian community in our State and in the whole United States will observe the forthcoming 52nd Anniversary of Ukrainian Independence and 51st anniversary of the Act of Union in fitting celebration.

Therefore, since it is over 75 years since Ukrainians came to our state and made contributions to its development, we kindly request that you attend the ceremonies in the U.S. Congress in commemoration of this anniversary and make your statement on that day. This anniversary provides an appropriate occasion not only for the U.S. Government and American people but the free world to demonstrate their sympathy and understanding of the aspirations of the Ukrainian people.

We extend our sincere thanks and appreciation for the favorable response in the past on this and other matter and we hope you will continue to help the Ukrainian Nation.

Sincerely yours,

Dr. ANTHONY ZUKOWSKY.
President.

U.S. ROLE IN NIGERIA

Mr. McCARTHY. Mr. President, recent as well as past events clearly demonstrate the bankruptcy of the policy of "one Nigeria—at any cost."

The United States did not actively participate in the Nigerian war nor did we supply arms. But we were, in fact, far from neutral. Great Britain and the U.S.S.R. were the principal suppliers of arms, but we officially accepted the Nigerian explanation of the situation and used our influence to gain acceptance for this viewpoint among other African nations.

From the beginning of the Nigerian war, the British supported the federal military government of Nigeria, partly for economic reasons and partly because of an emotional or intellectual stake in a unified Nigeria, which was represented as a triumph of the British colonial technique of indirect rule and of the successful transition from colonial rule to independence. The U.S. Assistant Secretary of State for African Affairs, Joseph Palmer, who was our first Ambassador to Nigeria, personally shared this commitment to "one Nigeria." He accepted the analogy of the secession of Biafra to the secession of the American Confederacy, entirely overlooking the fact that Nigeria, unlike the United States, was not unified by a common language, culture, and historical tradition and had no background of stable, capable government.

The U.S. State Department accepted the Palmer historical analogy without taking into account the complicated background of the secession.

The United States should have called for an arms embargo when the war began in 1967. We should have actively sought a truce. We should have used our good offices to promote negotiations for resolving the differences. We should have pressed for a deescalation of great power involvement. We should have sought to form a multinational effort to provide the logistic support required for an adequate relief effort. We should have accepted Biafra's right to a separate national existence and have looked to possible recognition of Biafra by the United States and other nations.

We should have sought to disentangle the Nigerian-Biafran war from cold war considerations and from the politics of oil and trade. We missed the chance of using Nigeria as a testing ground for reducing tensions among the great powers—since their interests were less serious here than elsewhere—and missed a chance of proving to many African countries, already resentful of the involvements of the great powers in their lands, our opposition to great power competition in Africa.

We did none of these things.

Ultimately, it was Nigeria and its people who suffered. Temporary diplomatic setbacks may be reversed, strained relations may again become cordial and oil leases will be made available. Millions of human beings have died. Almost an entire generation of an intelligent and talented people has been either obliterated or so impaired by starvation that they can never reach their full potential.

Animosities generated by the war may make the reintegration of the Biafrans into Nigeria a difficult task, the success of which depends largely upon Nigeria itself. There is not much the United States can do.

The need for immediate and massive relief assistance to the Biafrans and other victims of the civil war in Nigeria is both urgent and obvious. The United States can do something about this. For 2 years, I and others have been calling upon our Government to step in with aid to the sick and hungry. The response of our Government has always been inadequate. The war was generally used as an excuse for inaction.

Now the war is over. And again the State Department is making diplomatic excuses for inaction. This is true despite the unequivocal pledges of President Nixon to make effective relief available.

Every day more people die of starvation in Nigeria. There is scarcely an accurate count of the death toll. The Nigerian Government itself continues to demonstrate a mixed, if not contradictory, role regarding relief. The challenge to the President and to the State Department now is clear: to act positively with means adequate to the need. The old excuses no longer can be used.

THE FUNCTION OF A STATE OF THE UNION ADDRESS

Mr. ALLOTT. Mr. President, it is well known that on the seventh day God rested. Scripture does not give much detail on what He did with His Sunday spare time. But He did rest, and thus we know that He did not have to contend with anything like the hefty Sunday newspapers which we all read.

Sunday newspapers are not an unmixed curse. True, they create an awful mess in the living room. But they also bring us a bumper crop of stimulating political punditry. This is especially true on a Sunday after an important event such as a President's state of the Union address.

Unfortunately this sometimes means that we must come here on Monday to offer a correction. It is for that purpose that I offer the following remarks.

Mr. President, in his column in the Sunday New York Times, James Reston tells his readers:

> The President has proclaimed an ideal and a goal, and he should be given a chance to demonstrate that he means business.

Mr. Reston understands the nature and function of a state of the Union address. It is to state goals and priorities and general lines of action. Specific proposals are submitted to Congress separately.

Unfortunately, some of Mr. Reston's colleagues at the Times do not understand this. In its lead editorial Sunday that paper declared that the President's address "is rightly to be greeted with a very strong dose of skepticism." The Times evidently feels this way because the address did not read like a laundry list of new proposals.

The Times' editorial lists are as confused as some members of the opposition. From the opposition we hear a contradictory complaint. On the one hand they complain that the President did not enumerate all his proposals. On the other hand, they are already promising to propose more of what the President proposes.

In the confusion of the opposition, as in the impatience of some commentators, we see evidence that the President is doing just fine. A lot of people who specialize in giving gratuitous advice sense that no advice is needed. They also sense that the American people are not listening to them, but to the President.

That is understandable, considering the excellence of the state of the Union address.

Mr. President, we think Mr. Reston was on target when, the day after the President's address, he called the address "magnificent." But at that time Mr. Reston did say something we respectfully reject.

Mr. Reston reported that the President is zigzagging to the left. This is not a useful assessment.

First, the President is not zigzagging at all. He is moving on a steady course of progressive reform and he is moving just as fast as Congress permits.

Second, the President understands that the terms "left" and "right" or "liberal" and "conservative" yield more confusion than clarity when applied to American politics. Americans are too practical to worry about the labels which commentators put on policies. Americans are pragmatists, and thus they are primarily interested in the substance of policies.

In the weeks and months ahead we will be receiving from the President messages and proposals that will make this administration's policies the most substantial program of reform and progress since the days of Theodore Roosevelt. Any attempt to categorize the Nixon administration as an administration to the "left" or of the "right" will be as pointless as the old argument as to whether Teddy Roosevelt was a "liberal" or a "conservative."

President Nixon, like Teddy Roosevelt, is squarely in the tradition of mainstream Republicanism. Like the great Teddy Roosevelt, President Nixon is so busy with practical progress that he does not have time to worry about labels. And we know the American people are not worrying about labels.

In fact, Mr. President, the only people who are worrying today are some members of the opposition. I think we can understand the opposition's worry if we recall a bit of history, especially some of the history the President has been studying.

Not long ago there was a report in the press to the effect that President Nixon was reading Robert Blake's monumental new biography of a great British statesman, Benjamin Disraeli. It appears that

this report was correct, and that the American people and the Republican Party will benefit from the President's good judgment—his good judgment in affairs of State, and in his choice of reading matter.

The fact that the President has been studying Disraeli's career tells us why some members of the opposition are worried.

What has the opposition worried is that they recognize that the President has now taken the lead in attacking the pressing problems of the day. In doing this he has taken the lead on matters that some members of the opposition wanted to treat as their own private property.

Now in England they have a political expression for what the opposition thinks the President has done. The expression dates from Disraeli's day. The expression is "dishing the Whigs." It refers to Disraeli's masterful party leadership. Under Disraeli the Tory Party took decisive action on the issues which the Whigs had hoped to use to partisan advantage. Under Disraeli's leadership, the Tory Party convinced the British people that it was the best hope for true reform. Thus began a great period of creative legislation under the Tories. And that is how Disraeli dished the Whigs.

Of course what Disraeli really proved is that issues and policies do not belong to any political party. Rather, public support belongs to that political party which earns it. And public support goes to political leadership which puts action ahead of rhetoric on the great issues of the day.

It is understandable why some people feel that January 22, 1970, will be noted in American history as the day President Nixon dished the Democrats. The President has now firmly taken the lead in all the major issues of war and peace, crime and inflation, and especially environmental problems.

Of course it would be a mistake to think that it was only yesterday that the Republican Party seized the initiative on these issues. Let us just take one example. Consider the matter of environmental problems.

Mr. President, it is appropriate for the Republican Party to take the lead in coping with problems of the environment. It is appropriate for two reasons.

First, our environment problems are the price we are paying for our supurb industrial economy. And it was under predominantly Republican leadership, from the Civil War until the 1912, that America grew from a rural and agricultural Nation into the world's industrial giant.

Second, it was at the end of that period of explosive growth that concern for the American environment was first put on the national agenda. It was put there by a great Republican President, Theodore Roosevelt. It was under Teddy Roosevelt that the Reclamation Act was passed. This was in 1902 and it launched Federal reclamation and irrigation programs. It was also under Teddy Roosevelt that the Forest Service was established.

Most important, it was under this great Republican administration that conservation, reclamation, and a general concern for the health of our environment entered the American consciousness.

Thus, Mr. President, we can see that President Nixon's state of the Union address is in the very best American tradition. It is a bold step toward the future but it grows out of a clear understanding of our past.

However, it is true that the President is breaking with one venerable American tradition. By leading the attack on environment problems he is keeping a campaign promise. Back in February 1968, in his first speech of the New Hampshire primary campaign, candidate Nixon pledged that President Nixon would act to improve the quality of life in America. That speech foreshadowed the President's state of the Union address. Clearly Republican campaign promises are promises that will be kept.

SOUTHWESTERN ASSOCIATION OF NATURALISTS ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK IN TEXAS

Mr. YARBOROUGH. Mr. President, the Southwestern Association of Naturalists of Tempe, Ariz., recently passed a resolution endorsing my bill, S. 4, which would create a 100,000-acre Big Thicket National Park in southeast Texas. By adopting the resolution, this fine organization has joined the ever growing list of civic and conservation groups which have given their support to S. 4. I am grateful to these conservationists in Arizona who are helping us in our efforts to save this natural gem.

The need for such a park has never been greater. The Big Thicket is vanishing at an alarming rate of 50 acres a day. Once the majestic Big Thicket covered over 3 million acres. Today only 300,000 acres remain. Unless action is taken soon to stop the exploitation of this beautiful and unique area, it will be nothing more than a page in history.

My bill, S. 4, if enacted, would preserve for future generations at least 100,000 acres of the Big Thicket. We must act now if the Big Thicket is to be saved.

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

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

RESOLUTION

Whereas an ecotonal forest area in eastern Texas, comprising parts of Hardin, Liberty, San Jacinto, Polk, and Tyler Counties, and popularly known as the Big Thicket, is a natural area of unusual ecological and conservational interest, possessing vegetational and wildlife characteristics found nowhere else in the United States, and

Whereas much of this area is still relatively unmodified and possesses no known assets of high economic value, and

Whereas this area is relatively close to large and rapidly growing population centers of the United States where natural recreational areas are increasingly in demand, and

Whereas many members of the Southwestern Association of Naturalists (SWAN) are acquainted with this area and regard it as an area, parts of which should be retained in a more or less natural condition indefinitely for the enlightenment and enjoyment of the people of the United States,

Now, therefore, be it resolved by the membership of SWAN in meeting assembled, that this organization adopt the appended Policy Statement on the Big Thicket National Area, and

That it also endorse in principle a bill introduced by Mr. Yarborough into the Senate of the United States to establish the Big Thicket National Park (S. 4) as may be modified in detail by normal legislative procedures, to comprise a "block and corridor" area of approximately 100,000 acres (out of some three million acres originally contained by the Big Thicket area), and

Be it further resolved that the president and secretary of SWAN submit copies of this resolution to the President of the United States and to his concerned administrators in the Department of the Interior; to concerned Members of the Congress of the United States; to the Governor of Texas and to his administrators of such state lands as may be involved; and to such other organizations and individuals as may express concern with this project.

THEODORE M. SPERRY,
Chairman, SWAN Conservation Committee.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the

overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE NEED FOR MORE NIGERIAN RELIEF

Mr. PEARSON. Mr. President, many of us who have closely followed the events of the 30-month-old Nigeria/Biafra civil war have never been more concerned than we are at this moment. Biafra's agony is ended—at least officially. But the agony of the Ibo people continues. The war is over, but the starvation goes on. Two million have already died. Yet, in a recent hearing held by the Senate Judiciary Subcommittee on Refugees and Escapees chaired by my able colleague from Massachusetts (Mr. KENNEDY), it was substantiated that perhaps as many as 1 million more may yet perish for lack of food unless massive relief reaches them within the next few days. Time is rapidly running out. We literally do not have 1 hour to waste.

Mr. President, the scope of this tragedy virtually defies description. Unless something is done soon more people will have died from starvation than live in the entire State of Kansas, which I am privileged to represent. I do not subscribe to the theory that our friends the Nigerians are deliberately anxious to see these deaths occur for 1 hour more. Thus, I do not believe that there has been any effort at genocide as some have alleged, though certainly the toll from starvation is rapidly reaching genocidal proportions if it has not done so already. What I do believe, however, as the distinguished Senator from New York (Mr. GOODELL) observed in the aforementioned hearings, is that by inaction we may become witnesses to genocide by neglect. This neglect may not be deliberate, but the result will be just as horrifying.

Mr. President, I have met repeatedly with Nigerian officials in the course of the past few years and I am of the opinion that they are sincere in their efforts to end the terrible suffering that has been the byproduct of this fruitless civil war. I have met with Mr. Asika, for example, the Nigerian Administrator for the East-Central State, which lies at the heart of the former breakaway region of Biafra, and I am convinced that he and his associates in Lagos are more than willing to expedite relief to those in need and to proceed to reintegrate the former seccessionist into the life of Nigeria once again. But good intentions are not enough when hundreds of thousands of human lives hang in the balance. And the fact is that because of the chaos that exists in the former rebel enclave, and because of various administrative inefficiencies, a lack of discipline among some combat units of the Nigerian Army, in particular the Third Marine Division, the understandable suspicions of the Ibo populace, not to mention political divisions among the Nigerian leadership, relief operations have been severely impaired. As a result, starvation still stalks the land as attested only 2 days ago by the U.N. representative to Nigeria, Gen. Said Uddin Khan. The general has called for a "major effort" to expedite relief and I wholeheartedly agree.

Mr. President, our Government has repeatedly demonstrated its humanitarian concern in this matter, and it should be commended for its splendid efforts. Even though our State Department may not have shown as much prescience and as great a sense of urgency as many of us would have liked, the fact is that the U.S. Government has made many significant contributions to the various humanitarian relief programs that operated all throughout the contested area on both sides of the front. Moreover, these contributions are still continuing. I understand that 50 jeeps and several field hospitals have already been airlifted to Nigeria and that 50 trucks will soon follow.

But we cannot let it rest there and hope to salve our consciences by trying to convince ourselves that we have done all we could. We also must concern ourselves with how these and other relief materials are delivered within the country once they arrive in Lagos. Obviously, unless they reach those in such desperate need and reach them in a hurry, all our energy will have been for nought. And, Mr. President, if the experience of the past 2 weeks since the fighting ended has taught us anything, it has taught us that reliance on relief by road alone is not enough. The disruption of vehicular traffic caused by undisciplined troops coupled with inefficiencies in the distribution system from Lagos to the areas in critical need have made the attempt to deliver supplies by truck entirely inadequate. More is needed, and the only way to get it in is by air.

Thus, we must use every diplomatic and economic lever at our command to persuade the Nigerians of the urgency of the situation before it is too late and another million souls have perished needlessly. It is true that we cannot directly intervene in the internal affairs of another State, and throughout the tortured course of the past 30 months I have never advocated that we do so. But what I have said repeatedly and what I would like to reiterate with even greater emphasis here today is that the situation is critical and that a "business as usual" attitude simply is not good enough. With every hour that passes more people die. If the truck route needs to be supplemented by a direct airlift into the heart of the starvation area—and it does—then the airstrip at Uli as well as perhaps those at Uga and Obilago should be used. The Nigerians are objecting to reopening Uli because during the seccession it had become a symbol of Biafran resistance during the rebellion. But the war is over and the Nigerians have won. They should heed the advice of Winston Churchill who advocated magnanimity in the wake of victory. Some magnanimity has indeed been shown as in the case of Lieutenant Colonel Effiong, for example. Now let it be shown on a truly meaningful scale by putting aside such past injuries to pride and allowing food to reach the starving by the most rapid and efficient means possible.

Mr. President, many Members of this body have expressed repeated concern over the gradual elimination of an entire people by starvation, regardless of who was to blame. In fact, 61 Senators signed Senate Concurrent Resolution 3 last year when I reintroduced this measure in an attempt to demonstrate to the administration our great desire to see more humanitarian help given to the innocent victims of this great tragedy. I now urge all my colleagues, but especially those 60 who lent their support to the relief resolution last year, to speak up now and let the American people, and particularly the President and the State Department know that we want to see greater efforts made to get relief into the former rebel enclave before it is too late. Let us remember what Time correspondent John Blashill cabled back from this war-torn area of the world just last week:

> If war is hell at least it is organized hell. What immediately follows war can be worse. It is not yet peace, and it is certainly not organized.

We must not stand by and let still more men, women and children wilt away when the means to save them are so near at hand. The least we can do is make a maximum effort to persuade the Nigerians to open the airstrips that lie in the center of the starvation area and then give them all the material assistance they need, including planes and pilots, to make the mercy airlift work.

Now is the time to make our concern known, particularly when Prime Minister Wilson is here and is available to be persuaded to join us in convincing our mutual friends, the Nigerians, of the enormity of the tragedy that is unfolding and of the need for a swift expansion of the relief effort. Our great humanitarian traditions ask no less and further inaction will soon lead our consciences to demand much more.

THE GRAPE WAR

Mr. KENNEDY. Mr. President, for 5 years, the United Farm Workers organizing committee has been striking grape growers in the San Joaquin Valley of California in an effort to obtain better working conditions for the men and women who pick the grapes in that valley.

Out of the small group of men who walked off the fields at Delano in 1965 has grown a union of 5,000 dues-paying members. They have secured contracts with leading growers providing farmworkers for the first time with a guaran-

teed minimum wage and social security and retirement benefits. Still, many growers refuse to recognize the right of their workers to organize, and the strike continues.

In an article published in the Boston Sunday Herald Traveler the issues involved are presented clearly and forcefully. Despite the impasse between grower and union, the article reports that change has occurred and the author quotes union leader Cesar Chavez:

Whether he has a union or not, the worker is going to be making a lot of demands in areas where he's only known by the last four digits of his Social Security number. Employers will learn to live with the union. And communities will learn to live with and respect the men who work in the fields.

Because of the continuing concern of many of us in Congress for improving the conditions of the farmworkers, I believe the Herald Traveler article will be of wide interest. I ask unanimous consent that the article, entitled "The Grape War," written by John Barbour, of the Associated Press and published in the Boston Sunday Herald Traveler of January 25, 1970, be printed in the RECORD.

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

THE GRAPE WAR

(By John Barbour)

DELANO, CALIF. He sits behind a neat desk in the simply furnished office from which he and his family manage one of the biggest grape ranches in the San Joaquin Valley. His voice is angry and frustrated.

"What do I do if Ho Chi Minh comes in and says, 'I represent your workers?'" asks John Giumarra Sr. "Do I let him in? Do I make my people join his union?"

Some 2,500 miles away in Cleveland, Ohio, in a borrowed upstairs bedroom of a church rectory, another stop on his tour of the nation to buttress the boycott against table grapes, Cesar Chavez' face is placid beneath his Indian-black hair.

"It's a good old-fashioned American union. We want bread. We want to be paid for our jobs," says the man who is leader and symbol of the United Farm Workers Organizing Committee, AFL–CIO.

In that other office, Giumarra's voice rises over the voices of his brothers and uncles, each reciting his own story of what they describe as union threats and coercion. "It's the biggest snow job, the biggest hoax ever perpetrated on the American people," says Giumarra.

Giumarra, his hair silver, his complexion fair for a Sicilian, is interrupted. Market reports come to him by telephone. But this call is different. A tank car of wine concentrate he shipped to Florida arrived partly empty. Someone had opened a petcock on the tank and wine concentrate dribbled out all the way across the country. Giumarra's first concern is sabotage. It had happened before.

Rid of a photographer who wanted to make pictures of him, Chavez resumed where he left off. Told the growers were taking some acreage out of grape production, patience left his face and his dark eyes hardened.

"What they're saying is that if grapes can't be produced with slave labor, there will be no grapes. I say the hell with it. If grapes have to be harvested at slave wages, there won't be any grapes."

In the dusty vineyards around Delano, where the leaves are rusted with the waning harvest season, 4-year-old Alejandrina Cardona plays about the feet of her father and mother, standing together at the end of a vineyard row in the fields of M. Caratan Inc. Some 50 feet away, Luis Caratan, tanned and handsome, one of the Caratan sons, moves through the pickers and packers, none of them union members, and proudly inspects the packing of his top grade Calamarias. He stops to tell one woman she is not pressing the bunches closely enough. When the box is opened in some distant city, the handiwork of packer, picker and grower will determine how well the grape sells. It is an impulse item in the trade, a luxury item in the home. The cosmetic effect is important. The grape must sell itself.

Alejandrina's father, Rafael, works deliberately, quietly. A portable radio plays modern American music. The scene is slow-paced. Hurry is wasteful. The pickers must choose only the right bunches and leave the rest.

Rafael is Mexican. He smiles and talks slowly. He likes the work, yes; he lives in the California camp, run by a labor contractor; he and his small family live in two rooms for $60 a month; he earns $1.65 an hour plus 15 cents a box. Union? No, he doesn't know the union. He will work here while there is work, and follow the grapes and other fruits north. Then he will take "a vacation," he smiles again, at home in Mexico. The money will go farther there.

In the vineyards of Perelli-Minetti, union labor harvests the wine grape under union contract, minimum wage $2 an hour, paid vacations, holidays, time off for jury duty and deaths in the family. These are the established initial goals of a union contract. But, in the wineries, most work is on the incentive scale, rather than hourly, up to $11 a ton for the grapes.

The union claims up to 5,000 members paying monthly dues at the peak harvest season, since all pickers working for the wineries must join the union. In addition, it claims some 20,000 workers have signed cards authorizing the union to represent them. But union officials admit their list is redundant, that some workers may have signed two or three cards.

How many non-union workers there are is also a matter of confusion. When local labor is short, the growers recruit pickers in Mexico, and labor contractors, some ethical and some not, bring in crews from everywhere. If Delano is the battlefield, the armies are a shifting, changing welter of people, who fly many flags, or none at all.

So goes this strange war, a war without any apparent hope of solution. The principals—grower and union—don't talk to each other. They argue separately and desperately, trying to convince that vaguely powerful third party, the American consumer.

For five years the vineyards around this farm town have been struck by the United Farm Workers. For two years the table grape has been boycotted across the nation with varying success. Still the grape is harvested, and harvested without union labor. The impasse remains as it began—a confusion of rhetoric and motive.

The union would enlist all of the workers who tend and harvest the grapes. It has already unionized those who pick for the major wineries. The growers resist. In any classic labor struggle that would be the battle line.

But the California grape strike is hardly classic. In a classic strike, the product has a brand name, an automobile, a plumbing fixture, an airplane or a computer. But the grape? The anonymous, innocent grape?

In a classic strike, men have left year-round jobs to take picket stations around or in their plants. But in the vineyards, where men may find only four months work a year, many of the pickets are strangers who never worked the vines—college students and churchmen.

In a classic strike, unions could always find their members by address or telephone. But the grape worker may be in Delano today and near Fresno tomorrow, or Salinas, or back home in Mexico, or Puerto Rico.

In the classic strike, the employer has always been identifiable by name or emotional caricature, the oppressive corporation, the president of Ford or General Motors or U.S. Steel. But the employer in the grape strike has a hundred different names, a hundred different faces.

The growers came in the years following World War I. Laws of the time discriminated against them as the least desirable of immigrants, strange-speaking people with odd cultures, odd diets from southern Europe, the Middle East, Slovenians, Armenians, Sicilians, rural people come to an industrialized world. They fled finally from the cities to the valleys of California, the Coachella, the Imperial, the Sacramento, the San Joachin.

They began as ghetto people begin, eating the same food, understanding each other in language and culture, working their first ranches as communes. Then, buying more land, they sent for their families, and their names are there still.

"People have the feeling we are land barons," says Giumarra. "But we are only families trying to make a living. Alone we'd fail. But we work together."

"They were small 25 years ago," says Chavez. "But in 25 years I've seen them build an empire out there."

"Ultimately," says the Rev. James Drake, a California migrant minister who works closely with the union, "some of the workers picking grapes now are going to be small farmers. They're already buying their own land, small tracts of a few acres, and working them."

Cesar Estrada Chavez was born on March 31, 1927, in Arizona. His grandfather had migrated to the United States from Mexico in 1889, settled a small farm near Yuma where his sons and his son's sons worked the land. They, too, were known in that earlier America as least desirable immigrants. But they lived in a Mexican-American community, and Chavez didn't know real discrimination until the loss of the farm forced them into the California valleys in the Depression.

He was molded by those years as a teenager tramping after the seasonal crops, figs, grapes, apricots, raisins, cotton, in the harsh California of not enough. At 20 he was a picket, striking cotton fields near Delano. The strike and the union that called it failed. In the California valleys, if someone does not want to work, there is always someone else who does.

In the 1950's Chavez joined the Community Service Organization, a self-help organization for Mexican-Americans living in pockets of poverty through the state. Chavez was an able organizer. But he could not convince the CSO that the time was ripe to organize a union of farm workers to achieve through economic strength what voter registration was failing to do.

In 1962, Chavez returned to Delano to begin the union on his own. Why Delano? Largely because he had family there. Why grapes? Largely because they are the largest crop around Delano.

In 1965, the union struck the vineyards. By 1967 it was apparent the strike could not succeed by itself. The boycott was begun, and with the plight of the downtrodden worker trumpeted to the echoes of John Steinbeck's novel on the plight of the downtrodden Okie, it won wide liberal support. Today, Chavez' union receives $10,000 a month from the AFL–CIO, some $7,500 a month from the United Auto Workers, and some $82,000 a year in members' dues.

"We are now into our fourth boycott," says Chavez. "And three of them have been

effective. We're not going to do it by picket line and strike. They've got too much going for them in their own bailiwick."

In his winter swing through the country, Chavez estimated the boycott was 33 per cent effective.

An Associated Press survey last fall, a period of high grape sales, showed a spotty picture of the boycott's effectiveness. And with growers rationing out their supplies of grapes to keep the market price at a profitable level, the picture was further clouded.

But a national boycott is an innovative weapon for farm labor, where more traditional means have failed. It can affect any perishable crop. It has one serious drawback. Fruit and vegetables have no brand names. If a boycott is aimed at one grower's grapes, it is aimed at all growers. If there were only one grower, it could conceivably bring that grower to his knees. But there are many growers. And they would all have to settle at once, sign union contracts together, or the union could not afford to relax its boycott, its major weapon.

By its very nature, a boycott nationally against a product means industry-wide negotiations. As it is happening in California, many small growers who have never seen nor heard from the union are feeling the sting of the boycott more than large growers who are fighting the union. Some have gone bankrupt, because in the highly competitive game of produce buying and selling, the larger growers are the ones most likely to succeed.

The question that remains to be answered is whether this war, like all wars, will become a bore.

It is a war planned, in a sense, in middle class homes and fought in busy supermarkets, the busier the better.

In an old hilltop home in Marin County, north of San Francisco, an affluent haven built in woodlands and cliffs topping the Pacific, Delores Huerta, vice president of the union, sat over coffee and doughnuts one Saturday morning with local boycott leaders and volunteers.

Mrs. Huerta, who lives with farm worker volunteers and her daughters in a dingy San Franco apartment, is a slender woman with eyes somehow intense through their placidity. She has driven up for this meeting. It is the beginning of a day of supermarket picketing.

"The grapes are bad," says one. "Really miserable," says another. "I don't know," says a man. "I haven't seen one in so long."

They talk about the federal government buying grapes for troops in South Vietnam, and the state's plans to buy grapes for school lunches.

"We really ought to try to get some cards out that people can mail explaining that," says the lady of the house.

Mrs. Huerta interjects: "You need signs and flags too, because people can see them from the street. And you should just get a group of people to go in and see the store manager. That's very effective."

Mrs. Huerta is alert, listening quietly, smiling when someone makes a good point, evaluating the faces around her. Studying.

Finally, she makes a pitch for a permanent organization in the county, and that sets up a discussion of "telephone trees" in which one woman calls 10 or 15 persons and each of those calls more, and the message grows.

Before the meeting is over, they coordinate their picketing that day with the local police sergeant by telephone. From that point they depart and take up their scheduled posts in front of the Safeway store in nearby Mill Valley.

Some 200 miles to the southwest, well outside of Delano, the farm workers continue to build up the land they bought for a new headquarters, a dusty parcel called Forty Acres. There, too, Chavez would set up a small retirement village for workers too old for vineyard work. Most of those would be Filipinos who came to Delano to work the vineyards long before the large Mexican migrations.

In the fields of M. Caratan, Alfred is 74 years old. He came to the San Joachin after World War I. He looks much younger, taps his chest with his fingers and says: "If I didn't do this, I would grow old."

His lined, nearly Oriental face is framed by the green grapes in well-formed bunches behind him. "I get a pension and Social Security and I work here."

He points to a much younger man clipping grapes some 10 feet away. "My cousin, Manuel, he just came, he likes it." Manuel, hearing his name, smiles back.

But the cause of the Filipino, like the cause of the Mexican-American, is not solely bound to the work he does, nor to the economics of farm worker life.

Chavez explains it best.

"I get tired. It's a long time in coming. You see the price of this kind of social change is high. Some will have to pay in money. Those of us who don't have money have to pay in sacrifice. . . . Whether he has a union or not, the worker is going to be making a lot of demands in areas where he's only been known by the last four digits of his Social Security number. Employers will learn to live with the union. And communities will learn to live with and respect the men who work in the fields.

"There are two Americans out there. Two Delanos. Life is going to change on both sides of the tracks."

Many of the workers, non-union, live in the growers' camps, well-painted on the outside, barracks-like and dingy on the inside. One grower says this kind of living is not for long. It is too expensive to maintain, he says.

Squalor is in the eyes of the beholder to an extent. Rafael Cardona and his family do not think they live in squalor. Other workers think they do, and do. The Okies of John Steinbeck found the way out of squalor is tidiness in an untidy world. There are those who do still.

The growers fail to see the injustices Chavez says are there. Said one: "I could understand his viewpoint 15, 10 years ago. But today things have improved for the worker."

Chavez insists most of the improvements wouldn't have come if the union had not been there.

Said a union official: "The workers know what Chavez means. They use him as a club even as far away as Salinas. Give us what we want or we'll go to Chavez, they say."

Whatever the case, things are changing in the valley. Delano in the summer and fall is an edgy community.

The union brings in strangers to picket. The growers bring in men to investigate the strikers. There is at least an informal blacklist. There are fires in the packing sheds, and state forestry inspectors to investigate the fire, none attributable to union sabotage. Business falls off. Costs are up. The strike tends to take the blame. But as one grower said it isn't just the strike, the cotton crop has been bad, and potatoes; grape prices are down; there was a bumper crop; 500,000 boxes might have to be dumped this year.

Such are the periodic ups and downs of farming.

Yet the fertile valleys of California always beckon the poor. They bring their dreams to meet a less generous reality.

Few who come here bring the wise misgivings of Ma Joad in Steinbeck's "The Grapes of Wrath" voiced on the eve of leaving the dusty Oklahoma home lost in the Depression for the advertised paradise of the San Joaquin.

"Seems too nice, kinda," she told her son Tom. "I seen the han' bills fellas pass out, an' how much work they is, an' high wages an' all; an' I seen in the paper how they want folks to come an' pick grapes an' oranges an' peaches. That'd be nice work, Tom, pickin' peaches. Even if they wouldn't let you eat none, you could maybe snitch a little ratty one sometimes. An' it'd be nice under the trees, workin' in the shade. I'm scared of stuff so nice. I ain't got faith. I'm scared somepin' ain't so nice about it."

COST OVERRUNS ON 38 WEAPONS SYSTEMS

Mr. ALLOTT. Mr. President, 2 days ago, on January 26, the distinguished Senator from Wisconsin (Mr. PROXMIRE) spoke to us concerning cost overruns involving 38 weapons systems. He reported that these overruns total $20.9 billion.

Yesterday Senator PROXMIRE placed in the RECORD the data and testimony giving some details of these overruns. This data came from testimony before the Subcommittee on Economy in Government.

Senator PROXMIRE is to be commended on two counts. First, he has participated in the uncovering of waste. Waste is a nonpartisan matter. No one favors it and we all celebrate its discovery.

Second, Senator PROXMIRE's data also helps us understand where—and where not—to place responsibility for these scandalous overruns. Every overrun cited in Senator PROXMIRE's data concerns weapons contracts approved well before the current administration came into office, well before Secretary of Defense Melvin Laird began to tighten procedures at the Pentagon.

Mr. President, as I said, waste is not a partisan matter. Still, we should be absolutely scrupulous in emphasizing that there is a "time lag" in public affairs, and this "time lag" can be used as political ammunition.

This "time lag" operates in two ways. First, the consequences of government decisions are often felt months or years after they are made. Second, public opinion and the opinion within government often responds to these delayed consequences, rather than to the original decisions.

One result of this "time lag" is that a person may be in office when the consequences of a previous officeholder's decisions become apparent.

This now threatens to unfairly blemish the record of the current Secretary of Defense, and of the current administration generally.

Thus we must not allow these recent revelations to be used to slander the current administration. It is not clear exactly who or what is to blame for these overruns. Each case must be considered on its own merits. All that we can say for sure on the basis of the subcommittee testimony is that the search for responsibility must begin with administrations and Secretaries of Defense serving prior to 1969.

The huge sums involved indicate that there has been a shortage of accurate accounting in this town. Because the sums are so huge we should not compound the errors of inaccuracy by being slipshod in tracing responsibility for the overruns.

The $20.9 billion in overruns involves many more dollars than the Federal Government managed to spend for all

purposes between 1789 and 1900. The Federal Government ran its affairs—affairs that included a 4-year civil war—for well over a century without spending the amount of money involved in the overruns on 38 weapons systems. It was not until 1942 that Federal outlays ever involved more than $20.9 billion in 1 year.

Clearly we have evidence of massive mistakes. Let us work to avoid them in the future. And let us not now make any mistakes about the origins of past mistakes.

NEW UNIFORMS FOR WHITE HOUSE POLICE

Mr. MONDALE. Mr. President, the Nixon administration has made another strike for law and order. In an article written by Nan Robertson and published in the New York Times of January 28, I read that the presidential police force has been outfitted in new "operetta-like" uniforms.

Though these suits may be too loud for the "silent majority," I must admit that I am much impressed. It is the greatest sartorial breakthrough since the Hapsburg era.

It is reported that each uniform costs $95 and that upward of 150 officers may be suited out. The expense should run more than $14,000 at that rate. The President this week said:

> There is no good time to waste the taxpayers' money but there is no worse time to waste it than today.

It must have been this philosophy which restrained him from adding plumes to the caps and sabers as sidearms. It is too bad that Roman candles, firing automatically at 3 p.m. each day, could not have been rigged on the shoulder braids. But that is the price of inflation.

The absence of these extras notwithstanding, I find the new uniforms more dignified than football jerseys and baseball caps, which I understand had been suggested.

Mr. President, it is indeed gratifying to know that some flair has been restored at the White House.

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:

WHITE HOUSE POLICE DON DAZZLING NEW UNIFORMS

(By Nan Robertson)

WASHINGTON, January 27.—The Presidential police force sheepishly saluted Prime Minister Wilson of Britain in dazzling new operetta-like uniforms ordered by President Nixon and designed by a Washington tailor, Jimmie Muscatello, and the Secret Service.

The total look includes double-breasted white tunics trimmed with gold braid and gold buttons and stiff plastic shakos decorated with the White House crest. The headgear vividly resembles that worn by American drum majors and West German traffic policemen. The next boldest silhoutte is the black-holstered pistol hung from a black belt.

White House spokesmen said the uniforms, to be worn only on ceremonial occasions, had been inspired by President Nixon's exposure to foreign police dress during his European tour last winter. West Germany was one of the countries visited.

But Mr. Muscatello, whose downtown emporium bears the legend "Pants cuffed free while you wait" on the window, indicated strongly that the original idea was his. Besides, he said, "I've never been to Europe—I'm just a country fella"—from the coalfields of Gary, W. Va., "and proud of it." He has been a tailor in Washington since 1945.

Last summer, thinking to "make something fancy" for the White House gendarmes, he thumbed through books on uniforms and designed a bright red model with "double-breasted coat overlap."

"I took it to the man in charge of police there," Mr. Muscatello said. "And he looked at me real funny. But I made up a sample anyway and took it back up there to the White House."

After several meetings with the Secret Service, during which the red was rejected as too flamboyant, he got the order for 150 uniforms. Neither he nor the White House would say how much they cost.

The belted white tunic, which bears the Presidential seal on the buckle and one sleeve, is worn with the policeman's everyday black trousers, which have a gold stripe down each leg.

When ceremonies are over, such as today's welcome to Prime Minister Wilson on the south lawn, the police don their modern black jackets and visored caps.

This morning, the White House guardians displayed nervousness mixed with a hint of pride as they sidled over to observers and muttered: "What do you think of it?"

Discussing the Shako later, Mr. Muscatello snickered and said: "I guess you thought it was funny looking. You better go up and talk to those fellas that's wearing them."

Today's fashion parade was something of a historical breakthrough. James Ketchum, the White House curator, said research indicates that the mansion's policemen, at least back to Abraham Lincoln's Administration have always worn contemporary uniforms like those of the Washington police force and police in other American cities.

Mr. Muscatello commented that maybe the officers' new clothes would make life "more interesting for them" and "help law enforcement all over the city."

THE LABOR-HEW APPROPRIATIONS BILL

Mr. HARTKE. Mr. President, President Nixon's veto of the Labor-HEW appropriations bill simply cannot be justified in the terms that he himself proposed; namely, that the fight against inflation requires it. On the contrary, it appears to me that, having failed to find a cure for inflation, President Nixon is now looking for a scapegoat. And if the scapegoat wears a Democrat coat, so much the better.

The President is correct when he states that Americans are worried about inflation today. But they were just as worried a year ago when his administration took office. Since that time, inflation has not slackened; only worsened.

Consumer prices rose 6.1 percent in the past year compared to 4.7 percent in 1968 and 3 percent in 1967. During the first year of President Nixon's stewardship, inflation did not begin, but it markedly accelerated. This inflation was in no way caused by the suggested slight increases in health and education funds.

In fact President Nixon's policies have stopped the real growth of this economy in its tracks; caused a disastrous halt in housing construction; forced interest rates to an alltime high; and, placed additional burdens on local property taxpayers.

CONGRESS REDUCES PRESIDENT NIXON'S SPENDING REQUEST

To combat inflation, we must have not only a balanced budget but a surplus. Congress has acted to insure these goals.

Congress reduced President Nixon's spending request by over $5.6 billion. The reduction in the foreign aid program alone amounted to a billion dollars and Congress felt that this money could be used for our children's health and education. Furthermore, if the President and the majority of the Members of Congress had joined with me in opposing many costly programs such as the ABM and the supersonic transport aircraft, for which President Nixon requested $96 million in this fiscal year alone, the American taxpayers would have been saved billions of additional dollars.

Most of the savings claimed by President Nixon in the defense budget were forced on him by Congress. For example, President Nixon did not insist that the frivolously unnecessary additional planes for Formosa be dropped. It was left to the Senate to exercise leadership and fiscal responsibility and demand that this expensive giveaway be eliminated.

VIETNAM: THE COSTLESS WAR, THE CAUSELESS PHENOMENON

President Nixon stated that a major reason for the increase in the cost of living is that the Federal Government spent $57 billion more than it took in in taxes during the last decade. This is true, but it is far from the whole truth. It is the cost of Vietnam and the way it is being financed that caused the present inflation and the governmental deficit. During the period 1960 to mid-1965, the U.S. economy underwent rapid growth, increased standard of living, lower unemployment, and no inflation. Until the middle of 1965, prices were stable. The rise in consumer prices was far less than in any other industrial country and wholesale prices showed almost no increase at all. It is time for longstanding supporters of the Vietnam war to honestly acknowledge the expense of the Vietnam war and its consequences for the U.S. economy.

WHAT PRICE LEADERSHIP?

President Nixon has singled out the increase in impacted aid to justify his veto. Presumably the other educational and health programs for which increases were voted are not guilty of the crimes claimed by President Nixon for impact aid. Also there is the implication that these increases are for the special interest of selected groups and are not for the general welfare of the entire people. This is a specious distinction that is utterly meaningless. In a sense, all legislation is special, providing more benefits to one group of Americans than to another. I cannot think of one Federal appropriation bill that provides the same direct benefits to all Americans. Since I am the sponsor of one amendment that increased the HEW bill by $10 million, let me explain why this country needs that legislation. My amendment would in-

crease funds for vaccination against German measles. Without this increased program of vaccination, medical evidence clearly indicates that there will be a major epidemic in 1971 with thousands of babies being born deformed and mentally retarded. Unquestionably my amendment is for the special advantage of these babies and their mothers, but I know that the entire Nation has an interest in their health.

If President Nixon criticized the impacted aid part of the bill, why did he request any funds for it? President Nixon talks about the need for urgent reforms in education but offers none. Nor did he offer any in the past year. He mentions an educational message in the near future, but more than a year of silence has gone by. If he feels that funds for impacted aid are wasted, that funds for vocational programs are largely misdirected, then why has he not suggested improvements in our educational programs? What President Nixon said about impacted aid yesterday could have been said a year ago. Without Presidential support, Congress has tried to improve our education and health programs, and some Members of Congress are now trying, against great obstacles, to obtain more adequate funding for these essential programs. It is surely unrealistic to insist that Congress restructure these programs in the midst of the appropriation process. It is ironic that, having offered no leadership or guidance, President Nixon now criticizes those who are trying to meet some of our desperate domestic needs for being less than perfect.

To state that a billion-dollar expenditure is in excess of the administration's recommendation and therefore warrants a presidential veto of the HEW bill is to distort the realities of the economic situation. These expenditures constitute about one-half of 1 percent of the total Federal budget. They also represent about one-tenth of 1 percent of the gross national product. Inflation undoubtedly exists—but not all Federal spending is inflationary.

The issue is not who is for education or against inflation. I think we can grant that we are all for virtue and against vice. Everyone understands the need for improving education and for stopping inflation. The issue is, Who is prepared to act constructively on his belief?

Congress, by reducing President Nixon's spending request by $5.6 billion and by redistributing some of this spending to domestic needs, demonstrated its commitment to reordering our national priorities and to fighting inflation. Inflation cannot be fought by destroying the education of our children and the health of our Nation. Inflation cannot be fought by causing the insolvency of our Nation.

THE PRESIDENT'S PRIORITIES

Mr. ALLOTT. Mr. President, in the Washington Post of Sunday, January 25, columnist Joseph Kraft shared with us some worries he has concerning the fitness of Interior Secretary Walter Hickel.

Mr. Kraft is worried about Secretary Hickel's understanding of the "real" environment issues. More exactly, Mr. Kraft is worried because Secretary Hickel is a westerner. Mr. Kraft concedes that because Secretary Hickel is a westerner he can be expected to have a strong interest in clean water and recreation. But Mr. Kraft intimates that westerners cannot be expected to have much interest in or understanding of "the kind of environmental improvement vital to cities."

Mr. President, as senior Senator from Colorado, as ranking minority member of the Committee on Interior and Insular Affairs, and as a friend and admirer of Secretary Hickel, I should like to allay some of Mr. Kraft's worries.

First, why cannot westerners understand cities? Perhaps Mr. Kraft is operating on the premise that there are no cities in the West. This will come as astonishing news to the residents of Denver, Seattle, Portland, Los Angeles, San Diego, San Francisco, Dallas, Houston, Phoenix, and numerous other western villages.

Second, we in the West have been blessed with great endowments of natural beauty and resources. We feel we have a special stake in the sensible solution of America's environment problems. Hence we can be counted on, in the future, as in the past, to take the lead in encouraging all Americans to love their land as we in the West love our great region.

Neither should we forget that it is a President from California who is leading the Nation in the fight to protect the American environment.

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:

THE PRESIDENT'S PRIORITIES—GIVEN DEMOCRATS' DECLINE, IT'S TIME NIXON STARTED RUNNING HIS ADMINISTRATION MORE EFFECTIVELY

(By Joseph Kraft)

The President comes off in his State of the Union message committed to a change in his own priorities. Whereas last year the focus was on foreign policy, and especially Vietnam, now the stress is on inflation, crime, the environment and other items of domestic business.

But can Mr. Nixon make his priorities stick? Well, not if he continues to make it seem that the trouble lies with the big bad Democrats. On the contrary, Mr. Nixon can get his way only if he begins to police his own administration, and the underlying bureaucracy, far more effectively than he has to date.

The Democrats, for all their talk of unity in opposition, are truly paper tigers. The Senate leadership is so unsure of itself that it postponed any concerted response to the President's address until next week. And no one yet knows what to do about the embarrassment of having as the top Democrat on the Hill the aging figure of House Speaker John McCormack.

The real challenge to a change in priorities comes from Mr. Nixon's own party, with its itch to make anticommunism the touchstone of foreign policy and its predilection for seeing all domestic issues through the glasses of conservative ideology. Consider, first, the problem of scaling down what the President called "our involvement and our presence in other nation's affairs."

It makes all kinds of sense. But Vice President Spiro Agnew has just returned from an Asian trip that featured a re-emphasis of precisely the commitments that have to be wound down. Under Secretary of State Elliot Richardson has just reiterated the old line about the need to maintain present troop levels in Europe for now, without bothering to assert the far more important truth that before long there will have to be sizable cuts. And in Saigon, Ambassador Ellsworth Bunker is far more keen to uphold the regime of President Thieu than to get Americans disengaged.

At the Pentagon, some progress is being made in cutting the military budget. But Defense Secretary Melvin Laird, eager to stand well with the brass, has adopted a policy of "participatory management" which in effect means that the military services apply the cuts. As usual, the admirals and generals are hanging on to the planes, ships and cushy installations they like so much while whittling away at manpower. Soon the service chief will be in position to stop the cutting process with an argument about the need for more men and money in order to maintain "balanced forces."

On the internal side, the administration has a heavily ideological approach to the economy. A hangup about taxes in the Treasury has meant the premature end of the best means of maintaining essential programs for fighting inflation—the surtax. A "jawboning" phobia has prevented the Council of Economic Advisers from saying anything about wages and prices. But it is plainly much easier for business executives to sell stable prices to stockholders, and for union leaders to foist modest wage increases on their members, if the government is making some noise about the wisdom of restraint.

Then there is the matter of leaving the environment largely to the mercies of Interior Secretary Walter Hickel. As a Westerner, Hickel has a strong interest in clean water and recreation. But he has little interest in the kind of environmental improvement vital to cities.

Moreover, he has close ties to producing interests. Inside the Cabinet, Hickel has been pushing with apparent success for keeping high prices on oil imports. That promotes offshore drilling in this country—which is a major source of pollution. It also promotes Alaskan development and an oil pipeline that could destroy the tundra. On top of that, Secretary Hickel, in the interest of friendship with the big cattle raisers, has halted a scheduled rise in grazing fees on public lands. That means a giveaway to the stockmen and a drop in the funds available for maintaining the range.

Even the performance on crime is not all that good. Attorney General John Mitchell has talked a lot about crime in the streets. But his chief actions have been in the fight against the Mafia—which has no direct bearing on the street crime that truly bugs most of us. And it is not clear how street crime can ever be limited given Mitchell's lack of interest in cleaning up the urban conditions that breed crime.

As a final example, there is the case of the Department of Agriculture. Farm subsidies eat up more than $3.5 billion in public money—a prime target for anybody interested in promoting rural development or fighting inflation, since most of the money goes to high-income growers for letting land lie fallow. But the Department of Agriculture has yet to present an agricultural program to Congress. It is leaving the matter up to the agriculture committees, headed by Rep. Bob Poage (D-Tex.) and Sen. Allen Ellender (D-La.). No doubt that's Southern strategy. But it's a poor way to cut subsidies.

The fact of the matter is that the President has not been all that much on top of his administration. He has held himself aloof

and been secretive about his purposes, even with his own people. He has let the flowers bloom. And given his need to establish himself when he first took office, it is easy to see why.

But now his political preeminence is beyond question. The Democrats have had their saber-teeth pulled. And it is time the President started running his administration and the underlying bureaucracy with a firm hand.

R. S. KVAMME—MAN OF THE YEAR

Mr. MONDALE. Mr. President, the Moorhead Minnesota Valley Times has recently chosen its man of the year. This is a great honor, and reflects the respect and admiration of an entire region for Dick Kvamme. I share personally such admiration and respect for this year's winner, Dick Kvamme.

I know of few people in Minnesota who have worked more selflessly and tirelessly for their community, State, and Nation.

He is a truly remarkable American and greatly deserves this honor given to him by those who know him best.

I ask unanimous consent that the announcement of his award be printed in the RECORD.

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

R. S. KVAMME CHOSEN 1969 MAN OF THE YEAR

R. S. Kvamme, owner of R. S. Kvamme Construction Company of Moorhead has been chosen the Valley Times 1969 Man of the Year by former Men of the Year this week, according to Ron Slechta, Editor-Publisher.

Kvamme, 49, was selected among a field of eight candidates for the annual award. Other nominees included Orville Williamson, Dr. James L. Noonan, Dr. L. M. Dahl, Marvin Jastram, Judge Goodwin Dosland, Clifford Halmrast and Paul E. Korsmo.

Kvamme is a native of Gary, has lived in Moorhead for the past 19 years and has been in the construction business "all my life."

Kvamme has held several positions on different committees around the community. An avid aviation enthusiast, he is president of "Operation Bootstrap," a group of American businessmen desiring to help the people in Africa build schools and material for better learning. Dick's trips in his plane have included hauling such fans as Jackie Robinson, Orville Freeman and Hubert Humphrey. He owns a 260 Commanche airplane and is a member of the area Civil Air Patrol.

An avid skiing fan, Kvamme maintains a winter home in Vail Colo., along with other Fargo-Moorhead ski enthusiasts.

Other interests include the YMCA, politics and other organizations.

He was recently elected to the Board of Regents at Concordia College, served six years as a trustee at St. Luke's Hospital, a member of the Board of Neuropsychiatric clinic at Fargo, member of the Concordia College Language Camp and active in the Trinity Lutheran Church of Moorhead.

Other interests include the C–400 Club of Concordia College, St. Ansgar's Hospital, the Campfire Girls, the Jaycees, Greater Moorhead Days and the Moorhead Country Club.

In politics, the 1969 Man of the Year has been 7th District Chairman for Mondale during his 1966 campaign, Mondale's 1962 Attorney General campaign and Clay County chairman for Secretary Orville Freeman.

Dick and his wife, Evelyn, live at 1721 3rd St. S. and have two daughters who are married.

AMERICAN MEDICINE

Mr. YARBOROUGH. Mr. President, our health care delivery system is in disarray.

Despite increasing infusions of Federal funds, it is not improving rapidly enough. It seems tragic to me that the wealthiest country on earth seems incapable of providing basic health care to large segments of the population. It need not be so. We have the best trained doctors and the finest medical facilities to be found anywhere. And we devote approximately $60 billion or about 6.5 percent of our gross national product to medical care.

We are not providing adequate medical care to the urban poor or to our rural population. In addition, only a small segment of our entire population, whether urban or rural, whether affluent or poor, is receiving adequate preventive medical care.

Despite the tremendous technological advances we have seen over the last few decades, the medical delivery system has hardly changed. Many of our medical schools follow essentially the same curriculum they followed half a century ago. Despite the proliferation of visual aids and the improvements in teaching techniques, except for rare exceptions our medical schools are not turning out an adequate number of qualified graduates faster.

The majority of doctors continue to operate as independent agents operating on a fee-for-service basis. As a result, all too often doctors are forced to undertake tasks which could better be done at less cost by medical technologists and other paramedical personnel. Our medical insurance plans are generally too limited in the services they offer. And all too often they cover only care while in a hospital. Thus, medical service which could be provided in the home or in the doctor's office is often provided at higher cost in a hospital. What is worse, only a few of these plans include preventive medical care as a part of their coverage.

Pumping additional Federal funds into the system alone is not the answer. Major reform is needed. And since it seems that the medical profession does not have the resources to do this by itself from within, the pressure and aid must come from without—from Government and the private sector. I certainly hope that such reform is not long in coming. I find it frustrating to think that despite the increasing amount of our national resources going into medical care, we rank well below a number of industrial countries in infant mortality, maternal mortality, and life expectancy.

Because I am very concerned with the current state of American health care and because I feel so strongly that before we can bring about adequate reform to get health care to the people, we need to know the full nature of the problem. I invite the attention of Senators to the January 1970 issue of Fortune, which I believe does an extremely fine job of reporting on the current status of American medicine.

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

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

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—BETTER CARE AT LESS COST WITHOUT MIRACLES

(By Edmund K. Faltermayer)

American medicine, the pride of the nation for many years, stands now on the brink of chaos. To be sure, our medical practitioners have their great moments of drama and triumph. But much of U.S. medical care, particularly the everyday business of preventing and treating routine illnesses, is inferior in quality, wastefully dispensed, and inequitably financed. Medical manpower and facilities are so maldistributed that large segments of the population, especially the urban poor and those in rural areas, get virtually no care at all—even though their illnesses are most numerous and, in a medical sense, often easy to cure.

Whether poor or not, most Americans are badly served by the obsolete, overstrained medical system that has grown up around them helter-skelter, without accommodating very well to changing technology, expanding population, rising costs, or rising expectations. Demand for medical service has been racing ahead at ever increasing velocity. Medicare and medicaid—the government-financed programs for paying the medical expenses of the aged and the poor—now account for one dollar out of every five spent on medical services. Other insurance plans have also fueled demand, in special distorting ways that add to already overloaded facilities. In the words of the two federal officials who are the most concerned—Secretary Robert H. Finch of Health, Education, and Welfare, and his Assistant Secretary for Health, Dr. Roger O. Egeberg—"This nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector."

To be effective, the concerted action will have to make fundamental changes in the nature of the system. Its main purpose will be to raise the supply of care to levels where it can satisfy the new needs. But in order for that very difficult balancing act to be accomplished, doctors will have to reform their ancient ways, hospitals will have to be more rationally managed and coordinated, and insurance plans will have really to bring their subscribers *insurance*—instead of merely racing the motors of inflation. Just more money will not solve anything. Right now, for all the fresh billions so recently pumped into the system, most Americans could still be financially destroyed by a prolonged and serious illness in the family—a virtual impossibility in countries such as West Germany, Sweden, and Britain, none of which devote as large a percentage of their G.N.P. to medical care as the U.S. does.

Thus, as the articles that follow make clear, the time has come for radical change. The financial distortions, the inequities, and the managerial redundancies in the system are of the kind that no competent executive could fail to see, or would be willing to tolerate for long.

The conversion to modern methods, and the institution of the same degree of efficiency that Americans have reached in other realms, would probably effect enough saving so that good care could be brought to every American—with very little increase in costs. Nobody except other physicians should tell physicians how to practice medicine. But the

management of medical care has become too important to leave to doctors, who are, after all, not managers to begin with.

Our present system of medical care is not a system at all. The majority of physicians, operating alone as private entrepreneurs, constitute an army of pushcart vendors in an age of supermarkets. Most patients pay by the cumbersome "fee-for-service" or piecework method, which involves separate billing for visits to doctors, shots, x-rays, laboratory tests, surgery, anesthesia, hospital room and board, etc., etc. The American hospital system, as Herman M. and Anne R. Somers of Princeton University said in their book, *Medicare and the Hospitals*, "is largely a figure of speech," the result of a haphazard growth of isolated, uncoordinated institutions.

For a patient simply to *find* medical care can be maddeningly difficult. In poor city neighborhoods and rural areas, the supply is sometimes fatally sparse. The middle-class citizen, living in a region where doctors are statistically abundant, encounters frustrations when he seeks "access"—a suitable entry point into the medical labyrinth, where a competent person can give an accurate diagnosis of his ailment, or relay him to the proper specialist. With more and more doctors working a five-day week, access has become especially difficult on evenings and weekends. Increasingly at those hours, people are forced to resort to the overcrowded, understaffed emergency rooms of hospitals, where admissions have shot up by 250 percent in the past twenty years, and where only a third of the people waiting for attention are true emergency cases. When he is finally in what he hopes are good hands, the patient is incapable of evaluating either the quality or the quantity of the service he receives. In his ignorance he may submit to more care than is necessary—adding both to the personal risk and to the strain on an inflation-prone system.

Some of the rise in medical costs has been inevitable, because the new life-extending techniques require more manpower and equipment (see "Costly Machines to Save Lives," page 92). And some of the increase in hospital costs is unavoidable, too (see page 96). But the real propellant forcing up costs is the archaic manner in which most medical care is arranged and paid for in the U.S. Since all the components of medical care are generally paid for on a piecework basis, doctors profit by prescribing more elaborate care than is needed.

Even when doctors have the best of motives, as a majority of them doubtless do, this lax competitive climate discourages the efficiency that comes with cost-consciousness. And even if the doctor has a conscience about wasting the money of patient, government, or insurance company, the growing menace of malpractice suits may induce him to pile on precautionary tests and treatments—which he can do without restraint. "Almost nowhere else in the economy," says Victor R. Fuchs, a leading economist at the National Bureau of Economic Research, "do technologists have as much control over demand." The only parallel, Fuchs says, is the military's control of the defense budget in time of total war.

The growth of "third party" payment of medical bills through Blue Cross, Blue Shield, and group insurance policies has provided another inflationary thrust. Until very recently the Blues and the insurance companies, which now disburse about $13 billion a year, have directed very little hard scrutiny at fees or the quantity of the services that they are buying. They have contented themselves instead with the role of a largely automatic "cost-pass-through" mechanism. In the past, some check on costs came from individual patients complaining about high bills. Doctors and hospitals had to worry about the financial hardship that the larding on of services might create. But the emergence of large, "rich," impersonal insurers has removed even these controls.

Third-party laxity has unquestionably contributed to the steep rise in hospital fees. Cost controls have always been weak in many hospitals, partly because many of the doctors have no stake in promoting hospital efficiency. Today, most of a hospital's income is provided by Blue Cross and the insurance companies, which dutifully reimburse on the basis of costs *after* they are incurred, rather than agreeing on a fee in advance. This type of cost-plus reimbursement in Fuchs' words, is "an open invitation to inefficiency."

The bad effects of third-party payment do not stop there. Private health insurance covers some phases of medical care more extensively than others. About 85 percent of Americans under sixty-five have at least some hospitalization insurance, and 78 percent are covered to some degree for surgeon's fees, but only 51 percent have any insurance whatever for x-rays and laboratory tests outside the hospital, and only 40 percent for visits to doctors' offices. As a result of this uneven pattern of coverage, says Walter J. McNerney, president of the Blue Cross Association, "use tends to follow prepayment." The whole pattern of medical care is warped in favor of providing treatment in those expensive hospitals. Summing up all these influences, McNerney declares that U.S. medical care is suffering from "a serious discombobulation of the principles of the free market, with no 'invisible hand' to move resources about efficiently."

HENRY J.'S NEW MODEL

Those patterns, however, are not like the laws of the Medes and the Persians—they need not stand forever. Evidence that they can be changed, with benefits for all the parties involved—doctors, patients, and insurers—is piling up. Some eight million Americans now receive medical care under plans that work well, and that are subject to the constraints of the marketplace. These "prepaid group practice" plans are not the only model for reform. Further, even these plans have not yet been brought to the degree of efficiency that they may someday reach. Nevertheless, they represent an alternative that more Americans should be able to choose. Their expansion would exert a badly needed competitive discipline upon the rest of the medical system.

The Kaiser Foundation program is by far the largest of the prepaid systems. It has two million members and its own network of hospitals and outpatient clinics in California, Oregon, and Hawaii. The program began in the late 1930's when the late Henry J. Kaiser, then building hydroelectric dams in remote locations, felt obliged to provide medical services for construction workers and their families. After a conventional, fee-for-service payment system proved unpopular, Kaiser substituted a single fee covering all needed services, and the plan was enthusiastically accepted. In response to requests from hundreds of former shipyard workers, Kaiser kept the program going on the West Coast after 1945, and opened it to the general public. Today, employees of the various Kaiser companies and their families constitute only about 3 percent of the membership.

The Kaiser plan has made some notable improvements over the orthodox means of distributing medical care. To begin with, access is easy. Physicians of all major specialties are housed in large clinics in each of the regions covered by the plan. A middle-aged man with an abdominal pain can see his internist and can be referred within minutes to another specialist in the same building, which has its own x-ray and laboratories. If the patient requires hospitalization he is sent to one of the Kaiser Foundation's nineteen hospitals, many of which adjoin the outpatient clinics.

Unlike ordinary private "health insurance," which is really sickness insurance designed to reimburse selected medical expenses under the fee-for-service system, the Kaiser program assumes broad responsibility for keeping its members sound of body. The range of services varies according to the employer group or individual member, but a fairly typical plan offered in the San Francisco-Sacramento area currently costs a total of $35.40 a month for a subscriber with two or more dependents, including the employer's contribution. This covers all professional services in the hospital, in the doctor's office, and in the home, including surgery; all x-ray and laboratory services; all preventive care, including physical examinations; and hospital care for up to 111 days per person in a calendar year. Some nominal charges are made for drugs and for doctors' visits ($1 per office visit, and up to $5 for house calls after 5:00 P.M.), and there is a $60 charge for maternity care. Some items are excluded, notably dental care, psychiatry, and nursing-home care (though some Kaiser plans offer psychiatric and convalescent care, too). For an additional monthly payment of 15 cents, hospitalization can be extended all the way to 365 days.

A REWARD FOR CUTTING COSTS

The more liberal of the Kaiser plans probably cover about three-quarters of a family's insurable medical expenses. The very breadth of the coverage provides two important benefits. On the one hand, no paid-up member need be deterred from seeking medical care for fear of the expense. On the other hand, no built-in bias exists favoring a particular *type* of care, since most types are covered anyway. A patient does not have to be admitted to a hospital for a test or a minor operation, which could be given on an ambulatory basis, solely in order to gain insurance coverage.

The Kaiser plan also provides an incentive for efficiency. The providers of medical care—the doctors and the hospitals—*share* the financial risks of illness with the patient. Members' monthly charges are set for a year, and during that period the program must operate on the revenue generated by these charges. If costs exceed revenues during that period, the Kaiser system must absorb them.

But any reduction in operating costs below management's projections swells a bonus fund that is shared by doctors and hospitals. Doctors are not paid on a fee-for-service basis, but receive a relatively stable annual income. When they render excessive treatment, they waste their own time and risk a reduction in their bonus, which, coming atop generous regular incomes, can be sizable. In 1968 the eligible doctors in Kaiser's northern California region each collected a bonus of $7,900. Since they also received regular incomes that ranged from $20,000 to $53,000, they probably fared better, on the average, than solo practitioners in the area. And because working hours are fairly regular in group practice, with members taking turns working nights and weekends according to schedules set in advance, the doctors probably lead a more pleasant life.

Even though there is no limit to the number of times a member can see a doctor, members of the Kaiser plan make slightly *fewer* visits to doctors than the public in general. But the most dramatic savings are in hospitalization. One 1965 study, comparing Kaiser members in northern California with the population of California as a whole, showed that the average Kaiser member spent only 69 percent as much time in a hospital. Still, the Kaiser plan has been affected by the wage inflation common to the health industry. Its nurses won a 40 percent wage increase in 1966, and its hospital workers came under the federal minimum wage law in 1967. As a result, premiums in northern California have risen about 50 percent since 1960, slightly more than the rise in the nationwide index

of medical care during this period. But Kaiser's health services still cost from one-fourth to one-third less than the same package of services would cost outside the system.

The Kaiser plan operates in the black. Counting depreciation and some other items, the program generated a total cash flow of $17,200,000 in 1968 on revenues of $216 million, enough to provide funds for expansion. Except for one recent federal grant under the Hill-Burton hospital program, the Kaiser Foundation has financed all of its expansion from its own revenues and from borrowings. Unlike most voluntary hospitals, the Kaiser hospitals have never had to fall back on rich trustees or public fund-raising programs to cover deficits or obtain funds for expansion.

PRACTICING "PURE MEDICINE"

Kaiser's experience refutes the widely held belief that if medical services are "free," or virtually free, the public will stampede to them. Neither does the evidence indicate that Kaiser has gone to the opposite extreme, cutting corners and denying needed medical care. This criticism is often voiced by doctors opposed to prepaid group practice, along with the familiar charge that group practice precludes the free choice of "family" physician, and that it renders care in an impersonal, "assembly-line" manner, which lowers the quality of medical services.

In fact, the Kaiser program makes possible an educated choice of a family physician, because the patient in a large clinic is in a position to compare doctors. The atmosphere at one Kaiser clinic, in suburban Walnut Creek, California, is a good deal less suggestive of an assembly line than the typical jammed office of a solo practitioner; the place has more the relaxed ambience of a resort inn. A study team from the Johnson Administration's National Advisory Commission on Health Manpower gave the Kaiser program a thorough going-over in 1967, and found the quality of services to be high. One factor raising quality, according to Dr. Wallace H. Cook, the sun-tanned physician in chief of the Walnut Creek Center, is that doctors devote themselves to "absolutely pure medicine here." They have nothing to do with the billing, and they do not have to worry about the financial impact of the type of care that they prescribe on the patient, since virtually all phases of medical care are prepaid.

"Peer review," that much-evoked but little-practiced procedure for uncovering medical incompetence, is inherent in a group operation. "We constantly look over each other's charts," says Cook. An incompetent doctor can quickly lose the respect of his colleagues. In solo practice, doctors obviously can never lose their jobs no matter how incompetent they are; with only a few exceptions, licensed doctors are in business for life regardless of performance. At Kaiser, however, even doctors who have attained relatively secure "partner" status, which comes after a three-year probationary period, can be discharged. Not long ago a surgeon too inclined to use the knife was let go.

Another advantage that Kaiser physicians enjoy over their counterparts in solo practice is access to good health records. Generally, health records are in a medieval state, with incomplete data on each individual scattered in every doctor's office and hospital that he has ever visited. Most Kaiser members' medical histories are readily retrievable, and in a growing number of cases are stored on computer tapes. The eventual goal is to give each member a lifetime electronic medical file, based in part on the periodic, multiphasic testing with which the Kaiser Foundation is now experimenting on a larger scale.

Probably the greatest spur to maintaining the quality of medical services is the fact that Kaiser does not have a monopoly over health care in the areas it serves. Once a year each group, and each individual within a group, has the chance to drop out of the program if he wishes. If enrollment figures are any guide, the consumers couldn't be happier. Membership has grown threefold in the last ten years, and the Kaiser Foundation is expanding about as fast as its financial resources will permit, currently at a rate of 200,000 persons a year. It has recently moved east of the Rockies to start a health plan in Denver, and to team up with a group plan in Cleveland.

By almost any measure, then, the Kaiser program represents a quantum leap ahead of the prevailing pattern of health care in the U.S. Edgar F. Kaiser, Henry J.'s son, who besides heading the various Kaiser industrial companies also serves as chairman of the health foundation, says the plan demonstrates "that it is possible, within our free enterprise system, to organize medical care on a private, financially self-sustaining basis so that the consumer is satisfied and the physician is professionally gratified by his role."

Savings on hospitalization and other medical costs are not unique to the Kaiser program. In recent years members of the Health Insurance Plan of Greater New York (HIP), the country's second largest prepaid group program with 775,000 members, have spent 20 to 25 percent less time in hospitals, on the average, than the general population in the New York City area. According to studies by the United Auto Workers, members of the U.A.W.-sponsored Community Health Association, a group-practice plan in the Detroit area, spent 45 percent fewer days in the hospital in 1966 than persons insured by Michigan Blue Cross-Blue Shield.

HOW TO AVOID APPENDECTOMIES

The experience of federal employees also testifies to the efficacy of group-practice plans. In many areas they have a choice of three forms of health insurance—Blue Cross-Blue Shield, "indemnity benefit plans" sold by insurance companies, and group practice. Those enrolled in the principal group-practice plans spend less than half as many days in the hospital as those covered by the other two methods. Because group practice stresses early diagnoisis and treatment, and contains no incentives for needless surgery, federal workers also spend less time on the operating table. A study comparing federal employees and their families in group-practice plans with those covered by Blue Shield surgical benefits showed that the latter had 86 percent more appendectomies and more than *two and a half times* as many tonsillectomies and adenoidectomies per 1,000 persons. Under Blue Shield, female operations, e.g., hysterectomies, were 52 percent higher.

While some of the other group plans have matched or even exceeded Kaiser's cost savings, they have not enjoyed the same rapid growth in membership. Detroit's Community Health Association, whose rolls have been static for several years, is hampered in part by its "union" label that deters white-collar and other middle-class workers from joining. New York's HIP has been stalled at approximately its present membership for the past year or so, and some unions have withdrawn from the plan. HIP has been handicapped because until recently it did not own its own hospitals; it simply referred patients to community hospitals and paid the bill. In some cases its doctors handled HIP members along with nonmembers paying on a fee-for-service basis. As a result, HIP members have often been kept waiting, and some of them, says a spokesman for a union that recently pulled out, "felt they were being treated as second-class citizens."

Elsewhere around the country, new group-practice programs are getting under way. The main impetus is coming from teaching hospitals—which until now have remained aloof from the nitty-gritty of community health services—and some of the insurance carriers. The new Harvard Community Health Plan, which hopes to attract members from the entire Boston area, is the outgrowth of years of soul searching by the Harvard Medical School on the mission of the medical school and the hospital. Jerome Pollack, associate dean of Harvard Medical School who designed the new program, has combined some existing institutions—four community hospitals that will accept patients from the new program—with a newly opened outpatient clinic operated by the plan itself and staffed mainly with salaried physicians. With premiums set at $50 a month per family irrespective of size, the coverage will be somewhat broader than Kaiser's: patients will be eligible for fairly extensive psychiatric care, as well as convalescent care in nursing homes.

Pollack expects the plan to break even in about three years, by which time he hopes enrollment will have reached 30,000. Instead of bypassing the insurance companies, as the Kaiser program does, Pollack has enlisted their help in canvassing members from among those already signed up under existing programs. Blue Cross is expected to supply 70 percent of the members and a group of ten commercial insurance companies—including such giants in the health field as Aetna, Metropolitan, Equitable, and Travelers—will supply the rest. Pollack is aiming for a cross section of all income group and races, in order to gain operating experience meaningful for the whole U.S. population. "We envision," he says, "something that the giant insurance companies and Blue Cross will be able to duplicate on a large scale."

The insurance companies have been initiating some experiments of their own. As President Charles A. Siegfried of Metropolitan Life concedes, the big carriers have until recently been "standoffish" about improving the nation's medical system. For a long time, he says, there was "a fatalistic acceptance of rising costs," and "we felt we shouldn't tell doctors how to run their services." All this is beginning to change. Following a meeting in Boston last October, the Health Insurance Association of America, representing most of the commercial carriers, recommended that the companies "exert their influence to bring about soundly conceived changes" in the U.S. health system.

Metropolitan has already supplied funds for a new ambulatory care center at Washington University Medical School in St. Louis which will include a "demonstration" group-practice program. Equitable is providing most of the mortgage money for the construction of a combined neighborhood health center and nursing home that will house a new group-practice system in a Washington, D.C., Negro neighborhood. Perhaps the most deeply involved insurance company is Connecticut General, which is putting up $3,750,000 of mortgage money for a clinic and hospital at the new town of Columbia, Maryland, which will serve members of a new prepaid group-practice plan. Connecticut General, which is also providing $500,000 of development costs, will have first crack at selling the plan, but its involvement stops short of actually setting it up and running it; Johns Hopkins Medical School in Baltimore will do that.

SELLING HEALTH, FOR A PROFIT

Some insurance companies are beginning to consider actually running health systems of their own. The leading advocate is Dr. Paul M. Ellwood Jr., executive director of the American Rehabilitation Foundation in Minneapolis. The Kaiser experience, Ellwood says, proves that comprehensive health care can be provided efficiently and profitably by corporations competing for the citizens' health dollar. The Nixon Administration is sympathetic to the idea. In their statement last July warning of an impending "break-

down" in health care, Secretary of Health, Education, and Welfare Robert H. Finch and Assistant Secretary Dr. Roger O. Egeberg declared: "We will ask and challenge American business to involve itself in the health-care industry, including the creation of new and competitive forms of organization to deliver comprehensive health services on a large scale."

While the insurance companies are the obvious ones to enter this field because of their large pools of capital, other parts of the health industry, including hospitals, groups of physicians, and drug companies, could also evolve into medical corporations. The Upjohn Co., which already operates a network of medical laboratories in addition to manufacturing drugs, is "exploring the possibilities." Ellwood sees absolutely nothing wrong, in principle, with industrial and merchandising corporations, such as I.B.M. or Sears, Roebuck, entering what is obviously destined to be a growth industry. Two nationally known conglomerates recently asked New York's HIP for information on how to run a medical system.

The one type of business involvement that Ellwood vehemently opposes is the recent spread of proprietary hospitals and nursing homes. These offer only one phase of medical care, which the owners, who in many cases include doctors, have an incentive to promote aggressively whether it is required or not. The recent, fantastic boom in nursing-home stocks, large amounts of which are held by physicians, raise possibilities of conflict of interest that call for governmental scrutiny.

THE POTENT MEDICAL LOBBY

The biggest obstacle in the path of a more rational medical system, whether in the form of a health-care corporation or more modest innovations, is organized medicine. Even if the insurance companies or other organizations should decide that the economics of comprehensive health care are very attractive indeed, they might still hesitate to enter the field for fear of antagonizing the medical profession. The American Medical Association has recently muted its opposition to prepaid group practice, but some state and local medical societies still fight it, sometimes viciously. Some incredibly retrograde laws and regulations in seventeen states still prohibit the ownership and operation of prepaid group-practice systems by consumer-oriented groups—i.e., by those who would have the most interest in establishing them.

The legislative history of medicare and medicaid illustrates the potency of the medical lobby, as well as the danger in simply pumping more money into the existing health system. A misnomer, medicare is not a health-care program at all, but a financing mechanism under which the Social Security Administration passes out money to the insurance carriers—Blues as well as insurance companies—which in turn pay part of the medical bills for persons over sixty-five. To make medicare more palatable to the A.M.A., which had long opposed it, Congress wrote into the law a passage making clear that the financing plan would not be employed to bring about changes in the U.S. medical system. Indeed, the rather arbitrary division of medicare into Part A (hospitalization) and Part B (doctor's bills) tended to sanctify the fragmentation in the system. The law also specified that hospitals were to be reimbursed on the basis of costs rather than fixed fees, and that physicians were to be paid according to the "customary" fees in their communities.

The quantity of medicare services rendered to the aged increased roughly in line with government forecasts. The deluge that some had feared simply didn't materialize. But the inflation in hospital costs, which had already been steep, was accelerated. The same thing happened to doctors' fees. The "customary" provision, which had been intended by Congress as a sort of benign ceiling on doctors fees, actually became a floor under all doctors' fees; before medicare went into operation in July, 1966, most doctors raised their "customary" fees to *everybody*, young and old, to qualify for higher medicare payments. Partly as a result, doctors' fees, which had been rising by about 3 percent a year before medicare, started shooting up by 6 percent a year.

Medicaid, of course, was an even more potent inflator. It represented an open-ended commitment by the federal government, jointly with the states, to finance through general revenues a whole range of medical services for the poor and the so-called "medically indigent," those whose incomes are too high to enable them to receive welfare payments, but who are judged too poor to pay for medical care.

There are many reasons why the cost of medicaid skyrocketed from $2 billion in 1966 to an estimated $5 billion in 1969, and why it could easily reach $24 billion by the mid-1970's. For one thing, its potential universe is far larger than medicare's, including all the people considered poor or near poor according to the federal government's definitions—far more than are currently receiving services. Another reason is an uncredible amount of bureaucratic red tape and, until fairly recently, very little cost control by the insurance carriers. Still another is the fact that, as author Herman Somers puts it, "the availability of money doesn't produce resources where they don't exist"—in the ghetto and in rural poverty areas where the supply of doctors and medical facilities is stretched thinnest. The result was an ominous, upward pressure on costs, and outright gouging by an unscrupulous minority of doctors.

Compounding the difficulties, medicaid also missed much of its main target group, which was the young poor and near poor. To a far greater degree than its architects foresaw, it has become a device under which the aged poor have supplemented their benefits under medicare. Almost half the money is currently going to persons over sixty-five, and about two-thirds of that is going for nursing-home care, much of it of the long-term custodial type—i.e., for senile and infirm persons who are not convalescing from a serious illness, but have simply been "put away" until they die.

Having made the initial mistake of simply superimposing medicare and medicaid upon an inflation-prone, fee-for-service medical system and then pouring in money, the federal government is now trying to impose some cost controls. Under both medicare and medicaid, for example, the reimbursement of hospitals has been tightened up somewhat, and when new regulations take full effect, doctors' fees generally will be permitted to rise no faster than the cost of living. Like any form of price control, these measures can have only limited effectiveness. They do nothing, by themselves, to eliminate the fundamental causes of medical inflation. And if price control becomes too strict, doctors and hospitals may turn down medicare and medicaid patients.

SOME TEMPTING HEALTH-INSURANCE PLANS

As the sorry history of medicare and medicaid makes clear, any future national health-insurance system must be coupled with measures for imposing order on the distribution of medical care. Of all the proposals being considered, the most ill conceived and most dangerous is the A.M.A.'s "Medicredit" plan for federal income-tax credits to defray families' health-insurance premiums—with credits covering 100 percent of costs for low-income groups and tapering off to zero in the highest brackets. This is strictly a financing plan. To Herman Somers, it "is a proposal to subsidize the present system on the assumption that everything in it is just jim-dandy."

Rashi Fein, professor of medical economics at the Harvard Medical School, has a tax-credit plan somewhat like the A.M.A.'s that also contains no reforms. Unlike the A.M.A., Fein admits and deplores the great waste in the present system. But he believes that only the crisis atmosphere brought about by pumping in additional money will jolt the American people into creating a more rational medical system. This is a precarious assumption.

In contrast to such views, reform is intimately and ingeniously woven into the health-insurance proposal recently presented by Daniel W. Pettengill of Aetna to the House Ways and Means Committee. Pettengill proposed extending private health insurance to everyone in the population under sixty-five, with the federal government providing a subsidy for the poor and for non-poor individuals rated as bad health risks. Washington would establish guidelines for minimum coverage, including a strong emphasis on ambulatory care that would cut down on hospitalization, and it would use its taxing powers to enforce these requirements. Thus, employers who failed to cover their workers for ambulatory care within, say, five years would lose half their present tax deductibility for health-insurance premiums.

The Committee for National Health Insurance, headed by U.A.W.'s Chairman Walter P. Reuther, has proposed a federally run health-insurance plan that would supplant medicare and medicaid, as well as most private health insurance. Two-thirds of the cost would be shared by employers and employees, in somewhat the same fashion as social security taxes, and the rest would be financed out of general federal revenues. The objective is not merely to provide complete health insurance for all but also, in Reuther's words, to disburse the money in a manner that will bring about a "restructuring" of a medical system that is now providing "unacceptable, unsatisfactory, second-rate health-care services."

The Reuther committee does not propose a governmental take-over, or even direct regulation, of doctors and hospitals, nor does it have a precise blueprint for reorganizing the private medical system. "We don't want to lock step with any existing system" such as Kaiser's, says Max Fine, the committee's executive director. "We want to encourage competition and experimentation." For a time, doctors would have the option of solo practice on a fee-for-service basis, but the plan would contain incentives to encourage the spread of prepaid group practice. While it is easy to find fault with the Reuther committee's somewhat ideological disdain for private health insurance, it is hard to question its insistence upon reshaping the medical system.

AN AGENDA FOR REFORM

A lot must be done, and done soon, to prepare the U.S. medical system for the approaching day of universal health insurance. The most important step is for the federal government, which now pays about a third of the country's medical bill, to encourage the emergence of more efficient forms of care. The Hill-Burton program, under which Washington has made available nearly $3.5 billion in grants since 1947 to build new hospitals, has largely accomplished its mission. The task now is to modify Hill-Burton, as the Nixon Administration and some Congressmen have proposed, to make grants available for the construction of ambulatory care centers, including those operated by group-practice plans. Also, it would cost nothing for the federal government to realign the various laws of the 1950's and 1960's that encourage regional planning of medical programs and facilities—laws that now overlap in scope, and carry little more than moral force—and to make effective planning a condition for all future grants and loans. The U.S. Public Health Service,

which has abandoned its long-standing neutrality on the matter, has allocated $1,100,000 during the past two years to acquaint community organizations, including labor unions, with the prepaid group system. But a bigger educational effort is needed.

The private insurers, too, can exert far greater control over medical costs. In New York State, Blue Cross is shifting over to a fixed-fee method of reimbursing hospitals, with fees set for two years in advance. More such innovations are needed. The insurers must also simplify health insurance, and provide broader coverage. Walter McNerney of Blue Cross, fully aware that his system has encouraged excessive use of hospitals, believes that insurance coverage must reach 80 percent of medical costs before the bias in favor of certain types of care will disappear.

ADEQUATE CARE FOR ALL

Under the existing chaotic state of affairs, the goal of adequate care for all citizens seems utterly unattainable. Although millions of people are still denied adequate care, the proportion of our G.N.P. devoted to medicine has aready climbed to 6.8 percent from 4.5 percent twenty years ago, and promises to keep right on increasing. In this situation, the public and Congress are certain to resist any proposals to shift massive new resources to medical care, especially in view of all the country's other unmet needs in such fields as housing, welfare, and urban transportation.

The only hope, therefore, is to get more value from the money spent on medical care—to remove the glaring inefficiencies, to bring the proper incentives into play, and to make a maximum effort to supplement doctors with lower-paid para-professionals, as proposed in the article beginning on page 84. If this were done, the country might save enough from the elimination of waste to do a creditable job with that same 6.8 percent of G.N.P. The strongest evidence that this is possible comes from abroad. Countries such as Sweden and Britain, which enjoy lower infant mortality rates and morbidity rates for childhood diseases than the U.S., devote only 5 percent and 4 percent of their G.N.P., respectively, to medical care.

Harvard's Rashi Fein believes that "at least 10 percent of the $63 billion we spend on medical care is wasted." Howard Ennes of Equitable Life guesses that "we're losing 40 percent of what we're putting in." One benchmark of what good care *ought* to cost is provided by the Kaiser program, whose services currently cost about $120 a year per person, counting the nominal fees paid by members when they receive treatment. Making allowance for services not provided, the Kaiser experience indicates that a good job could be done for the non-aged, non-poor population for about $175 per capita—or about one-third less than what this group currently spends for the unsatisfactory care it gets.

These figures show, among other things, that a majority of the population under sixty-five does not need a government subsidy to pay its medical costs, provided employers pay a generous share of private insurance premiums. They also suggest that if an efficient system existed right now, some $10 billion to $20 billion a year might be available, in the form of savings, to provide better coverage for disadvantaged groups. Assuming that it would cost even as much as 50 percent more per capita to care for the poor because of past neglect (or about $250 per person a year) $10 billion could pay all the medical bills for the approximately 35 million persons below or near the poverty line. For another $3 billion or $4 billion, medicare—which now pays 45 percent of the aged's medical bills—could be liberalized, and it could be extended to persons under sixty-five who are permanently and totally disabled.

To construct such a system would take at least five years, and require considerable capital investment and redeployment of medical manpower. But there is reason to believe that if the country has the will, good medical care for all is within our reach.

HOW TO SPEND $63 BILLION

In recent years the nation has been spending more on medical care than on education or social security. The $63 billion spent in 1969 even exceeded defense outlays less Vietnam. Hospitals received 38 percent of the total medical budget, or $24 billion. Doctors got a 20 percent slice of the budget—$13 billion. Even some of the smaller sectors were pretty big: medical research totaled nearly $2 billion, and supported some nationwide enterprises. Included within the category of "other services" are such big items as the purchase of eyeglasses, support of government public health programs, and some administrative costs.

	Percent
Hospital care	38
Other services and expenses	14
Drugs	11
Construction	4
Research	3
Dentists	6
Doctors' services	20
Nursing homes	4

THE SOARING U.S. HEALTH BUDGET

In less than two decades, the nation's outlays for medical care increased fivefold, to $63 billion in 1969. If the current rate of growth continues, they will reach $200 billion by the early 1980's. Both inflation and rising demand account for this extraordinary increase. Some 40 percent of the nation's health bill is now paid by government—federal, state, and local—through health programs for government employees, veterans, and servicemen and their dependents, as well as state and city hospitals and medicare and medicaid. Although the growth of private health insurance provided by Blue Cross, Blue Shield, and commercial insurers has added to the demand for health services, these insurers together pay only a third of the nongovernmental portion of the nation's medical bill. Individuals pay the other two-thirds out of their own pockets.

Private insurance has artificially stimulated the demand for hospital care because it covers this phase of medical costs more liberally than others. The biggest factor in rising health costs is the growing use of increasingly expensive hospitals.

MEDICINE'S COST-PUSH INFLATION

The price of medical care was already climbing twice as fast as the cost-of-living index when the medicare and medicaid programs went into operation in mid-1966. The introduction of those programs was like firing a booster rocket. As the chart on the left shows, physicians' fees, which had been going up by less than 3 percent annually, began rising more than twice as fast. The steep climb in hospital charges became even steeper.

The explanation for the new rises lies not only in the added demand created by medicare and medicaid, which together pumped $13 billion into the medical system in 1969, but also in the way the programs are run. Physicians are reimbursed mainly on the basis of "usual and customary fees," a provision that encouraged them to raise those fees. Hospitals are reimbursed on what amounts to a cost-plus formula. Now, with both programs running ahead of forecasts, and alarmingly so in the case of medicaid, the federal government is trying to impose some controls.

Rising prices are the biggest single contributor to the nation's growing health bill. Back in 1950 the country spent $11.1 billion for personal health services, i.e., all medical expenses except for research, construction, and other special categories of spending. By 1969 the same figure had climbed to $54.2 billion. The rise in population accounted for 18 percent of the increase, and additional medical services per capita accounted for another 35 percent. But inflation accounted for nearly half the rise.

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—CHANGE BEGINS IN THE DOCTOR'S OFFICE

(By Dan Cordtz)

When Dr. Sidney Lee, associate dean for hospital programs at Harvard Medical School, is asked what is wrong with American medicine, he has a prompt and characteristically blunt answer: "Doctors!" He has a good point. The nation's 313,000 active physicians are quite properly the main target for the critics of the health-care system. The doctors created the system. They run it. And they are the most formidable obstacle to its improvement. It is the doctor who decides which patients will be treated, where, under what conditions, and for what fee; who will enter the hospital, for what therapy, and for how long; what drugs will be purchased and in what quantities. The U.S. alone among the world's developed countries has given the medical fraternity such freedom. The profession not only can, but should, be held accountable for the way it uses its power.

The trouble with doctors is not that they are more avaricious than other people. Indeed, many of them are dedicated men, who work hard for their high incomes. The real charge against them is that they have been shortsighted, timid, and far too slow to recognize and adapt to change. Only recently did the leaders of organized medicine reluctantly recognize the fact that Americans regard decent health care as one of their rights—not a privilege, or a commodity to be sold by medical men in the open market. Motivated by groundless fears of oversupply, doctors have discouraged the expansion of their own ranks, until now they must acknowledge a serious shortage. Even if every effort were made, that shortage could not be alleviated for at least the next decade. Yet most doctors, far from taking the lead, continue to resist innovations aimed at making the health-care system more efficient and responsive to public needs.

In recent years a small but growing band of doctors—most of them young—have begun to level these very accusations at their profession. A handful are taking direct personal action. Some are working in health centers established by the Office of Economic Opportunity; others have launched similar projects on their own. Interns and residents in several cities have forcefully called attention to deplorable conditions in public hospitals. Even more promising for the longer run, a profound change is evident in the attitudes of the nation's 37,750 medical students. Hundreds of the most earnest, intelligent, and vocal of them are clamoring for major reforms in the purpose and methods of medical education. They are demanding that the schools design both a more rational, effective health-care system, and more relevant training for a new breed of practitioner (see "Shaking Up the Curriculum".)

But it will take many years for the new generation of M.D.'s to make up a significant share of the medical fraternity, and in the meantime their influence is indirect and limited. Dr. Daniel Federman, an authority on the continuing education of doctors, asserts that "the change in student mentality has almost no counterpart among established physicians. They are more aware of the problem, but there is no evidence that they are doing anything about it." And Dr. Labe C. Scheinberg, dean of New York's Albert Einstein College of Medicine, warns, "Until the top practitioners join in the drive for change, everything else will be irrelevant." There are

some small signs that the American Medical Association may be less resistant to change in the future. Nevertheless, most critics of the profession still believe that reforms will be forced on the A.M.A. by external pressures, not generated internally.

THE VANISHING FAMILY DOCTOR

At the heart of concern about the system is the intractable fact of shortage. Much more is involved in the nation's health, of course, than medical services. Environment, mores, and genetics also play large roles. And more is involved in the supply of medical services than the number of physicians. But their availability is extremely important, not only to the adequacy of care but particularly to perception of its adequacy. The National Advisory Commission on Health Manpower, in its report to President Johnson two years ago, cited three leading indicators of crisis: long delays in obtaining appointments for routine care; hours spent in waiting rooms, followed by hurried and impersonal attention; and difficulty in reaching a doctor at night and on weekends, except through hospital emergency rooms. All are obviously directly linked to the short supply of M.D.'s.

Since 1950, the number of physicians has grown about 25 percent faster than total population, and that margin is expected to increase as medical schools belatedly open their doors wider. But such over-all figures conceal some trends that have important implications for the availability of care. In recent years many doctors have turned away from patient care to work in research laboratories, industry, public health, and other institutions, to teach, or to serve as hospital administrators—all functions of great importance for the future. One-third of all doctors now devote themselves to such activities. As a consequence, the number of M.D.'s caring for private patients actually declined 10 percent relative to population between 1950 and 1965—to 92 for each 100,000 Americans. Specialization took a further toll. The doctor-patient ratio of those providing family care (general practitioners, internists, and pediatricians) fell by one-third—to 50 per 100,000. (In the 1930's, when almost all doctors were in patient care and 70 percent were general practitioners, a ratio of 135 per 100,000 was regarded as desirable.)

The geographical distribution is extremely uneven. In New York State, by the end of 1967, there were 200 physicians caring for each 100,000 residents. At the other end of the scale, Mississippi had but 69. Even within the most favored states, extreme distortions are common. Private physicians are as hard to find in some neighborhoods of New York City as in backward rural counties of the South. In general, doctors are plentiful only in the suburbs and in prosperous middle-sized cities; they are scarce in parts of large metropolitan centers, and in rural areas.

Most of the burden of expanding the pool of physicians falls on the country's 101 medical schools. In the past decade, sixteen new schools were opened. But the number of graduates next summer will total about 8,000—only a thousand more than in 1960. By 1975 more than 10,000 new doctors will be turned out annually. So lengthy is medical training, however, that even if the size of all schools were doubled tomorrow, there would be only an extra 9,000 fully qualified physicians seven or eight years from now. Today's shortage has resulted in a rapid increase in the immigration of foreign-trained doctors. They make up almost one-fifth of each year's new licentiates and more than one-fourth of the nation's full-time hospital staff. The Health Manpower Commission has expressed serious concern over this trend, noting that foreign-trained doctors "have a lower level of proficiency by all criteria of professional competence."

Whatever the source, the supply in 1975 is expected to total between 370,000 and 380,000 doctors—a gain of 17 or 18 percent from 1965. The trend away from patient care and toward greater specialization, however, will almost certainly continue. And, in any case, the increase in demand for medical service will far outstrip the small projected gross gains in the doctor supply. The factors that have expanded demand dramatically in the past decade—increasing affluence, new infusions of purchasing power from private and public insurance schemes, more education and consciousness of health, rapid growth in the youngest and oldest segments of the population, and continuing urbanization—will continue to work, perhaps even at a faster pace, in the future. The Health Manpower Commission has projected demand for all physician services at $24 billion in 1975—double last year's amount.

Even if the supply of doctors could be increased more rapidly than anyone now believes possible, it would not solve much. The Health Manpower Commission declared that "if additional personnel are employed in the present manner and within the present patterns and 'systems' of medical care, they will not avert, or perhaps even alleviate, the crisis. *Unless we improve the system* through which health care is provided, care will continue to become less satisfactory."

WHERE THE SYSTEM FAILS

The most glaring shortcoming of the system is the unavailability of care to the poor, the isolated, and members of minority groups. A modest start is being made to deal with the deficiency through the OEO's fifty health centers, which group doctors, dentists, and supporting people in areas that formerly lacked any facilities or were dependent on hospital out-patient departments. Dr. Jack Geiger, now chairman of the Department of Community Health and Social Medicine at the Tufts Schools of Medicine, sold the concept of health centers to OEO in 1965. He opened two centers that the OEO now operates. One of them is in Mound Bayou, Mississippi, and the other in Columbia Point, a public housing project in Boston. Eleven full-time doctors and 150 staff members serve 14,000 people at the Mississippi center. Besides providing medical treatment, they attack the environmental conditions that produce much of the illness they find. In the early days of the project, Dr. Geiger wrote prescriptions for food to deal with widespread hunger and nutritional deficiencies. Since the center was established, he estimates, infant mortality in the target area has been reduced by almost two-thirds, but Dr. Geiger gives most of the credit to environmental improvements. "If I could do just one thing to improve the health of the people," he says, "I would double their per capita income."

Operations at Columbia Point are more conventional. There six full-time physicians and three others, who donate part of their time, care for 6,000 residents of the housing project. They work closely with welfare and other social workers in an effort to provide comprehensive family treatment. The emphasis is on preventive medicine, and the results have been dramatic: in two years the number of days spent in the hospital by residents of the project has declined by 80 percent.

Similar clinics have been started under private sponsorship or by individual doctors. One of the most noteworthy is Dr. David Brooks's Salud Clinic in Woodville, California—a rural community that previously had no health facility of any kind. There three physicians and a myriad of other health people (mostly local residents trained on the job) work on a communal basis. Each is paid $250 a month. Fees for patient care come from Medical, the state's Medicaid program. Most of the money left over after salaries are paid is plowed back into improved facilities or educational programs.

Dr. Geiger asserts that 800 such centers are needed immediately across the U.S. But he acknowledges that staffing is a serious obstacle. Government health officials and others are now looking closely at the lessons learned in Vietnam, where physicians have been removed from the front lines. They remain at secure, well-equipped rear bases, and the wounded—after emergency first aid by medical corpsmen—are quickly taken back by helicopter. Investment of money in transportation between rural backwaters and strategically located large hospitals would have many clear advantages over construction and operation of understaffed makeshift medical centers. "Most small towns without doctors won't get them no matter what," insists Dr. Richard S. Wilbur, assistant executive vice president of the A.M.A. "The rural general practitioner in many areas is unsupportable and we shouldn't even try."

Others sympathetic to Dr. Geiger's aims are not sure that his should be the only approach. "We might be on the wrong track with those clinics," warns Dr. Charles E. Lewis of Harvard's Center for Community Health and Medical Care. "They might just turn into replicas of outpatient hospital clinics. It's like trying to fight this year's war with last year's weapons. And the costs of operation are phenomenal." Dr. Lewis argues for primary-care units in shopping centers and other areas where people congregate, many of them to be staffed by local people trained in taking information. The data could be fed into central diagnostic computers that would indicate whether the case seemed serious enough to warrant examination by a doctor.

HOW FEW CAN DO MORE

The poor and the isolated are by no means the only ones dismayed and discontented by the way medical care is now being distributed. Anger about medical costs and the inconvenience and impersonality of care is spreading among the majority of middle-class Americans. Given the fact that the shortage of doctors is going to continue, the medical profession must find ways to improve its productivity. Most critics have centered their attention on three potentially fruitful ways to accomplish this: more extensive use of professionals who are not M.D.'s, expansion of group practice, and broad-scale application of computer systems and other new technologies.

Technological innovations hold considerable promise. Duke University's Department of Community Health Sciences is doing research that may provide practicing physicians with the advantages of data processing in making patient-care decisions. The department sees as feasible such improvements as a computer-stored data bank of diagnostic information wired to a terminal located conveniently close to the doctor, enabling him speedily to check his diagnosis of a particular illness with the computer's data about the illness in question.

Duke has also pioneered in the so-called "multiphasic screening clinics," which are now in operation in fourteen locations across the country. As the Commonwealth Fund describes its operation, "This unit will conduct chemical and electronic tests necessary for physical examination. Since much of the equipment can now be automated, it can be operated by technicians and can process both patients and the clinical data collected on them very rapidly. Through the screening clinic, the physician, at no expenditure of his own time, can obtain an important clinical-information profile on his patient." Other uses of electronic equipment include two-way television hookups between hospitals and outlying field stations manned by nurses. One now links a medical station at Boston's Logan Airport with Massachusetts General Hospital.

CUTTING DOWN ON THE BOOKKEEPING

Group practice, if the group is of sufficient size, can relieve the physician of almost all of his nonmedical burdens. John R. Johnson, executive administrator of the Palo Alto Medical Clinic, estimates that the average doctor in private practice spends more than 25 percent of his time on business (bookkeeping, billing, ordering supplies, etc.). "If a doctor uses us right," he says, "he can reduce that to 1 percent." Economies of scale can also enable groups to provide timesaving in-house laboratory facilities and equipment. And group practice gives the doctor and his patient ready access to specialists in other fields. In spite of these advantages, however, only 12 percent of all practicing private physicians engage in any kind of group practice; just half of them are full-time members of comprehensive multispecialty groups. Many medical students express an intention to enter group practice, but the percentage of doctors doing so is not increasing much right now.

Part of the reason is money. Salaries for members of a group are usually well under what a hustling physician can earn on his own. Dr. John Knowles, director of Massachusetts General Hospital, tells of a large western group that is trying to recruit an orthopedic surgeon at a salary of $40,000—with no takers. "An orthopedic surgeon can easily make $80,000 a year on his own," Dr. Knowles explains. Further, a doctor just starting out may be reluctant to join a group because there are so few of them. If he finds his associates uncongenial, he may not be able to locate another. He will then have to launch his own practice after having wasted several years.

SPLITTING UP THE JOB

"Health-care teams" offer the brightest opportunity for improvement of productivity. At present, because of the wide gap between their education and that of others in the medical field, doctors routinely perform many tasks that are beneath their level of competence. Many of them could be handled better by persons trained less broadly but more intensively. If large numbers of such functional specialists were available, physicians could work largely as team leaders—keeping for themselves only the duties demanding the highest skills. Other members of the team, working independently or under the supervision of doctors, would be assigned responsibility commensurate with their education and training.

The mechanics of this eminently sensible idea are difficult to work out. What is required first of all is a detailed analysis of all the duties involved in caring for various types of patients. These must be evaluated in terms of their critical nature, and the kind and degree of skill required to carry out each. They must be divided up in some rational way. Then educational and training programs must be designed, and candidates recruited by the attractions of good salaries and opportunities for advancement. Doctors must be persuaded to use such assistants fully. (The history of physician-nurse relationships is not encouraging on this point.) Finally, and perhaps most difficult of all, medical licensing laws must be changed, and common standards established across the country.

A number of promising experiments are now under way. Anesthesiologists, who are among the specialists in shortest supply, have sponsored a study of their duties, and have identified six different levels of required competence. Some of those functions are being parceled out to technicians with a master's degree in anesthesiology. (About 12,000 nurse anesthetists already do 45 percent of the anesthetic work in the U.S., so splitting up the job further may not encounter too much resistance.) Pediatricians have also formally recognized that much routine care can easily be carried out by nurses or other assistants.

Many schools have already launched experimental programs to train a variety of people in services related to health care. Several are training a new category, the "physician's assistant," who will perform an array of routine chores—measuring, testing, and giving therapy—that now consume much of the doctor's time and energy. At Duke University School of Medicine, and at the University of Washington School of Medicine in Seattle, the courses of training, which do not lead to a degree, are designed for persons with some previous medical experience, most of whom are medical corpsmen returning from military service. Another school, Alderson-Broaddus College in Philippi, West Virginia, has just started a four-year baccalaureate program that will recruit students directly from high school.

Twenty-nine students have already finished their two-year course at Duke. Dr. D. Robert Howard, director of the program, says that each graduate had more than a dozen job offers. The University of Washington took in its first fifteen students last June for a three-month crash course. After classroom work in the subjects where the men were least experienced—psychiatry, pediatrics, geriatrics, and chronic disease—they were placed in doctors' offices for on-the-job training. All fifteen are now working in rural areas where physicians are most hard-pressed.

Up to now, most of the early graduates have found jobs close to their place of training. If these programs are to move beyond the experimental stage, though, legal obstacles to mobility must be removed. The new people in medicine will have to move freely across the country, without encountering serious restrictions on their ability to apply their skills.

Recruitment may also turn out to be difficult. With the exception of a few hospital administrators, nobody but the doctor makes much money or has much opportunity for advancement in medicine. Thus many abandon the profession. In spite of the severe shortage of nurses, somewhere between 500,000 and 600,000 qualified nurses are currently inactive because of low pay and the lack of intellectual stimulation. People lower down in the medical hierarchy—technicians, nurses' aides, orderlies, etc.—are even harder to attract and keep. Those who are pressing the health-team idea hope that the barriers to vertical mobility in medicine can be lowered, and that salaries can be raised substantially as better trained people take over duties now performed by those higher in the pecking order.

THE NEED FOR SUPPORTING TROOPS

Ultimately, however, the future of the health-care team concept will depend on the willingness of doctors to accept and utilize paramedical personnel. The numbers of such people have been minuscule thus far, and most have been trained in areas of severe shortage. If their numbers grow rapidly, the early enthusiasm for them may dwindle. Already, a local medical society in California has brought charges of practicing medicine without a license against a neurosurgeon's assistant who—under instructions—removed stitches from a patient's incision.

The attitudes of the doctors may be based on fear of competition. But it is also true that patients themselves may resent being handed over to assistants. Obstetricians are probably the most overtrained, underutilized doctors in the whole profession. Only a tiny number of births involve the kind of complications for which they train so arduously. But it is still difficult to visualize large numbers of middle-class women voluntarily forgoing the comforting presence of an obstetrician at the maternal bedside.

A QUESTION OF QUALITY

Doctors also resist the kind of reorganization that health teams would require out of a genuine concern for the quality of care. But many members of the profession express reservations about the quality that the present primitive system delivers. "Medical care in the U.S.," declares Dr. Jacobus Potter, associate dean of New York University School of Medicine, "is like the little girl with the little curl in the middle of her forehead. When it's good, it's the best anywhere. When it's bad, it's appalling."

Statistics suggest that there is lots of room for improvement. This country ranks fourteenth in infant mortality, twelfth in maternal mortality, and eighteenth in male life expectancy. The Health Manpower Commission found it "startling" that "despite the advances in medical science and the greater use of health services, there has been a barely perceptible increase in life expectancy in the United States since 1954. For the male population, life expectancies have actually declined in some age brackets."

That uninspiring record is partly explained by the fact that there is a wide gap between the figures for the poor and minority groups in this country and the rest of the population. If the poor are screened out (and one wonders why they should be), our ranking among nations moves up substantially. Smaller, more densely populated countries also have simpler medical logistics. As for the life expectancy of American men, doctors rightly complain that they eat and drink too much, exercise too little, work too hard, and drive too fast—then expect an annual checkup to keep them alive and well.

Granting all that, a good deal of evidence remains that many doctors are bad medicine. One of the first analyses of medical-care quality was conducted in 1956 under the direction of Dr. Osler L. Peterson, then a staff member of the Rockefeller Foundation. His team of doctors, watching North Carolina physicians treat patients in their offices, concluded that more than 60 percent of the therapy was below acceptable standards. In 1962 and 1964 a medical team from Columbia University School of Public Health and Administrative Medicine studied the care of a random sample of patients in ninety-eight hospitals in the New York City area. Forty-three percent of the treatment was rated less than "good"; 23 percent was labeled "poor."

Another sobering revelation came from the spotless, shiny operating rooms. Surgical quality, of course, is frequently a life-or-death matter. Dr. Arthur James Mannix Jr., a Fellow of the American College of Surgeons, wrote in the *New York State Journal of Medicine:* "Errors in judgment or technique concerning either the anesthesia or the surgery, or a combination of the two, contribute close to 50 percent of the mortality in the operating room." And one study rated more than 40 percent of the surgery performed as less than "good." Further, much surgery is unnecessary. One-third of the hysterectomies reviewed in the Columbia studies were judged as having been done without any justification. An official of the A.M.A. says that the rise in tonsillectomies under medicaid "verged on the scandalous." Critics have a sardonic label for such operations: "remunerectomies."

Doctors also do too little to police their own ranks. In 1968 the various state medical boards revoked the licenses of only sixty-four physicians. Fifty-nine more received revocations that were afterward stayed, allowing the doctors to continue practice. Another sixty were suspended temporarily. In the circumstances, laymen find it difficult to identify low-quality medical men. They certainly cannot go by the visible evidence of a lucrative practice. Dr. John Knowles, director of Massachusetts General Hospital, asserts that "the marginal prac-

titioner today is sometimes making three times what the best practitioner is making."

A STERN FACE TOWARD CHANGE

If the needed changes are to come, doctors will have to encourage and support them. Too often in the past they have fought against alterations in the system that they made, belong to, and run. The A.M.A. mounted the costliest lobbying effort in history against medicare—not because it saw the weaknesses in it that have lately come to light, but because of fear of *any* change. Still, though, once medicare was inevitable, the doctors managed to relax and enjoy it. Just before the medicare bill was enacted, according to one expert researcher in the field, only 38 percent of New York State's M.D.'s favored it. After the program had been in operation for six months, 81 percent of them said that they approved. Such adaptability offers encouragement when future changes are considered.

That physicians have often set their faces so stubbornly against change is not hard to understand. It traces back to the fact that the overwhelming majority of them grow up, and later practice, in the middle and upper classes. In 1968, 41 percent of all medical students came from families with incomes above $15,000—the wealthiest eighth of the nation. Another 22 percent were from families earning between $10,000 and $15,000. The vast majority were science majors in college, and until recently few had much undergraduate education in the arts and humanities. With the rarest of exceptions, and those of recent origin, students are not exposed to the larger questions of medicine's responsibilities to society. Consideration is seldom given to innovations in the system or forms of practice. Thus it is difficult for most practicing physicians to appreciate the arguments of their critical colleagues—or even to understand what they are talking about.

During their training period, doctors go through what Dr. Lewis of Harvard calls "a greater socializing process than even the priesthood." For at least seven years they spend almost all of their waking hours with other doctors or would-be doctors, not only absorbing medical information but, in Dr. Lewis' words, "learning how to act and think as well." Consciously or otherwise, most pattern themselves after the role models set by their instructors.

HUMANE, BUT ALSO HUMAN

When they are accused of "making too much money," doctors can with some justice point to the fact that medical education is tremendously expensive—even allowing for the fact that so much of it is government-subsidized. The Association of American Medical Colleges estimates the average bill for four years of medical school at $20,000. After they get their degree, moreover, most doctors spend three or more years as interns and residents. More than 90 percent of interns and residents still receive salaries under $6,000, although some hospitals pay far more. According to a 1968 study sponsored by the Department of Health, Education, and Welfare, doctors below the age of thirty-five typically earn less than other professionals except clergymen. And this is at a time when many are still saddled with debt from their medical-school days.

Later, not surprisingly, doctors make up for the lean years with a vengeance. According to *Medical Economics*, the median net income of self-employed doctors below the age of sixty-five in 1967 was $34,700. The figure understates the income of the well-established man. For, while it excludes interns and residents, it includes young doctors just entering private practice—and many of them report net losses for a year or two. Between 1955 and 1967 physicians' median income rose a startling 117 percent—20 percent in the last two years, as medicare and medicaid poured new money into the medical marketplace. Certainly on important consideration that maks doctors oppose a reorganization of the health-care system is the fear that it may threaten their financial position. As Dr. Rashi Fein, the medical economist, recently told a congressional subcommittee, "Doctors may be humane, but they are also human."

With few exceptions, physicians are conscientious and dedicated to providing the best possible care *for their own patients*. But preoccupied with this demanding one-to-one responsibility, and limited by background and training, most are unwilling to recognize the flaws in the general system, and the unmet needs of many of their fellow citizens. The flaws, however, are now showing up everywhere—in the waiting rooms, in the hospital corridors, and in the figures on the cost of care. Change has to come. If they want to guide its direction, physicians must quickly begin to supply some leadership. As Dr. Knowles warns, "If we want to keep our profession free, we have to control ourselves, and act in the public interest."

SHAKING UP THE CURRICULUM

A major reformation is under way in the nation's medical schools. It promises to be as far reaching as the one that transformed medical education half a century ago, and could have an even more profound effect on the practice of medicine in the U.S.

The first great wave of change followed the publication in 1910 of a massive report by Abraham Flexner calling attention to the chaos that existed in medical education at the time. Flexner condemned most of the more than 160 schools then in operation as outright diploma mills, or money-making enterprises conducted by bands of poorly qualified doctors. Response to the report was prompt: within twenty years the number of schools was pared to seventy-six, and they were firmly established within the university framework. Admission requirements and curricula were standardized. Medical education was molded into its present form.

But for the past two or three decades, while the country and its medical needs changed radically, most schools have remained virtually the same. The training of a whole generation of doctors has become increasingly inadequate and frustrating. Now, as in Flexner's day, agitation for reform is spreading across the country. Critics are pressing for admission of more students, particularly from minority groups; closer attention by the schools to the health needs of their own immediate communities; and greater concern with the health-care system.

But the real fervor of the vocal new generation of medical students is directed at improvement of medical-school curricula and teaching methods. A majority of schools still follow much the same rigid curriculum that evolved after the Flexner study. First-year students, whatever their educational background, spend their time in lecture hall and laboratory studying anatomy, biochemistry, and physiology. In the second year, still restricted to the classroom, they devote themselves to microbiology, pathology, and pharmacology. Lectures are frequently lengthy and repetitious recitations of facts and terms to be committed to memory. In the lab, students follow what one labels "cookbook instructions." There is little correlation with clinical practice, and the only "patient" encountered is a dead one—the cadaver dissected in the anatomy lab.

Not until the third year do the survivors of this grind begin clinical training in the setting of the teaching hospital. Even at this clinical stage, according to an articulate student critic, "the pattern remains essentially the same: repetition, busywork, lockstep learning, conformity, passivity. The professor dispenses knowledge, the student, sponge-like, absorbs it, squeezes it out on command."

A DISSATISFIED DEAN

The first steps toward changing this picture were taken by Western Reserve (now Case Western Reserve) University School of Medicine at Cleveland. When Dr. Joseph T. Wearn was asked to take on the job of dean in 1945, he insisted that he be permitted to choose eleven new department heads (out of a total of thirteen). Dr. Wearn then used his leverage to transfer power over curriculum from the departments, habitually jealous of their prerogatives, to a newly created general faculty. In 1952, after an exhaustive six-year study, Reserve introduced its new curriculum.

All teaching was made interdepartmental, with subject-oriented committees giving courses grouped around the human body's various systems—respiratory, cardiovascular, neurological, etc. The first year was generally devoted to normality, the second to abnormality. Basic science instruction was closely tied to clinical case exposure. Elective courses were introduced, and students were given two half days a week to develop their own medical interests. They were also required to complete a major independent research project. Most of the fourth year was made elective, permitting students to concentrate more intensely on clinical specialities. Many tests were eliminated, and grading was put on a "fail-pass-honors" basis.

Finally—and this was the most popular reform—students were put in direct contact with patients from the start of their first year. Each was assigned to an expectant mother. He got to know the family members, their living conditions and problems. He followed the mother's prenatal care, attended the birth, and kept track of the child's care and development. Obviously, he was given no medical responsibility (although some students helped their charges to deal with hospitals, welfare departments, and other public institutions). But the innovation put him in close contact with doctors and patients, and the interaction between the two.

Western Reserve has since made further revisions, including a "track" system that permits students with different educational backgrounds or goals to follow separate lines of study. It has provided written and audio-visual materials that enable students largely to educate themselves at their own pace. Some Reserve students do not attend lectures at all. These innovations attracted more than 1,500 observers to Cleveland, and over the years several other medical schools initiated their own curriculum reforms. Since 1967, mounting student pressure has compelled most of the rest to re-examine their educational programs.

COMMUNISTS OR COP-OUTS

As a group, medical students have displayed astonishing changes in attitude over the past three years. Some of their complaints of educational "irrelevancy" echo those made by undergraduates. But, as a natural reflection of med students' greater age, education, and maturity, their approach is generally more sophisticated and constructive. Even the most "radical" of them are, with rare exceptions, reformers rather than rebels. They are taking a larger view of the role and responsibility of the doctor, and are asking for training that will enable them to assume these expanded duties.

The Student American Medical Association, until three years ago little more than a stepping stone to A.M.A. membership, has now declared its independence. It has attracted 24,000 members, of a total medical-school enrollment of 37,750. At its convention last year delegates passed resolutions critical of the fee-for-service concept of payment for medical care, and endorsed greater participation in group practice. Under the leadership of its president, Edward Martin,

a student at the University of Kansas School of Medicine, S.A.M.A. has initiated a health-care project among the poor in Kansas City. The organization, Martin says, "is right in the middle of the student attitudes. The right calls us Communists and the left calls us cop-outs. We are progressively concerned and active, not liberal or conservative."

A bit more militant are members of the Student Health Organization, a loosely connected amalgam of autonomous local chapters that is sometimes inaccurately described as the S.D.S. of the medical schools. But even they hardly sound like bomb throwers. Lambert King, a student at the University of Chicago Pritzker School of Medicine and a leader of the Chicago chapter, says, "One of our biggest goals is to get more control of the decision making in health matters into the hands of community people and hospital workers."

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—THE MEDICAL INDUSTRIAL COMPLEX

(By Harold B. Meyers)

Looked upon as a product, medical care in many respects eludes the grasp of market forces. Price, choice, measurable performance, channels of expression for consumer discontent—all these elements are either missing or distorted because of the product's peculiar nature. But the market economy is very much present and at work in what is coming to be known as the "medical-industrial complex," the business of manufacturing and selling the varied equipment, from bandages to two-million-volt cobalt machines, that doctors and hospitals use. The demand for such products is so strong that many new companies, some of them giants in other fields, have joined the old-line manufacturers in a bid for new profits.

Fortune estimates that outlays for health care totaled $63 billion last year. An impressive share of those expenditures went for manufactured goods of all kinds. In 1967, the last year for which official figures are available, the value of medical-related items *alone* totaled more than $6 billion at the time of shipment by the manufacturers. Since then the market has been growing at a compound rate of 10 to 15 percent a year. Submarkets have reached some surprising totals: $185 million for all types of surgical dressings, about $100 million for hypodermic needles and syringes.

COMPONENTS OF A GROWING MARKET

Thousands of different products, supplied by hundreds of companies of all kinds and sizes, make up the total medical market for manufactured goods. This list shows the variety of companies being drawn to health products, and the way companies that were long in only one major market, like Abbott in drugs, are beginning to branch out. In some cases, medical products are handled by divisions of a large corporate entity, which have well-established identities of their own. Davol had long been a well-known manufacturer of surgical products before it was acquired by International Paper in 1968.

This sampler of medical markets is based on Census Bureau figures for 1967, the most recent available. The values given are as of the time of shipment by the manufacturer, and are regarded in the industry as understating the actual totals. Many of the listed companies are active in categories not included here—e.g., General Electric makes a new type of permeable membrane, and International Paper manufactures disposable gowns for surgeons.

Drugs still rank as the largest single medical submarket. But the growth of technical devices reflects the changes in medical care. According to Arthur D. Little Inc., the *total* market for medical technology, including electronic devices, probably exceeds $450 million a year.

(*Value of manufacturers' shipments*)

Drugs [1]	$4,143,029,000
Dental equipment and supplies [2]	198,100,000
Surgical instruments [3]	188,100,000
Surgical dressings [4]	184,900,000
Hypodermic needles and syringes [5]	99,400,000
Medical furniture [6]	87,500,000
Surgical sutures [7]	70,300,000
X-ray equipment [8]	66,200,000
Electronic equipment [9]	54,200,000

[1] [2] Abbott Laboratories.
[1] [3] [4] [7] American Cyanamid.
[1] [2] [3] [4] [5] [6] American Hospital Supply.
[1] [5] Baxter Laboratories.
[3] [4] [5] Becton, Dickinson.
[6] Borg-Warner.
[3] [4] [5] [6] [7] Brunswick.
[8] [9] General Electric.
[9] Hewlett-Packard.
[3] International Paper.
[1] [2] [3] [4] [5] [7] Johnson & Johnson.
[1] [3] [4] Kendall.
[1] [2] [4] [9] Parke, Davis.
[3] [7] Philip Morris.
[2] [6] [8] Sybron.
[1] [3] Smith Kline & French.
[1] [2] Warner-Lambert.
[8] Westinghouse.

A big part of this business goes to companies that have been in the field for a long time, such as Eli Lilly and Baxter Laboratories. But an array of other companies is now cutting in. When the American Hospital Association held its seventy-first annual convention in Chicago last summer, 495 commercial exhibitors took booths. Among them were companies rarely thought of as active in the health business, including Zenith and Motorola, I.B.M. and Addressograph Multigraph, Bigelow-Sanford and Monsanto. Many conglomerates—from Litton Industries to C.I.T. Financial—now have medical groups in their corporate families. Aerospace companies are involved in everything from computerized medical information systems (Lockheed) to life-support systems (United Aircraft). Even tobacco companies, for years the special target of medical researchers, are joining the chase for the health dollar Philip Morris has formed a new division, ASR Medical Industries, that numbers sutures and surgical blades among its products.

One of the fast-growing older companies in the health-care industry is its largest distributor, American Hospital Supply Corp. When President Harry K. DeWitt joined the company as a salesman in 1941, its catalogue had only 100 pages. Today the company's catalogues contain more than 3,000 pages with listings for some 60,000 items, and DeWitt says: "I am grateful that I am no longer a salesman charged with having to know what all these things do." American Hospital Supply has been gradually increasing its own manufacturing capability, and 45 percent of its sales now involve its own products, including rubber gloves, laboratory cages for animals, and an organ-preservation machine that sells for $15,300. The company's sales rose from $219 million in 1964 to $387 million in 1968. In the same period, earnings more than doubled, going from 33 to 67 cents a share. The company's stock, long a hot favorite of Wall Street, has sold at a price-earnings ratio as high as 50.

American Hospital Supply's rapid growth reflects the impact of two concurrent trends—increased government and private spending on health, and the greater complexity of modern medical science. Says DeWitt: "As treatment of diseases has become more complex, so has equipment become more complicated. There was no thought ten or fifteen years ago of cobalt machines, heart pacemakers, cryosurgical instruments for cataract removal, artificial hearts, artificial heart valves, or micro-surgical instruments for surgery performed under a microscope." In one recent five-year period the number of laboratory procedures commonly carried out in hospitals tripled, creating a demand for all kinds of arcane instrumentation in fields that DeWitt describes as the "ometries," "ologies," and "ographies" (e.g., chromatography, the separation of closely related compounds).

Johnson & Johnson, probably the world's largest maker of surgical dressings, is another old company that has changed and grown with its industry. In the 1959–68 decade, Johnson & Johnson's domestic sales went from $298 million to $580 million. Earnings more than tripled, rising from $15 million in 1959 to $50 million in 1968. Besides surgical dressings, the company makes a wide variety of well-known consumer products—baby powder, baby oil, and Band-Aids—as well as medical equipment and drugs. One of its new products, RhoGAM, is a vaccine against Rh disease, which has killed as many as 10,000 babies a year in the U.S. alone.

A TURN TO LEASING

Not long ago an x-ray machine was likely to be a hospital's single most complex piece of equipment. The medical market for such machines, dominated by General Electric, continues to be lively: an estimated $68 million a year. But today the range of electronic equipment required by a fully equipped hospital covers a broad spectrum, from patient monitoring to kidney machines and blood analysis—with computers doing the paper work.

Best known as a maker of propellers for aircraft engines, Hamilton Standard, a division of United Aircraft, came to medical electronics by way of the space industry. The company won a research contract from NASA in the early 1960's to develop and build a telemetry-type cardiac monitor for use by astronauts. Out of that research grew a variety of products for commercial sale, including a telephone monitoring system for cardiac patients. By using that $660 unit, a post-coronary patient can relay electrocardiogram data from his home to his doctor's office by telephone. A more complex version of the system enables a single nurse to keep watch over as many as four hospital patients without leaving her station.

Another outgrowth of Hamilton Standard's work with life-support systems for astronauts was the Simas pump, a computer-controlled heart pump. When a patient in the throes of a heart attack is put on the pump, the machine takes over much of the work of the heart. It was first used two years ago in Montreal on a forty-seven-year-old sales executive named Samuel London. At the time he was put on the pump—which had been under experimental study for two years by a heart specialist at the Jewish General Hospital—London's doctor gave him "less than a 5 percent chance of recovery." London was able to go home seven weeks later. Thirty-seven of the machines, which cost $9,900 each, are now in use by hospitals, and Hamilton Standard is at work, under a National Heart Institute contract, on a more advanced "circulatory assist device." This one will employ a special pressure suit, not unlike those used by the astronauts, which ambulance drivers or other relatively untrained personnel could put on a heart patient. The suit would help maintain heart action through a sequence of carefully timed pulsations.

The electronic equipment being offered to hospitals is expensive—a single x-ray unit can cost $100,000—and is subject to rapid obsolescence. To conserve their capital, some hospitals are leasing rather than buying the equipment. The chief advantage, as Milton H. Sisselman, vice president for coordination and planning at New York's Mount Sinai Medical Center, explains, is that dollars spent on leasing come out of operating funds, rather than capital funds. In addition, all

costs are known in advance. When General Electric leases x-ray equipment to hospitals, G.E. provides total maintenance. Borg-Warner—which became interested in hospital furnishings after one of its executives, convalescing from an operation, studied the shortcomings of his hospital bed—recently leased furniture for 142 patients' rooms to LaGuardia Hospital in New York.

93 PERCENT DISPOSABLE

The greatest change in health-care products in recent years has been the emphasis on items that are discarded after a single use. Becton, Dickinson & Co. (1969 sales $206 million) does 79 percent of its business in health products—and about 70 percent of that segment is represented by "disposable" items such as hypodermic needles, syringes, scalpels, and gloves. The percentage is even higher for Sherwood Medical Industries Inc., which is 85 percent owned by Brunswick Corp. About 93 percent of Sherwood's annual sales, which totaled $41 million in 1968, comes from disposable products. Most of the remainder of Sherwood's business represents sales of medical equipment and furniture, including examining tables.

Behind the demand for disposables lie two inescapable facts of medical life today. One is that a re-usable instrument or product carries a hidden, but unavoidable, risk of infection; no matter how careful the sterilization process may be, some obdurate germ may be lurking out of its purifying reach. Another circumstance, just as compelling, is of economic rather than biological importance. More than 60 percent of the typical hospital's budget goes for labor costs. To make a medical item ready for re-use is a demanding, time-consuming task—one that requires a considerable investment of labor.

In a talk before security analysts, DeWitt of American Hospital Supply detailed the steps that a "simple surgical drape" must go through before it can be re-used: "After the used cloth leaves the operating room, it often is pre-soaked to help remove any blood stains. Then it has to be washed. (And if contaminated, it must be washed separately.) Next it has to be inspected on a large lighted table where every hole found must be circled and patched. The towel clips used so frequently in surgery can make eight to ten holes per clip. Each of these holes must be patched. Next, the sheeting must be inspected for lint. To remove the lint, hospital employees use either a special roller or tapes of sticky paper wrapped around the hand and moved over both sides of the entire sheet." Even after all that laborious process is completed, the surgical drape must still be folded, packed, sterilized, and stored. So hospitals buy sterile, pre-packaged surgical drapes and discard them after use.

The demand for disposable fabric products has drawn many paper companies into the health-care industry. International Paper, Scott Paper, and Kimberly-Clark manufacture items like surgical drapes and surgeon's gowns out of nonwoven fabrics. Kimberly-Clark recently doubled its manufacturing capacity for the medical-disposable market.

But disposables, whether hypodermic needles or surgeons' gowns, can also create difficulties of their own. Suppliers must maintain large, conveniently located stocks of everything they offer, thus tying up capital in inventory. American Hospital Supply has installed an intricate computer-based ordering system to link its customers with its warehouses, and in the last few years has doubled its warehouse capacity. Further, as Borg-Warner's President James F. Beré says, "disposing of the disposables" presents difficulties. A product like International Paper's Confil fabric remains strong when wet, which is important in medical use. Burning is about the only way to get rid of a Confil garment—particularly one that has been contaminated. But that adds to air pollution.

[From Fortune magazine, January 1970]

IT'S TIME TO OPERATE—COSTLY MACHINES TO SAVE LIVES

Research and innovation in this age of technology have had their most dramatic impact on human welfare in the realm of health. The new artifacts of medicine are often as complex and impressive as those on that more visible frontier of technology, space, and they are considerably more relevant to the urgent needs of mankind. A few examples of the lifesaving equipment coming into use in hospitals in the U.S. are shown on these and the following pages. Not all of the concepts are brand new: linear accelerators were first installed in hospitals in the Fifties, and a form of pressure chamber was used by the ancient Greeks.

Like space hardware, the new devices are usually expensive. The hyperbaric pressure chamber (left) cost Mount Sinai Hospital in New York City about $800,000 to install four years ago. The linear accelerator on the page opposite is valued at $200,000, a new cyclotron would cost about $300,000 today, and the neurosurgery suite at Mount Zion Hospital in San Francisco $200,000. Once the equipment is procured, the costs have just begun. Mount Sinai is spending an estimated $550,000 annually to maintain and operate its pressure chamber. The widely used kidney machine can cost $15,000 annually per patient in upkeep materials and staff. Patients are unable to cover expenses on such a scale themselves, and with hospital endowments and federal subsidies failing to keep pace, hospitals are hard pressed for funds to operate these advanced facilities. Both in rural areas and city slums, patients die each year for lack of treatment that is within technical, but not financial, reach.

Other glamorous modern facilities, such as the heart-transplant operating rooms or intensive-care units installed by well-endowed but less busy hospitals, stand idle much of the time, their purchase motivated by prestige more than necessity. More than 700 hospitals, for instance, are equipped to perform open-heart surgery. Rational distribution of services would cut costs, and a more effective system of preventive care would do away with some of the need.

[From Fortune magazine, January 1970]

IT IS TIME TO OPERATE—HOSPITALS NEED MANAGEMENT EVEN MORE THAN MONEY

(By John M. Mecklin)

Not long ago, when Americans who were not charity cases entered a hospital, they faced the prospect of serious financial loss, or even financial catastrophe. Now the advent of private insurance plans and of goverment assistance through medicare and medicaid has changed all that. The doors of hospitals have swung open virtually to everyone. Only in relatively rare cases, where hospital stays are exceptionally prolonged, need a patient fear disastrous financial consequences.

But that indisputably progressive development has brought with it a new set of dangers. The hospital system itself is straining under the weight of the new loads imposed upon it. A new kind of financial catastrophe threatens—evidenced most graphically in the national average cost per patient day in general hospitals, which jumped from $48.15 in 1966 to an estimated $67.60 in 1969. Projections indicate that the cost will reach about $74 this year. In some of our great medical centers the cost of a patient day can run as high as $166, and that doesn't include the doctors' fees.

Such increases reflect the pressure of increased demand, stimulated by insurance coverage, on relatively static supply. The trend toward shorter hospital stays that accompanied improvements in the quality of medical care has now been reversed. The average stay in a hospital is 8.4 days, almost a full day longer than it was eight years ago. Big pushes on costs have come from the increased wages of notoriously underpaid hospital employees; in three years, labor costs have climbed sharply, especially in a few unionized areas such as New York City, where they have gone up more than 40 percent. Salaries of interns and residents have shot up, as can be seen by the experience of one of the nation's leading hospitals, Boston's Massachusetts General (overleaf). At the same time, new technology (see "Costly Machines to Save Lives," page 92) requires the investment of more and more capital. In sum, this hemorrhage of rising costs has sent insurance premiums soaring, and has presented legislators and taxpayers with the prospect of larger and larger outlays for government-sponsored programs. Medicare and medicaid alone are expected to pay hospitals more than $6 billion in 1970.

The inflation of some hospital costs might have been better contained by better management. But the managers of many hospitals were ill-prepared for the explosive new demand. Accounting methods have remained inadequate. Construction of hospitals over the years has been haphazard, so that costly facilities are often duplicated by neighboring institutions. Yet the system also faces an urgent need for some $7 billion in new capital to modernize existing plant, plus about $3 billion more for some 90,000 additional beds in poorly served communities. Hospitals cannot raise anywhere near these amounts by their own efforts.

In the search for more efficient and productive use of existing facilities, some hospitals are generating imaginative new managerial approaches. They are using scientfic plannng methods, and extending their use of computers into many new areas. A few institutions, such as Baptist Memorial Hospital in Memphis, have gone into sideline business ventures to boost their incomes, and thus reduce the fees they must charge their patients.

But basic structural reforms are needed to give the system permanent stability. The immediate requirement is certainly to revise the nature of insurance coverage, rewriting insurance plans so that they reward hospital economies and penalize waste. This, in turn, must be accompanied by widespread acceleration of a trend already started—toward construction of separate, hospital-connected clinics, and other facilities for less intensive, and therefore less expensive, care. Clinics to provide ambulatory care, both in rural areas and in the core cities, could vastly relieve the pressure on hospitals. Such changes will become more urgent over the next few years, as a new wave of demand for care, mostly from the poor, breaks over the present means for distributing it.

CASCADING BILLIONS

The main cause of the upheaval in costs, wage demands from the nation's 2,300,000 hospital employees, is neither surprising nor reprehensible. Hospital employees once ranked among the most underpaid workers in the country, earning as little as 35 cents per hour in some parts of the South. Unions began entering the field in a few urban centers in the late 1950's, touching off a series of bitter strikes. Some of the consequent wage increases were reinforced by belated extension of federal minimum-wage laws into the hospital field in 1967.

With billions of new federal funds cascading into the system, hospital resistance to the unions has collapsed. In three years the minimum wage in New York City has gone from $69 a week to $100, and another big boost is likely later this year. Even nonunion hospitals have been forced to follow suit

because of worsening shortages of trained people such as nurses and laboratory technicians. The impact has been staggering, since payroll represents about 60 to 70 percent of all hospital costs.

Still another factor is the seemingly insoluble dilemma created by the dramatic advances of modern technology. A heart transplant, for example, may require a team of as many as twenty-five doctors, and costs perhaps $50,000, plus thousands more in post-operative care. Transplants are still experimental, and so far are unlikely to keep the patient alive more than a year or two. To keep a leukemic child alive for one year can cost $30,000. Hemodialysis, a remarkable technique for treating a victim of kidney failure by flushing out his blood two or three times a week, costs about $15,000 a year in a hospital, or some $6,000 a year if it can be done at home. But it often permits the patient to return to a useful life for several years. Lack of facilities for dialysis, and lack of trained people, have permitted treatment in the last four years of less than 10 percent of patients who needed it. Some 70,000 others who might have been helped were left to die.

"If we were willing," says Dr. Hugh Luckey, president of New York Hospital—Cornell Medical Center, "we could perform about 75 percent of what we are doing now at half the cost by cutting out expensive special treatments. But the idea is unthinkable." An American doctor who recently visited the Soviet Union says the Russians have developed equipment such as dialysis machines, but that they seldom use it. He says the Russians told him, "It's cheaper to make new models," i.e., let the old ones die. Americans are reluctant to do it that way if treatment is available. Nevertheless, heavy spending on exotic treatments consumes funds and medical skills that might otherwise be used for badly needed help to, say, the thousands of tuberculosis victims in U.S. poverty areas.

FROM "PESTHOUSES" TO CITADELS OF SCIENCE

The weaknesses of management and organization now coming to light in many of the nation's 7,137 hospitals have their origins back in the nineteenth century. In those days, hospitals were supported by charity and were commonly known as "pesthouses," places to dump the indigent sick while the rich were cared for in their own homes where there was less danger of infection. As times changed, hospitals were transformed into citadels of modern science. But the old economic structure remained. Today 34 percent of the nation's hospital beds are in ""voluntary," tax-free institutions that handle both paying and charity cases; 11.5 percent are in state, county, or municipal-owned establishments; and 2.9 percent are in privately owned hospitals operated for profit. The balance of 51.6 percent of the beds are in various specialized institutions such as veterans' hospitals and facilities for psychiatric and tubercular care. The voluntary hospitals have emerged as the most important segment of the industry. They are the most advanced kinds of hospitals in medical skill, but their economics often are makeshift.

Initially, the voluntary hospitals relied almost entirely on private gifts for capital needs. More recently, the main sources have been government grants, and an allowance for depreciation and interest costs in insurance payments. But this has not been sufficient to meet the requirements of a swiftly changing industry, and many hospitals have been forced to hobble along with antiquated plant and equipment, which adds substantially to their costs. Being private institutions, voluntary hospitals are not required to account to the general public, and some of them still keep their books secret. Accounting methods often are an astonishing jumble (in some cases nurses do the paper work in their spare time), although they have been improved by the standardized requirements of medicare and medicaid.

Too little of the task of managing is performed by professional managers. With a few exceptions, doctors tend to dominate hospital policy making. They often are indifferent to economic considerations, opposing moves to save money—including even such arrangements as using operating rooms on Sundays. Says one unhappy administrator: "A lot of doctors behave like fighter pilots."

The dictatorship of the doctors is particularly troublesome in small hospitals in isolated communities. Physicians are hard to recruit in such places, and they can get their way simply by threatening to leave. Management shortcomings also are frequently exacerbated by the fact that hospital trustees, who have the final say in administrative matters, are often chosen purely for their prestige and money-raising capabilities. Such men can give the hospital little of their time. Curiously, they seem to permit inefficiencies that they would never tolerate in their own businesses.

Old-fashioned empire building also stimulates needless expenses. Fancy laboratory equipment, promoted by aggressive salesmen of hospital supplies, is too often bought by hospitals that will use the equipment very little—a fault that would not exist if there were more competitive restraints in the system. A study recently published by the federal Public Health Service reported that 776 hospitals maintained facilities in 1967 for open-heart surgery, but that a surprising 31 percent of them had not used their capability for a year. That is not only wasteful of expensive equipment, but also risky; open-heart surgery is a highly exacting procedure with constantly changing techniques, and a rusty surgeon is somewhat less than desirable. In 1968 in New York City alone, no fewer than twenty hospitals offered open-heart surgery. But just five of them did two-thirds of all such operations.

Though there are critical shortages of beds in some places, hospitals on the whole are underutilized. Of the 806,000 beds in general hospitals, an average of 20 percent are always empty. That slack is much more costly even than comparable vacancy rates in a hotel, because a hospital must keep trained people on duty twenty-four hours a day no matter how many beds are filled.

The range in prices in various hospitals around the country reflects the uneven level of hospital management. Rates for comparable facilities in comparable areas can vary by 10 percent or more. Nationwide, the number of employees per patient ranges from as low as 1.5 to more than four. There are valid reasons for many of these differences. The nation's 530 teaching hospitals (where interns and residents are trained) obviously require more staff. But the variations also reflect differences in relative efficiency that could hardly be found among competitive private enterprises.

SOME FIND IT PROFITABLE

In business of, course, the profit motive spurs efficiency, and some people believe it could do the same for hospitals. Recently, a number of corporations have been acquiring and forming chains of hospitals in order to run them for profit. Such companies, which include American Medicorp Inc. and Hospital Corp. of America, are planning to build at least forty new hospitals. The stock of some of the companies has sold at remarkable price-earnings ratios of more than 100 to 1. The number of privately run nursing homes has jumped astonishingly in three years from about 13,000 to no fewer than 23,000, mainly as a result of medicare. The stock of the nursing-home companies has sold at p-e ratios just as giddy.

The emergence of for-profit hospital chains could put some badly needed competition into the system. But for the present it is putting an added load on voluntary hospitals. Most private hospitals do no teaching, accept no charity cases, and perform only routine surgery, e.g., appendectomies. Thus they are able to make a profit on rates averaging 20 percent below those of the voluntary hospitals, while delivering care of an equivalent quality. The effect is to concentrate the most serious (and most expensive) patients in the volunteer hospitals, compounding their financial woes. A few states, led by New York, have banned for-profit corporations from owning hospitals.

On a more positive note, individual hospitals all over the country have been coming up with ingenious programs for making the existing system work better—quite apart from such innovations as the Kaiser plan. One approach, pioneered by Henry Ford Hospital—a 1,050-bed voluntary institution with a large outpatient clinic in Detroit—has been adopted by about a dozen hospitals elsewhere. It departs from the usual practice, where doctors other than the top administrators are associated with the hospital, but work on the basis of the fees they charge patients. Instead, all the doctors at Ford are full-time staff members, working on salary. The hospital collects all fees. The system creates an incentive to be efficient, since the staff has a stake in the success of the hospital's over-all performance. Unlike most voluntary hospitals, Ford has been able to do without charitable contributions since 1950.

Another exceptionally well-run voluntary hospital is Baptist Memorial in Memphis, which is administered by one of the best hospital managers in the country. Frank Groner has built Baptist into the biggest non-government hospital in the U.S. in number of admissions. One of the nation's largest in terms of beds (1,500), it is also the biggest year-round employer in Memphis, with 3,000 persons on its payroll. Groner has built up for the hospital a subsidiary conglomerate including a ninety-room hotel (with half its rooms occupied by outpatients), parking lots for 1,200 cars, a drugstore, and three office buildings (mostly for associated doctors). Such outside operations contribute about $1,250,000 a year to the hospital's income, and help Groner keep hospital charges per patient down to $60 a day—or about 10 percent below the average of other large hospitals.

New York City's 1,200-bed Mount Sinai Hospital is one of the finest in the world, and one of the most harassed by the high cost of excellence. It has the city's only hyperbaric chamber, for control of certain illnesses that respond to high oxygen pressure, e.g., one type of gangrene. In five years it has been used on only about 850 patients, including 450 surgical cases, but the equipment has certainly saved a number of lives. Testifying recently before a state committee on hospital cost reduction, Mount Sinai's director, Dr. S. David Pomrinse, said: "If the state is going to reduce financial reimbursement to hospitals, the state must also tell us—specifically—which of these services to eliminate . . . which patients we are to allow to die."

Mount Sinai's costs in 1969 came to a formidable $118 per patient day (compared with $85 in 1967). Pomrinse says that about 85 percent of the hospital's costs are fixed, and cannot be reduced without elimination of such facilities as the hyperbaric chamber. Within the remaining area, where it can try to economize, Mount Sinai operates in the style of a modern business, with an annual budget of $59 million. It was one of the first hospitals to adopt computerized management of financial statements, operating reports, and its payroll of 4,000 persons, as well as some computerized diagnostic work, such as cardiogram analysis. Mount Sinai

uses an internal teletype system for rapid transmission of data, ranging from patient's bills to dietary instructions.

In its hotel services, Mount Sinai manages better than most hotels. Maids are alerted the moment a patient leaves, and his room is scrubbed and prepared for the next patient no more than ninety minutes later. Food service has been expedited through installation of an optical scanner. The machine checks patients' meals three times daily to avoid errors and to watch over special diets through a color coding system. Multiple-choice menus are prepared on an assembly-line basis, delivered through tunnels on electric carts in an average time of five minutes from kitchen to bed, and spot checked with pocket thermometers to make sure they are served hot. Pomrinse proudly reports that Mount Sinai's total daily "hotel" costs, including the room, food, sheets, and the like, come to only $19.38 per patient, or considerably less than a good New York hotel for room alone.

INSTANT HISTORY

Computers, of course, have long been used in hospital accounting. Now they are being introduced more directly to serve the cause of patient care. One such system, developed by National Data Communications, is being tested at Baptist Hospital in Beaumont, Texas. Complete data on each patient is fed into a computer through a push-button console when he is admitted to the hospital. The physician or nurse thereafter registers all new information, such as prescribed treatments, so that everything about the patient can be obtained quickly by asking the computer for a display or print-out. The system also automatically performs such chores as printing the gummed label to go with medication as soon as the order is received; and telling the stock room when the supply of an item should be replenished. It can also be programmed to alert the nurse fifteen minutes before medication should be administered.

Computer technology is also being employed in an ambitious cost-information service run for the past decade by the American Hospital Association, the leading trade association. About 3,000 hospitals are subscribing to the service at fees ranging up to $480 a year. A detailed ten-page profile covering some 270 statistical indicators of the hospital's financial operations is drawn up, fed into a computer, and updated once a month. The computer print-out then provides a monthly reading on how the hospital is doing in each area, as compared with past performance. At the same time, the computer provides figures on how the hospital's operating data compare with national and regional median figures for hospitals of comparable size. The result is an instant picture of places where the hospital should be able to reduce costs or improve services. In some cases, subscriber hospitals have achieved savings of as much as $50,000 a year.

DESIGNED FOR THERAPY

Better planning and better design of hospitals also promise new efficiencies. New York Hospital recently conducted a study showing that better architectural planning could cut a nurse's daily walking distance by as much as 50 percent. Hospitals generally are switching to single-room accommodations, partly because of patient demands for greater privacy, but also because of the discovery that being in a single room helps a patient get well faster. Memphis' Baptist Hospital has determined that a patient who needs eight days in a ward usually gets well in about seven days in a single room.

E. Todd Wheeler, a prominent Chicago architect, believes that a properly designed sick room could be used to support and even speed therapy. He says the sick room should be engineered to include devices not only for control of temperature and humidity, but also with variable light colors and intensities, and sound calculated to soothe—all of which would be prescribed by a physician along with the needed medical treatment. Wheeler thinks specific degrees of atmospheric pressure and ionization should be prescribed in some cases—there are indications that low pressure tends to have a depressing psychological effect while high pressure is exhilarating. Vital body functions of patients could be monitored routinely by sensors similar to the ones used by astronauts. "We know more about a man in space," says Wheeler, "than we do about a patient."

For all the pleasing prospect of such schemes, the solution to the hospital predicament requires long-term, major reforms. The Nixon Administration is working on possible techniques to create incentives for controlling costs. Walter J. McNerney, president of the Blue Cross Association, who is a chairman of a task force that Nixon set up to study health care, says, "We must find some means to get away from the economic weightlessness of hospitals under the present system by providing controls that in effect substitute for the pressures of the market."

The Administration's idea is to give hospitals a chance to earn extra income if they hold their expenditures below the level of comparable hospitals elsewhere. The amount of money that a hospital would be paid by medicare and medicaid for specified services on the basis of advance estimates would be weighted for predictable new costs, and perhaps tied directly to the cost-of-living index. The hospital would be permitted to keep whatever it could save by performing those services at a cost lower than the estimate, without cutting the quality of care. But it would have to pay for any expenditures above the estimate. HEW is running pilot tests on three different versions of this plan in selected regions.

The federal government might also intervene in these ways:

Health insurance plans should be modified, perhaps by law, to provide the same amount of coverage for both inpatients and outpatients.

Community planning of hospital construction and renovation should be required to avoid further duplication of facilities, and to encourage mergers or conversion to other uses of unneeded plant.

Federal loans and grants should be made to replenish and maintain hospital capital needs, but only after the rationalization of facilities is assured.

CARE OF THE POOR

Studies show that today the poor usually put health at least fourth in their priorities, after a job, education for the children, and housing. One of the nation's most aggressive leaders in the battle for better care for the poor has been Dr. John Knowles of Massachusetts General Hospital. Knowles estimated in 1968 that some 40,000 people in the Greater Boston area were suffering from untreated tuberculosis.

In various public statements, Knowles has repeatedly exhorted the medical world to serve the needs of the community as a whole, instead of catering only to patients who come to the hospital door. He estimates that hospital admissions from inner-city, impoverished communities could be cut as much as 80 percent by preventing disease before it happens. The need, says Knowles, is "the development of comprehensive service, hospital based, extending all the expertise and the resources of the hospital out into community health centers in conjunction with local care institutions and stimulated through federal legislation."

Something of the kind of operation that men like Knowles are looking for can be found in the huge system of 166 hospitals and 650,000 patients run by the Veterans Administration at an annual cost of $1.6 billion. Since they are primarily concerned with the care of veterans, V.A. hospitals are far from typical, with average patient stays of three to four weeks. But the system itself is widely admired among civilian hospital administrators. Through bulk procurement of supplies and advanced, heavily computerized management techniques, it keeps its costs to an impressive national average of about $40 per patient a day. But its main contribution to hospital doctrine has been the "whole man" concept—the idea that each eligible veteran not only should be treated when he comes to the hospital, but that it is the system's responsibility to try to prevent him from getting sick in the first place. To achieve this, the V.A. gives a total examination to every man admitted, to look for troubles of which he may not be aware. It tries to get veterans to come in regularly for checkups through repeated reminders of their right to free care.

In a number of other countries the medical system, including the hospitals, provides this kind of total care. The U.S. has the economic wealth to do just as well.

THE AGE OF AQUARIUS

Mr. MURPHY. Mr. President, whenever the question of reclamation or flood control projects arises, so, too, does the archaic and unfounded stereotype that such issues naturally divide our population into the dam-builders at one extreme and the preservationists at the other. As a result, the causes of proper water usage and of responsible conservation have both suffered. It is encouraging, therefore, to note that positive efforts are being made to dispel the old impression that developers and protectionists are, by nature, antagonists and to show that they can and must cooperate in realistic assessments of all of the factors involved in specific situations so that full consideration is given to both the legitimate regulation of our water as well as to the necessity for avoiding undue damage to the beauties and wonders of nature.

An excellent discussion of this subject was presented earlier this month in Los Angeles when Mr. James R. Smith, Assistant Secretary, Water and Power Development, Department of the Interior, addressed the California State Chamber of Commerce. Secretary Smith's remarks are most interesting. I ask unanimous consent that the text of his speech be printed in the RECORD.

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

THE AGE OF AQUARIUS?

(Remarks by James R. Smith, Assistant Secretary, Water and Power Development, Department of the Interior)

Today, we are going to blow our minds and do our thing with the Age of Aquarius. If this isn't your bag or you figure you might get uptight, you can split the scene and flake out.

For you elderly folks over thirty, let me interpret that to mean that I want to discuss the future this afternoon. That future certainly includes the younger generation. In fact, more than at any other time in the history of the Nation, a bold assertive and sophisticated younger generation is asking questions and demanding answers. This they have every right to do and we who now hold the reins of leadership have the responsibility of providing those answers.

It is significant that the "Age of Aquarius" is not only a hit song from the Broadway play "Hair," but also the eleventh sign of the Zodiac derived from the Latin word for water. The constellation Aquarius in ancient mythology portrays a man pouring water. Further, the sign of Aquarius is two parallel, wavy lines signifying the banks of a stream. I hope, therefore, that the Age of Aquarius portends the 1970's as the decade for the wise conservation and use of our water and, of course the associated land resources, of this great Nation.

President Nixon has also indicated that the decade of the 70's will be the "Age of the Environment"—the time when we recognize that it is the responsibility of today's leaders to hand over to our sons and daughters a land capable of giving them the quality of life to which they are entitled.

Over the years the Federal agency most concerned with water resources development in California the West has been the Bureau of Reclamation, consonant with the developmental requirements of the last half century, the winning of the West, so to speak, the Bureau of Reclamation has done an outstanding job. It will continue to do so but in a new and more sophisticated concept, Commissioner Armstrong and I, with expertise from within and outside the Bureau of Reclamation, are now developing new thrusts for the Bureau of Reclamation. We are calling it "Reclamation for the 70's." You will hear more of that program in the ensuing months.

But the wise use of our natural resources is not merely the job of Federal and State governmental agencies. The Federal water agencies and your own Department of Water Resources can provide expertise and technical services, but the determination of the shape of this Nation's resources program and that of your own State is up to the people whom it will affect. That includes you and the generations coming up behind you.

Nowhere is the problem more crucial than here in California. You are pushing ahead with your own State water plan as well as further Federal development which Congress has authorized. There has been a temporary slowdown while we get our financial house in order. We must halt the inflation which otherwise could plunge us all into disaster. This is bitter medicine.

However, we can hope this delay is temporary and that the pace of construction will pick up. I do not consider this the major difficulty in the decade of the 70's.

The problem which we really face in the 70's is to determine what "Age" this really is. Perhaps it is the "Age of Aquarius." Certainly, it is the "Age of the Environment." Unfortunately, it is also the age of protest and over-reaction.

Let us hope that it will also be the "Age of Reason."

Only if we recognize the essential interrelationships of natural resource development and environmental considerations will we arrive at rational decisions which will permit (1) wise development of those resources necessary to a high standard of living and a good quality of life; (2) protection for future generations of those environmental treasurers which should be protected; and (3) most important of all the ability to recognize and implement the complex interrelationships of essential environmental requirements and essential resource development. If we cannot do that, civilization progress is doomed.

There are many decisions to be made. If the people are informed and knowledgeable, the decisions arrived at are usually rational.

Your most obvious questions are whether your State needs more usable water and, if so, how are you going to get it. There are predictions that California's population will increase from 20 million today to 26 million in 1980, 38 million by the end of the century and 54 million by 2020.

Against this are assertions that a widening philosophy of birth control may slow down the birth rate. No one seriously expects it to level off completely. But supposing the birth rate did slow down. California's growth has largely been the result of in-migration. This will not stop, even if you run short of water. Look at your neighboring State of Arizona. It has been well advertised for 20 years that Arizona was approaching the end of its water supply, but, during that same period, Arizona had one of the highest percentages of growth of any State in the Nation—even exceeding California's.

People heading to California, Arizona or elsewhere in this popular Pacific southwest, will continue to assume that when they get here, water will come out of their faucets when they turn them and their homes will light up when they flick a switch. It is part of the quality of life in our American society to have such necessities wherever we go. And no one foresees any slowdown in America's mobility.

Those of us charged with making sure their assumptions are correct face a responsibility which we cannot abdicate.

On the other hand, there is growing concern about man tampering with nature's environment. Much of the concern relates to pollution of water and air. We are finally accepting the challenge of checking and correcting the deterioration of elements of the biosphere on which our lives depend. But concern over our environment frequently laps over into fears that we are creating new problems by changing the natural condition of our rivers and streams in order to put our available water resources to work and that these new problems outweigh the benefits from all such man-made works.

I question the validity of this assumption. The Missouri River Basin is my home territory and the great dams across that river have saved untold millions in flood damage and many lives since they were completed in the late 1950's. Virtually all of the flooding is confined to uncontrolled tributaries. I could tell you, too, about other benefits contributing to the economic growth and prosperity of that region. Not the least of these will be major irrigation benefits from projects which are just now getting underway.

But I don't need to tell you these things for you are aware of the results which have been achieved in the Central Valley and by the control and development of the Colorado. I need merely to ask, where would California be today without these projects?

Nevertheless, in this new and sophisticated decade, if we are truly to achieve our goal of using our resources to produce the highest quality of living for mankind, all possible effects of any proposed project—or disapproval thereof—must be weighed and all alternatives must be considered. Rational decisions will require some hard confrontations.

Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, recently told the Congressional Joint Atomic Energy Committee that "today's outcries about the environment will be nothing compared to the cries of angry citizens who find that power failures have plunged them into prolonged blackouts." Dr. Lee DuBridge, the President's Science Advisor says that we are living in a high-energy civilization with a trend to more use of electricity not less. Electric power plants and associated transmission facilities must be built so as to intrude as unobtrusively as possible on the natural environment. But they must be built.

As another example, the Bureau of Reclamation is currently studying a marine aqueduct along the Pacific Coast. The first preliminary report was released only last week. A full feasibility report upon which to base a real judgment is several years away. The preliminary report is optimistic but may I point out that should an underwater aqueduct prove feasible, storage and conveyance would still be necessary to deliver water to the aqueduct.

I said here in Los Angeles last summer, in response to a question about water diversion from the Pacific Northwest, that if California's need for water becomes so acute that such a solution seems desirable, Californians would stand a better chance of success in the national political arena if they are indeed using effectively all of the available water within their own boundaries. This is merely political realism.

One major step to make most efficient use of existing waters is the proposed Peripheral Canal around the Delta where the San Joaquin joins the Sacramento and flows into San Francisco Bay. Concern has been expressed over the environmental consequence of such a project, of the effect on the Bay and particularly upon salt water backing up into that very rich agricultural Delta.

Cold facts are that during the next two or three decades the amount of water diverted southward from the Sacramento River as it reaches the Delta will increase. I suggest that the question is not whether more surplus water will be diverted, but rather how the environment and the ecology of the Delta can best be protected and enhanced while the diversion takes place. From everything I have learned, fish and wildlife experts, pollution control scientists, ecologists and engineers agree that a water quality control canal around the periphery of the Delta offers the best solution. The Department of the Interior report on that project has been transmitted, as required by law, to the State of California for comment. We understand that your State's position is currently under intensive study.

Simultaneously, water quality control standards are the subject of further study to assure that proper standards are adopted. Some day—soon, we hope—the manifold problems will be solved.

Nevertheless, debate goes on about the merits or demerits of this and other projects and of man versus nature in the management of our environment and the development of a maximum quality of life for Americans.

Some added enlightenment is expected to come out of the Western United States Water Study authorized by Congress in the Colorado River Basin Project Act of 1968. This is the so-called "Westside Study." We are tooling up for this study with appropriations made to the Bureau of Reclamation only last month. Secretary Hickel has invited and urged full State participation. I join him in urging that cooperation and have so stated to the Western States Water Council.

Possible environment changes which might result from various water supply proposals will be studied in detail as a part of the program's broad objectives. They are projects of future water supplies and requirements and the development of a general plan to meet these requirements throughout the West.

Another matter of major interest to Californians—and elsewhere in the Reclamation States—is the acreage limitation contained in Reclamation Law. I feel that a thorough review and probably overhaul of this blanket ownership limitation on Reclamation acreage is advisable. I am cautiously optimistic about the possibility of significant revisions.

A good case can be made for the land equivalency yardstick. In fact, Congress has authorized that concept repeatedly in recent years on a project-by-project basis. It is only fair to recognize, however, that any broad expansion of the 160-acre limitation will run into opposition from those who will resist any such modernization as a step

toward destruction of the family farm concept.

These then are a few of the problems and questions to be considered in this decade of the 70's. You can best serve California and America if you will become well informed on the facts in order to aid in rational decisions. Man-made influences on the environment are emotional subjects, but action programs must be based on considered facts. Let us make the Decade of the 70's the "Age of Reason."

To put it in proper balance, let me paraphrase an eminent environmentalist, Rene Dubois of Rockefeller Institute. To be compatible with modern civilization, conservation's goal should be the maintenance of conditions under which man can develop his most desirable potentialities. Since man relates to his total environment and is shaped by it, conservation implies a quality of relationship rather than a static condition.

Nature is never static nor is a totally natural environment always the most suitable for civilization. Our challenge is to maintain the delicate balance between man and nature which can mean life or death to the Planet Earth and at the same time, shape our environment in such a manner as to leave a better quality of living to future generations.

SETTING THE RECORD STRAIGHT ON CRIME FIGHTING PERSONNEL IN THE DISTRICT OF COLUMBIA

Mr. PROXMIRE. Mr. President, on Tuesday, January 20, in an interview with Mike Wallace on the CBS program, "Sixty Minutes," Richard Kleindienst, the Deputy Attorney General, attributed the Nixon administration's inability to control the continued disgraceful and spiralling increase in crime in the District of Columbia to the failure of the Congress to appropriate necessary funds for the President's crime program. The following excerpt is pertinent:

Mr. KLEINDIENST. We know we have a problem in the District of Columbia and the only thing that's keeping us from having a meaningful attack on the problem, essentially are more policemen, more courts and judges, more prosecutors, more public defenders, and a realistic revamping of some of the laws that relate themselves to the whole system of justice in the District of Columbia.

WALLACE. That means more money.

KLEINDIENST. More money.

WALLACE. And you get your money from Congress?

KLEINDIENST. And we get that money from the Congress. And we haven't gotten that money from the Congress.

I cannot imagine the source of Mr. Kleindienst's information because it is grossly misleading and highly erroneous; however, in order that the RECORD be clear, I ask unanimous consent to have printed in the RECORD, following these remarks, tables prepared by the District of Columbia Government which clearly show that Congress approved 94 percent of the operating funds, 110.5 percent of the capital outlay funds, and 101.6 percent of the personnel which were included in the revised crime package request.

Stated another way, for the current fiscal year the Congress appropriated funds for 5,698 personnel in the Metropolitan Police Department, by the end of the fiscal year, of which 929 have not been hired—722 positions for the District of Columbia courts, of which 109 have not been filled; and 1,534 positions for the Department of Corrections, of which 259 have not been filled.

I do not profess to have all the answers with reference to the problem of crime in the District of Columbia, but I do not believe that a solution is brought any nearer by such statements as those made by Mr. Kleindienst in his interview with Mike Wallace.

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

PRESIDENT'S CRIME PROGRAM IN THE DISTRICT OF COLUMBIA

OPERATING COSTS

Department	Original estimate		Revised estimate		Conference action	
	Amount	Positions	Amount	Positions	Amount	Positions
Corrections	$3,742,400	429	$2,302,340	355	$2,302,340	355
Metropolitan police	4,341,800	[1] 1,247	4,341,800	634	4,341,800	[2] 734
Fire	37,500	2	37,500	2	0	
U.S. Courts	986,200	[3] 102	986,200	[3] 102	986,200	[3] 102
District of Columbia Bail Agency	150,900	22	100,000	22	[4] 0	
Recreation	550,000	51	389,000	51	0	
Human Relations Commission	188,000	22	121,334	22	120,000	20
Health	800,000		0		[5] 0	
Welfare	831,700	170	562,393	170	562,393	170
Total	11,628,500		8,840,567	1,358	8,312,533	[6] 1,381

[1] 1,000 policemen originally requested.
[2] Includes 100 cadets above revised request.
[3] Federal positions.
[4] Authorization for increased appropriations pending.
[5] Withdrawn by District of Columbia government.
[6] Includes 102 positions for Federal courts.

CAPITAL OUTLAY

Department	Original estimate	Revised estimate	Conference action
Corrections	$3,609,000	$3,609,000	[1] $4,481,300
Metropolitan Police	5,090,000	5,090,000	5,153,000
Courts	150,000	150,000	150,000
Total	8,849,000	8,849,000	9,784,300

[1] Previously justified project No. 22-13 "Dormitory at Lorton" was reprogramed to provide $682,000 fund for project in crime program.

Department	Number of people authorized by 1970 conference action	Number of people on board as of Jan. 26, 1970
Corrections	1,534	[1] 1,275
Police:		
Policemen	4,625 [2] (523)	3,962
Cadets	400 [2 3] (250)	280
Other civilians	673 [2 4] (135)	527
Courts	[5] 722	613

[1] 165 correctional officers to be taken on as soon as register is approved.
[2] Amounts allowed in 1970.
[3] 150 for crime program.
[4] 59 for crime program.
[5] Including legal aid and bail agencies.

Note: 4,625 police is the total authorization for 1970. However, an increase was requested in 1970 for 525 police. That increase is included in the total fiscal of 4,625. Before the 1970 budget 4,100 police were authorized. The 1970 budget added 525 police bringing the total to 4,625. The 525 police were a part of the President's crime program.

DOUBTS GROW ABOUT FORCED SCHOOL INTEGRATION

Mr. BYRD of West Virginia. Mr. President, on Monday, January 26, the National Observer published a front page article entitled "Doubts Grow About School Integration."

The informative article cites a number of Federal surveys and states that the situation in our schools today "is raising new doubts among many longtime integrationists about the wisdom of trying to enforce desegregation in the schools."

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:

DOUBTS GROW ABOUT SCHOOL INTEGRATION

WASHINGTON, D.C.—A new word has entered the debate over segregation and integration in the nation's public schools: resegregation.

In dozens of cities, schools and school systems once almost entirely white are turning increasingly nonwhite. This trend, produced by the familiar exodus of whites to the suburbs and nonwhites to the inner cities, has been going on for more than 30 years.

Only now, however, is it becoming a matter of prime concern to Federal officials. A new Federal school survey shows that racial isolation exists in every section of the country and that its growth is most rapid in the big Northern cities. This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:

Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere."

Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince George's enrollments this year, however, is not that the number of new blacks is up but that the number of new

whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince George's."

In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

The extent of resegregation in the North has never been known with any certainty. But the Department of Health, Education, and Welfare (HEW) undertook a survey of the racial composition of 90 per cent of the school districts in the country during the 1968–1969 school years, and fed the returns into a high-speed computer. The results, released Jan. 4, portray a system of segregated education that knows no regional boundaries.

The survey shows, for example, that 5 out of 10 Negroes outside the South attend schools 95 to 100 per cent Negro, as opposed to 7 out of 10 Negroes in the 11 Southern states. Only 25 per cent of the Negroes outside the South attend majority-white schools, as contrasted with 18 per cent of the Negroes in Southern schools.

The survey shows too that 10 of the largest 20 city school systems in the country have majority Negro enrollments. In 16 of those systems, 60 per cent or more of the Negroes go to schools 95 to 100 per cent Negro—almost totally segregated.

A. STENNIS CHALLENGE

Federal officials say they are deeply troubled by the extent of segregation the survey has uncovered. Sen. John Stennis, Mississippi Democrat, first previewed the findings in a series of speeches in December, in which he challenged the Government to pursue desegregation in the North with the same vigor it is pursuing desegregation in the South. "If segregation is wrong in the public schools of the South," he argued, "it is wrong in the public schools of all other states."

Mr. Stennis made the point in arguing that the Government should ease up on its efforts to promote desegregation of schools. Leon E. Panetta, HEW's chief civil-rights officer, on the other hand, told Congress two months ago that the answer is not to make segregation legal in the South but to pass legislation making it illegal everywhere.

Last week, in a pensive mood, Mr. Panetta reflected on the emerging pattern of resegregation in America and said: "Nobody really is considering what the answers to this situation are, and whether there aren't new injustices resulting from rectifying gross past injustices."

Ever since the Supreme Court held in 1954 that state-supported racial segregation was a denial of equal educational opportunity, the courts have been trying to undo the vestiges of the South's dual school system. With the passage of the 1964 Civil Rights Act, the Justice Department and HEW joined the battle to force recalcitrant school districts to adopt plans of racial balance.

TURNING ATTENTION NORTH

In the past two years, both agencies have begun turning their attention to school discrimination outside the South, but only a handful of non-Southern districts have been cited for discrimination. This is because racial separation in Northern districts is generally regarded as *de facto* segregation, a result of housing patterns, rather than—as in the South—*de jure*, the result of official law or policy.

Last week, in the second of seven suits filed by the Justice Department in non-Southern districts, a Federal district court ordered the Pasadena, Calif., school board to put into effect by next September a desegregation plan that would give none of its schools a nonwhite majority. The district—30 per cent black, 58 per cent white, and 12 per cent other minorities—was accused of discriminating in the making of school district boundaries, teacher assignments and in other ways.

So far, few courts have held that the existence of *de facto* segregation itself is proof of discrimination, and the Supreme Court has not ruled on the issue. Yet the disparity continues between what is forbidden in the South and what is tolerated in the North, and the pattern of Northern separation begins to look more like its Southern counterpart.

For example, 17 Florida school systems, with two-thirds of the state's pupil population, are currently under Federal court orders to desegregate, two of them by Feb. 1 under a Supreme Court order. Seventy-two per cent of the Negro students in Florida attend schools in which Negroes constitute 95 to 100 per cent of the enrollment.

Yet 72 per cent of the Negro students in Illinois, according to the HEW survey, also attend schools with 95 to 100 per cent Negro enrollment, and there are no court orders compelling desegregation in Illinois. In fact, it can be argued there is more segregation in Illinois than in Florida. Theoretically it should be easier for Illinois, where Negroes make up 18 per cent of the student population, to place Negroes in majority-white schools than for Florida, where they make up 23.2 per cent. Yet there are proportionately more Negroes in majority-white schools in Florida (23.2 per cent) than in Illinois (13.6).

It seems likely that the courts will not for long be able to postpone consideration of such discrepancies in the application of national law. For a few Southern school districts, which have desegregated in accordance with the law, now find themselves victims of resegregation, ostensibly as a result of shifting housing patterns. One such district is Atlanta, where integration began eight years ago as the result of court suits initiated by the NAACP and other civil-rights groups.

TWO ESCAPE ROUTES

Since that time, 25 schools that were formerly all-white have turned predominantly black, as white parents have followed one of the two legal escape routes open to them: a private school or a home in the suburbs. Today, the school system, predominantly white before integration, is two-thirds black, but adjoining, suburban school systems are 80 to 95 per cent white.

If this appears to be *de facto* segregation Northern-style, Atlanta—because it had a dual school system until recently—is nonetheless still subject to a Supreme Court order of Jan. 14, requiring desegregation of schools in Georgia and four other Southern states by Feb. 1.

Southerners have long been grumbling about what they wryly refer to as "this dual system of justice" (one for the North, another for the South), and they are beginning to organize to combat it.. Last week, Florida's Gov. Claude Kirk appealed to the U.S. Supreme Court to set national desegregation standards that would affect all 50 states. And the attorneys general of Louisiana, Mississippi, and Alabama announced a joint legal effort designed to ensure that "the same rules for administration of public schools" imposed by the Federal courts in the South apply to all other states."

The forces attempting to undermine enforced desegregtion will get an unexpected assist next month with the publication of a book by Harper & Row, which challenges the Constitutional basis of court-ordered integration.

Entitled *The Supreme Court and the Idea of Progress*, and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil-rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown v. Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

DUBIOUS SOCIOLOGY?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect, will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

It should be noted that there are many successful experiments in racial desegregation of schools. Several dozen Northern school districts, according to HEW estimates, have achieved full and voluntary integration by such techniques as altering attendance zones, busing and pairing of students to achieve racial balance. In White Plains, N.Y., for example, a quota system introduced in 1964 has not resulted in an exodus of whites. No school may have more than a 30 per cent or less than a 10 per cent enrollment of minority-group students.

But such plans, officials say, generally work in small or medium-size cities (White Plains' population: 65,000), where the population is stable and the blacks are in the minority. They often require, in addition, a rare degree of local leadership.

Central cities, on the other hand, experienced an increase of 2,400,000 in the Negro population between 1960 and 1968, and a decline of 2,100,000 in the white population, according to Census Bureau figures. While the figures are open to various interpretations, they nonetheless make it clear that great numbers of whites do not consider integration a primary social goal.

CHANGING NONWHITE ATTITUDE

Integration seems to be losing its attraction among nonwhites as well, at least as a short-run goal. Civil-rights leader James Farmer, now a high Nixon Administration official, said recently he has stopped trying to "sell Negro audiences on integration." The reason: "They don't agree on it any more."

In Philadelphia, where 60 per cent of the Negro school children attend schools that are 95 to 100 per cent Negro, officials report waning enthusiasm for busing black students to white schools to relieve overcrowding. "The people want to go to their neighborhood school," says school spokesman Robert S Finarelli. "It's the state, not local people, pressing us for a desegregation plan."

The educational argument for integrated schools is based on the premise that minority-group children make their greatest achievement gains in an integrated environment. Numerous studies over the years, including the mammoth Coleman Report, issued by the U.S. Office of Education in 1966, have documented this thesis.

Conversely, there is relatively little information to indicate that spending more money in black schools in the slums does much good. "Most experiments in improving ghetto education have, quite frankly, been failures," says a U.S. Office of Education official.

That is why Government "integrationists" are so disturbed by the new findings of racial resegregation in the public schools. Leon Panetta, HEW's 31-year-old civil-rights chief, throws up his hands and shrugs. "We need a congressional examination of this whole question of the results of integration," he says. "In the meantime, we do what the law says we should do."

THE WORK OF THE SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. SCOTT. Mr. President, as one of the members of the Subcommittee on Improvements in Judicial Machinery, I have been very interested in the careful and diligent work of the subcommittee over the past several years. The subcommittee, under the chairmanship of the distinguished senior Senator from Maryland (Mr. TYDINGS), has reviewed and fashioned legislation in many areas of judicial administration. The subcommittee has, for example, reformed the U.S. Commissioner system, the Federal jury selection system, and the procedures for handling similar suits brought in diverse districts. I was pleased to work with Senator TYDINGS in bringing about these reforms.

No subject that the subcommittee has studied has been more sensitive and important than that of judicial fitness and judicial disclosure of outside activities and income.

Work on this subject began in 1966 with with subcommittee hearings. As the subcommittee reviewed the problems of judicial fitness and financial disclosure, the subcommittee chairman, Senator TYDINGS, introduced proposed legislation entitled the Judicial Reform Act, which I have cosponsored, and the judiciary itself has taken certain steps to deal with the problems.

The exact nature and course of the judiciary's action has been the subject of some intense debate. The distinguished chairman of the Subcommittee on Improvements in Judicial Machinery, Senator TYDINGS, recently discussed the entire problem of judicial fitness, disclosure, and outside activities. That speech to the Catholic University Law Alumni is, I believe, a very thorough and well-developed statement of the issues.

The speech by Senator TYDINGS was, of course, not made on the basis of an offhand reaction to the problem of judicial disclosure and fitness. It, in fact, is the latest of a long series of speeches on this subject which the Senator from Maryland has delivered. The Catholic University Law Alumni speech is really the product of the 4 years study of the problem which the subcommittee has undertaken.

Mr. President, I ask that the remarks of Senator TYDINGS to the Catholic University Law Alumni and other ancillary materials, primarily newspaper editorials, be printed in the RECORD.

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

ADDRESS BY JOSEPH D. TYDINGS

"Ever since I entered public office I have been concerned with improving the operation of our judicial system. For the past four years, as Chairman of the Senate Subcommittee on Improvements in Judicial Machinery, I have chaired innumerable hearings and moved a substantial legislative program dealing with the administration, practices and procedures of the Federal courts, including creation of the Federal Judicial Center and the Federal Magistrate system, revision of the Federal jury selection system and development of an effective approach to multidistrict litigation.

"One of my prime areas of interest has been the particularly sensitive subject of judicial fitness. I began in 1966 to hold hearings in this area. In 1968, after two years of hearings, I introduced the Judicial Reform Act which would require judges to disclose their financial interests and which would create machinery within the judiciary to deal with judges who, through their actions, have failed to meet the standard of 'good behavior' required by Article III of the Constitution, or who are unable to perform judicial duties because of disabling mental or physical infirmities.

"My interest in assuring that Federal judges clearly meet the Constitutional standard of 'good behavior' stems from the very real fact that our judiciary is the most sensitive and fragile branch of government. It has neither the power of the purse nor the power of the sword. Its ability to act as the guardian of the Constitution depends solely on its powers of reason and persuasion and upon the confidence of the American people.

"During this past year, the judiciary has suffered the strain of controversy surrounding the appointment of Justice Fortas to be Chief Justice and his resignation some nine months later; the advent of the Chandler case from the Tenth Circuit to the Supreme Court calendar; and the struggle to confirm the nomination of Judge Haynsworth. Each of these controversies in its own particular way demonstrated anew critical problems of judicial temperament and public disapproval of undisclosed outside activities of judges and undisclosed financial holdings.

"In the face of these strains, the judiciary had one shining moment. It came on June 10. Then, the Judicial Conference, led by Chief Justice Warren, clearly resolved to move in the direction of reform. The Conference prohibited certain outside compensated activities for judges, a prohibition only avoidable by prior approval of one's circuit council. The Conference resolved that judges make a financial disclosure and set May 15, 1970, as the first reporting date. Further, it instructed a Committee to prepare a code of ethics and whatever necessary legislation was required.

"The dimming of judicial resolve came shortly on the heels of the Conference's action. The Supreme Court, the unquestioned policy maker for the Federal courts, adjourned for the summer without approving for the Justice of their own Court the restraints the Conference has placed on all other Federal judges. This failure to act was a most unfortunate decision.

"Resistance to the June 10 resolutions began in several circuits, and a part of the academic community. Spokesmen for the resistance included well-respected legal figures. In fact, in the October issue of the ABA Journal, Dean Acheson belittled the need for Conference action regarding financial disclosure by judges. He wrote:

" 'The common and desirable practice of judges and justices is to file with the clerk of the court a list of investments so that they may be notified and disqualify themselves when a case involving any party in which they may have an interest may come before their court.'

"As a lawyer, I knew of no such practice. I wrote to each circuit and to the large districts and discovered that none of the eighteen chief judges who replied were aware of any such 'common' practice. Such a practice would be desirable. That even this minimal device does not exist creates the potential for obvious problems.

"These problems are not cured by backtracking upon the resolve manifested on June 10.

"Last week the Judicial Conference suspended the June 10 resolution requiring the prior approval of all compensated non-judicial activity; substituted a confidential report of such activities for the public report required in that resolution; authorized a poll of the judges for their views on the desirability of any financial disclosure; and failed to endorse legislation that would create a meaningful self-regulatory mechanism within the judiciary. All of these steps, unfortunately, give the appearance of a slowing down or, worse, a retreat from the monumental efforts made last June, a retreat that the nation can ill afford.

"I hope that we are misreading the intentions of the Conference. I am advised by some that I am.

"However, if we take the new resolutions at face value it is difficult not to conclude that the historic progress made last June is in jeopardy. The change in direction is caused, no doubt, by many crosscurrents. Surely, one of the chief factors is the failure of a majority of the Justices of the Supreme Court to follow the lead and example set by the Judicial Conference. Now, unfortunately, the lower court judges are relinquishing the position of leadership that they had established. In my opinion, they, as well as the Justices of the Supreme Court are thus demonstrating a dangerous myopia, a myopia characterized by an inability to perceive the threat to the institutional integrity of the Federal judicial system.

"That threat has not and will not pass even when the headlines about Chandler, Fortas, Haynsworth and for that matter, the judges of the Fifth Circuit, are only vaguely remembered. The threat will pass only when the members of the Federal judiciary realize that not every attempt to monitor their conduct constitutes 'hazing', and a violation of their independence. This exaggerated view of judicial independence has not only hampered efforts by the Congress to help the judiciary to help itself. It has also rendered impotent, to a large extent, efforts within the judiciary to relieve the ill effects of the rare instances of actual misconduct as well as the more frequent occasions where honest judges have demonstrated an insensitivity to the requirement that they be free even from the appearance of impropriety.

"This total freedom from even internal judicial control and any public disclosure demanded by some Federal judges endangers the confidence of the citizenry in the judicial process. A judge need not be free to misbehave in order to be free to render impartial decisions. In testimony before my Subcommittee, Judge Albert B. Maris, a great Federal judge, spoke about judicial independence:

"I agree completely with you that the judiciary should be independent of the executive and legislative branches of the government, that the whole basis of our Constitution and the only sure guarantee of our liberties and the rule of law is that the judiciary be so independent. And I would not want to do a thing that would in any way, in any actual way, impair that independence. But I do not believe the requirement that you must behave yourself well is going to impair it. I do not believe it is necessary to

have the right to misbehave in order to be independent."

"I am not suggesting that judges should lead a monastic existence, or isolate themselves from the world. Indeed, Canon 34 of the Canons of Judicial Ethics states, 'It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion.' A knowledge of life is essential to the effective exercise of the judicial function. Moreover, judges have much to contribute to the legal profession and their communities.

"I believe judges may perform non-judicial services, I *do* believe, however, that any off-the-bench activity that a judge performs *for compensation, unless subject to scrutiny and criticism by reason of public disclosure,* is fraught with potential for undermining the appearance of rectitude that the judiciary must maintain.

"In order not to give the appearance of impropriety, nonjudicial honorariums and fees must be a matter of complete public record, at least to the extent required of members of Congress. Disclosures of non-official activities and of financial interests, in my opinion, is a salve that prevents many injuries and heals many wounds. The prophylactic effect of requiring a public official to put pen to paper and to disclose his activities and sources of income cannot be overstated. Such a requirement makes one stop and think and greatly increases sensitivity to the more subtle requirements of ethical guidelines. Moreover, it promotes the confidence of the citizenry. If the public knows what you are doing, they need not speculate as to what you may be doing, and speculation can be much worse than reality. Therefore, while I believe that the temporary suspension of the controls governing off-the-bench actvities may be subject to criticism, elimination of the public reporting requirements is a grave mistake.

"In past years, judges had resisted financial disclosure on the ground that they were being 'singled out'. In 1968, the Senate and the House of Representatives both imposed limited financial disclosure requirements on themselves. With the imposition of those requirements and the long-standing requirement of executive disclosure, the judiciary was, in fact, until June, 'singled out' for non-disclosure.

"Some have questioned the right of a Congressman to examine the propriety of any judge's actions. They suggest silence because there are many skeletons in political closets, and Congress has imposed upon itself only a narrow disclosure requirement. Certainly, the Congressional requirements should be expanded. I have cosponsored legislation that would require full and complete public disclosure by all Members of Congress. But Congressmen must face the electorate periodically, and their outside interests or financial holdings have been and undoubtedly will continue to be proper campaign fodder. Every Congressman who publicly discloses his finances is subject not only to the scrutiny of the press but also of his political enemies. Judges, on the other hand, have 'good behavior' tenure and are above politics. They assume the bench for what is, for practical purposes, a life term with no practical means for discipline or removal. This isolated independence calls, as I said at the outset, for particular care by those who possess it. Therefore, the reporting requirement adopted by the Judicial Conference last June must be considered as a minimal stricture upon the activities of Federal judges. The country will not tolerate any undercutting of that stricture.

"We live in an age when the motivations and precepts of our leaders are undergoing intense questioning by our citizenry, young and old alike. We must make every effort to relieve the clouds and shadows engulfing our institutions. Forthright action is needed on the part of all who lay claim to the mantle of leadership. The members of the Federal judiciary are no exception."

[From the Newark (N.J.) News, Nov. 4, 1969]

JUDGES AND ETHICS

The U.S. Judicial Conference, the policy-making arm of the federal judiciary, has taken a step backward in abandoning the ethics code it imposed on lower federal judges last June. The heart of that code was a stringent limitation on acceptance of fees for non-judicial activities, inspired by the unfortunate Fortas affair. Now the judges will be free to engage in lucrative outside activities, their only responsibility being to report their incomes—confidentially of course—to a panel of their colleagues. Gone is the public income-reporting procedure of the original rule.

The rule was Chief Justice Earl Warren's parting attempt to restore public confidence in the judiciary, and it was resented from the first. Its eventual doom was really foreshadowed when a majority of Mr. Warren's colleagues on the high court refused to apply it to themselves, saying they preferred to wait until a new chief justice took over. He has—in the person of Warren E. Burger—and nothing has been heard on the subject since.

Concededly, the rule was conceived in haste and virtually rammed through the conference by Mr. Warren. Nevertheless, modification—to permit such compatible activities as writing or teaching on the law, not foundation fee collecting—was indicated rather than an outright revocation that can only add to the confusion of the public, which has been affronted in recent weeks by the disclosures of the business activities of Justice-nominee Haynsworth.

[From the St. Petersburg (Fla.) Times, Nov. 5, 1969]

A SHORT-LIVED JUDICIAL REFORM

The U.S. Judicial Conference has chosen a poor time—when the subject of ethical standards is a matter of active public concern—to scrap a major move toward self-regulation that it adopted only last June.

The action can only give new impetus to pending efforts in Congress to impose stricter standards of judicial ethics by legislative action.

Last June the Judicial Conference, administrative arm of the federal judiciary, headed by then Chief Justice Earl Warren, adopted a requirement that judges obtain permission on the public record from their respective circuit councils before accepting outside pay.

The new rule, adopted last week at the first meeting of the conference presided over by Chief Justice Warren Burger, modified this to require only that off-the-bench earnings be reported to a panel of judges after the fact and with no automatic requirements for publicity.

The June reform was prompted by disclosure that Justice Abe Fortas had accepted a $20,000 fee from Louis E. Wolfson and that Justice William O. Douglas had a long-time salaried connection, which he has since resigned, with the Parvin Foundation. But the passion for self-reform in the federal judiciary seems not to have outlasted the Earl Warren regime.

In Florida, it was disclosed a few weeks ago that Chief Justice Richard Ervin of the state Supreme Court has been a long-time paid official at $8,000 to $15,000 a year of the Woodmen of the World Insurance Society. While this is a respected fraternal and benevolent organization, as contrasted with the dubious reputations of the Wolfson and Parvin foundations, the question of substantial income for judges from outside business activities is again raised.

Instead of relaxing ethical standards, the U.S. Judicial Conference and similar self-regulatory groups at state levels should be concerned with making such standards more effective and self-enforcing.

We believe that judges should be paid adequate salaries, as most already are, and prohibited from engaging in any outside money-making business activities. Only in that way can all suspicion and even appearance of conflict of interest be avoided.

If judges are unwilling to impose such restrictions on themselves it should be done by Congress and the state legislatures.

[From the Milwaukee (Wis.) Journal, Nov. 6, 1969]

JUDGES STEP BACKWARD

In an unfortunate move away from self-reform, the United States judicial conference—the policy arm of the federal judiciary—has reversed its five month old rule against judges accepting outside compensation. The regulations are not binding but do have the weight of the conference's prestige.

The move is unfortunate because the controversy over the integrity of the judiciary that produced the original rule hasn't diminished. This action does little to alleviate doubt in the public mind about how impartial federal judges intend to be.

The old rule grew out of the highly questionable ethics of former Supreme Court Justice Fortas and Justice Douglas in accepting high fees from two foundations while on the bench. Former Chief Justice Warren pushed through the rule, reportedly to show that when faced with the need for reform the judiciary could act on its own. But there was much grumbling over the speed with which Warren pursued this goal—supposedly without much prior consultation with the conference—and the fact that the rules did not apply to the supreme court where the controversy started. This latest action reflects these reservations.

Now judges need only give a confidential report of nonjudicial pay that exceeds $100 in any one quarter to a three judge committee. No permission is necessary in advance. If the panel after the fact finds that there is a conflict of interest it can take action. But that action is not spelled out.

What the conference appears to ignore is that the debate over judicial ethics continues, particularly over the supreme court nomination of Federal Judge Clement Haynsworth. Reform is needed and it is best if it comes from within the judiciary. There seems to be little justification for well paid federal judges to display blatant entrepreneurship on the bench, considering the potential conflict of interest questions. The present retreat from this prohibition only reopens this Pandora's box—a box that never was tightly closed. What the conference might find as a result is that Congress will do the reforming for it.

[From the New York (N.Y.) Times, Nov. 8, 1969]

TYDINGS CRITICIZES JUDICIARY ON OFF-BENCH RULES; IMPLIES THAT RETREAT FROM CURBS MAY LEAD TO LAW ON INCOME DISCLOSURE

WASHINGTON, November 7.—Senator Joseph D. Tydings charged today that the Federal judiciary had retreated from recent advances in judicial ethics by suspending the restrictions on off-the-bench activities that were adopted last June.

In an unusually blunt criticism of the Federal judiciary, Senator Tydings attributed part of the blame to the Supreme Court. He said that when the Justices did not adopt similar restrictions on their own outside activities, a "dimming of judicial resolve" soon followed.

Speaking to an alumni group at Catholic University Law School, the Maryland Demo-

crat said that public confidence in the judiciary may have been shaken by the recent decision by the Judicial Conference to soften the rigid ethical rules adopted last June.

He implied that the action could lead to Congressional legislation to require judges to report their incomes to the public.

"In order not to give the appearance of impropriety, nonjudicial honorariums and fees must be a matter of complete public record, at least to the extent required of members of Congress," he said, adding:

"Such a requirement makes one stop and think and greatly increases sensibility to the more subtle requirements of ethical guidelines. Moreover, it promotes the confidence of citizenry."

The earlier rules barred judges from receiving unauthorized fees and required public disclosure of any outside fees that were authorized. It also called for filing of detailed financial reports to Washington.

Last Saturday the Judicial Conference of the United States, the policy-making arm of the Federal Judiciary, voted to lift the ban on outside fees and ordered that all reports of fees be kept confidential. It authorized a poll of the judges for their views on the desirability of any financial disclosure.

BACKER OF LEGAL MOVE

Senator Tydings has been a strong supporter of legislation to require reporting of judicial income. He is chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery.

A member of its staff disclosed today that Senator Tydings had called a hearing for Nov. 24 and had invited the Judicial Conference and the American Bar Association, which is conducting a review of legal ethics in cooperation with the Judicial Conference, to testify.

[From the Washington (D.C.) Post, Nov. 8, 1969]

TYDINGS DENOUNCES JUDGES FOR "RETREAT" ON ETHICS RULE

(By John P. MacKenzie)

Sen. Joseph D. Tydings (D-Md.) blasted the U.S. Judicial Conference yesterday for setting aside rules against outside compensation for federal judges and said his Subcommittee on Judicial Improvements would investigate the action.

The judges showed "a dangerous myopia," said Tydings, "a myopia characterized by an inability to perceive the threat to the institutional integrity of the federal judicial system" posed by recent scandals.

Tydings said the Conference, the policy body of the judiciary, "had one shining moment" last June when it banned most outside income and required public disclosure of any approved off-the-bench services for pay, but now seemed to be in "retreat" from judicial reform.

The June resolution, pushed through by Earl Warren in his closing days as chief justice, was suspended a week ago as the Conference announced it would await a full-scale review of the American Bar Association's 50-year-old Canons of Judicial Ethics. The conference also cited conflicting interpretations of the resolution by the councils of the 11 federal circuits.

"It is difficult not to conclude that the historic progress made last June is in jeopardy," Tydings said in a speech to the law alumni of Catholic University.

Both attempts at self-reform and efforts for congressional action have been frustrated by the judges' "exaggerated view of judicial independence," said Tydings. He said the threat to the system's integrity will pass "only when members of the federal judiciary realize that not every attempt to monitor their conduct constitutes 'hazing' . . . A judge need not be free to misbehave in order to be free to render impartial decisions."

Tydings said he was not demanding that judges lead "a monastic existence" or abstain from all nonjudicial services.

"I do believe, however, that any off-the-bench activity that a judge performs for compensation, unless subject to scrutiny and criticism by reason of public disclosure, is fraught with potential for undermining the appearance of rectitude that the judiciary must maintain," Tydings said.

Public disclosure, "at least to the extent required of members of Congress," is essential Tydings said. If judges must "put pen to paper" and make disclosure, they will become more sensitive "to the more subtle requirements of ethical guidelines," he said.

Tydings said he would hold one day of hearings Nov. 24, featuring testimony from both the Conference and the ABA. Judge Robert A. Ainsworth Jr. of the Fifth U.S. Circuit Court of Appeals in New Orleans, chairman of a committee that drafted the June resolution, was designated to testify for the Conference.

[From the Washington (D.C.) Star, Nov. 13, 1969]

INJUDICIOUS STEP

Last June, the Judicial Conference adopted a rule that barred federal judges from accepting any compensation whatsoever for off-the-bench services. Now the conference has reversed itself, asking only that the judges report their moonlighting fees to a panel of fellow judges, and promising that such reports will be guarded from public view.

It was an unfortunate step backwards.

The conference, which acts as the policy-making arm of the federal judiciary, adopted the restrictions in response, among other things, to the public dismay following the disclosures of the Fortas affair, to strong pressure from the then Chief Justice Warren and to the threat that Congress might undertake to legislate legal ethics unless the judges acted first.

The only major change that has taken place in the past five months is the advent of a new chief justice—an event that surely does not warrant complete reversal. Public interest in the ethics of the courts remains high. And congressional eagerness to undertake the ethical cleanup continues unabated.

It should be noted, however, that the conference left the way open for a re-reversal. The judges asked Congress for a law that would make adherence to any future conference rulings on ethical conduct mandatory for all federal judges below the Supreme Court. At the present time, conference rules are not legally binding.

In addition, the judicial conference has indicated an active interest in future recommendations of the American Bar Association's committee which is at work on its own code of ethics for judges. This code, which should be completed next summer, may well include a prohibition on moonlighting fully as severe as the conference's original ban.

It would have been better for the conference to have retained its original ban, to have asked Congress for the law to provide the legal teeth necessary to make the ban stick and later to have reconciled any differences that might arise between its rules and to the forthcoming ABA code.

The next preferable alternative is for Congress to provide the required law and for the conference, together with the ABA, to correct the backward step that has been taken. The final rules of conduct, ending the questionable practice of outside jobs for judges, should be applied as well to the lower courts and to the Supreme Court.

The public has a right to know that the interest of any judge is limited to the legal aspects of the case before him. And the public has the right to know that every judge is devoting his time to the bench—not to a lecture before a women's club, an article for Playboy or the interests of a secret client.

TRIBUTES TO VICE PRESIDENT AGNEW

Mr. MURPHY. Mr. President, recently a report of the Gallup poll showed that Vice President SPIRO T. AGNEW placed third in the poll's balloting on the "most admired man" for 1969, with the first place going to President Richard M. Nixon and the second place to Rev. Billy Graham.

It is obvious that this was an enormous tribute to Mr. AGNEW, especially in light of the fact that he had the distinction of ranking higher than any other incumbent Vice President in the 22 years that this list has been compiled. It was an honor which is well deserved, and it is also an encouraging indication of the fact that the people of the Nation will respond to an individual who is honest, knowledgeable, forthright, and courageous. In addition, the vote showed, I think, that our citizens now, at last, recognize the importance of the Vice-Presidency itself and the necessity for having a thoroughly qualified man in the post. This, of course, has not always been so, as we can discover in a brief study entitled "Have You Noticed the Vice-Presidency Lately?" This work was prepared by Mr. Hudson B. Drake, Director of the President's Commission on White House Fellows, who previously served as a White House Fellow with two Vice Presidents under two administrations—September 1968, through August 1969.

Mr. Drake's study is extremely interesting and informative; consequently, I ask unanimous consent that it be printed in the RECORD, so that this history of one of the Nation's most important offices may be available to as many persons as possible.

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

HAVE YOU NOTICED THE VICE PRESIDENCY LATELY?

(By Hudson B. Drake)

It may be said The Office of the Vice Presidency began, or perhaps it would be more proper to say, almost didn't begin, at the Constitutional Convention of 1787. Indeed, with the convention on the brink of adjournment when the proposal came up, together with criticism of the proposal by the delegates, the Vice Presidency was very nearly scuttled then and there. To the founding fathers' great credit, however, the proposal passed by a vote of 8 states to 2 with one abstention and one absent. The Vice Presidency was thus established under the proposed Constitution as the only other office besides the Presidency to be filled by all the voters. The Vice President would preside over the Senate and succeed to the Presidency in the case of the President's death, resignation or removal from office.

In their zeal to end the lengthy and arduous convention, the delegates neglected to include any financial remuneration for the Vice President or, for that matter, even an oath of office. It is interesting to note, however, that in all their haste they did not forget to make him subject to the same impeachment proceedings as the President.

The wisdom of our forefathers in creating the Vice Presidency can best be appreciated in an historical perspective. Since the office was created, eleven Vice Presidents have

served as President and eight Vice Presidents have ascended to the Presidency in midterm, two of these occurring within an 18-year span—that is twice in four and one-half presidential terms!

The evolution of the Vice Presidency has been greatly affected by the course of history. Two relatively new constitutional amendments in particular bear on that evolution and history. The Twenty-second Amendment, which was profoundly influenced by FDR's tenure, limits a President to two terms. This clearly enhances a Vice President's national image as heir apparent and provides a commensurate political opportunity to be his party's next Presidential standard bearer: three of the last five Presidents were previously Vice Presidents.

The impetus for the Twenty-fifth Amendment was the assassination of JFK in 1963. It insures that there "shall" be a Vice President in the event of a midterm vacancy in that office. Prior to its passage, the United States had been without a Vice President 16 times in 180 years. The amendment further provides for the Vice President to become "Acting President" should the President become disabled. In essence, the amendment reflects the modern realities of Presidential fallibility and the crucial necessity that there always be a number two man to step into the breach when necessary.

The Vice Presidency has been the object of derision and the butt of jokes over the years. Prior to 1933 there may have been some justification for such humor since the Vice President had little to do except preside over the Senate. Although those days are long over, a few writers persist in perpetuating the old image. Worse yet, others do not believe the Vice President should be an active participant in the Councils of the Executive Branch. They feel that the office was created without power and the Vice President should thus be condemned to the shadow of the wings, remaining mute and isolated until and unless fate should intervene.

It would be tragic if this country had pursued the Vice Presidential precedents of the 19th century: a virtual unknown selected to the ticket on geo-political grounds, suddenly foisted upon the people; a man draped with the mantle of leadership of a government he knows little or nothing about in terms of processes or problems; a man facing a transition from relative obscurity to absolute exposure, from limited government knowledge to facing the overwhelming problems of the country and the world.

This is hardly an optimum situation when you consider that the purpose of the Vice Presidency is to provide continuity if something happens to the Chief Executive.

It is well to remember that John Tyler served just one month as Vice President before he was propelled into the Presidency, Harry Truman served two and one-half months, Andrew Johnson, Chester Arthur and Theodore Roosevelt all served less than one year. The historical odds today have climbed to almost one in three that the Vice President will become President. In light of these facts, any philosophy is fallacious which advocates an "outsider's" role for the Vice President of this country.

Indeed, during the 20th century, while the Vice President has retained constitutional prerogatives in the Legislative Branch, his role in the Executive Branch has been expanding both quantitatively and qualitatively. A more meaningful and substantive role has evolved which requires increasingly qualified men selected on their merits rather than on mere ticket balancing or vote-getting appeal.

In 1964 President Johnson saw Hubert Humphrey as the man "best qualified to assume the Office of President, should that day come." During the 1968 campaign, President Nixon gave his views of the Vice President's role stating: "The Vice Presidency has now become an important office in its own right. The Presidency is so big, and his responsibilities in international affairs particularly are so great, that we need a Vice President that can undertake great responsibilities and that the President will trust . . . I want the man for Vice President, who, if something should happen to me, would make the best President of the United States."

These statements are not just verbal largess. One has but to look back a few years to see moves calculated to establish the Vice President as a bona fide member of the executive team in times of ever increasing pressure on the President; moves designed to place him in a position to observe, absorb, and participate in the highest councils of government.

In addition to the constitutional responsibilities of Presidential succession and President of the Senate, the Vice President has been a member of the Cabinet by custom and tradition since the 1920's. In 1949 Congress made the Vice President a statutory member of the President's highest policy advisory group, the National Security Council. This was due in large measure to Truman's traumatic experience upon the passing of FDR. The legislation is significant as the first major expansion of the Vice Presidency since the Constitution was written and the first major recognition of the Vice President within the Executive Branch.

Early in Kennedy's term, Vice President Johnson was given a suite of offices in the Executive Office Building at the other end of Pennsylvania Avenue immediately adjacent to the White House. Though he retained his traditional legislative office on the Hill as President of the Senate, the move was symbolic in that it was the first time a Vice President had been recognized as deserving of space, for whatever reason, in the Executive Branch. Not to be ignored are the executive functions such a move implied. This precedent of offices at both ends of Pennsylvania Avenue has been followed through succeeding administrations.

The locations of Vice Presidential Offices reached a controversial zenith in the Nixon-Agnew Administration when the Vice President was given prime space in the southwest corner of the West Wing of the White House just down the hall from the President's Oval Office. He still retains an office in the Executive Office Building which also houses a large part of his staff and where he spends considerable office time. Cynics believe the Vice President was installed in the White House by the President to keep him under close watch. Realists recognize that mere access is a measure of power and prestige. They see it as an adroit move to place the Vice President in a position of proximity and precept to qualify him if necessary to act with understanding and knowledge, and not visceral reaction. It is interesting that had the Humphrey-Muskie ticket been successful, serious consideration would have been given to locating the junior Senator from Maine within the hallowed halls of the White House.

Similar to his immediate predecessors, today's Vice President chairs the Marine and Space Councils, the Indian and Youth Opportunity Councils and the Peace Corps National Advisory Council. In addition he serves as a member of the Board of Regents for the Smithsonian Institution and the Cabinet Committee on Economic Policy.

Within the last 20 years, Vice Presidents have consistently played important roles in carrying and explaining the administration's policies to foreign governments. In addition, they have urged the adoption of the President's legislative program on the Hill and to the voters, stumped for party candidates across the country and performed ad hoc and task force assignments.

Since January 20, 1969, the President has assigned significant additional responsibilities to the Vice President. He was made a member of the Council for Urban Affairs, a cabinet level advisory group presided over by the President and in his absence by the Vice President. This council is the nation's top policy-making body concerning social problems and is considered the domestic equivalent to the National Security Council. Specific responsibilities of the council include assisting the President in the development of a national urban policy, promoting the coordination of Federal programs in urban areas, encouraging cooperation between all levels of government and encouraging local decision making.

Following the Council for Urban Affairs appointment, the President created a new agency, the Office of Intergovernmental Relations, to operate with a professional staff under the "immediate supervision" of the Vice President. The agency uniquely complements his Urban Affairs membership and gives the Vice President some initiative in the domestic field. Its focus is on the thorny problems of federal relations with cities and states. The Vice President acts as an ombudsman to assist state and local officials through the bureaucratic maze in solving their problems arising from federal programs. It is significant to note that the Office of Intergovernmental Relations is not only the first federal agency assigned to a Vice President, but is also the first time that one coordinative body has been established to handle both city and state problems.

In addition to being an important link between federal, state and local governments, the new agency also provides fertile ground for the Vice President to establish a strong political constituency for the future. Mayors and Governors carry a good deal of influence with the delegations to political conventions.

Most recently, the Vice President was named by the President to the new Environmental Quality Council and to chair it in the absence of the President. This council will insure federal policies and programs take adequate account of environmental effects, and develop and conserve natural resources. To enhance man's well being it will protect against pollution of the nation's air, water, land and its living resources.

There is a distinct correlation in these new Vice Presidential assignments that signals a strong and continuing role in domestic and urban areas. In the past, a lack of identity with a continuing program or field has tended to detract from Vice Presidential stature and public image.

The modern Vice Presidency is also active in a more subtle but none the less important sphere. For instance, the Vice President is briefed by the President's Assistant for National Security Affairs, and key Vice Presidential staff members are included in daily White House staff meetings. The Vice President travels at his own discretion and has the convenience of his own aircraft, Air Force Two. On occasion, some ceremonial duties traditionally performed by the President have been performed by the Vice President; for example, a recent Medal of Honor ceremony and placing the President's wreath at the Tomb of the Unknown Soldier on Memorial Day.

The growing executive role of the Vice President is good for the nation. It relieves the President of some of the ever increasing demands on his time and provides a vehicle by which the Vice President can become beneficially involved in a wide range of federal programs and activities.

When you get right down to bedrock, however, there is only one role for the Vice President, one which transcends all others real or imagined. That role is simply to learn

all he can about the Presidency, its concepts and its realities.

It is this role which is the most difficult and the most important. The real key to his learning and understanding, the key to his very political being, is based solely on his relationship with the President.

With a close relationship his experience is rich, without it any meaningful preparation for the Presidential ascendence is absolutely nil. This situation prevails since nearly every role the Vice President has in the Executive Branch is a function of Presidential discretion. In order for the Vice President to do all that can be done, to understand all that can be described or explained, there must be an "executive alliance" between the President and the Vice President—a meeting of the minds philosophically and politically; and bonded by mutual trust, loyalty, understanding and respect. This relationship is the essence of why Presidents have the influence they do in the selection of Vice Presidential candidates. Once elected, a Vice President cannot be fired, only banished to the hinterlands of government to suffer his lonely fate.

Should something happen to the President, it is we the people who would have to live with his successor whatever his experience. For purely selfish reasons, we should applaud the framers of our Constitution for creating a Vice Presidency, welcome meaningful expansion of Vice Presidential functions, and pray that the "executive alliance" will flourish. Reality will let us do no less.

ADDRESS BY SENATOR MATHIAS BEFORE MONTGOMERY COUNTY SENTINEL LUNCHEON

Mr. SCOTT. Mr. President, the distingushed Senator from Maryland (Mr. MATHIAS) made an outstanding presentation before the Montgomery County Sentinel luncheon at the Washingtonian Motel, January 16, 1970, on the topic of inflation. I 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:

INFLATION

(Remarks of Senator CHARLES McC. MATHIAS, Jr.)

Of all the crises facing Americans today perhaps only the war in Vietnam is so perplexing as the state of the economy—the continuing inflation, the continuing decline in the value of the dollar, the continuing rise in interest rates. In many connections we speak of our country as a ship of state. But in speaking of the economy it is quite clear that the ship is airborne, and although the pilot gives continuing assurances that everything is under control—except for some minor turbulence ahead as we prepare to land—the passengers are growing increasingly uneasy. For one thing, the pilot has announced landing preparations several times now and there has been some shifting of gears and some coughing of the engines. But the economy clearly remains in flight—that is to say, inflated—as it has for several years. If the truth be known, moreover, there is even some controversy in the cockpit. Regardless of the increasing sophistication of economists about the effects of inflation—the aerodynamics of money—they remain unsure about how to assess its various causes.

Imagine, therefore, an airplane in flight—with the pilot being bombarded by experts representing several schools of thought on how to land—including some experts who don't want to land at all—imagine that one widely-recommended landing technique is simply to throw the lowest class of passengers out of the plane. Understand though that this approach can well end by throwing out the pilot. Imagine such a trip and you might well be reaching for your dramamine.

But this is only a somewhat melodramatic way of describing the state of the economy as President Nixon inherited it after several years of aerodynamic economic policies by the Johnson Administration.

I think you will agree that it is time for me to ground my metaphor on a few facts—even if their implications remain in controversy. Even the Washington *Post* and New York *Times* cannot seem to agree on this one. Yesterday the *Times* asserted flatly that the Nixon anti-inflationary approach "must be judged to have failed." Yet the Washington *Post*, which in general has supported the Administration on this issue, today reports that the real growth of the GNP has been arrested for the October-December period. This slowdown comes almost precisely as Administration economists expected. Although the price index continued to rise, the pace is slower—down to an annual rate of 4.4 percent as compared to 5.6 in the third quarter and 4.9 for the first half. If the economy continues to behave as anticipated—and the Administration holds the course—the inflationary momentum should be dampened in coming months.

The facts of inflation, however, portend major difficulties in coming months. There is a continuing determination on the part of the Nixon Administration to curb inflation; but there is also a continuing conviction on the part of both industry and labor that the Nixon effort will fail. And there are pressures for a relaxation from all sides.

The leading victims of inflation—those on low or fixed incomes—are growing increasingly desperate. Tragically these groups—the leading victims of inflation—are also gravely hurt by anti-inflationary programs. Not only are they the first to lose their jobs; but they also are deeply affected by cutbacks in federal spending—and even, indirectly, by high interest rates.

For one example, low cost housing construction has been virtually halted by tight money.

Inflation, in fact, is having a dangerous impact on the very structure of the economy. Small businesses continually lose in competition for scarce funds with larger businesses—and so this critical part of our economy, where individual initiative and creativity have contributed so much to the flexibility and growth of our country—the critical realm of small business is being slowly stifled by the cost of money.

This decline is not because of any constitutional weakness of smaller enterprises—or any exhaustion of their potential contribution to the society. Indeed, there is a persuasive school of analysis contending that many of the problems of the economy today derive from the eclipse of small business. Small business hires far more marginal workers per dollar of investment than large business; small business has traditionally been the vessel by which indigent minorities have made it in America—and made America in the process. Small businesses have provided many of the technological breakthroughs that spurred our economic growth. We need to preserve them now. Yet overall federal policies, which tend to benefit large companies in multifarious ways under the best of conditions, are gravely endangering this part of the economy under the parlous circumstances we face today.

Inflation—and anti-inflationary policies—are together buffeting the American society. Millions are suffering; and the spirit of confidence, on which both economic growth and social stability depend, is gravely shaken. What can we do about it? Is the only answer really more of the same? Or is there some magic wand—or some kingly scepter some sweeping new authority—which should be granted to government to solve this tragic problem of prosperity? We, for one example, institute wage and price controls.

In political terms wage and price controls would be an easy remedy to adopt. Every Gallup and Harris poll on the subject indicates that the people favor this approach. Yet this enthusiasm is likely to decline abruptly when the real consequences become clear: severe distortions in the economy, black marketeering, huge and intrusive bureaucracy, and, in the end, a real contraction in our economic freedom and growth. It is possible that we will ultimately be driven to this route. But we should regard it as the very last resort and should not entertain illusions about its effects.

A second easy way to deal with inflation is simply to accept it as an inevitable condition of full employment and growth. If this means an overwhelming influx of cheaper foreign imports, then high tariffs and restrictive quotas are advocated. The result would be to make the United States a kind of dollar green house in the world economy, insulated from external competition and from internal discipline. The fact that this was the course followed at the time of the depression indicates some of the dangers. The basic problem is that to accept and insulate inflation is to accelerate in—and to remove the disciplines and constraints that ensure sound and stable growth. For needless to say, the production of money brings only the illusion of wealth unless it is accompanied by production of goods.

So one returns to the basic reality that there is no easy answer and that the deflationary policies of the Nixon Administration—as unpalatable as they may seem—are necessary until inflation is brought under control.

I believe that the specific measures chosen by the Administration are in general exemplary. The President is cutting back spending on defense and public works and is in general economizing on government spending that does not principally involve the poor. At the same time he is initiating historic new programs that combine welfare reform with job training. These initiatives will help those who would otherwise be most seriously injured by deflationary policies. He is also supporting expansion of present government programs to end discrimination in employment. The Department of Housing and Urban Development is expanding its anti-discrimination activities and has developed a targeting method to assure minority employment on construction sites.

Encouraging also was the President's appointment of Arthur Burns as Chairman of the Federal Reserve Board. Burns is one of the country's most brilliant and responsible economists and his elevation gives assurance of sound and dependable policies at the Federal Reserve Board.

By such approaches the Nixon Administration hopes to curb inflation while minimizing damage to the society. It is a bold and ingenious program and I commend it. There are signs that it is having an effect, although the negative effects of deflation normally precede its impact on prices. I would add two futher points, however, in conclusion.

The first is that the chief cause of inflation has been the Vietnam War. The most important program to end inflation therefore is the Nixon plan to end the war. Let us all pray that the President acts with as much ingenuity, courage, and resourcefulness in the international arena as he is in general showing in the domestic realm. For unless the war ends it will be very difficult to halt inflation without severe social strains.

The second point is that defense spending is in general the most inflationary part of the economy, because it increases demand

without providing goods to fulfill it. The military generates demand when it pays people to build missiles to serve in the Army. But the Army does not produce products or services that soak up demand in the market place. Thus, though not usually seen in these terms, the SALT negotiations to bring about strategic arms limitations also will aid the President's attempts to curb inflation without causing major social unrest. It may well turn out, therefore, that just as the most important ultimate effect of inflation is to halt world economic growth, the most important programs to meet the problem come in foreign, not domestic policy.

And I might add that inflation is only one of a great many reasons, many of them more important, to end the war and start building for a stable peace—the basis for stable economic growth and prosperity for all.

THE SITUATION IN POSTWAR NIGERIA

Mr. BYRD of West Virginia. Mr. President, the current issue of Time magazine contains an extremely interesting account of the situation in postwar Nigeria.

Entitled "Relief, Reconciliation, Reconstruction—and Rape," the Time article tells of the relief efforts being made on behalf of the defeated Ibo tribesmen in secessionist Biafra, and it mentions those offers to help that have been rejected by the Nigerian Government. The article also states that while there has been no evidence of widespread genocide, a number of incidents of rape and looting allegedly have been committed by Nigerian forces in the occupied territories.

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:

RELIEF, RECONCILIATION, RECONSTRUCTION—AND RAPE

The lights came on again in Lagos last week, ending a 30-month blackout imposed to protect the Nigerian capital from Biafran bombers that never appeared. Unaccustomed to the brightness, bats swooped screeching out of trees to seek darkness elsewhere, and pedestrians stepped neatly over rain ditches they had fallen into during the war. Only half the lights went on again, however; there was not enough power available to light the rest. Plainly, peacetime conditions would not be restored with the mere flick of a switch.

BUILDING UP JERUSALEM

That was all too evident in the area of what had been Biafra, where 12 million people had sought to establish a state independent of Nigeria and its 45 million other inhabitants. Nigerian Leader Yakubu Gowon had pledged his victorious government to a program of reconciliation rather than recrimination toward the secessionists. Because of ineptitude and the war's unexpectedly sudden end, which caught relief agencies unprepared, Gowon's peace program flicked on only at half strength. Feeding programs broke down, medical supplies went undelivered and there were countless incidents of rape and looting.

No evidence could be seen of the deliberate genocide against which Biafra's General Odumegwu Ojukwu had warned before he hastily departed from his collapsing nation three weeks ago. Nigerian leaders, for the most part, made genuine efforts to see that Biafra's Ibo tribesmen were cared for. Nigerian money was rushed in to replace worthless Biafran currency. Ibo civil servants were rehired and their 30-month defection listed as "leave of absence without pay." Gowon, wearing a flowing blue African robe instead of a general's uniform, led a thanksgiving service at Lagos' Anglican cathedral. He selected and read the lesson of the service from the second chapter of Nehemiah: "Then I said unto them, ye see the distress that we are in, how Jerusalem lieth waste, and the gates thereof are burned with fire. Come and let us build up the wall of Jerusalem that we be no more a reproach."

Foreign observers, after cursory checks of Gowon's Jerusalem, returned to Lagos with airily optimistic progress reports. United Nations Secretary-General U Thant, after two days in Lagos and none in Biafra, said unqualifiedly that "there is no hint, even the remotest evidence of violence by the Nigerian Federal forces." Henrik Beer, secretary general of the League of Red Cross Societies in Geneva, doubted that there had ever been wholesale starvation in Biafra. But hunger remained a very real threat. Gowon adamantly refused to let relief groups use Uli airstrip, a symbol of Biafran resistance. One result of his decision was that many of the 3,500,000 people in Biafra were going hungry. According to some estimates by churchmen and physicians, as many as 1,000,000 Biafrans were on the verge of starvation. Ignoring pleas to stay put, perhaps 1,000,000 refugees choked the enclave's wreckage-strewn roads.

As for violence, the optimistic reports seemed true enough, although Brigadier General John Drewry, senior Canadian on the four-nation international observers' team that is monitoring the war zone for atrocities, made an astonishing statement. "I do not consider it serious," the *Daily Telegraph* of London quoted him as saying about reports of widespread rape, "until ten women are raped in the same place at the same time."

Officers of Colonel Olu Obasanjo's 3rd Marine Division were less complacent. They said they had been forced to shoot some of their men for rape and looting. Refugees reported that young girls were fading into the bush to escape "conscription," their euphemism for rape. Concerned, Nigerian authorities prepared to relieve the commandos with the "cooler" 1st Division.

No miracles

Reports of the commandos' behavior flashed worldwide through dispatches from 80 correspondents who flew into the area on an inspection trip (*see following story*). Their stories so angered Nigerian officials that the newsmen were detained at Port Harcourt for two days until diplomatic protests freed them. Later, at a press conference, Gowon defended his troops: "We don't expect miracles. Is anyone willing to say there is not misbehavior in their own armies? Haven't things been happening in Viet Nam?" At the same time, acknowledging that the situation was grimmer than he had anticipated. Gowon increased relief funds from $17 million to $45 million. He also agreed to accept additional assistance from other nations—with the proviso that Nigeria continue to direct all operations. The U.S., which had already dispatched three portable hospitals and 26 Jeeps, also promised a fleet of relief planes, portable generators, blankets and hospital lamps. Britain sent 25 doctors and 50 nurses; Russia supplied the lead contingent of what will be a 60-doctor party.

Remembering friends

The crisis is likely to last at least two more months. Only then is Nigeria likely to begin enjoying some of the benefits of a restored peace. Economically, the situation is bright. Oilfields and refineries in the Biafran enclave are already being checked for damage and restored to production; once they are, Nigeria expects total revenues to reach $1 billion by 1975.

Shortly before the war ended, Gowon said: "Our friends will not be forgotten." As a result, the Soviet Union and Britain, the chief suppliers of arms to the federal forces, will reap some benefits. Moscow already has 500 aircraft, arms and machinery technicians in Nigeria, and a Soviet-Nigerian trading company was recently organized to sell Russian-built cars and trucks. A $150 million Soviet-built steel plant may soon be started. In the Lagos government's view, the Russians deserve everything they are getting. "I would give Russia more credit than any other single country," Nigerian Ambassador to Moscow George J. Kurubu said last week.

The U.S., which did not recognize Biafra but encouraged relief efforts to aid its starving people, is in a less solid position. Secretary of State William P. Rogers, who begins a ten-nation African tour in February, will be cooly received in Lagos. Said the *Morning Post:* "No, sir, Rogers is not welcome." But Nigerian officials later insisted that Rogers would be a welcome guest.

No politics in exile

One person who has no future in peacetime Nigeria, or perhaps anywhere in Africa, is Ojukwu. After he fled the country, reports placed him in Lisbon, Paris, Geneva, Lusaka, Dar es Salaam, Libreville, São Tomé and Port-au-Prince. According to the story that emerged last week, Ojukwu was flown out of Uli to Abidjan, capital of the Ivory Coast. At the Abidjan airport, he transferred to an executive jet belonging to Ivory Coast President Félix Houphouët-Boigny and was flown 250 miles to the President's summer palace at Yamoussoukro, which is guarded by a pool of crocodiles. Ojukwu had hoped to establish a government in exile, but Houphouët-Boigny coldly informed him that there were to be no government, no political activities and no statements to the press out of Yamoussoukro. Perhaps it was just as well, for Ojukwu supporters are as scarce as food in his former enclave nowadays. An elderly Ibo, gaunt from hunger and weary from walking, was typical. Pausing on the road near Owerri and staring at the desolation around him, he said slowly: "It's Ojukwu's fault. All of it."

WHAT FOLLOWS WAR

(NOTE.—"If war is hell," Time Correspondent John Blashill cabled last week from Nigeria, "at least it is organized hell. What immediately follows war can be worse. It is not yet peace, and it is certainly not organized." Blashill was one of 80 foreign newsmen who were given government permission to visit the Biafran enclave. Herewith his report:)

In the silent palm forests and broken towns of the region once known as Biafra, the rape and the looting go on. Countless refugees told me this week of being stopped on the road by federal troops. The soldiers stripped them of their belongings, took their money and went off with their women.

Near Orlu, Nigerian marines invaded a Red Cross hospital, took all the food and raped the white nurses. During the brief period I was in Owerri, I saw an attempted rape and an attempt at looting. The looting took place right on the main square in front of most of the visiting newsmen. Several marine enlisted men simply entered a house and started ransacking it. They pulled out a bed and a table before an officer saw them and started shouting in Yoruba. They shrugged and carried the bed and table back inside.

The rape attempt was more dramatic. On the other side of the square, a drunken marine spotted a young refugee with his wife. Neither could have been much more than 20, and they clung together, very frightened. The marine demanded the wife and was about to make off with her when a marine lieutenant happened by. The lieutenant pulled out his .45 and shot the soldier

in the foot. Neither rape nor looting is condoned by Nigerian officers. One marine was shot to death on the spot when he was found raping an Ibo girl near the Owerri radio station. He was not even arrested and tried. "There was no need," an officer said, matter-of-factly. "He was caught in the act."

Stampede for food

In the marketplace at Aba, where perhaps 200,000 refugees gathered, a stick-limbed girl in her teens was carrying home a few scraps of food in an old metal bowl perched on her head. A passing bicyclist jolted her, the bowl fell off, the food was spilled. The girl said nothing. She simply squatted on the ground looking at what she would have eaten that day as people trampled it. She was too numbed, too weary to retrieve it.

At a makeshift Owerri food stand where the black-market pineapples cost two Nigerian pounds ($5.60) stood a young mother with a baby wrapped African-fashion, in the robe around her back. The baby was starving, the mother had no money. She stood there for several minutes eyeing the food longingly. "We can look," she said eventually, "but we cannot buy."

The Nigerian Red Cross precipitated a riot by setting up field kitchens at Owerri. Two people were killed in the stampede to get food. At the Austrian Red Cross food-distribution center the food ran out. A thin old man, white stubble on his chin, walked away slowly, looking at his empty bowl. "Give chop? Give chop?" he muttered to nobody in particular.

Unforgettable sound

The Niger Maternity Hospital in Port Harcourt is now the home of 538 babies who were trucked down from a hospital near Orlu, and are on the point of death. They are all suffering from marasmus, the disease of advanced starvation. All have dysentery. Many carry ugly red tails hanging out of their bottoms, the medical term for which is "prolapse of the rectum." Most are too weak to stand. Some are too weak even to sit up and so they just lie there, often face down on the floor (there are not enough beds to go around), their faces resting in pools of mud and diarrhea. Those who have the strength to cry do nothing but cry, and the sound will never be forgotten by anyone who heard it.

In Port Harcourt, His Excellency Lieut. Commander A. P. Diete-Spiff, military governor of Rivers State, married Miss Ethel Potts-Johnson, also of Rivers State. The wedding cake, shaped like a ship, was flown in from Lagos. The wedding dinner for 100 guests included two suckling pigs, three turkeys, 30 cold chickens, eight ducks, one side of roast beef, two goats on a spit, 30 chickens on a spit, various fresh salads, charlotte russe, three dozen bottles of vintage champagne, three cases of Scotch. Among the guests was Lieut. Colonel Phillip Effiong, the last leader of Biafra.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 o'clock meridian today.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon (at 11 o'clock and 21 minutes a.m.) the Senate took a recess.

At 12 o'clock meridian on the expiration of the recess, the Senate reassembled, when called to order by acting President pro tempore (Mr. METCALF in the chair).

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. 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.

HEARINGS ON OFFSHORE OIL BILLS

Mr. MOSS. Mr. President, today, January 28, is the anniversary of the beginning of the tragic oil leak off the beautiful coast of Santa Barbara, Calif. Although the situation has been under constant study, it is highly appropriate that the unit of the Senate which has initial legislative responsibility for Outer Continental Shelf mineral leasing again review the situation and consider what further measures can be taken to prevent a repetition.

Accordingly, I announce that the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee has scheduled public hearings for February 24 and 25 on three bills dealing directly with oil and gas operations under Federal lease on the Outer Continental Shelf off California. These measures are S. 3093 and S. 1219 by Senator CRANSTON, and S. 2516 by Senator MURPHY, both of California.

It will be recalled that last spring the Minerals, Materials, and Fuels Subcommittee, of which I am chairman, held 2 full days of hearings on S. 1219. This bill, in substance, would have put an end to oil and gas drilling in the Continental Shelf off California, pending complete investigation and study. The subcommittee considered this bill exhaustively, but came to the conclusion that it should be retained in subcommittee until more was known about the effectiveness of new controls and other aspects of the situation. It appears to the subcommittee that it now should again consider this measure.

The other bills which will be the subject of the hearings on February 24 and 25 are, as I have stated, S. 3093 and S. 2516. S. 3093 would direct the Secretary of the Interior to suspend leasing operations in the outer shelf off California wherever the State establishes a marine sanctuary and requests such action by the Secretary.

S. 2516 would terminate Naval Petroleum Reserve No. 1, which is on the uplands of California, and create a new Naval Petroleum Reserve No. 5 off Santa Barbara. The State would be given leasing rights in an area of former Reserve No. 1 equal to the areas in which it had suspended leasing operations.

All interested Members of the Congress and the public are of course welcome at these hearings. Hearings will start at 9:30 in the morning in room 3110, New Senate Office Building, Washington, D.C.

PRESIDENT NIXON'S VETO OF THE LABOR-HEW APPROPRIATIONS BILL

Mr. MOSS. Mr. President, in this morning's Washington Post there is published an editorial entitled "Let Us Clearly Understand" which deals with the President's veto of the Labor-HEW appropriations bill which is coming up in the House today.

The editorial states, in part:

Now, let us clearly understand the issue. The issue is not whether some of us are for a stable economy and others are against it. Nothing is more important than putting the economy on an even keel. The question is: Are we to concern ourselves with the future of America? Are we to discharge our duty to the country's children, our last, best hope for a brighter tomorrow, or are we to think only of the present and of ourselves?

The editorial goes on to say:

And so, reluctantly pushing to one side of our desk the editorial supporting the President which we would have liked to publish, we tap out on our typewriter instead, letter by painful letter—conscious of the nation's gaze upon us—this simple protest in the name of decency and virtue.

Mr. President, the New York Times has a similar editorial entitled "Veto on Education," pointing out that—

The President laid great emphasis on the inflationary effect of an additional $1.2 billion in Federal spending, overlooking the fact that Congress is still approving a smaller over-all sum than his own budget recommended. In any case, the attack on inflation does not diminish the Government's duty to reorder priorities.

Finally, Mr. President, James Reston in his article in the New York Times entitled "Washington: The Power of the Presidency and Television," deals with the same subject, pointing out that the doctrine of fairness is certainly not called into play when the President can use nationwide television to speak to millions of Americans about his point of view, whereas the Senators have a half-empty Chamber in which to present the other side of the question.

Mr. President, I ask unanimous consent to have the two editorials and the article printed in the RECORD.

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

[From the Washington (D.C.) Post, Jan. 28, 1970]

LET US CLEARLY UNDERSTAND

This morning we would like to share with you our reasons for making one of the most difficult decisions we have ever had to face. This newspaper feels—and not without the deepest regret—an obligation to oppose the President's veto of the bill passed by Congress providing funds for the Department of Health, Education and Welfare. The issue is particularly difficult because it arises at a moment when the country is already painfully beset by burdensome taxes and by prices spiraling to new levels day by day.

Now, let us clearly understand the issue. The issue is not whether some of us are for a stable economy and others are against it. Nothing is more important than putting the economy on an even keel. The question is: Are we to concern ourselves with the future of America? Are we to discharge our duty to the country's children, our last, best hope for a brighter tomorrow, or are we to think only of the present and of ourselves?

Now, many of you may ask why, in an election year, a newspaper of general circulation would hesitate for one moment to support a President in a veto designed to maintain such a popular cause as budget balancing. Well, a newspaper, you see, has an obligation to consider all the aspects of the national welfare

and with only one principle in mind: What is in the best interests of all the American people?

The easy course, the popular course for this newspaper, to take would be to advocate strict economy, urging the Congress of the United States to forget about the future, to ignore the country's children who, after all, rarely purchase newspapers and account for very little advertising lineage—and who, to be very frank about it, often in recent months have been unruly, troublesome and even disrespectful.

That would be the easy course. But you, our readers, expect something more of us than that. You expect us to look beyond the horizon, beyond the petty, commercial concerns of loss and profit, and to focus attention on the vital, long range needs of the nation, hard and painful as that course may be. Therefore we urge Congress, unpalatable and politically profitless as it may seem, to save the children, to furnish funds for those repositories of all the ripened wisdom of our civilization, the public schools.

A newspaper cannot seek the acclaim of the moment, tempting as that might be. All we ask is the applause of posterity—and a calm sense that we have done our duty, however costly and difficult that duty may prove. And so, reluctantly pushing to one side of our desk the editorial supporting the President which we would have liked to publish, we tap out on our tyepwriter instead, letter by painful letter—conscious of the nation's gaze upon us—this simple protest in the name of decency and virtue.

[From the New York Times, Jan. 28, 1970]

VETO ON EDUCATION

President Nixon's dramatic attempt on television to justify his veto of the health, education, welfare and labor appropriations bill failed to make a persuasive case. His over-simplified political appeal served only to obscure the situation with broad generalities.

The President laid great emphasis on the inflationary effect of an additional $1.2 billion in Federal spending, overlooking the fact that Congress is still approving a smaller over-all sum than his own budget recommended. In any case, the attack on inflation does not diminish the Government's duty to reorder priorities. Mr. Nixon was on shaky ground when he equated an inadequate reduction of huge military expenditures with his veto of education aid. A defense establishment with overkill capacity is hardly comparable to an education posture with long-standing and grave deficiencies. There are no stockpiles in education's arsenal.

The President claimed that his Administration has appropriated record amounts for health, education and welfare. By lumping together support of education with the largely mandated escalation of welfare costs, it was possible to conceal an actual decline in Federal aid to education alone. While the President was certainly justified in chiding Congress for its refusal to phase out the inflated subsidy of Federal-impact districts, the cure is not to wipe out the appropriation but to transfer it to more useful purposes.

Mr. Nixon contends that the veto will bring about reform of the same old programs." In reality, the veto jeopardizes many programs which came much too late when they were enacted in 1965 and, though plagued by some growing pains, can hardly be characterized as outdated. Their reform depends on effective supervision and imaginative planning, not on budget cuts.

The President's clincher was that the school year is already more than half over and that the extra money would therefore be squandered in a five-month spending spree. The fact is that much of the money has already been spent—and, according to the United States Office of Education, at a slightly higher rate than last year. Moreover, many of the big payments must be made at the end of the year.

Ths means that if the veto is sustained, many schools will be forced to retrench. Many districts already operate on austerity budgets and, as Mayor Lindsay stressed yesterday, they will have to eliminate projects that are already budgeted. Under such conditions, the newly created programs to aid the most deprived are always the first to be curtailed.

Some Republican leaders are currently passing the word around Congress that, in return for a sustained veto, they will try to gain White House support for a new bill which, though less costly in toto, would sweeten the politically popular impact-area pork-barrel. Such an unconscionable bribe would buy more of the worst by selling out the best.

The veto has driven home the dangerous folly of forcing the schools, year after year, to live on borrowed money. It has exposed the irrationality of depriving education of the chance to plan ahead. It has put the spotlight on Congressional irresponsibility in making a bad situation worse by unwarranted delays. The crowning blow would be for Congress, having at last taken a stand on the issue of education's place among the national priorities, to now surrender to the President's unconvincing plea.

[From the New York Times, Jan. 28, 1970]

WASHINGTON: THE POWER OF THE PRESIDENCY AND TELEVISION

(By James Reston)

WASHINGTON, January 27.—President Nixon has clearly decided to use the power of the Presidency, plus the power of network television, to combat his opponents in the Democrat-controlled Congress and presumably to establish a Republican Congress in November.

This is quite a combination and quite a gamble. Thoughtful observers here have wondered, ever since the inception of nationwide television, what would happen if a determined President, who had both the will and the ability to use the networks effectively, really set out to exploit television for his political advantage.

President Eisenhower had the personality, the popularity, and the ability to use television in this way, but not the will. President Kennedy had the ability and the will to use it, but for some unexplained reason, was afraid of what he called over-exposure. President Johnson had the will, but neither the personality nor the ability to use it effectively. But President Nixon, by going to the networks to veto the money bill for health, education and welfare, has indicated both a determination and an ability to use it to appeal to the people over the head of the Congress to achieve his political objectives.

The possibilities and implications of this are worth a little reflection. The President has available in the White House a television studio hooked into the networks. This is necessary for great occasions of state or for emergencies, but it is also available to him whether he has a major controversy with the Congress: for example, when he wants to explain his veto of the H.E.W. bill to the American people. After all, it would be rather awkward, even for Frank Stanton at CBS, to say no.

This, of course, is precisely what the President did in his H.E.W. controversy. He vetoed the bill on television with a flourish. He did not deliver a balanced Presidential presentation of the problem, but a one-sided, self-serving and even self-righteous argument for his veto. It was very effective and very misleading, and it raises questions far more important than the H.E.W. bill.

THE DOCTRINE OF FAIRNESS

What about the doctrine of "fairness," which Vice President Agnew was so concerned about not so long ago? How can Senators who oppose the President get "equal time" when they are talking to a half-empty chamber, while the President is arguing his case, from the majesty of the White House, before an audience of millions?

Beyond this, there is a more immediate problem. This is that the President is now by-passing or reaching beyond the Congress to the people, and this is his gamble. He is just going into his second year in the Presidency. He has indicated the outlines of his policy—welfare, taxes, crime, conservation, and all the rest—but his major proposals have not been voted into law.

THE POWER OF CONGRESS

They have to go through the Congress. The Congress is controlled by the Democrats. The Democrats are divided, with a cooperative saint as their leader in the Senate, and a weak and tired octogenarian, or thereabouts, as their leader in the House, and a liberal Senator from a conservative state as chairman of the Democratic National Committee.

In short, the Democrats are in deep trouble. But nothing will unify them more, or arouse their partisan dander, than a President who tries to ride over their majority by partisan television appeals to the people. This is a provocation to a partisan battle at a time when the country needs a little time and unity to put through many of the sensible programs the President has suggested.

THE PARTISAN FURIES

After the President's television veto message, the partisan furies are rising. After proclaiming in his State of the Union Message that "what this nation needs is an example . . . of spiritual and moral leadership . . . which would inspire Young Americans with a sense of excitement . . ." Mr. Nixon, who has been talking about an era of quiet understanding at home, and of negotiation rather than confrontation abroad, has now gone to the television with a narrow political argument, which is building up a real confrontation in a Democratic Congress, whose support he needs for the programs he says are essential to the nation.

It is very odd: a noble generous State of the Union Message one day, and a narrow party speech on television a few days later. All this is a fairly good illustration of why there is so much distrust and cynicism in the country, particularly among the young, about American politics and politicians.

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. 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.

COMMENDATION OF THE INTERSTATE COMMERCE COMMISSION

Mr. AIKEN. Mr. President, all too often these days we hear only of the big things that make news, of the grand achievements, particularly as they relate to the Government. Seldom do we hear of an agency's day-to-day accomplishments that affect the very few, but which to the very few can be of vital importance.

One such example of this happened just recently in my home State of Vermont, where the city of Barre was without heat due to a shortage of coal. As a result of a direct appeal of my office and the officials of Barre, the Interstate Commerce Commission, through the combined efforts of its Bureau of Operations in Washington and its regional office in Boston, was able to arrange for a shipment of coal to reach Barre within 24 hours. This was followed up with a second shipment a day later.

Mr. President, I think the Commission should be commended for its efforts in this area. More importantly, I think we should all recognize that, in performing such a service as I have described, the Commission has shown that it does function with the public interest in mind and the public includes the small communities as well as the big metropolitan complexes.

CRITICISM OF ADMINISTRATION'S ANTI-INFLATION EFFORT WITH HEW BILL

Mr. PELL. Mr. President, many times in the past year I have heard the remark that much of the unrest in the country has been the result of expectations greater than the country's abilities, new Federal programs whose previews were greater than their reviews, and hopes which were greater than commitments.

I believe we are now facing a more realistic example of that problem associated with raised voices in the battle against inflation than we were in the effort to eliminate poverty. The war against inflation is no more going to be won by the reduction of an already low level of funding for our health, education, manpower, and welfare needs than was the war against poverty going to be won by the passage of domestic programs which were not funded.

The appropriations bill for the Department of Health, Education, and Welfare, the Department of Labor, and the Office of Economic Opportunity has now been vetoed by the President. This appropriations bill, which provides funds for the majority of our major domestic programs, represents the crux of the problem of which so many people associate domestic unrest and unrealistic hopes.

The justifications for most of the programs included in that bill were the source of the soaring rhetoric which is now so quickly disclaimed. Yet, it is not because the country was misled on the goals that these domestic programs could attain that there has been unrest, it is because we have failed to appropriate the resources that these programs needed to be even minimally effective.

Now that the Congress has appropriated the somewhat slightly increased funds these programs need to match their rhetoric, we are told that such minimal increases are inflationary and will take dollars out of the pockets of the very people these programs are designed to help. The aged, the sick, the poor, and the unemployed cannot win on the basis of this logic. The programs designed to serve them are called failures because they lacked the funds needed to function effectively and they are called inflationary when they are provided with increased funds.

When the President was calling upon the Congress to pass appropriations for the Department of Defense, to provide funds for the antiballistic missiles, and to pass new authorizations for rebuilding the merchant marine, we heard little about inflationary increases from the executive branch.

Now that all the appropriations bills have passed and all that remains is the one bill that means so much to so many, especially the greater portion of the silent majority, we are told that one bill, representing only 10 percent of the overall Federal budget, is to carry the battle against inflation.

We are told that an expenditure of a mere additional $1.2 billion for the poor, for the handicapped, the uneducated, and the ill represents an inflationary expenditure in a country whose gross national product is approaching $999 billion or a trillion.

We are told that expenditures to reduce health manpower shortages in a time when health costs are increasing because of a shortage of doctors and nurses is nevertheless inflationary.

I do not accept these arguments. Inflation will not be ended by cutting back domestic programs whose cost represents so little of the source of inflation. The poor, the sick, the aged and our children should not be made targets in the war against inflation. The causes of inflation are more complex than a few extra dollars for our domestic needs.

We must be willing to take more courageous steps than cutting back on programs designed to serve the least influential elements of society. If we are going to stop inflation, we must give serious consideration, on one hand, to the control of credit, prices, and wages as a means of curbing excessive demand, and on the other hand, we must give consideration to incentives for increasing the production of goods and services in those areas, such as health, where inflation is caused by lack of supply rather than in an excess of demand.

It is for these reasons that I will be ready to vote to override the President's veto of the HEW-Labor appropriations bill, and I hope very much I will have an opportunity to do so.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, in which it requested the concurrence of the Senate.

HOUSE BILL PLACED ON THE CALENDAR

The bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, was read twice by its title and placed on the calendar.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, S. 3246.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1970—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a 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. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Jan. 27, 1970, p. 1351, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McGEE. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. I thank my distinguished colleague. I have a question or two to ask him. I am referring now to page 3, item 13. I notice that the $1 million in soft currency for vocational schools for the underprivileged in Israel has been deleted in conference. I was wondering if I could have an explanation as to what happened to it and if there is any chance to have it kept in the bill.

Mr. McGEE. The conferees acted favorably on this item in our first conference. We felt the Senate's new instructions, which were adopted by a vote of

48 to 22, just before Christmas, suggesting that we should not include unauthorized items, would require that the Senate recede on those unauthorized items included in the special Foreign Currency program. Included among these items was the vocational school. Also included, was $500,000 for the Weizmann Institute, $500,000 for the Merkaz Leckinuch Ichud School, and $1,000,000 for Hadassah medical facilities.

Because these four items were not authorized but were added during appropriations, it was agreed by the conference that we should recede at this time in order to get a conference report which conforms to the instructions and the will of the Senate.

Mr. PASTORE. In other words, all unauthorized amounts were deleted in conference.

Mr. McGEE. The Senator is correct, except for the unauthorized items approved in both Houses that were not the subject of conference. That was the Korean item, where the Senate took a stand, and another item in regard to a hospital in Israel, which had been approved by both bodies. Those were not subject to conference consideration and could not be considered in conference.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. HOLLAND. Mr. President, I want the record to clearly show what I understand to be the case; namely, that the item for military aid to South Korea which had first been inserted by the other body but was in the bill as reported to the Senate and was approved by the Senate, and therefore, was not in conference, remains in the bill, and remains in the bill as an item designated by name for the assistance of South Korea, as it had been included in both the House and Senate bills. Is that correct?

Mr. McGEE. The Senator is correct. The Korean item, because it had been approved by both Houses by a specific vote, remains in the bill.

Mr. HOLLAND. And since it had been approved by both Houses by specifically identifying it as for the aid of South Korea, the conference report could not disturb that item.

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. Even though the motion made by the majority leader and adopted by the Senate would have indicated that the conference should not identify any item of foreign aid for any named nation.

Mr. McGEE. Yes. That was the interpretation the conference placed on it, and it is still there in the original form.

Mr. HOLLAND. As a matter of fact, under the rule of the Senate, and also the similar rule of the House governing conferences, that item, having been approved in those words by both Houses, could not be in conference and could not be disturbed by the conference report. Is that correct?

Mr. McGEE. The Senator is correct. That was the judgment of the conference.

Mr. HOLLAND. On another matter, on the matter of the home for the aged in Israel, which was not different from the South Korean item, we are in that same category.

Mr. McGEE. Yes; inasmuch as it had been approved specifically by action of both bodies, and, therefore, was not a subject of conference.

Mr. HOLLAND. Then, this conference report does include two unauthorized items but they were included solely because they had been included specifically in the bill passed in the first instance by the House of Representatives and in the second instance by the Senate, and therefore, they were not in conference and could not be considered by the conference committee.

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. I thank the Senator.

Mr. McGEE. I would hasten to add that the significant item and the substantive one that was the object of greatest concern in this body, which the House receded on, the question of Taiwan, the House had acted on that but the Senate had not.

In the first conference we had yielded to the House in exchange for some of the Senate amendments, and now in this conference, just completed, the House receded completely from the Taiwan issue.

Mr. HOLLAND. Mr. President, I want to commend the chairman of the subcommittee of the Senate, the chairman of the conference, the Senator from Wyoming. I think he has adhered as nearly as could be done to the instructions given by the Senate. But I want the record to very clearly indicate that the Senator from Arkansas, in his statements made on the night of the consideration of the first conference report, was on very sound ground in calling the attention of the Senate to the fact that the conference could not consider items which had been approved by both Houses and which were not in conference, even though those items had not been previously authorized. I think that the Senate conferees and the House conferees conformed as nearly as they could to the instructions given by the Senate in its earlier action, which instructions I regretted.

Also, the conference report clearly follows the rules governing conferences by retaining items which had been approved specifically by both bodies and which were not in conference.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. Mr. President, so that the record will be clear and so we can allay the disappointment of people in the item sponsored by me, the situation is this: unauthorized added amounts whatever their merit if not approved by both Houses were deleted in conference. The only unauthorized amounts that remain in the bill were those that were beyond the jurisdiction of the conference to touch. Is that correct?

Mr. McGEE. That is precisely correct.

Mr. PASTORE. I thank the Senator very much.

Mr. McGEE. Mr. President, before moving the adoption of the conference report, I would like to offer a brief explanation of the results of the most recent conference on the foreign assistance appropriation bill, 1970.

As Senators will recall, the first conference report on this bill was tabled by the Senate on December 20, 1969, by a vote of 39 to 29. After succeeding in having the conference report tabled, the majority leader moved that the conferees be instructed to insist upon the Senate amendments and, in particular, to insist that the level of appropriations not exceed those authorized by law for this fiscal year, and that no earmarking of funds for particular countries be specified for military assistance. The majority leader continued, stating:

> That is the usual way in which this matter has been conducted. In the past, we have not named countries for very practical reasons. We have tried to avoid that because of what anyone could see would be the jealousies and competition that would be generated.

In arguing for tabling the conference report, the majority leader pointed out that an important committee principle was at stake since the Senate conferees had returned to the Senate with a conference report that appropriated more money than was authorized.

I have an extensive list in my hand showing the countless items for which appropriations have been made over the past 2 years without prior authorization. However, it would serve no useful or constructive purpose for me to insert in the record the particular items in which this has taken place. In fact, it may prove embarrassing to many of the Senators who voted for tabling the first conference report.

In this second conference on the foreign assistance appropriations bill, the Senate was able to get the House to recede on the amendments involved with military assistance, and instead of the $454,500,000 provided by the House, $350 million which was recommended by the Senate came out of the conference action. In addition, the language which earmarked funds for Taiwan was also deleted from the bill. Needless to say, the Senate could not do anything about expunging from the bill the earmarking of funds for Korea since both bodies had included this earmarking in the bill and this item was not, therefore, a matter for the conferees to consider.

In addition to the changes in military assistance, the conferees made some minor changes in the item, "American schools and hospitals abroad." These changes were made to conform to the total amount authorized by the Congress. The first conference report included $26,050,000 for American schools and hospitals abroad. This pending report has a total of $25,900,000 for this purpose, which is the same sum as the Congress authorized in the bill which passed December 19, 1969. Another minor change that was necessary in order to comply fully with the instructions from the Senate was a deletion of those items in the special foreign currency program that were not authorized. The Congress had authorized a total of $3 million for the University of North Africa at Tangier. The Senate, in addition, had included in its bill a number of items

that were not previously authorized for a vocational school for the underprivileged in the amount of $1 million, $500,000 for the Weizmann Institute, $1 million for Hadassah, and another $500,000 for a school in Israel known as the Merkaz Lechinuch Ichud. Since these latter items were not authorized, the conferees agreed to delete them from the bill.

As presently constituted, the bill now involves a total of $2,502,413,000 for all titles, of which $1,462,380,000 is for economic assistance and $350 million is for military assistance under title I. The $2,502,413,000 of new obligational authority provided in the bill is $1,177,151,000 under the budget estimate, and $433,124,000 under the amount appropriated last fiscal year.

Title II of the bill involves funds for the Ryukyu Islands, the Peace Corps, the various refugee programs, and the international banks, in the aggregate of $690,033,000.

Mr. President, to summarize briefly, let me state merely that the House receded on the Taiwan amendment and that the totals that we brought back from the conference conform to the authorizing totals of the Senate—$350 million in military assistance. Even though there is an earmarking of $50 million there for Korea, it is still under the authorizing total in the Senate.

Likewise, the collection of four institutions in the Near East which received allocations in the first conference for soft currency allotments had to be yielded to in the interest of being consistent in the bill.

The Senator from Rhode Island was so right in summarizing the implications of what action was taken. It was not an attempt to turn down or discredit any one of those grants, but, rather, to conform to the wishes of this body; and the conferees were trying to live up to that responsibility.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. COTTON. The record will show, and perhaps the distinguished chairman has already put it in at this point, but if he has not, would he be willing to state at this point, the total of the foreign aid bill as it now stands coming from the conference?

Mr. McGEE. Yes. The total of the foreign aid bill, in all of its categories, is now $2,502,413,000. The total in the bill is approximately $1,177,151,000 beneath the request that was made by the President in foreign aid. We have cut it back $1,177,151,000.

Mr. COTTON. I thank the Senator. I commend him for his fine work.

Mr. McGEE. I thank the Senator.

Mr. DODD. Mr. President, I shall support the conference report on the foreign aid appropriation bill.

I regret that the $54.5 million to provide an extra jet fighter squadron for Nationalist China has been deleted, because I am well aware that one of the decisive factors in the Taiwan Straits crisis was the fact that the Nationalist Chinese Air Force was consistently able to outperform and outfight the Chinese Communist Air Force.

Nonetheless, I am pleased that the bill earmarks $50 million in aid for South Korea and does not provide any restrictions on aid to Greece. These two matters were of grave concern to me when the Senate debated the bill in December, and I think we can all be thankful that wise heads prevailed and the items remained intact in the bill.

I hope the Senate will approve the conference report promptly. There has already been too much delay.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the ranking minority member of the committee and one who was very instrumental in the negotiations on a successful conference report, the Senator from Hawaii.

Mr. FONG. I thank the distinguished Senator for his very kind words.

Mr. President, I rise to express my appreciation to the distinguished Senator from Wyoming for his very fine work in the committee and for his very fine work in the conference. I subscribe to the remarks made by him.

The last time the Senate considered this matter, the main controversy centered upon the appropriation of $54.5 million for Taiwan.

It was argued that these planes were never officially requested and, therefore, should not be included in the bill. Those who favored the inclusion of the $54.5 million for Taiwan will be happy to know that Taiwan is scheduled to receive a squadron of older F–104 Starfighter jets this year. Since the F–104 is a jet interceptor, which is a defensive aircraft, it is a logical replacement for the Phantoms because it was argued that the Phantoms were needed as a defense against possible attack from Red China.

Mr. President, since the $54.5 million for Taiwan was the main reason for the Senate's previous rejection of the foreign assistance bill, I hope its removal from the present conference report will make it easier for most Senators to now support the bill.

As we have carried out the intent of the Senate in this report, I ask my colleagues to vote for the report.

Mr. McGEE. I thank my colleague.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank my able colleague from Wyoming. Unfortunately when this bill was discussed on the floor, for personal reasons it was not possible for me to be here. Some appropriations had been made to the State of Israel. Without getting into merits or demerits, I understand some were taken out in conference; and wonder, based on world conditions and the sale, first, of 50, then 50 more jet planes totaling 100, to the radical Government of Libya by the French, why this was done.

Mr. McGEE. Yes. The only appropriation that we tampered with that affected Israel had to do with the addition of some soft currencies by specification for four worthy institutions in Israel. This was all after the authorizing process, and was done in the Senate.

Because of the instruction out of the first conference given to the conferees by the action of the Senate, we had to agree to recede from those four in the soft currency category.

None of the authorized allocations to a collection of Israel institutions in the Near East were tampered with in the regular authorization.

The Weizmann Institute got the largest substance of its allocation, and the Ichud School in Israel received the sum agreed upon by both Houses.

The Amana Institution received its full allocation agreed to by the two Houses.

Hadassah received all but $150,000 of its agreed upon sum. The reason for the $150,000 cut was to keep the total under the authorizing figure on the part of the conferees, in order to honor the instruction. So we receded on $150,000 out of $5 million.

I will not take the time, unless the Senator wishes me to, to enumerate the remaining groups, but they were all protected by the agreed to amount by both Houses. The adjustments were made only in the soft currency categories, where there were about $3 million in soft currencies divided among four institutions, some of which were already getting hard currency allocations under the authorizations.

Those were the only adjustments that were made.

Mr. SYMINGTON. I thank my able friend.

The United States is spending somewhere between $70 million and $80 million a day in Vietnam, the premise being that this is necessary to defend freedom against Communist nations or satellites of Communist nations. Without getting into the merits or demerits of that situation, as a member of the Foreign Relations Committee, I know we are giving arms to some of the Arab States that have been and are threatening the very existence of Israel. Does the able Senator know why we refuse to sell planes requested by the Israelis in order to protect their country? Naturally they are anxious to see these additional planes cut into production, especially after the French sale to Libya. The additional sale of 50 planes could well be at least part of the 50 the Israelis paid the French for, but which as I understand it, were never sent, nor was the money returned.

Why is it that we give arms to the Arabs, world conditions as they are, but refuse to make a definite agreement to sell more to Israel? They have been waiting for months.

Mr. McGEE. The only response I can make to the Senator's very significant question is that this matter was not under the jurisdiction of these hearings at this time; therefore, we had no official testimony on it. But I hasten to add that one of the reasons that, at this time, the conferees gave special consideration to some of the schools in Israel, which ordinarily would not be included, was that due to this great crisis in the area militarily, some of those worthwhile schools were having to be neglected because of the force of events by the Gov-

ernment of Israel, and, in the interest of helping in this way, which is roundabout and indirect, we thought this year that was just fine, and this was one of the reasons for inclusion of moneys for an assortment of nonmilitary institutions in Israel. Beyond that, we were in no position to make an official judgment on the matter of the planes for Israel.

Some of those, of course, would come under the military credit sales; but again, in the action of this body, the Senate dropped the credit sales items, with the understanding that the Pentagon could make its own case in that category in a supplemental request, or however they wanted to go about it, as a part of our attempt to arrive at a working, give-and-take compromise, in order to get an aid bill approved by the two Houses.

Mr. SYMINGTON. I thank my friend for that clear, concise, and typically constructive answer. I would ask a further question: In the press, at the time of the sale by France of the additional 50 of this sale of 100 planes to the Libyans—which naturally disturbs some of us because it is doubtful Libyan pilots yet have the experience to fly these planes, if these 100 France-to-Libya planes move farther east to countries like Syria and the U.A.R., obviously this would disturb any estimated theoretical balance in the Middle East, a balance it is my understanding our Government wishes to preserve. To another subject, during the time I was absent—there were articles about possibly to 90 to Taiwan, which I read. Later it was stricken from the bill.

Without getting into the merits or demerits of the problem, I would ask this question. For many years we have been defending many countries like France for example, by means of the military adjunct to NATO, SHAPE. When the French decided to sell these 100 planes to Libya, Michel Debré, Minister of Defense, stated he was not going to let the "Anglo-Saxons" to paraphrase his remarks, get all the business. Something was said about the Anglo-Saxons being hypocrites.

It happens that in my State, we make the finest plane of its type in the world today, and this was the plane in question.

I believe I have had more letters about growing unemployment in my State in the last 6 weeks than in previous years; and would ask the able chairman of this important subcommittee if there is not some strange dichotomy in a situation when allies we are supporting—and we can only support them with the taxes, that come from the work of our own people—are selling planes to countries we consider unusually friendly to countries which are primarily responible for our heavy armament program. But at the same time we are not allowed to sell planes let alone give planes to countries of the free world who pledge they would defend us against attack.

Israel is one of the few countries you can visit in the world today where there are actual or potential hostilities, where you do not see evidence of the spending of billions and billions of dollars of the American taxpayer's money and more important you do not see a lot of American uniforms, knowing that of the wearers of uniforms, some will never come home.

If countries of the free world that we support, financially as well as physically, agree not to sell arms to other countries, fair enough.

If they do, well, we live in the capitalist system. We believe it is important to defend capitalism. Therefore, I would ask the able Senator, what was the reason for striking out the planes in question?

Mr. McGEE. The reason for striking out that issue can be understood only when projected against the setting here in the Senate.

We accepted, in conference, the planes for Taiwan, in exchange for what I think was a very hard bargaining agreement that the Senate conferees extracted from the House of Representatives in exchange for that agreement on jets to Taiwan. But when we brought this back to the Senate from conference, the Senate, by its wisdom and its will, decided that it could not accept the conference report with the Taiwan planes in it.

As the Senator knows, at that time the Pentagon had not requested them, and they were not authorized by the budget. They had been legitimately authorized by the House of Representatives, but at no place along the line by Senate action.

Therefore, it was the will of the Senate, expressed by a vote of 48 to 22 if I am not mistaken, that the conferees be reinstructed to return with the specific admonishment to demand that the House recede from that item, and that is the reason why we respectfully demanded that the House recede on that particular item.

That is the full accounting for it.

Mr. SYMINGTON. Let me thank my friend from Wyoming and observe again that I am not necessarily criticizing the action. But I would present to the Senate for consideration the fact that the debt of the United States is now some $367 billion, which I am told is some $60 billion more than the debt of all other countries combined. We often hear the remark that we owe this debt to ourselves. Nevertheless, over $100 billion of that debt has been expended in protecting the countries of Europe.

At this point, I pay my respects to the wise and courageous position of the able majority leader in regard to some troop reduction. More than $100 billion has gone into Europe, and more than $100 billion of said debt has gone into Vietnam. So it cannot be said that considerably more than half of this debt is owed to ourselves. You can say that about our Interstate Highway System, or our dams, or about our Defense Department and Federal buildings, but you cannot say that about the money that has gone out of the country in these two cases. It is never coming back, at least from an economic standpoint, to the United States.

I view with increasing apprehension supporting many of these countries with our money and our children, when they are at the same time promoting arms sales to countries we do not consider friendly to ourselves.

In any capitalistic system, taxes come from income, including profits; and if we continue to expend all this money abroad and at the same time refuse to allow our industries to participate in merchandising competition with countries we support, it seems to me we are placing ourselves in what could ultimately be a serious situation financially.

I have stated on the floor of the Senate many times in the last 6 years my apprehensions about the growing problem incident to our international balance of payments and the financial position of the United States and think this particular development itself emphasizes what is causing many of us some apprehension.

Mr. McGEE. Mr. President, I would say to my distinguished colleague, the Senator from Missouri, only one thing—that I think we probably ought to distinguish between the purpose for which the money was spent in building up this debt and who holds the debt. I submit that for those who argue that we owe it to ourselves, that is essentially true. We do not have any great foreign holders of American obligations, although we have spent a great deal in foreign area, and I think that may be what the suggestion was in regard to the fact that we owe it to ourselves.

Mr. SYMINGTON. I thank the Senator. I am quite sure that we understand each other.

Mr. McGEE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. FULBRIGHT. Mr. President, I have very little to say about this matter. I commend the Senator from Wyoming for bringing back this report without the item for Taiwan, which, as he already has made very clear, was not authorized. I do not criticize the Senator from Wyoming about it, but there are two items, as he has stated, that were not authorized by the legislative committee. This is a fine distinction which is often overlooked—the distinction between authorization by action of the two Houses as a result of motions made on the floor, without consideration by any legislative committee.

It is true that two items in the measure, which the Senator has described and the Senator from Florida has referred to, are in accordance with the rules, having been put in and specifically approved by both Houses. This still does not cure the fact, as I understand it, that neither of these items was authorized by a legislative committee. Whether it is right or not is not for me to belabor today, although I think every item for which funds are appropriated should be authorized theretofore by law.

We have an established procedure by which we have legislative committees to which bills are referred for authorization. They take testimony on the substance and the merits of each of these matters and they report a bill. Heretofore, I had been under the impression that these were significant limitations—requiring authorizations before appropriations. But under the procedure in

the House of Representatives, a motion can be made on the floor to put in an item in an appropriation bill on which there have been no hearings whatever. Such a motion on the spur of the moment can be adopted and is not subject to a point of order and then, if the Senate approves it, there it is, and it stays in.

I do not wish to object too much about the items in this appropriation. I do wish to raise the question, however, whether this is a procedure which legislative committees generally wish to be confronted with.

I hope that I may, perhaps with the assistance of the General Accounting Office, find a way that is not too awkward and difficult to remedy this situation in which the normal legislative procedure of authorizing funds prior to their appropriation is avoided.

I address myself to one question. Much has been made about the $50 million earmarked for Korea. It is in, and everybody agrees it is in. In the so-called illustrative, informal presentation of justification for the total foreign aid military assistance program of $350 million, a large sum tentatively was to be allocated to Korea by the administration. Under this procedure, my question is whether there is anything to inhibit those who administer the military assistance program, from taking into account the $50 million publicly earmarked for Korea and simply deducting that sum from those sums that were informally committed for military aid to South Korea?

Let us assume, for the purpose of illustration, that Korea has been tentatively allocated—when I say "allocated," what I mean is that when the administration presents these bills, they present a program and in their own minds say, "We expect to give Korea so much and other countries so much." Let us assume in this case that the administration had expected to give $150 million in military aid to Korea. Then the Congress comes along and earmarks $50 million for Korea. Is there anything in the law or in this bill to prevent the President from taking that into account and, recognizing only the $50 million earmarked, and thus in effect taking away the rest of the amount planned for Korea—thereby reducing the amount planned by $100 million?

I do not see that this earmarking of $50 million necessarily guarantees that South Korea will get any more than it otherwise would have received. It does guarantee that Korea will get not less than $50 million; but more than that was already in the illustrative program for Korea, although it was not earmarked or specified.

The problem of specifying—of live items—foreign aid bills always has been troublesome. Some Members of both Houses develop a great affection for a specific country. They like to please that country, just as we like to please our constituents in our States. We all have our special interests or special weaknesses or affection, or whatever one wishes to call it, for certain industries and activities in our States. The same thing has been true with respect to foreign countries.

The first instance I know of—and I think it was a very imprudent and improvident—occurred on the floor of the Senate with respect to the first aid we provided for Spain. In the early days of the aid program, the late Senator from Nevada introduced an amendment for Spain on the floor without it having been heard in any respect by the authorizing committee. The amendment was adopted.

That started a procedure by which, I suppose, we have spent $1 or $2 billion or more in Spain. But it began with a little $50 million item, passed by the Senate without authorization legislation. I never got over feeling that was a precedent which was very dangerous. We are a heterogeneous nation made up of people from many other countries, good people—we are a melting pot—and each one of those groups has its special interests.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. Was it $50 million in the case of Spain?

Mr. FULBRIGHT. Yes. From that grew an enormous program. The United States is a little different from almost any other country. We are made up of people who have come from all the countries of Europe and the Middle East and so forth.

We are getting to the point that we no longer have an American foreign policy. We have only a collection of foreign policies. I mean that every foreign country has its own special pleaders in the United States and its special interests. And in all these cases, where is the interest of the United States?

Is the American interest just Korea, is it Taiwan, is it Israel? Are we active only in the interest of X, Y, and Z? Does anybody talk about the interest of the United States? Does it really make any sense that we specify amounts of aid for X, Y, or Z country? I do not think it does. This is why I object to specifying funds in any of these bills for any country. A precedent is set, and if Senator X gets his pet project for his country, then Senator Y is bound to have to do the same thing. We end up with a situation in which nobody is particularly concerned about the United States and its budget problems.

The Senator from Missouri, for a long time, has been posing the question about our financial situation. Of course, I have to admit that he has a special interest in planes; but he also has a very great interest in the solvency of the United States. We all have this. I do not pretend to be immune from the same kind of interests. I only emphasize that it is a sound policy for the Congress not to earmark funds for any foreign country. The apportionment of these funds should be a job for the administrator.

There is no reason why countries or their supporters here cannot argue and present their case to the administration for a program, but Congress ought not to earmark these funds because if we do that, we will get into a scandalous situation.

Senators will recall that in the sugar bill we earmarked all those goodies, and this place was overrun by lobbyists representing each country, and it became a real scandal at the height of that business.

I am not criticizing the Senator. He was in a situation, under existing law, in which he could not do anything about the earmarked item for Korea, although I believe that if the administration is wise at all, it will not make any difference. I do not see why they cannot give the $50 million as they would have even without the unearmarking of funds.

If I can, I want to attempt to find a way, either by law, or a rule, or otherwise so that in the future, authorizations by legislative committees will be necessary to support appropriations.

It certainly should be done in this case involving foreign aid. When we are dealing with our own country, and dealing with appropriations for our own States, and so forth, I would not feel too sticky about it. We know that we have often voted for domestic unbudgeted things. But this bill is different because it involves picking up foreign countries and beginning to shoulder the primary responsibility for their development.

Mr. McGEE. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. For a question, I yield.

Mr. McGEE. I want the RECORD to show that I joined the Senator in our earlier colloquy on insisting that the Senate satisfy itself about these procedures and to set out whatever new lines of conduct should be considered, in the wisdom of the Senate.

While we are doing that, because of our concern now for an action taken by the Appropriations Committee in which it seemingly ignored authorizing legislation, I hope, in all fairness, that our review be comprehensive and we include all phases of the legislative process. At the present time, authorizing committees do bypass the Appropriations Committee through back-door spending, side-door spending, and revolving-door spending. The employment of these devices raises many questions and problems. We should look at those as a two-way street. It is not something that the Appropriations Committee invented. That has gone on for a long time. There are some excesses practiced at the legislative level. As I recall, they, too, bypass the appropriating process, which should be protected at the same time. I am sure that the Senator from Arkansas will agree with that.

Mr. FULBRIGHT. There have been cases of authorizations for borrowing, and so forth, in the past. That is true.

Mr. McGEE. Borrowing authority, contract authority and the creation of the so-called revolving funds. Through the employment of these devices the Appropriations Committee is bypassed.

Mr. FULBRIGHT. They used to do a lot more of that than they have recently. In the old days, during World War II, they always used to make shortcuts—the RFC did. There is very little of that, I think, left.

Mr. McGEE. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I want to say a few words about the

amount appropriated by the bill. One reason I want to do it is: there was a critical editorial in the Washington Post this morning about the AID bill. I should like to appeal to the editor of the Washington Post for a little more of an open mind and to reconsider his flat assertion that this bill does the Congress no honor. This bill, in the first place, is $54,680,000 greater than the amount provided last year. To read that editorial, one would get the impression there was a drastic cut in the existing program. Actually, it is larger in the amount authorized than last year's appropriation.

The other point, which is more significant to me than that, is the whole idea of continuation of bilateral assistance in this program.

The $745 to $750 million is, really, for military and military-related aid—that is, the supporting assistance aid which was originally justified as that amount of economic aid needed to help maintain the economy of a country which is supporting more arms than it otherwise would. Supporting assistance is part of the cold war. The concept of the AID program originally was that it was part of the cold war, to support the countries around the periphery of the Communist empire and to fight the cold war.

Now the great emphasis in this bill still is upon those countries, like Korea, on the periphery of a Communist country.

We also have a program in Latin America. It has never been, really, adequate. That is one of the places, I think, which has been neglected. However, we are trying to make that up through the Inter-American Bank.

Independent countries prefer to use the Inter-American Bank, IDA, the Asian Bank, or the United Nations special fund—all of these instrumentalities are gaining experience.

The International Bank has an excellent record. I have never heard any serious criticism of the way that Bank has conducted its operations. Granted, it is a conservative institution. It is not supposed to go out and make long-term, low-interest-rate loans—sometimes called soft loans. They are bankable loans. But IDA is a branch of that Bank, administered by the same people, with terms comparable to our own AID terms. It seems to me that this is infinitely better procedure. It is guided, advised, and directed by experienced managers of the International Bank itself. That Bank has never suffered a default. Every country that does business with it—and a great many do—has the greatest respect for it. Countries receiving assistance from the bank will lean over backwards to do what they can to avoid a default. The Bank helps establish not only good records in development but it establishes program of good habits, good financial habits, respect for commitments, and so forth. It has been a great organization. I think the Bank is making progress and that the same thing is happening with the Inter-American Bank in Latin America. Granted, it is a newer organization. It has not had the experience and the history of the other one, but I believe it is making progress and I think we should be supporting it.

Then, above all, this multilateral procedure avoids the United States getting into the internal affairs of the respective countries, and avoids our taking a position which is necessarily identified with some local faction, or some specific government. I know of no way to avoid that identification when we are the source of funds. Politically, AID has identified the United States with the status quo all over the world. It has made most people believe that we are in support of the existing government, no matter how bad that government may be. In the long run, I think this is bad for the United States. There is bound to be change in this Government's attitude with other countries. We surely do not wish to maintain the status quo in all the underdeveloped countries we assist. So many of them have a miserable standard of living. We profess in the AID bill that we recognize the need for change, yet the inevitable result of our doing business with established governments is bound to create the impression that what we want to do is to preserve those governments regardless of their attitudes toward change.

Unfortunately in many countries the progressive elements that seek change identify us with the status quo. I think that injures our standing. I do not think that we can afford too much of that.

The combination of the Vietnam war and this kind of policy in AID, means that we have very small influence, indeed—other than our great economic and military influence—in terms of voluntary respect and admiration. One need only compare what we formerly had in respect and admiration abroad before we got into the Vietnam war and before we sponsored this kind of AID program.

We should reconsider very much continuing the program we have had. I believe that we can do as good, and a much better job, in actual development and, at the same time, avoid becoming entangled in the internal affairs of the various countries.

Recently, I read an interesting piece about the effectiveness of the Russians in trying to give aid. They have had much the same experience we have. An outstanding example was Guinea, where they provided a lot of effort and put in a great deal of money. They finally were requested to leave.

We notice that almost weekly, these days. For instance, Malawi asked us to withdraw our Peace Corps. It is an innocuous program politically. But Tanzania has done the same thing, as well as a number of other countries. However, these bilateral programs create suspicions, in my opinion. So, I think the political implications of the aid program, a direct bilateral aid program, are against our interests.

Again, I wish to plead with the administration and others to rethink the assumptions underlying bilateral aid and consider whether it would be more in our interest to make available whatever we could afford in this field of assistance to foreign countries through organizations set up for that purpose that are in a sense professional, not political.

I think there is some basis for using the analogy of a bank as distinguished from personal loans. I think that most people know it is much better to borrow from banks than to borrow from individual friends. It is very fundamental that this practice does cause trouble between friends.

I think that is what is happening to the foreign aid program.

I again commend the Senator from Wyoming for bringing back the report without the Taiwan item contained in it. We have made some progress. I think we all understand a little better than we did before the situation with respect to appropriations and authorizations.

I believe it will be helpful in the future consideration of this and other bills.

Mr. MANSFIELD. Mr. President, what was the reduction in the conference report from the President's original request?

Mr. McGEE. The reduction is $1,177,151,000.

Mr. MANSFIELD. Mr. President, what is the increase for education and other purposes in the conference report on the HEW bill?

Mr. McGEE. The increase in that bill, I understand, is about $1.3 billion.

Mr. MANSFIELD. Generally speaking, they balance each other off. One is an increase and the other is a decrease.

Mr. McGEE. Very closely.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with reference to certain amendments which are in disagreement.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert: "$25,900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken, amended to read as follows:

"SEC. 121. None of the funds contained in title I of this Act may be used to carry out the provisions of section 401(a)(2) of the Foreign Assistance Act of 1969.

"Sections of this title which refer to authorizing legislation are hereby amended to conform to the appropriate sections of the Foreign Assistance Act of 1969."

Mr. McGEE. Mr. President, it was necessary that the House take back in disagreement, two of the amendments of the Senate. Amendment No. 8 concerning American schools and hospitals abroad resulted in a conference amount that exceeded both the House and Senate figures. For this item, the House had provided $24,050,000 and the Senate made available $24,550,000. Because of the composition of the many items mak-

ing up this total amount, the conferees in arriving at a figure allowed the sum of $25,900,000, which sum is the same as the amount authorized.

Mr. President, I move that the Senate concur in the House amendment to the amendment of the Senate numbered 8.

The motion was agreed to.

Mr. McGEE. Mr. President, the other amendment in disagreement is really technical in nature. When the House acted on the foreign assistance and related programs appropriations bill, references were made throughout title I of the bill to sections of the authorizing legislation that had passed the House. When the authorizing legislation was finally enacted by Congress, the numbered sections of the authorizing legislation were changed. Consequently, it became necessary for the conferees to write language into the bill providing that sections of title I of the bill which referred to authorizing legislation are amended to conform to appropriate sections of the Foreign Assistance Act of 1969.

Mr. President, I move that the Senate concur in the House amendment to the amendment of the Senate numbered 31.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that there be printed in the RECORD a tabulation summarizing the conference action.

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

SUMMARY OF CONGRESSIONAL ACTION (H.R. 15149)

TITLE I—FOREIGN ASSISTANCE

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Recommended in the House bill for 1970	Recommended by Senate committee	Conference action
FUNDS APPROPRIATED TO THE PRESIDENT					
Economic assistance					
Technical cooperation and development grants	$167,000,000				
Technical assistance		[1] $463,120,000	$313,800,000	$398,620,000	$353,250,000
Worldwide		(224,500,000)	(150,000,000)	(186,000,000)	(166,750,000)
Alliance for Progress		(116,000,000)	(75,000,000)	(90,000,000)	(81,500,000)
Multilateral organizations		(122,620,000)	(88,800,000)	(122,620,000)	(105,000,000)
American schools and hospitals abroad	14,600,000	[1] 12,900,000	24,050,000	24,550,000	25,900,000
Special foreign currency program	(5,010,000)			(6,000,000)	(3,000,000)
Surveys of investment opportunities	[2]				
International organizations and programs	125,000,000				
International organizations and programs (U.N. Children's Fund)	1,000,000				
Loan program	12,000,000	[1]			
Indus Basin Development Fund, grants		[1] 7,530,000	7,530,000	7,530,000	7,530,000
Indus Basin Development Fund, loans		[1] 820,000			
Supporting assistance	365,000,000	[1] 514,600,000	300,000,000	439,600,000	395,000,000
Prototype desalting plant			20,000,000		20,000,000
UNRWA (Arab refugees)			1,000,000	1,000,000	1,000,000
Contingency fund	5,000,000	[1] 40,000,000	10,000,000	17,500,000	12,500,000
Alliance for Progress:					
Technical cooperation and development grants	81,500,000	[1]			
Partners of the alliance	[3]				
Development loans	255,000,000	[1] 437,500,000	200,000,000	337,500,000	255,000,000
Development loans	300,000,000	[1] 675,500,000	265,000,000	400,000,000	300,000,000
Overseas private investment corporation		[1] 75,000,000		75,000,000	37,500,000
Administrative expenses:					
Aid	51,000,000	54,250,000	50,000,000	51,250,000	51,000,000
State	3,500,000	3,800,000	3,500,000	3,730,000	3,700,000
Subtotal, economic assistance	1,380,600,000	2,285,020,000	1,194,880,000	1,756,280,000	1,462,380,000
Military assistance					
Military assistance, regular	375,000,000	[5] 425,000,000	350,000,000	325,000,000	300,000,000
Sec. 504(e)—China			54,500,000		
Sec. 504(d)—Korea			50,000,000	50,000,000	50,000,000
Limitation on administrative expenses	(21,000,000)	[6]			
Total, title I, foreign assistance	[4] 1,755,600,000	[5] 2,710,020,000	[7] 1,649,380,000	2,131,280,000	1,812,380,000
TITLE II—FOREIGN MILITARY CREDIT SALES					
Military credit sales	$296,000,000	$275,000,000	$275,000,000		
TITLE III—FOREIGN ASSISTANCE (OTHER)					
FUNDS APPROPRIATED TO THE PRESIDENT					
Peace Corps	$102,000,000	[8] $101,100,000	$95,000,000	$98,450,000	$98,450,000
Limitation on administrative expenses	(29,500,000)	(30,600,000)	(30,100,000)	(30,100,000)	(30,100,000)
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS					
Ryukyu Islands, Army, administration	20,772,000	20,651,000	14,000,000	18,790,000	18,790,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Assistance to refugees in the United States	[9] 69,774,000	87,282,000	87,282,000	87,282,000	87,282,000
DEPARTMENT OF STATE					
Migration and refugee assistance	5,511,000	5,511,000	5,511,000	5,511,000	5,511,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Asian Development Bank	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
Inter-American Development Bank	505,880,000	300,000,000	300,000,000	300,000,000	300,000,000
International Development Association	[10] 160,000,000	[11] 160,000,000	160,000,000	160,000,000	160,000,000
Total, title III, foreign assistance other	883,937,000	694,544,000	681,793,000	690,033,000	690,033,000

Footnotes at end of table.

SUMMARY OF CONGRESSIONAL ACTION (H.R. 15149)—Continued

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Recommended in the House bill for 1970	Recommended by Senate committee	Conference action
Limitation on program activity	($2,552,050,000)	[12]($3,427,413,000)	($2,537,343,000)	($3,427,413,000)	($3,427,413,000)
Limitation on administrative expenses	(4,932,000)	[12](5,548,000)	(5,280,000)	(5,548,000)	(5,548,000)
Total, title IV, Export-Import Bank	(2,556,982,000)	(3,432,961,000)	(2,542,623,000)	(3,432,961,000)	(3,432,961,000)
Grand total, all titles of bill	2,935,537,000	3,679,564,000	2,606,173,000	2,821,313,000	2,502,413,000

[1] Estimates reflect estimates contained in H. Doc. 91-132.
[2] Prior year unobligated balances made available.
[3] The preceding appropriation "Alliance technical cooperation" contained not less than $350,000 for "Partners of the Alliance."
[4] Unobligated balances as of June 30, 1968, reappropriated.
[5] Estimates for programs in Vietnam, Laos, Thailand, free world forces in Vietnam, NATO infrastructure, and International Military Headquarters are now contained in defense Department estimates.
[6] Budget did not propose any limitation.
[7] Unobligated balances reappropriated.
[8] Reflects reduction of $8,700,000 for program expenses and $300,000 for administrative expenses as contained in H. Doc. 91-100.
[9] Excludes $2,700,000 derived by transfer from AID economic assistance appropriation and $35,000 derived by transfer from HEW appropriation.
[10] Contained in S. Doc. 91-19.
[11] Contained in H. Doc. 91-117.
[12] Addition of $890,070,000, contained in S. Doc. 91-43.
[13] Addition of $268,000, contained in S. Doc. 91-43.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate resumed the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Iowa. Is there objection to considering them en bloc?

Mr. HRUSKA. I have no objection.

The PRESIDING OFFICER. Without objection, they will be considered en bloc.

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

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I withdraw the amendments I laid before the Senate as the pending business last night.

The PRESIDING OFFICER. The amendments are withdrawn.

Mr. HUGHES. Mr. President, I call up amendment No. 452 at this time and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT No. 452

On page 87, line 5, beginning with "SEC. 801.", delete all through "Welfare" on line 6 and insert in lieu thereof the following:

"SEC. 801. The Secretary of Health, Education, and Welfare, with the assistance of the Attorney General,".

On page 87, beginning with line 9, delete all through line 4 on page 88 and insert in lieu thereof the following:

"(a) The Committee on Marihuana is authorized and directed to review all available information on the subject of marihuana use, and shall prepare a report which shall—

"(1) identify existing gaps in our knowledge of marihuana;

"(2) discuss the important medical and social aspects of marihuana use;

"(3) describe the extent and nature of marihuana use;

"(4) describe the pharmacology and effects of marihuana;

"(5) describe the relation of marihuana use to crime and juvenile delinquency;

"(6) describe the relation between marihuana and the use of other drugs; and

"(7) discuss the efficacy of existing marihuana laws."

On page 88, beginning with line 5, delete all through line 11 and insert in lieu thereof the following:

"(b) The report shall be completed within twenty-four months from the effective date of this Act and shall be submitted by the Committee to the President and to Congress, together with its recommendations with respect to the degree of control which should be exercised over marihuana use or possession, distribution, dispensing, or research."

On page 88, beginning with line 12, delete all through line 22 and insert in lieu thereof the following:

"(c) The Committee on Marihuana shall be composed of not less than six persons selected by the Secretary of Health, Education, and Welfare with the assistance of the Attorney General. Such persons shall be qualified as experts and have diversified professional backgrounds, including, but not liimted to, the fields of law enforcement, pharmacology, psychiatry, psychology, and other behavioral sciences.".

On page 89, line 5, delete "Attorney General and the".

On page 89, line 6, immediately before "shall", insert "and the Attorney General".

The PRESIDING OFFICER. Does the Senator wish to have the amendments considered en bloc?

Mr. HUGHES. Mr. President, I ask unanimous consent that they be considered en bloc.

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

Mr. HUGHES. Mr. President, title VIII of S. 3246 establishes a Committee on Marihuana, which is directed to review the available information on marihuana use, carry out studies in this area, and within 24 months submit a comprehensive report on its findings, together with its recommendations as to the nature of the controls which should be exercised over the use of marihuana. As you know, Mr. President, a number of bills have been introduced in both Houses to establish some form of independent commission or committee of experts to evaluate and make recommendations concerning marihuana use.

The fact that an estimated 8 to 10 million Americans have used this drug makes the appointment of such a committee a matter of vital concern. There is an unquestionable need to evaluate the scientific information, which is available, about the use and effects of this drug. We also need to reappraise the efficacy of traditional enforcement efforts to deter marihuana use. There has been ample testimony before committees of the Congress that our current techniques for dealing with marihuana use have failed. Certainly the mechanism of using an impartial commission or committee is a useful way to reevaluate our stance in this area. However, I have a number of concerns about the Committee on Marihuana established by S. 3246.

The bill as reported gives the authority to select and appoint the members of this committee jointly to the Attorney General and the Secretary of Health, Education, and Welfare. It is not clear as to how this "joint" appointment is to be carried out. It requires that the members of the committee "be qualified as experts." It does not say experts in what. It requires that they have "diversified professional backgrounds." It does not say in what professions. I am concerned about having this degree of ambiguity in the structuring of a committee of such great importance.

Mr. President, I am also concerned that the mandate given by this title of S. 3246 will result in an inefficient and unnecessary duplication of efforts which are already underway. Specifically, Health, Education and Welfare has already devised and is implementing an extensive program of research in the area of marihuana. As the Senator from Colorado (Mr. DOMINICK) pointed out on the Senate floor on December 1, Health, Education and Welfare currently has underway or has recently completed over 65 research projects in this area. HEW witnesses have testified that given adequate fiscal support, this target of research efforts will begin to produce new knowledge concerning the use and effects of marihuana within 2 years. I would prefer seeing this program expedited rather than having us develop a brandnew parallel effort.

Finally, Mr. President, I am concerned about the credibility that such a

study must have with our citizens. Based on past experience, such research efforts appear to have been more objective, more scientifically and medically useful, and more respected by our citizens when they have been handled primarily by agencies having scientific and medical responsibilities, rather than by those who have the responsibility for enforcing our laws.

Therefore, I am proposing that the Committee on Marihuana restrict itself to review and assessment of current and forthcoming knowledge in developing its recommendations. This is a mechanism which has proven to be extremely successful in the task as witnessed by the achievements of the Surgeon General's Task Force on Smoking and Health.

The amendment I propose would make the following changes in title 8:

First. It would eliminate the ambiguity in the reported bill by providing that the committee shall be appointed by the Secretary of Health, Education, and Welfare with the advice and assistance of the Attorney General.

Second. It specifies that the committee's report shall cover seven specified matters. That report is required, first, to identify existing gaps in our knowledge of marihuana; second, to discuss the important medical and social aspects of marihuana use; third, to describe the extent and nature of marihuana use; fourth, to describe the pharmacology and effects of marihuana; fifth, to describe the relation of marihuana use to crime and juvenile delinquency; sixth, to describe the relation between marihuana use and the use of other drugs; and, seventh, to discuss the efficacy of existing marihuana laws.

Third. The amendment also requires that the report of the committee contain specific recommendations with respect to the degree of control which should be exercised over marihuana use; as to the degree of control which should be exercised over the possession, distribution, or dispensing of marihuana; and finally, as to the degree of control which should be exercised over marihuana research.

Fourth. The amendment requires that those selected to serve on the committee include at least members who are expert in the fields of law enforcement, pharmacology, psychiatry, and psychology.

I believe if these revisions are adopted today we can, in fact, rely on such a committee, under the auspices of the Department of Justice, to serve a very effective role in judging all questions raised. At the same time, we would be preserving the continuing research efforts already underway and those which are planned in the Department of Health, Education, and Welfare.

I think also the amendments would result in better cooperation between the Secretary of Health, Education, and Welfare, and the Attorney General in a matter which is one of the most controversial in the field of public health.

I feel that the general public is greatly concerned, as we all know, about the experimentation with, the occasional use of, and the general use of marihuana in America.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HUGHES. Yes; I am happy to yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. There are seven objectives visualized and provided for in the Senator's amendment, which shall be included in the report which is eventually made. At least three, and conceivably four, of those are legal in nature. Certainly, subparagraphs (5), (6), and (7) are of that nature.

Subparagraph (5) reads: "describe the relation of marihuana use to crime and juvenile delinquency."

Subparagraph (6) reads: "describe the relation between marihuana and the use of other drugs."

Subparagraph (7) reads: "discuss the efficacy of existing marihuana laws."

On the basis that there would not be much difference of opinion as to the legal nature of those three subparagraphs, and possibly subparagraph (3), why should we adopt an amendment that would destroy the mutuality between the Attorney General and the Secretary of Health, Education, and Welfare now provided for in the bill. Why discard the Attorney General, the chief law enforcement officer, and put only the Secretary of Health, Education, and Welfare in charge of a committee that will have to report upon at least three aspects which are legal in nature? What is the rationale behind that?

Mr. HUGHES. To begin with, I would like to say to the distinguished Senator from Nebraska that it is not my intention to discard the Attorney General in this relationship. The committee would be appointed with the assistance of the Attorney General who would be given every consideration, as is being done in previous sections of the bill we discussed yesterday, by the Secretary of Health, Education, and Welfare.

In discussing the three points the Senator from Nebraska has brought out, I would like to speak first to subparagraph (6), which reads: "describe the relation between marihuana and the use of other drugs."

I think it is debatable whether the use of marihuana in relation to the use of other drugs is simply a matter of law enforcement. It is debatable whether it is not a question of science or medicine as to whether persons progress from marihuana to methadone and from methadone to heroin, or, for that matter, from alcohol to the others in the beginning. Medical science can best make that judgment or determination.

Mr. HRUSKA. Has anyone argued that the relationship between marihuana and other drugs is simply a matter of law enforcement? I know of no one who has made that argument. I know of no one who has even asserted it. To say the least, it is a medico-legal question.

Considering the fact that other drugs are already subject to control, the Attorney General would have to make a determination of that question and if necessary assume control of it, in the same way he does with respect to other injurious substances. To say the least, it is a medico-legal question, and under this amendment the Attorney General is being pushed to one side and told, "You do not count in this."

The Senator from Iowa has asserted that it is not his intention to interfere with the Attorney General. How does he not do so by this amendment? There is now a mutuality between the Attorney General and the Secretary of Health, Education, and Welfare, which is the way the two departments want it to be. They sat down, in drawing the bill, and said, "We ought to have a commission for this purpose. How will we go about it? How will we structure it?" They came to the conclusion that there are some medical, some scientific, and some legal problems, so they decided that the best way to do it is to have the Attorney General and the Secretary of Health, Education, and Welfare have some mutuality to achieve the objective.

Now comes this strange and alien philosophy included in the Senator's amendments, all of them saying, "Now, let us not center on the Attorney General. We must center on the HEW." It destroys that mutuality.

What does the Senator say in opposition to the assertion that his amendments seek to interfere with the position of the Attorney General, as stated in the bill as written? I would like to be enlightened on it.

Mr. HUGHES. The Senator from Nebraska speaks as though the Attorney General and the Secretary of Health, Education, and Welfare were not in communication and were not going to be working for common goals.

Mr. HRUSKA. On the contrary, I assert it is on the premise that they will work together and that they will be engaged in a common enterprise that there is written into the bill a mutuality of interests.

Mr. HUGHES. If that is the assumption, then certainly the Senator could not be afraid of having the Secretary of Health, Education, and Welfare make determinations of scientific and medical factors.

Mr. HRUSKA. We are not debating that point now.

Mr. HUGHES. Will the Senator allow me to finish my statement?

Mr. HRUSKA. Surely.

Mr. HUGHES. I take it from the Senator's statement that the Senator feels the Secretary of Health, Education, and Welfare would not provide what the Attorney General desired in the way of adequate information from the more than adequate scientific and medical staffs in HEW.

Mr. HRUSKA. Oh, no; and, if the Senator will permit, when we come to debating that point, I shall quote from the testimony of Dr. Egeberg, Director of Health and Scientific Affairs, who dealt with that point during the hearings. We are now speaking about the establishment of a committee. The language of the bill is plain on this subject. It provides for cooperation between the Attorney General and the Secretary of Health, Education, and Welfare in forming the committee.

Mr. HUGHES. If the Senator will indulge me. We are dealing with the point

of cooperation between the Secretary of Health, Education, and Welfare and the Attorney General.

Mr. HRUSKA. Yes.

Mr. HUGHES. We are dealing with that situation. The Senator says he is going to deal with it at a later point in the discussion. It is just as pertinent now as it would be later.

Mr. HRUSKA. A while ago the previous amendment pertaining to section 201 was withdrawn as the pending business on the floor, and therefore it is not now under consideration. When we come to it, we will zero in on the provision that gives the Attorney General the right to control the enforcement provisions on drugs and other dangerous substances in the context of that title. Right now we have a title that says the Attorney General and the Secretary shall appoint a committee of experts. The Senator's amendment provides only that the Attorney General will be consulted by the Secretary, but the Secretary will do all the appointing.

Here we have the heads of two great departments, who have decided that, "This is how we want it. This is how it should be. This is how we would like to have it." Now come those who apparently believe that they know how to run the internal affairs of those departments better than those charged with this responsibility, and say this is how it should be.

Mr. HUGHES. We get back to the principle, it seems to me, that the people, through their elected representatives—and I think we are performing a great service—have the right to alter any of the procedures of any department. That is the point of the debate here.

Mr. HRUSKA. I would not want to deny that right, and I have raised my voice in support of that principle on many occasions. But here those who are familiar with the problem and charged with the responsibility of correcting that problem have said, "Here is how it should be."

Mr. DODD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. DODD. I think I can clear up this point by referring to the hearings of the Juvenile Delinquency Subcommittee. Let me point out that this language was not carelessly written into the bill. It was in April of last year that I suggested to the Senate—and the Congress as well—that such a committee be appointed. Thereafter there were many similar suggestions.

When Dr. Egeberg of the Department of Health, Education, and Welfare who was sent up here by the Secretary of Health, Education, and Welfare was asked about this proposed study by a commission, he testified that it was his opinion that:

> Such a study, whose objective would be the marshaling of existing information on marihuana as the basis for specific recommendations, would in no way conflict with the work of this Department pertaining to basic and applied research on marihuana and the dissemination of information about the drug.
>
> We believe that a review of the marihuana situation could be of considerable value to all concerned. We are exploring with the Justice Department the possibility of recommending that provision for such a study be included in S. 2637.

As a result of that testimony, we sat down with Dr. Egeberg and representatives of the Attorney General and all agreed this was the best way to do it.

The Secretary of Health, Education, and Welfare agrees, the Attorney General agrees, everyone agrees that they would jointly select a committee of experts to advise them in all respects.

I do not see how we can do it in any other way. I ask the Senator, What is he asking us to do? To propose that the Attorney General be divested of his authority is not acceptable. The Attorney General does not want that. Health, Education and Welfare does not want it. This is what everyone interested in this subject from the executive standpoint, and I think almost everyone from the legislative standpoint, believes is the best way to accomplish this; and, as the Senator from Nebraska has pointed out, it should be done this way.

I think we will get the best results if we proceed this way. Everyone will feel better if the Attorney General and the Secretary of Health, Education, and Welfare do this together. The Senator has asked, "Do you not think they will consult each other?" We do think so, and this is why we have said, "Let them do it jointly."

Mr. HUGHES. Has the Senator finished?

Mr. DODD. Yes.

Mr. HUGHES. I would ask the Senator, does he think all of the Commission responsibilities under my amendment are strictly law enforcement points?

Mr. DODD. No, I do not think they all are, but they are all so interwoven with law enforcement considerations that you must have both views.

This is very common in the field of law enforcement. It is not unusual to have a need for both viewpoints, and that is why we have them both provided for here.

Mr. HUGHES. Does the Senator from Connecticut imply that the Secretary of Health, Education, and Welfare has no business whatsoever in a scientific investigation into the progressive increase in the use of drugs and narcotics?

Mr. DODD. Is the Senator serious in asking me that? Why does he suppose we provided for coequal status in selecting the committee if we did not think that such were justified.

Mr. HUGHES. Does the Senator think the facts to be determined are basically scientific or medical facts, or legal facts?

Mr. DODD. I think they are both. I wish I could be more persuasive to the Senator from Iowa.

Mr. HUGHES. I wish I could be more persuasive to the Senator from Connecticut. I am not succeeding very well here.

Mr. DODD. Well, the Senator has a bad case.

Mr. HUGHES. I think it is a good case.

Mr. DODD. If he had a better case, he could do so, because he is a very persuasive man. But if he will think about this, I am sure the Senator will agree that this is the right way to do it. These are good, knowledgeable men on both sides. Why not let them jointly work it out?

Mr. HUGHES. The Senator from Connecticut is also a very persuasive man and very eloquent, and he and the Senator from Nebraska are probably the most knowledgeable men in this body, with respect to problems of law enforcement. I compliment them for their diligence, their expertise, their patience, and their hopes, and I share their concerns; but again I must return to the fact that we are about to transfer a large share, in this particular piece of legislation, of what I consider medical and scientific technology to the Department of Justice.

Mr. DODD. I thought after that statement the Senator was going to withdraw the amendment. I think that is what ought to be done here.

Mr. HUGHES. There have been many amendments offered on this floor that I thought should have been withdrawn. We will pursue the debate on this matter until we ultimately reach a conclusion by vote.

Mr. DODD. All right. I hope we can reach a conclusion soon.

Mr. HUGHES. I am happy to yield the floor to the distinguished Senator from Connecticut.

Mr. DODD. I believe we have said most of what can be said on this issue. The Senator from Nebraska has said it. The Attorney General and the Secretary of Health, Education, and Welfare are jointly responsible, here, for this study which everyone agrees must be made. They will jointly appoint the committee of top experts to study this problem. There is no need to alter the language; there is very need to retain it. I would like to sum it up by saying that the proposed amendments to section 801 are unacceptable. They remove the mutuality of authority between the Attorney General and the Secretary of Health, Education, and Welfare to appoint the members of the Committee on Marihuana and place this authority exclusively with the Secretary.

The proposed amendments call for the committee to conduct a study and make findings in seven areas. Four of these seven areas—that is, "third, describe the extent and nature of marihuana use," "fifth, describe the relation of marihuana use to crime and juvenile delinquency," "sixth, describe the relation between marihuana and the use of other drugs, and seventh, discuss the efficacy of existing marihuana laws," are either medico-legal or strictly legal in nature. Therefore, the composition of the committee should be balanced between the medical and legal professions. Placing the authority to determine this composition in the hands of members of one of the professions tends to preclude objectivity and presents the possibility of one-sided findings.

The very nature of the subjects covered requires joint, equal authority between the Attorney General and the Secretary of Health, Education, and Welfare.

This amendment is again an attempt to take away authority from the Attorney General and give it to the Secretary of Health, Education, and Welfare.

Section 801 of the bill reads:

SEC. 801. The Attorney General and the Secretary of Health, Education and Welfare shall appoint a committee of experts to advise them with respect to all aspects of marihuana use.

This was language worked out with the Justice Department and the Department of Health, Education, and Welfare. It was agreed to by both parties, and there is no reason to alter this section of the bill in any manner.

I urge Senators to reject the amendment.

Mr. HRUSKA. Mr. President, I should just like to make a brief statement on this matter, for purposes of continuity of the argument against the amendment.

I believe that the consideration of this amendment illustrates once again the difficulty of legislating on the floor of either of the bodies of Congress. It should be taken into consideration that many decisions are made in the respective committees.

Mr. HUGHES. Mr. President, will the Senator yield on that point?

Mr. HRUSKA. Surely.

Mr. HUGHES. The distinguished Senator from Nebraska well knows that I felt there was a jurisdictional dispute relating to this piece of legislation between the Committee on the Judiciary and the Committee on Labor and Public Welfare. When I decided against making my request for temporary jurisdiction by the Committee on Labor and Public Welfare, I thought we had assumed that the best way to handle the matter was by amendments. I agree that it is not the best way to handle legislation, but in the absence of a jurisdictional battle and decision, that was the only way I could handle it.

Mr. HRUSKA. Yes. I do not object to the amendments, Mr. President, but I do object to the lack of merit in the point.

The bill has been under consideration for almost a year. Extensive hearings that encompass some 1,200 pages have been held. There was this conflict of jurisdiction; and I admire the Senator from Iowa for his tenacity in advancing what he considers to be the cause on behalf of HEW.

But you know, Mr. President, we faced this conflict during the hearings. We faced it in informal conferences at the staff level as well as at Secretary-Attorney General-senatorial level. All the parties got together and decided that the alleged conflict could be resolved by an agreement that duties under this section be divided between the heads of the two departments in question.

Then a discussion arose as to what form this marihuana study group should take. It could have been a Presidential commission. Mr. President, but we did not want that. We wanted something at the legislative level. So finally it was decided it should be a committee with members appointed through agreement of the heads of both departments.

That was on the assumption, Mr. President, not of hostility between the Secretary and the Attorney General, but upon the comity which exists between them.

Now, after getting all the parties together and resolving all of these arguments, we are asked on this floor to say, "Well, let us disregard all that; it does not make sense, it is not logical, this is a medical-scientific problem, and therefore we should disregard that mutuality of authority between the Attorney General and the Secretary of Health, Education, and Welfare to appoint members of this committee on marihuana."

That does not make very good reason, Mr. President. The authority, under the amendment proposed by the Senator from Iowa, would be placed exclusively with the Secretary of Health, Education, and Welfare. It is true he would have to contact the Attorney General, but there would be only one appointing authority, and that authority would be the Secretary of Health, Education, and Welfare.

The proposed amendment calls for the committee to conduct a study and make findings in seven areas. At least four of those areas, subparagraph (3), (5), (6), and (7) are either medical-legal or strictly legal in nature. So the composition of the committee should be balanced between the medical and legal professions for the purposes of making this study and getting a meaningful report. Placing the authority to determine its composition in the hands of members of one of the professions tends to preclude objectivity, and presents the possibility of one-sided findings. The nature of the findings could best be covered by joint and equal authority between the Attorney General and the Secretary of Health, Education, and Welfare.

I believe that makes good sense and that the amendment should be rejected.

Mr. HUGHES. Mr. President, the Senator from Nebraska is very persuasive in his arguments, but I would point out that there is no desire on my part to hinder the Attorney General in pursuing the enforcement of this law. We are simply trying, at this point, to bring into focus the scientific and medical research facilities of HEW under that particular authority.

AMENDMENT NO. 465

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. MOSS. Mr. President, I have at the desk an amendment that would modify the amendment of the Senator from Iowa which is now under consideration. I should like to call it up at this time, as a modifying amendment, and I should like to have the Senator from Iowa respond as to whether or not it would be acceptable.

The PRESIDING OFFICER. Does the Senator from Iowa yield for that purpose?

Mr. HUGHES. Yes, I yield to the Senator from Utah for that purpose.

The PRESIDING OFFICER. The amendment of the Senator from Utah will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 465

On page 3, line 6, of the amendments numbered 452, immediately after the period, insert the following: "The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the Committee.".

Mr. MOSS. Mr. President, this is amendment No. 465 to S. 3246, and it would make a rather simple addition. On page 3 of the amendment of the Senator from Iowa would be inserted the following sentence on line 6, after the words "Attorney General":

The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the committee.

This is simply a precaution and an assurance that these two directors, who are charged by law with certain functions of direct importance in the field of control of dangerous substances and drugs, will be part of the Commission on Marihuana. The National Institute of Mental Health has a responsibility that it has been discharging in this field, and the Director of that Institute certainly should contribute to the deliberations of the Commission, and the Institute of Law Enforcement and Criminal Justice, or those parts of it that have to do with its expertise, should contribute.

I have named them ex officio so that there would not be any interference with the selection of experts by the Secretary of Health, Education, and Welfare, with the concurrence of the Attorney General. I think it does improve it, and it restores the original language in the bill I had pending, which I understand was considered by the committee, to establish a Commission on Marihuana.

During the past week I attended a work shop at the Salk Institute in La Jolla on the subject of drug control and drug abuse. One of the constantly recurring themes there was that we needed additional sophisticated research in the effects and control of marihuana, and that one reason why it was so explosive in its use in recent times was the lack of credibility of the results that had been attributed to marihuana.

So I would support the amendment of the Senator from Iowa, but I offer my modification to add these two individuals as ex officio members of the Commission.

Mr. HUGHES. Does the distinguished manager of the bill have any comment?

Mr. DODD. I have this comment. What is sought is already in the bill.

On pages 88, lines 15, 16, 17, and 18, under subsection (c), of section 801 of S. 3246:

The Committee on Marihuana shall be composed of persons selected by the Attorney General and the Secretary of Health, Education, and Welfare. Such persons shall be qualified as experts and have diversified professional backgrounds.

Note this language:

The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the committee.

The language of the amendment of the Senator from Utah is already in the bill.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. MOSS. I point out that if the Hughes amendment is adopted, they would be dropped. So the Senator from Connecticut is correct. If the Hughes amendment is not adopted, they would remain in the bill. If the Hughes amendment is adopted, they would be omitted without my modification, and I want them to stay in.

Mr. DODD. I hope we get to a vote. I think we are discussing this thing needlessly. We have this language in the bill. We worked on this matter for a year, and the results did not come easily. Many people devoted a great deal of time to this effort. We should get to a vote on this amendment and get on. We have three or four more amendments to consider.

Mr. MOSS. If this is acceptable to the Senator from Iowa, we can come to grips with the amendment, whether it is accepted or rejected.

Mr. HUGHES. I have no objection to the suggested modifying amendment of the distinguished Senator from Utah. I am happy to accept it and incorporate it as part of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to the amendment of the Senator from Iowa.

The amendment (No. 465) was agreed to.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum. I intend to ask for the yeas and nays.

Mr. DODD. Does the Senator intend to ask for the yeas and nays on all of his amendments?

Mr. HUGHES. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. 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. HUGHES. 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 Iowa, as amended. 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 Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Sentator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Colorado would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 32, nays 56, as follows:

[No. 18 Leg.]

YEAS—32

Bayh	Hughes	Proxmire
Brooke	Inouye	Nelson
Burdick	Jackson	Pastore
Case	Kennedy	Pell
Church	Magnuson	Randolph
Fulbright	Mansfield	Ribicoff
Goodell	McGee	Sparkman
Gore	McGovern	Williams, N.J.
Harris	Metcalf	Yarborough
Hart	Mondale	Young, Ohio
Hartke	Moss	

NAYS—56

Aiken	Eastland	Montoya
Allen	Ellender	Murphy
Allott	Ervin	Pearson
Anderson	Fannin	Russell
Baker	Fong	Saxbe
Bellmon	Goldwater	Schweiker
Bennett	Griffin	Scott
Bible	Gurney	Smith, Maine
Boggs	Hansen	Smith, Ill.
Byrd, Va.	Hatfield	Spong
Byrd, W. Va.	Holland	Stennis
Cannon	Hollings	Stevens
Cook	Hruska	Symington
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower
Dodd	McClellan	Williams, Del.
Dole	McIntyre	Young, N. Dak.
Eagleton	Miller	

NOT VOTING—12

Cranston	Mathias	Packwood
Dominick	McCarthy	Percy
Gravel	Mundt	Prouty
Javits	Muskie	Tydings

So Mr. HUGHES' amendment, as amended, was rejected.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill is open to further amendment.

The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 12, line 8, delete "upon his own motion" and insert in lieu thereof the following: "upon the recommendation of the Secretary of Health, Education, and Welfare, or the Scientific Advisory Committee established in title VI of this Act".

On page 12, beginning with line 12, delete all through "substance" on line 17 and insert in lieu thereof the following: "Before the Attorney General may act pursuant to the petition of an interested party, he must obtain a recommendation to so act from the Secretary of Health, Education, and Welfare or from the Scientific Advisory Committee established in title VI of this Act".

On page 14, beginning with line 7, strike out all through line 10.

On page 35, line 20, immediately after "determine", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

On page 41, line 19, immediately after the word "finds", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

On page 41, line 23, immediately after the word "finds", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

Mr. MANSFIELD. Mr. President, may we have order? Will the Chair ask that the Senators take their seats?

The PRESIDING OFFICER. Senators will please take their seats or leave the Chamber. We will not proceed until all Senators are seated. Senators will please be seated. The Senator from Iowa will not proceed until all Senators are seated.

The Senator from Iowa may proceed.

Mr. HUGHES. Mr. President, this amendment is similar to my earlier amendments, Nos. 456 and 464, or amendment No. 2 in the group which was distributed to Senators earlier. The explanatory information which was distributed to Senators earlier is the same, except language has been added to clarify the fact that the Attorney General could act to add, delete, or reschedule a substance as a controlled dangerous substance only on the recommendation of the Secretary of Health, Education, and Welfare, or the Scientific Advisory Committee established in title VI of this act.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HUGHES. I am happy to yield to the distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 1-hour limitation on this amendment and all other amendments; 1 hour on each amendment from now on, the time to be equally divided between the sponsor of the amendment and the manager of the bill, or whomever he may designate.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HRUSKA. Including amendments to the amendment in each instance?

Mr. MANSFIELD. Yes.

Mr. HUGHES. Mr. President, reserving the right to object, I do object. I thought we were talking about this amendment.

Mr. MANSFIELD. Mr. President, I

change my request to the pending amendment and all amendments thereto.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HUGHES. Mr. President, section 201(a) of S. 3246, as reported, authorizes the Attorney General to subject drugs to the special controls provided by the bill, or to change the regulatory status of a particular drug under the bill. It provides that before taking these actions he must first consider the scientific evidence of a drug's pharmacological effect, the state of current scientific knowledge regarding it, its psychic or physiological dependence liability, and generally the risk to the public health from the drug's abuse. The Judiciary Committee's report recognizes that this is a highly controversial delegation of authority to the Department of Justice. The report states:

> There has been a point of controversy evident among the professions involved in drug control and drug research on whether or not the Justice Department has the expertise to schedule or reschedule drugs since such decisions require special medical knowledge and training.
>
> This difficulty is resolved by the provision contained in this title which requires the Attorney General to seek advice from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee on whether or not a substance should be added, deleted, or rescheduled with respect to the provisions of the bill. (Report, p. 5.)

This delegation of the power to make decisions requiring special medical knowledge and training to the Attorney General is certainly one way to resolve the issue, and it was the way recommended by the Department of Justice. But it is not the only way, and it is not necessarily the best way.

This amendment would modify this section to provide that the Attorney General could only take such action upon the recommendation of the Secretary of Health, Education, and Welfare or of the Scientific Advisory Committee established in title VI of the act.

The PRESIDING OFFICER. The Senator will please suspend. The Chair cannot maintain order while Senators are standing at the desks of other Senators talking. The rule will be enforced and everyone will be seated or leave the Chamber.

The Senator from Iowa may proceed.

Mr. HUGHES. The amendment would also make other changes which would serve to insure that determinations which are essentially scientific or medical in nature are based upon the advice of the scientific agencies of the Government or of the Scientific Advisory Committee. Section 201(d) of the bill prohibits the Attorney General from moving any substance from schedule I to schedules III or IV. The committee's report indicates that the effect of this provision is to require that he first move a substance to schedule II and subsequently permits him to move it from schedule II to schedule III or IV. This restriction is deleted by the amendment. Since the effect of the amendment would be to permit such action only on the basis of a recommendation from HEW or the Scientific Advisory Committee, if that recommendation is that a substance should be moved from schedule I to schedule III there is no reason that such a transfer should not be permitted.

Section 306(a) of the bill as reported authorizes the Attorney General to determine the total quantity of substances on schedules I and II to be manufactured in each calendar year to provide for the estimated medical, scientific, and industrial needs of the United States, lawful export requirements, and adequate reserve stocks. The bill does not require that the Attorney General seek any advice in making this determination. The amendment would require that the Attorney General determinne the total quantity of drugs to be produced only after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare.

Section 401(a) of the bill as reported makes it unlawful to import any controlled dangerous substances listed in schedules I or II, or any narcotic drug listed in schedules III or IV except such amounts of crude opium, cocoa leaves, or other substance that the Attorney General finds are necessary to provide for the medical, scientific, or other legitimate needs of the United States. As in the previous provision, he is not required to seek the advice of the scientific agencies of the Government in determining the extent of those medical, scientific, and other legitimate needs. The amendment would require that in determining the extent of such need he request and consider the technical advice of the Secretary of Health, Education, and Welfare.

Mr. President, the provisions of this amendment do not make radical changes in the bill as reported. They do not transfer, as many have urged, the responsibility for such scientific determinations from the Department of Justice to the Department of Health, Education, and Welfare. All that they require is that in making decisions on essentially scientific and medical questions, the Attorney General act on the basis of recommendations from those agencies of the Government best qualified to make an expert judgment on the questions involved.

Mr. President, I believe that this amendment again attempts to give the Secretary of Health, Education, and Welfare the responsibility for medical and scientific decisions regarding drugs and narcotics—scheduling, determining the amounts to meet medical needs of this country, lawful import and export requirements, and the size of adequate reserve stocks. I think certainly this is the Department that has the greater capability of determining that there are adequate reserves of these various drugs to meet whatever medical needs might develop in this country, including those of scientific research.

Mr. DODD. Mr. President, this amendment is not unlike the previous amendment or the one before that. It is another effort by the Senator from Iowa to restrict the drug control authority of the Attorney General while expanding the role in this field of the Secretary of Health, Education, and Welfare. We have been over this two or three times.

We went over this yesterday and I pointed to testimony in the record that the Department of Health, Education, and Welfare has not asked for the final authority to schedule drugs.

I pointed to the testimony of the Assistant Secretary of the Department, Dr. Roger O. Egeberg which endorsed the Attorney General's control function in these matters.

I believe it is important to emphasize once more that the Attorney General must have authority that is commensurate with his responsibilities in this field.

Let me quote the Attorney General himself on the extent of the authority he requires and on the reasons why he requires it:

> Considering the complexity of the drug problem it would appear advisable for Congress to give the Attorney General the authority to quickly tailor the Federal approach to the then existing threat.
>
> The moving of a drug from schedule III for example to schedule I will only be done by the Attorney General upon advice in writing of a scientific advisory committee and of the Secretary of the Department of Health, Education, and Welfare.
>
> By giving the Attorney General this discretion the Congress will permit a quick response to the ever changing drug problem based upon relative harm and relative abuse potential of existing drugs and newly discovered drugs.

Here is the chief law enforcement officer of the Nation asking us for the drug control authority he needs to get the job done.

With all due respect for the distinguished Senator from Iowa, I have yet to hear a compelling argument why the Attorney General should not have this authority.

I have said before that the Attorney General is not asking for an absolute authority in drug control.

The entire drug law enforcement branch of the Justice Department recognizes the parallel role in this matter of the Department of Health, Education, and Welfare and the Scientific Advisory Committee.

In addition to the Attorney General this was expressly recognized by Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs.

However, Mr. Ingersoll also emphasized that the law enforcement function of the Justice Department requires the authority set forth in S. 3246.

He said:

> The ultimate decision to place a substance under control will be that of the Attorney General drawing upon the expertise of these two scientific bodies as well as the expertise and information gathered from investigations conducted by agents of the Bureau of Narcotics and Dangerous Drugs, poison control centers around the country, and other sources and other agencies. Once the decision to control is made, it will require the law enforcement and regulatory efforts to insure implementation of the law. This is the reason why the control decision is considered by the administration to be principally a law enforcement decision utilizing scientific and other expertise to reach the final decision.

As Mr. Ingersoll points out, it is the investigators of his Bureau who find out if a drug is being abused.

The Department of Health, Education, and Welfare does not have agents throughout the Nation for this purpose.

If we transferred control to that Department we would need to give them the investigators.

This would result in duplication of effort, and in financial waste and in inefficiency.

These were the reasons President Johnson carried out his reorganization plan of 1968.

To change this now would be going back to a drug control system that had to be changed because it did not function effectively.

Everybody whom we consulted, everybody who was heard at our hearings, everybody we talked to said this is the way they want to do it; this is the way they want it to be done. We did not brush by the Secretary of Health, Education, and Welfare. We asked him what he wanted. He said, "This is the way I want it." We asked the Attorney General what he wanted. He said, "This is the way to do it." We asked eminent physicians like Dr. Egeberg, "What is the right way to do it?" He said, "This is the way to do it." Everybody on the committee agreed.

We have been through this for almost a year. Now it is proposed to hand it over to another department and restrict the Attorney General.

He is the chief law enforcement officer. He must have this responsibility. He will be accountable for the way the law is enforced.

I know the Senator from Iowa has no intention to handicap the Justice Department, but these amendments will handicap the Attorney General in the enforcement of the law.

Mr. HUGHES. Mr. President, will the distinguished Senator yield?

Mr. DODD. I yield.

Mr. HUGHES. I know the distinguished Senator from Connecticut realizes that in my own subcommittee, for the past 9 months, we have also been taking the testimony of eminent medical authorities throughout the country and that, quite contradictory to the testimony just reported by the distinguished Senator, there was other testimony. With his permission, I would like to read some of the testimony before the Subcommittee on Alcoholism and Narcotics.

First, the statement in the January 12, 1970, issue of Medical Tribune by Dr. James L. Goddard, former head of the Food and Drug Administration:

> New medical authority is now being asked for an agency that has demonstrated no capability in exercising those powers it already has.
>
> The decision as to which drugs are subject to abuse should not be in the hands of the Attorney General. Every drug has a capability of abuse. This is a matter calling for the most sophisticated knowledge and the highest level of scientific precision.

I now read from the statement of Henry Brill, chairman, American Medical Association Committee on Alcoholism and Drug Dependence, before the subcommittee:

> We are strongly in favor of the philosophy of the bill which calls for a comprehensive code which makes the necessary distinction among all drugs of dependence with respect to the degree of control which they require and which distinguishes between medical and scientific use, on the one hand, and abuse, on the other.
>
> We further believe that the Secretary of Health, Education, and Welfare is in a favorable situation to provide for the necessary basic studies to evaluate recommendations for classification of the drugs.
>
> The bill provides for the transfer of certain authority from the Attorney General to the Secretary of Health, Education, and Welfare, and we believe that the designation of the depressant or stimulant drugs and other medical determinations should properly be within the Department of Health, Education, and Welfare, and we support the provisions to accomplish these purposes.

In the statement by Dr. Helen Nowlis, professor of psychology, and research consultant on student affairs, University of Rochester, appears the following statement:

> I feel very strongly that the major responsibility for this whole problem should rest in the Department of Health, Education, and Welfare. It should rest with the people who have the expertise and the experience in dealing with people in all of their aspects, not only medical, but psychological, psychiatric, social, sociological.

I cite that testimony just to point out to the distinguished Senator from Connecticut that, truly, it is controversial, as was reported in the language of his own report.

I thank the distinguished Senator for yielding.

Mr. DODD. I am glad to have yielded.

Mr. PELL. Mr. President, will the Senator yield for a comment in this connection?

Mr. DODD. I yield to the Senator from Rhode Island.

Mr. PELL. The Senator from Connecticut knows that I supported the bill, in opposition to the Senator from Iowa, on the point of whether the Department——

Mr. HUGHES. Mr. President, if the Senator from Rhode Island will forgive the interruption, I had forgotten that I was on a time limit. I used a great deal of the time of the distinguished Senator from Connecticut. I should like to have it deducted from my own time and not taken out of the time of the Senator from Connecticut.

Mr. DODD. That is very generous of the Senator.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Who has the floor?

Mr. DODD. Mr. President, I have the floor. I would like to have some of the time shared with the Senator from Iowa.

The PRESIDING OFFICER. The Chair believes that we had better settle that question now. How much time did the Senator want to yield for that purpose?

Mr. HUGHES. Mr. President, the Senator from Connecticut yielded to me. I must have used 3 or 4 minutes in reading a page and a half.

Mr. DODD. It seemed like 3 or 4 hours. [Laughter.]

The PRESIDING OFFICER. There will be order, please, so the Chair may hear.

The Parliamentarian informs the Chair that he has already charged the Senator from Iowa 4 minutes.

The Senator from Connecticut.

Mr. DODD. Mr. President, I want to make my answer brief. I yield myself 5 minutes.

Some of the witnesses the Senator identified as having appeared before his committee also appeared before our committee and apparently testified in contradiction to testimony given before the Senator's committee. There is much difference of opinion among the medical and scientific people. We are well aware of that. But now we are talking about law enforcement. I think we must give the Attorney General power to enforce the law.

The Senator referred to the fact that the Attorney General cannot determine whether or not a drug is being abused. Indeed he can. I suggest he is the only one who can, because he has investigators and personnel in the field, and HEW does not have such a staff. The question of whether or not a drug is being abused is determined on the streets, not here in Washington or in some department or some laboratory. Whether it is subject to abuse is another question. That is why we must have the Attorney General execute the law.

I remember when the drug percodan was a problem. The attorney general of California urged me to assist him in bringing that drug under Federal control. He said, "This drug ought to be declared dangerous." He pressed and pressed. It finally took him 4 years to obtain the control he thought necessary. The medical and scientific people in Washington would not agree. Twenty thousand people were made addicts in 4 years in California before we finally obtained recognition that, indeed, this was a dangerous drug.

Then the drug was included among the controlled narcotic drugs. But a lot of damage was done before that. I only cite that as an example of why the Attorney General must have the authority to make the decision to control specific drugs.

The Attorney General obtains medical and other scientific advice. He listens to all of them. But, as a law-enforcement officer, he has to move, and that is what this argument is really all about. That is why this amendment, like the others, as I have stated, is well intentioned, but would really impede the Attorney General in enforcing this important law.

Mr. HRUSKA. Mr. President, will the Senator yield me 6 minutes?

Mr. DODD. I yield.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 6 minutes.

Mr. HRUSKA. Mr. President. it has often been said during this debate that the thrust of this bill is in the field of law enforcement, and I must say that in this instance we are thinking in terms of preventive law enforcement, and not law enforcement after the fact. The remarks just uttered by the Senator from Connecticut certainly bring the full matter into focus. Time is of the essence, and a method is necessary which will be not only accurate, but based upon scientific and medical findings as well as capable of speedy action.

Mr. President, again I emphasize that this matter of setting up the procedures here is pursuant to the cooperation between the Secretary of Health, Education, and Welfare and the Attorney General.

I ask unanimous consent, Mr. President, that material on pages 686 and 687 of the Senate hearings, specifically from the testimony of Dr. Egeberg, the Assistant Secretary for Health and Scientific Affairs, be printed in the RECORD at this point.

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

S. 2637 would retain with the Attorney General the authority he now has to determine when a dangerous drug should be brought under Federal control. The bill would improve this procedure by establishing four categories, or schedules of controlled substances on the basis of the liability for abuse and legitimate medical value of each substance. As I have indicated, we believe that this provision represents a major and necessary step toward orderly and effective control of dangerous drugs.

The decision to place a potentially dangerous substance under Federal control involves both legal and scientific considerations. There are those in the Congress and elsewhere who advocate giving to the Secretary of Health, Education, and Welfare the ultimate responsibility for deciding which substances are to be brought under Federal drug abuse control.

I would be less than candid if I did not acknowledge that there is merit in this suggestion. The hazard to society and to an individual posed by abuse of a drug must be assessed in the light of sound scientific information on the nature of a given drug, its physiological and psychological effects, trends in its use among various segments of the population, and other factors that are largely the province of the health sciences.

But we must recognize that determination as to which drugs are to be brought under Federal control and in what manner are an essential element of the regulatory process and thus should logically be made by the agency responsible for such control.

We think it is highly appropriate, indeed essential, that the Attorney General, in the exercise of his control authority, be guided by the best available scientific information, and we fully support the provision of S. 2637 requiring him to seek in writing the advice of this Department and a committee of scientists.

I would remind the committee that Attorney General Mitchell, in his testimony before you on September 15 stated that he would exercise his authority to schedule controlled substance only "upon advise in writing of a Scientific Advisory Committee and of the Secretary of the Department of Health, Education, and Welfare."

You have my assurance, Mr. Chairman, that this Department will promptly and fully meet its responsibility in this critically important area of control, so that the Attorney General will be able to base his determinations on the best possible scientific information that can be provided him.

Mr. HRUSKA. I read only a few sentences from it:

We must recognize that determination as to which drugs are to be brought under Federal control and in what manner are an essential element of the regulatory process and thus should logically be made by the agency responsible for such control.

He goes on to discuss other matter, and then continues:

I would remind the committee that Attorney General Mitchell, in his testimony before you on September 15, stated that he would exercise his authority to schedule controlled substance only "upon advice in writing of a Scientific Advisory Committee and of the Secretary of the Department of Health, Education, and Welfare."

Dr. Egeberg then went on to say:

You have my assurance, Mr. Chairman, that this Department will promptly and fully meet its responsibility in this critically important area of control, so that the Attorney General will be able to base his determinations on the best possible scientific information that can be provided him.

There we have again concrete evidence of the desirability of putting the control in the Attorney General for this specific purpose, and the agreement on the part of Dr. Egeberg, who is now Assistant Secretary.

I further ask unanimous consent, Mr. President, to have printed in the RECORD at this point an excerpt from page 16 of the hearings in the House Committee on Government Operations dated March 19, 20, and 21, 1969.

This is an excerpt from the testimony of Mr. Finlator, who had been Director of the Bureau of Dangerous Drugs and Substances under the old arrangement, whereby that Bureau was in the Department of Health, Education, and Welfare.

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

Mr. FINLATOR. Mr. Chairman, let me say in that respect, some people draw the analogy it is not too much different from a lawyer making those determinations such as the Attorney General and an educator who has been the Secretary of HEW. The Attorney General will have the same amount of information, the same accouterments around him, the same advice the Secretary has had in making his determinations. And it seemed to us in designing this that rather than have these two bureaus going to the Department of Justice as some people in the public and the industry might feel, that, well, here we go, we have got a cop-and-robbers outfit, that it was far better to place upon the shoulders of the Attorney General the total responsibility, the social responsibility of the drug abuse problem, giving to him and his staff the problem of not only stronger law enforcement but also forcing upon his shoulders the responsibility to determine why we are doing these things and to understand the drug abuse problem with the industry and with the public and with the scientific community.

Mr. HRUSKA. Mr. President, we can ask ourselves, why is it that this decision should be legal, this decision of deciding which of these drugs and substances is legal in nature and essence? It is hard to find.

A decision to control these drugs and substances has as many legal implications as scientific ones. This is both from the standpoint of effective enforcement and compliance with the constitutional prerequisites inherent in administrative procedures. Administrative hearings must be afforded to a party adversely affected by a control determination. These hearings are complex and intricate, and often involve delicate legal questions. I must emphasize the word "legal" since the Attorney General is the chief law officer in the United States. It is necessary for him to build a prima facie case before controlling. This takes lawyers, not physicians and scientists.

Lawyers obviously must extract the information from the scientific and medical communities in constructing their case. But since the ultimate decision to control will most likely resolve itself into a legal issue taking the form of an administrative proceeding, it takes a legal mind to make the determination of whether or not there is sufficient evidence to warrant a prima facie case for control. It would be an absurd situation to have the scientific community telling the Attorney General to control when there are insufficient legal grounds to justify it. The Attorney General must defend his actions in any event, and therefore I think it only fair that he make the ultimate decision to control.

From the standpoint of technical administration of the law, from the standpoint of the spirit of this bill, and from the standpoint of being receptive and responsible to new developments in this field as they occur, the authority should rest with the Attorney General, and that is where it is by the bill. This amendment should be defeated, Mr. President.

I yield back the remainder of my allotted time, if there is any left.

Mr. DODD. Mr. President, I shall be happy to yield back the remainder of my time, if the Senator from Iowa will do likewise.

Mr. HUGHES. Mr. President, one or two colleagues would like to make statements before I yield back my time. But before yielding some time to the distinguished Senator from Rhode Island, I should like to respond to the statement of the Senator from Nebraska by reading, again, a statement from testimony before my subcommittee by Neil L. Chayet, who is Assistant Professor of Legal-Medical Law, Medical Institute, Boston University:

I don't think the classifications belong, and I am speaking now as a lawyer, I don't think the classification mechanism should be in the Department of Justice. I think it belongs with Health, Education and Welfare. I don't think the Justice Department should be able to say to a recipient who has been approved by HEW: "You can't have the drug, because we know something about you that HEW doesn't."

I repeat again that there are differences of opinion in the legal profession. There are differences of opinion in the medical and scientific professions on this particular point.

Mr. HRUSKA. Mr. President, will the Senator from Connecticut give me a minute to make a suggestion at this point?

Mr. HUGHES. I would like, before I yield the floor——

The PRESIDING OFFICER. The Senator has not yielded.

Mr. HUGHES. I still have the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HUGHES. I yield.

Mr. HRUSKA. Of course there is a difference of opinion, Mr. President, on this thing. The fact that the Senator from Iowa can so straightforwardly argue for his amendment shows there is a difference of opinion.

I submit to the Senate that there is a difference between the testimony of a witness from Boston University, or any university, or anyone outside of the Government, as compared with that of the Attorney General, the Secretary of Health, Education, and Welfare, the Assistant Secretary in charge of Health and Scientific Affairs, and all of these other

authorities, which has resulted in that foundation and that basis for writing the bill as it has been written.

We have to go by the weight of the evidence, and I believe it will show itself to be on the side of the bill.

Mr. DODD. Does the Senator agree that the preponderance of the number of witnesses who appeared before our committee in hearings all favored this plan as now provided in S. 3246, to deal with the matter?

Mr. HRUSKA. The overwhelming preponderance. Besides, it is the philosophy and the thrust of the bill, furthermore, having contended for almost a quarter of a century that there must be a merger of all of these law enforcement agencies in this field of narcotics, on one side, and the other substances on the other, into one enforcement agency; and the man to head that agency is the Attorney General. That is the sum and substance of it.

Mr. DODD. Will the Senator also agree that this has been the law of the land since 1968?

Mr. HRUSKA. That makes sense.

Mr. DODD. Well, it is true.

Mr. HRUSKA. It is not only the law, but it makes sense.

Mr. DODD. I believe that is true. The law should always make sense. The point I was trying to make is that we were talking about existing law, under the Reorganization Plan of 1968, plan No. 1.

Mr. HRUSKA. That is right, adopted 2 years ago.

Mr. DODD. Adopted 2 years ago. So what the Senator is suggesting here is that we regress and undo what we have already done. It has been working, and HEW has not said it is not working, NIH has not said it is not working. The Attorney General does not say it is not working. Everybody seems to agree that it is working. It seems to me, therefore, that we should not rock this boat.

Mr. HUGHES. Mr. President, I point out that not everyone says that it is. I have already stated adequately in the RECORD the professional opinions of numerous people—whose opinion I value as highly as those mentioned by the distinguished Senator from Connecticut—directly disagreeing with the testimony he has just given.

I would also point out, with great respect, that the gentleman I mentioned is a professor at one of our great universities and that men appointed to high positions in Government for such as the Attorney General or the Secretary of Health, Education, and Welfare—many times have no governmental experience preceding their appointment; the fact that they are suddenly appointed to a position does not mean that they are omniscient. We must rely on the information that is readily available to us from all the experts in the field.

I am simply pointing out that there is a great deal of controversy. It certainly is a very debatable question. It has been implied that few people in the country would be concerned about it. Such is not the case. Many people in the country are concerned about it.

I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. DODD. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 13 minutes, and the Senator from Iowa has 15 minutes.

The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, as both Senators have pointed out, this is obviously a question of dual interpretation. The nub of the problem is whether addiction is primarily a crime or primarily a disease. We know that even if it is considered a disease, it certainly leads to crime. But I think we have to make up our own minds which it is, in the first instance—a crime or a disease. If, as I believe, it is a disease to be an addict, then it would seem to me logical that the determination as to what drugs produce the disease and the determination as to what quantities are permissible should be made by the agency of the Government most concerned with disease rather than with crime. Once that determination has been made, we move ahead on trying to prevent—not on trying to, but on preventing—the crimes that would result from the disease.

For this reason, I support the Senator from Iowa.

Mr. DODD. Mr. President, I just want to reply to the distinguished Senator from Rhode Island by saying that I think everyone agrees that addiction is an illness. That is true of the Attorney General and of the Secretary of Health, Education, and Welfare. I believe it. I think everyone believes it who knows anything about this problem. I do not know anyone who says it is a crime. If there is such a person, I would not be much interested in what he has to say on the subject.

The problem is not as the Senator suggested, that we decide whether addiction is an illness or a crime. That has been decided. The problem is, how do we deal with the peddlers who make a profit out of making people ill through addiction? That is the problem, and that is what we are talking about. That is why it is a job for the Attorney General, with the advice of the medical experts and the scientific experts.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PASTORE. In what way does this amendment take that authority away from the Attorney General—that is, to get after the pushers?

Mr. DODD. He has to do more than that. In the course of getting after the pushers, he has to do several other things. He has to find out how the traffic is conducted, what kind of drugs they are using, what the composition of these drugs is. He has to find out what is going on in the streets, in addition to what is discovered in the laboratory.

I hope that answers the Senator.

I would be happy to yield back the remainder of my time if the Senator from Iowa would do so.

Mr. HUGHES. I simply want to submit, if I may, from page 380 of the hearing record of my own special Subcommittee on Alcoholism and Narcotics, a question I put to Dr. Morton Miller of HEW and his answer:

Do you agree that the Department of Justice is better equipped to engage in the classification of dangerous drugs? Should not the Department of HEW be the one that bears that responsibility?

Dr. MILLER. Speaking as a professional, Senator Hughes, I would have to agree that scientific determinations relating to drugs are most appropriately vested in scientific persons in scientific agencies, primarily health agencies.

Mr. President, if the Senator from Connecticut is desirous——

Mr. PASTORE. Before the Senator yields back his time——

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. I yield to the distinguished Senator.

Mr. PASTORE. I have listened very attentively to the debate on this subject. Some things remain unclear to me. We have indulged in a great deal of rhetoric and a great measure of semantics, but things have been said here which appear to me very inconsistent.

We all realize that the enforcement of the law is up to the Attorney General. Are we questioning that? That is my first question.

No. 2, what are we trying to do by this amendment, and to what does the manager of the bill object? Is this taking away from the Attorney General authority that he presently has? Will this hinder him in getting after the pushers of these drugs?

Precisely what does this amendment intend to do and what does the manager of the bill object to? I think that could be said in 20 simple words. I have been sitting here for an hour, and it is not clear to me exactly what the point is.

Mr. DODD. For my part, I have said it before. I do not know whether the Senator from Rhode Island was in the Chamber.

Mr. PASTORE. I have been here all the time.

Mr. DODD. I say, in answer to two of the Senator's questions, that the Attorney General does have the authority now, and in the colloquy with the Senator from Nebraska I brought that out on the floor a few minutes ago.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PASTORE. Is the question here that what is a drug that constitutes a crime and a penalty should be decided by HEW or by the Attorney General? Is that the question?

Mr. DODD. Well, yes. But the Senator does not put it just the way I would. Perhaps I could answer it my way.

Two things are to be done here. The Attorney General is, as the Senator has said, the chief law enforcement officer. In the field of narcotics, he has the Bureau of Narcotics under his jurisdiction, and he has the authority to schedule drugs, such scheduling is accomplished only after a proper inquiry by several agencies. However, the Attorney General has to make the final determination of whether these drugs are being abused to a degree requiring control. The Attorney General must answer. This is a law enforcement question that he must also decide if these drugs contribute to the crime problem and to other social problems. There may be some drugs that are abused, but are not a problem to society.

Mr. HRUSKA. Will the Senator yield

for a brief observation? When a substance is determined to be harmful and subject to abuse and therefore should be controlled, the rights of other people then arise. For instance, the maker of the product. An administrative hearing must be held in order to determine whether a prima facie case has been established. This is necessary so that it will be solid in law which can be used as a basis for prosecution. When it comes to the area of law enforcement, it is the Attorney General who should make the decisions on the basis of advice from the Advisory Council, from the doctors, from the medical people, and from the Secretary of Health, Education, and Welfare.

Mr. PASTORE. As I understand it, in the Hughes amendment, he is saying that what is a narcotic is a scientific and medical question and should be decided by the scientific and medical people, and his choice of department would be the Department of Health, Education, and Welfare. Once it has been decided that it is a narcotic, then the Attorney General shall enforce it. Am I right or wrong, I ask the distinguished Senator?

Mr. DODD. I can tell him——

Mr. PASTORE. I may be wrong, according to the views of the Senator from Connecticut, but am I wrong according to the views of the Senator from Iowa?

Mr. HUGHES. According to my view, the distinguished Senator is correct.

Mr. PASTORE. There we are.

Mr. DODD. I think we are moving way off the question here.

Let me put it this way. I cited the example of the problem with percodan. That is a valid case to cite. Here was a dangerous drug that was addictive. It took a long time before we could get the scientific community to agree to that. It took 4 years. The attorney general in California was trying to get a decision on what it was. There was a dispute in the medical community, but the abuse of the drug was going up. Some 20,000 people became addicts before we could get that drug declared a dangerous drug.

I think that case is a perfect example of why we cannot leave this responsibility entirely up to the Department of HEW. It is a responsibility that basically involves law enforcement.

This is a complex area, and it is difficult, but if we think it out carefully we will agree.

We have got to give the law enforcement officer the authority to enforce this kind of law. If we do anything else, it will be impossible to achieve effective drug control. I am not pressing this issue because I have some pride of authorship about the language. I am talking about the substance of the bill.

The high motives we have—and I say this with absolute earnestness—about devising new approaches to the drug problem, are wonderful and they are right. We need scientists in all these areas. But, please, let us not restrict the Attorney General, as we ask him to carry out this great drive against the narcotics traffic in this country.

Mr. EAGLETON. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I yield 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. EAGLETON. Mr. President, I have listened with great interest to this discussion, since I have dealt with this problem both as a prosecutor and as attorney general of Missouri. I have dealt specifically in these official capacities with the problem of drug abuse and its criminal consequences.

In my judgment, the truly penetrating question just raised by the distinguished Senator from Rhode Island (Mr. PASTORE) goes directly to the heart of the matter. The initial determination to be made in this instance is primarily a scientific and medical one. The ultimate law enforcement consequences of this scientific determination made by HEW as to whether drugs would be scheduled I, II, III, or IV, of course, will ultimately rest with the Attorney General. Mr. President, it takes doctors, scientists, and the ones trained in such fields, to determine the psychological, physiological, and medical consequences of what a particular drug, depressant, or stimulant does.

This is a medical determination. To my knowledge, there is no medical staff or scientific staff assigned to the Department of Justice. There is such an elaborate and extensive staff, of course, in the Department of Health, Education, and Welfare. That is one of HEW's primary, ongoing, and continuing obligations. Senator HUGHES is not trying to take law enforcement away from the Attorney General. Rather, the Attorney General is given the law enforcement capacity to function, but to do so based upon the judgments—the expert scientific judgments—made by those qualified to render them.

Thus, I support the amendment offered by the Senator from Iowa.

Mr. HUGHES. I wish to thank the distinguished Senator from Missouri. I believe that what he has just said truly focuses on the point we are trying to make on this particular amendment.

Mr. DODD. Mr. President, I should like to make one observation, and I hope I can make it clear. I know of cases where certain drugs have been recommended for control. I do not want to name them because it would be unfair to the producers. I know of cases where the Attorney General, after careful investigation on his part, has said, "No, there is no evidence of abuse," and he was absolutely right.

This poses a problem, because on the other side we have the percodan case. Here the medical and scientific people said, "No, this drug should not be controlled." But it did need to be controlled because it was widely abused and addictive. This is why I think we have got to put the authority in one place and that is why I believe it belongs to the Attorney General.

Mr. PELL. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I yield.

Mr. PELL. I was struck with one remark which the Senator from Connecticut made when he said that none of us believes addiction is a crime. Yet, as I read the bill as a layman, we are saying just that—certainly addiction is a disease and we accept that—but we must be saying that addiction is a crime since, to be an addict one must be in possession of a drug which means the Government can incarcerate such individual.

Mr. DODD. No. There are plenty of people who are not addicts who are still in possession of drugs. They are the subject of prosecution. One does not have to be an addict to be found guilty of possession of heroin.

Mr. PELL. That is a wide, not a narrow, interpretation. One could not be an addict without being a criminal——

Mr. DODD. We are talking about two different things. I thought the Senator was talking about addicts.

Mr. PELL. Right.

Mr. DODD. Now the Senator is talking about possession.

Mr. PELL No. How can one be an addict without possessing drugs?

Mr. DODD. All addicts do possess it to satisfy their habit, but they are not addicts through possession. One does not have to be an addict to possess drugs.

Mr. PELL. What I am saying is that an addict is automatically guilty of a crime if he violates the law——

Mr. DODD. But he is not guilty of a crime because he is an addict. He may be an addict trying to get over his addiction and not in possession of anything.

Mr. HUGHES. Mr. President, I yield back the remainder of my time if the Senator from Connecticut will.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GURNEY in the chair). All time on this amendment has now been yielded back.

Mr. HUGHES. Mr. President, 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 Iowa.

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. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from California (Mr. CRANSTON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Colorado would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 39, nays 44, as follows:

[No. 19 Leg.]

YEAS—39

Anderson	Hughes	Muskie
Bayh	Inouye	Nelson
Brooke	Jackson	Pastore
Burdick	Jordan, N.C.	Pell
Case	Kennedy	Proxmire
Church	Magnuson	Randolph
Eagleton	McCarthy	Sparkman
Ervin	McGee	Spong
Goodell	McGovern	Symington
Gore	Metcalf	Talmadge
Harris	Mondale	Williams, N.J.
Hart	Montoya	Yarborough
Hollings	Moss	Young, Ohio

NAYS—44

Aiken	Eastland	Miller
Allen	Ellender	Murphy
Allott	Fannin	Pearson
Baker	Fong	Russell
Bellmon	Goldwater	Saxbe
Bennett	Griffin	Schweiker
Bible	Gurney	Scott
Boggs	Hansen	Smith, Maine
Cannon	Hatfield	Stennis
Cook	Holland	Stevens
Cooper	Hruska	Thurmond
Cotton	Jordan, Idaho	Tower
Curtis	Long	Williams, Del.
Dodd	McClellan	Young, N. Dak.
Dole	McIntyre	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, against.

NOT VOTING—15

Byrd, Va.	Hartke	Percy
Cranston	Javits	Prouty
Dominick	Mathias	Ribicoff
Fulbright	Mundt	Smith, Ill.
Gravel	Packwood	Tydings

So Mr. HUGHES' amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 13111), an act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, and it was signed by the President pro tempore.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate continued with the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

AMENDMENT NO. 456

Mr. HUGHES. Mr. President, I call up my amendment No. 456 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 456

On page 50, line 26, immediately before the period, insert a comma and the following: "except that in the case of possession of marihuana in violation of this section, any person who violates this section shall be sentenced to a term of imprisonment for not more than six months, a fine of not more than $2,500, or both."

On page 50, line 2, delete the comma.

On page 50, line 3, delete "if it is his first offense under this Act,".

On page 50, beginning with line 5, delete all after the period through line 7.

On page 50, line 4, delete "one year" and insert in lieu thereof the following: "six months".

On page 50, line 5, delete "$5,000" and insert in lieu thereof the following: "$2,500".

On page 50, line 5, immediately before the period, insert the following: "and any person who otherwise violates subsection (a) or (b) with respect to marihuana shall be sentenced to a term of imprisonment for not more than two years, a fine of not more than $10,000, or both".

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HUGHES. I yield.

The PRESIDING OFFICER. Does the Senator from Iowa ask that the amendments be considered en bloc?

Mr. HUGHES. I would like to make that request in just a moment, after an explanation.

I am happy to yield to the distinguished Senator from Montana.

The PRESIDING OFFICER. First of all, is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. HUGHES. I yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask uanimous consent that there be a time limitation of 1 hour on this amendment and all amendments thereto, the time to be equally divided between the Senator from Iowa (Mr. HUGHES) an the manager of the bill or whomever he may designate.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Who yields time?

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

The PRESIDING OFFICER (Mr. DOLE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. 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. HUGHES. Mr. President, I would like to modify my amendment on page 2.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Iowa is trying to get the attention of the Senator from Nebraska.

Mr. HUGHES. If I could get the attention of the Senator from Nebraska, because the Senator from Connecticut is not here. I wish to modify the amendment at the desk, on page 2 of the amendment, by striking lines 7 through 11.

Mr. HRUSKA. To delete it?

The PRESIDING OFFICER. The Chair will advise the Senator that a Senator has a right to modify his amendment, and it is so modified.

Mr. HUGHES. As a matter of information to the rest of the Senators on the floor, the amendment is modified.

The PRESIDING OFFICER. How much time does the Senator from Iowa yield to himself?

Mr. HUGHES. I yield myself 5 minutes.

Mr. President, during the past year, a strong and healthy debate has raged across the land concerning penalties which would be most appropriate in criminal cases involving violation of the laws prohibiting the possession and distribution of marihuana. By now most Members of this body are familiar with the arguments on both sides of this issue. Because of this, I do not wish to repeat all of those arguments here today, but I would like to touch on several points which come within this general area of discussion, because the amendment which I am proposing deals with those provisions of S. 3246 which relate to penalties for possession and casual dis-

tribution of marihuana. The effect of the amendment would be to lessen the penalties in this area from those provided in the bill as reported.

Stanley F. Yolles, M.D., Director of the National Institute of Mental Health, has stated that a conservative estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may be as high as 12 million people. Of all those who have tried marihuana, about 65 percent are experimenting, trying the drug from one to 10 times, and then discontinuing its use. Some 25 percent are social users, smoking marihuana on occasion when it is available, usually in a group context. Ten percent or less can be considered chronic users who devote significant portions of their time to obtaining and using the drug. It is estimated that less than 5 percent of chronic users of marihuana—and I reemphasize that, less than 5 percent—go on to heroin use—that is, less than one-half of 1 percent of those who have tried the drug.

It is clear, I think, that penalties for narcotics and drug abuse should be structured so that they are proportionate to the danger and risk to the individual and society. Certainly further research is needed to determine more clearly both the short- and long-term effects of marihuana use, but there are some things which we already know about marihuana—though many persons are still unwilling to accept the facts. Dr. Yolles has discussed some of the marihuana facts and fables that surround discussions of marihuana use. Appearing before the Subcommittee on Juvenile Delinquency of the Judiciary Committee on September 17, 1969, he stated:

For too long, the fantasies surrounding marihuana, whether fostered deliberately or through ignorance, have clouded the facts.

I would like to mention some of them here, because fallacy can only give way to fact if each is recognized for what it is.

I continue to quote from Dr. Yolles:

Fable 1: Marihuana is a narcotic.

Fact 1: Marihuana is not a narcotic except by statute. Narcotics are opium or its derivatives (like heroin, and morphine) and some synthetic chemicals with opium-like activity.

Fable 2: Marihuana is addictive.

Fact 2: Marihuana does not cause physical addiction, since tolerance to its effects and symptoms on sudden withdrawal does not occur. It can produce habituation (psychological dependence).

Fable 3: Marihuana causes violence and crime.

Fact 3: Persons under the the influence of marihuana tend to be passive. It is true that sometimes a crime may be committed by a person while under the influence of marihuana. However, any drug which loosens one's self-control is likely to do the same and relates primarily to the personality of the user.

Fable 4: Marihuana leads to increase in sexual activity.

Fact 4: Marihuana has no aphrodisiac property.

Fable 5: Marihuana is harmless.

Fact 5: Instances of acute panic, depression, and psychotic states are known, although they are infrequent. Certain kinds of individuals can also become overinvolved in marihuana use and can lose their drive. We do not know the effects of long-term use.

Fable 6: Occasional use of marihuana is less harmful than occasional use of alcohol.

Fact 6: We do not know. Research on the effects of various amounts of each drug for various periods is under way.

I would assume that that is the reason——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. HUGHES. I would assume that one of the basic reasons for a marihuana commission and a commission study over 24 months is to obtain a substantive report about how we should approach the handling, control, and use of marihuana in this country.

Fable 7: Marihuana use leads to heroin.

Fact 7: We know of nothing in the nature of marihuana that predisposes to heroin abuse. It is estimated that less than 5% of chronic users of marihuana go on to heroin use.

Fable 8: Marihuana enhances creativity.

Fact 8: Marihuana might bring *fantasies* of enhanced creativity but they are illusory, as are "instant insights" reported by marihuana users.

Fable 9: More severe penalties will solve the marihuana problem.

Fact 9: Marihuana use has increased enormously in spite of the most severe punitive laws.

Fable 10: It is safe to drive while under the influence of marihuana.

Fact 10: Driving under the influence of any intoxicant is hazardous.

For some, marihuana can be a dangerous drug. Generally, however, it is a mild drug, when compared with other hallucinogens such as LSD, or with certain amphetamines and barbiturates. To equate its risk—either to the individual or society—with the risks of hard drugs or with more dangerous drugs simply has no basis. The average young person does not believe us if we discuss marihuana in those terms—and the danger is that our young people will then not believe us when we discuss the potential dangers, the very real dangers, of stronger, more deadly drugs—the amphetamines, LSD, or hard narcotics. We must be consistent across the board. And so we must treat marihuana honestly, in proportion to its dangers as we see them.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. HUGHES. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. HUGHES. I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. HUGHES. On this basis, it does not appear to me that we ought to subject our citizens, particularly our young people, to the penalties set out in S. 3246. This is especially so in light of the horrible conditions which presently exist in many of our major jails and prisons.

We have had a judge from the District of Columbia testify that he would hesitate to put a young man in the jail here in the District of Columbia for the use of marihuana, because the young man would be abused so horribly in that jail that the penalty would be as severe as sentencing him to an institution for a term of years. The condition of many of these prisons and jails is unebilevable.

Consequently, I have introduced an amendment which would make four specific modifications in the penalties established by the bill:

The first modification would adjust the penalty for illegal possession of marihuana from not more than 1 year, a fine of not more than $5,000, or both, to not more than 6 months, a fine of not more than $2,500, or both. Penalty provisions relating to drugs other than marihuana would remain unchanged. Second offenders would continue to come within the penalty provisions of the bill, which provide up to twice the penalty set for the first offense.

The second modification would make an adjustment of the second offense penalty for distribution of a small amount of marihuana incidental to one's own use for no remuneration or for insignificant remuneration not involving a profit. The bill as reported sets the possible prison term for a second and subsequent offense of this provision at 10 times that for a first offense and sets the possible fine for a second and subsequent offense at six times that for a first offense. That is, in the bill as reported a first offense term may be up to 1 year, but a second and subsequent offense term may be up to 10 years. A first offense fine may be up to $5,000, but a second and subsequent offense fine may be up to $30,000.

This amendment would simply delete the second offense provisions, thus allowing section 508, which applies to all other second and subsequent offenses in the bill, to apply. That section provides that an offender can receive up to twice the first offense penalty when convicted of a second and subsequent offense. There is no reason for treating marihuana more harshly than other drugs in this respect.

The third modification would make an additional adjustment in the penalty for distribution of a small amount of marihuana incidental to one's own use for no remuneration or insignificant remuneration not involving a profit. It would adjust the penalty for this type of distribution of marihuana from not more than 1 year, a fine of not more than $5,000, or both, to from not more than 6 months, a fine of not more than $2,500, or both. Penalty provisions relating to drugs other than marihuana would remain unchanged.

The fourth modification would adjust the penalty for distribution of marihuana from not more than 5 years, not more than $15,000, or both, and a special parole term of at least 2 years, to not more than 2 years, not more than $10,000, or both. Penalty provisions relating to drugs other than marihuana would remain unchanged. Second offenders would continue to come within the penalty provisions of the bill which provide up to twice the penalty set for the first offense.

I believe this amendment would serve to put the penalties for usage of or experimenting with marihuana in better balance with the dangers involved in it, as far as we know them. At the same time, it would reduce the danger, as I am sure the committee has intended, of destroying the lives of many young peo-

ple who are experimenting with something they know little or nothing about. Certainly that was the intention of the bill. I viewed with a great deal of appreciation the fact that the committee, in considering and bringing out this bill, altered their course from the original approaches that were taken.

Several Senators addressed the Chair.

Mr. HUGHES. I am happy to yield to the distinguished Senator from Connecticut. I might ask him to yield me a minute of his time later.

Mr. DODD. I shall. I request the Senator to yield only to get a clarification. Is the Senator familiar with the fact that there are different types and grades of marihuana?

Mr. HUGHES. I am familiar with the the fact that marihuana grown in different parts of the world has different toxic effects.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. HUGHES. I yield myself 1 additional minute.

Mr. DODD. If the Senator is aware of that, I will go into it on my own time. I only point out to the Senator that certain types of marihuana do dreadful things to people, and we have a lengthy file in the committee office with horrifying cases. Marihuana is a personality changer. It is a mind destroyer. I think we are overlooking that in this discussion. The potency of marihuana does vary.

I have some here. Here is approximately $3,000 worth of marihuana. That is what it is worth on the street. I defy anybody to take this package of marihuana and take a package of Asian marihuana and take a package of American marihuana, unless he is a very knowledgeable human being on the subject, and tell one from the other and know which is more harmful than the other and which would be more harmful to the user.

Believe me, there are differences, very grave differences, and this in itself is a reason for treating this as a gravely serious matter.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. I asked the Senator a question, really. I did not mean to make a speech. I wonder whether he is aware of this.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield 2 minutes to the Senator.

Mr. HUGHES. If the Senator wants to debate my statement, I should like him to work on his own time.

Mr. DODD. I will deal with it on my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I am glad to yield 2 minutes to the Senator to answer that question.

Mr. HUGHES. I should like to ask the distinguished Senator a question about the package of marihuana in his hands. Does he have evidence of scientific research to prove the facts he has just stated?

Mr. DODD. Yes, we do.

Mr. HUGHES. Can the Senator produce them on the floor of the Senate?

Mr. DODD. I do have the facts here. I can tell the Senator about them.

Mr. HUGHES. I have heard much debate about people going wild and frantic and undergoing a complete change of personality on marihuana. In fact, I have heard some of it in my own subcommittee. But I wonder if there is a possibility—and I raise the question as the distinguished Senator has raised the question—that he is talking about use of multiple drugs rather than marihuana alone.

Mr. DODD. I will answer the Senator on my own time.

This morning, at about 11 o'clock, a former sergeant of the U.S. Army who was in Vietnam came to my office. He told me that while he was on duty there, he smoked Asiatic marihuana, that he suffered dreadful hallucinations, that he found himself ready to shoot at imaginary humans. He called for a mortar barrage on a clump of bushes he thought was people moving. He said smoking that drug is a harrowing thing.

This is a scientific case, from the mouth of the man who was a victim of the vagaries of marihuana abuse. He related this at 11 o'clock this morning, in the Capitol.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. I yield.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired. Who yields time?

Mr. HUGHES. I yield myself 2 minutes to repsond to the final statement of the distinguished Senator from Connecticut.

Mr. DODD. It was not a final statement. That was just an opener.

Mr. HUGHES. Then I will respond to the last statement of the Senator from Connecticut.

I know of the great and distinguished service of the Senator from Connecticut to his country, but I also have been in combat, under combat conditions. I also, without marihuana or any drug, have, under the right circumstances, been trigger happy. I also have been tempted to shoot at things that did not exist because of conditions that exist in combat. And this can happen without drugs or narcotics.

Mr. DODD. Of course. But we are talking about a case of a man who was a sergeant in Vietnam, who told me that he smoked marihuana and this is what happened to him.

Mr. HUGHES. The Senator knows nothing about the personality of the sergeant involved in that particular case.

Mr. DODD. Yes, we do know a good deal about it.

Mr. HUGHES. Can the Senator tell us about that?

Mr. DODD. Yes. He is a very impressive young man. I do not want to mention his name unless I have his permission to do so, but I can assure the Senator that I am very much impressed with his character and his intelligence, and the Senator would be, also.

I do not mention this in order to gain an advantage over the Senator. It is the truth, and there are additional such cases.

I plan to have this man as a witness before our subcommittee, in public hearing, very soon, because I think his experience and testimony should be heard.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. HUGHES. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 additional minutes.

Mr. HUGHES. I do not intend to dwell on the sergeant from Vietnam very much longer. That is a good way to get away from the principle of the debate.

Could the sergeant—I raise the hypothetical question—have been taking some other drug administered to him legally for fatigue or other condition while he was in the process of smoking marihuana?

Mr. DODD. No, there is no possibility of that.

Mr. HUGHES. Did he tell the Senator that was not possible?

Mr. DODD. I talked with him, and members of the staff talked with him longer than I did. He was asked whether he took other drugs either to alleviate fatigue or for other purposes and he replied that he had not. I am not trying to prove a case about that sergeant. Believe me, there is no point in this.

Mr. HUGHES. I agree with the Senator—there is no point in it.

Mr. DODD. If the Senator does not take my word for it, that is his prerogative. I tell the Senator, as his colleague, as one who has his confidence, that I would not mislead him or other Senators on this subject. I believe the Senator knows that. I only state it here, because it should be known.

Mr. HUGHES. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes remaining.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HUGHES. I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I support the Senator from Iowa in this matter.

I remember also being in combat and our ship killed a whale by mistaking it for a German submarine. I think one does get a little trigger happy at times.

I am interested in the fact that 1 in 200 users of marihuana moves on to harder drugs. What would be the statistics with regard to alcohol? How many users of beer, one-time users of beer, would become alcoholics?

Mr. HUGHES. I do not know that figures are available as to one-time users of beer. But for those who perhaps move on into alcoholism, we speculate that about one out of every 15 people who drink faces a danger of progressing into alcoholism.

Mr. PELL. Another point made by a witness cited by the Senator is that there are between 8 and 12 million people who at one time or another have tried marihuana. My view is that of those who are in college today, 1969 and 1970, probably

the majority have tried marihuana at one time or another.

In preparation for this debate today, just as the Senator from Connecticut had the sergeant from Vietnam in this morning, I happened to be talking with a group of college youngsters yesterday, about 30. I asked them, "Will those who have never smoked a marihuana cigarette hold up your hands?" Not much more than half held up their hands.

We have reached the odd situation now, because of the law, in which in the more strict private schools an individual can be fired, and is fired, for smoking a nicotine cigarette but is not fired for smoking a marihuana cigarette because of the criminal penalties that would ensue to that young person.

My own view is that 6 months is too harsh a penalty for a first-time use of a marihuana cigarette. Why did not the Senator suggest 1 month, which would be my thought? I had an amendment to this effect ready to suggest.

Mr. HUGHES. I did not suggest 1 month, because I thought that we had a better chance of adopting a 6-month provision.

Mr. PELL. In other words, the odds of passage are impossible; it would be best to leave the amendment as is.

Mr. HUGHES. In our opinion.

Mr. PELL. I will not press any amendment to a vote, because the negative result is preordained. But I look forward to supporting the amendment of the Senator from Iowa.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. How much time do we have?

The PRESIDING OFFICER. The Senator from Connecticut has 27 minutes, and the Senator from Iowa has 6 minutes.

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

The PRESIDING OFFICER (Mr. GURNEY in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, first of all, I ask unanimous consent to have printed in the RECORD and article from the American Medical Association Journal of October 13, 1969, entitled "Marihuana Psychosis—Acute Toxic Psychosis Associated With the Use of Cannabis Derivatives."

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

MARIHUANA PSYCHOSIS—ACUTE TOXIC PSYCHOSIS ASSOCIATED WITH THE USE OF CANNABIS DERIVATIVES

(By John A. Talbott, M.D. and James W. Teague, M.D.)

A clinical syndrome of acute psychosis associated with Cannabis derivatives and environmental stress has been observed in 12 soldiers seen in Vietnam. Each case was characteristic of acute toxic psychosis with organic features and ten cases had paranoid features as well. Factors unique to Vietnam and combat situations seem pertinent; treatment was conservative and supportive.

In light of the intensive contact of man with *Cannabis* it is surprising to find the literature so lacking in regard to adverse reactions to *smoking* marihuana. Ames [1] and Allentuck [2] reported psychiatric symptoms following ingestion of marihuana concentrate, and Keeler interviewed persons who had previously had adverse reactions to smoking marihuana,[3] but, to our knowledge, the only report describing individuals studied while experiencing adverse reactions to smoking marihuana is that of Bromberg in 1934.[4]

Knowledge concerning the effects of *Cannabis* derivatives is controversial if not confusing. *Cannabis* derivatives have been used for medicinal purposes since the third century BC. Shen Nung, the Emperor of China, 2737 BC, extolled Cannabis derivatives as healthful and as psychic liberators. During the 19th century more than 100 medical reports were published in the United States recommending the use of *Cannabis* derivatives.[5] Although by 1950 worldwide usage was estimated in excess of 200 million persons, only recently have medical investigators begun to study the effects of smoking marihuana.[6]

Individuals are affected by *Cannabis* derivatives on a continuum ranging from a benign intoxicating "high" to a frank schizophrenic-like psychosis. Smoking marihuana for most persons is a pleasant, nonthreatening, and ego-syntonic experience. The degree of intoxication, pleasure, and mystical experience is variable and depends on the individual's personality, the existing emotional set before and in regard to the experience, and the amount of marihuana smoked or swallowed.

Adverse reaction to marihuana are also varied, but the experiences are generally unpleasant, threatening, and ego-dystonic. Symptoms include anxiety, fear, tachycardia, dyspnea, crying, depression, suspicion, dissociation, depersonalization, disorientation, confusion, paranoid ideation, delusions, and auditory hallucinations. Most adverse reactions are treated by the individual's peers in much the same manner as belligerent drunkenness is handled—with time, patience, and sobering up. However, when symptoms persist, or the individual or his peers become frightened of the behavior, medical care may be sought.

Physicians in Vietnam have been impressed by the severity and frequency of adverse reactions to smoking *Cannabis* derivatives.[7-11] Several of the psychiatrists on active duty in Vietnam had previous experience with adverse reactions to marihuana in large metropolitan hospitals in the United States and questioned whether there was a difference between the reactions in Vietnam and the United States. During the early part of 1967 we saw several cases of perplexing psychotic reactions which cleared in one to four days, and a few which lasted a week or longer.

In order to study adverse reactions to marihuana, all patients whose diagnosis was acute toxic psychosis associated with the smoking of Cannabis derivatives were examined independently by two psychiatrists and their course followed closely. This report will present 12 cases with which we had personal contact. Three cases will be presented in detail and the others will be summarized in the Table and their common characteristics discussed.

METHODOLOGY

The case material was collected during our tour of duty as psychiatrists with the US Army in Vietnam from 1967 to 1968. All military personnel requiring psychiatric hospitalization from the III and IV Corps areas were seen as well as many persons handled through the judicial system and all stockade prisoners. This allowed clinical access to psychiatric cases requiring intensive psychiatric hospitalization from a population more than 350,000 as well as judicial cases from a population of more than 500,000. In all cases involving the question of Cannabis derivatives as a casual factor, the opinion of a second psychiatrist was sought. In six cases it was possible to secure collaborative information regarding the smoking of Cannabis derivatives by the patients.

Since the possession of Cannabis is illegal it is quite possible that we saw only those cases demanding professional intervention. Patients with less severe symptoms were probably handled in the community by nonprofessionals. The environment of a war zone makes the symptomatology potentially more dangerous, eg, walking into a mine field, or having a loaded weapon readily available, etc. Similarly, the same environment may have an effect on the nature of the symptoms.

Footnotes at end of article.

SUMMARY OF CASES [1]

Case No.	Age	1st exposure to marihuana	Physical symptoms	Impaired cognitive functioning	Mental symptoms	Delusions	Premorbid personality	Treatment	Duration of symptoms
1	26	(+)	(+)	(+)	Paranoid anxious	(+)	(−)	Chlorpromazine hydrochloride 50 mg. 4 times daily.	26 hours.
2	19	(+)	(+)	(+)	Paranoid	(+)	(−)	(−)	3 days.
3	24	(+)	(+)	(+)	Paranoid anxious	(+)	Aggressive	Chlordiazepoxide as necessary and chlorpromazine hydrochloride 50 mg. 4 times daily.	7 days.
4	21	(+)	(+)	(+)	Paranoid	(+)	Psychopathic	Chlorpromazine hydrochloride 25 mg. 4 times daily.	2 days.
5	20	(+)	(+)	(+)	do	(+)	(−)	Chlorpromazine hydrochloride 50 mg. 4 times daily.	2 to 3 days.
6	22	(+)	(+)	(+)	Anxious	(−)	(−)	(−)	1 day.
7	21	(+)	(+)	(+)	do	(−)	(−)	(−)	2 days.
8	21	(+)	(+)	(+)	Paranoid	(+)	(−)	(−)	3 days.
9	22	(+)	(+)	(+)	Suicidal paranoid	(+)	(−)	(−)	11 days.
10	22	(+)	(+)	(+)	Anxious paranoid	(+)	(−)	Chlorpromazine hydrochloride 25 mg. 4 times daily.	2 days.
11	19	(+)	(+)	(+)	do	(+)	(−)	do	3 days.
12	19	(+)	(+)	(+)	Paranoid	(+)	(−)	(−)	2 days.

[1] (+) indicated positive; (−), negative.

REPORT OF CASES

CASE 1.—A 26-year-old, single, white man, second lieutenant registered nurse, with no history of psychiatric difficulties was hospitalized after smoking his first cigarette containing *Cannabis* derivatives. Immediately after smoking, he became aware of a burning, choking sensation in his throat and following this, he went to a civilian bar. Shortly thereafter he felt apprehensive, anxious, and suspicious. The symptoms rapidly increased in intensity and the subject became fearful that the "nationals" in the bar meant him harm. He fled in terror and returned to the bachelor officers' quarters. Shortly thereafter, one of us was called to see him.

When examined the patient was anxious and disoriented as to time, but not as to place and person. Anxiety, as well as the fear of being harmed by nationals, seemed to intensify and decrease in wavelike fashion. The fear of being harmed at its intensified peak we believed to be delusional. He was unable to identify the nature of the harm he feared. Affect was judged to be appropriate but labile. Thinking was rapid and disjointed, as if he were unable to follow a line of thought and as if he were experiencing a wide variety of thoughts (in rapid fashion) dissimilar in nature except for a common apprehensive quality. Proverbs were handled adequately, but with poor concentration and he quickly returned to his fears of being harmed. He did not acknowledge loosening of associations. Judgment and insight were impaired, and any evaluation of intelligence was precluded by his general condition. There were no hallucinations.

Abnormal physical findings included the following: a generalized impairment of coordination, as demonstrated by heel-to-toe walking and finger-to-nose testing; there was a positive Romberg sign; there was some injection of the conjunctivae; reflexes were generally and symmetrically hyperactive; and vital signs reflected a psychomotor agitation or excitement.

The patient was hospitalized and treated with phenothiazines and sedatives. He was also seen in brief psychotherapy. The patient was able to be discharged to his quarters in 36 hours and was returned to duty in 48 hours. No recurrence of symptoms was noted in the next three months.

Further work-up revealed no other evidence of psychiatric difficulties sufficient to diagnose a preexisting psychiatric condition. The patient was not seen by another psychiatrist. A second cigarette containing *Cannabis* derivatives was in his possession and was examined. The patient's condition was diagnosed as acute toxic psychosis.

CASE 2.—A 19-year-old, single, white soldier, private first class, was referred for examination by another psychiatrist. He was alleged to have shot and killed an individual while on guard duty

Sworn statements and a formal judicial investigation revealed that while on guard duty the victim shared a "marihuana cigarette" with the subject, the subject's first. The victim was described as a joker whose humor was sometimes "a little sick and cruel." Shortly after having the cigarette the victim began to pick on some nearby Vietnamese children. He reportedly told them that he was "Ho Chi Minh" and fired his weapon near them. Although the subject questioned if he was Ho Chi Minh, when the victim showed him the name on his shirt, the subject became terrified and fired his rifle. He then left his guard post and entered the base camp in a confused fashion, saying that he had killed Ho Chi Minh. Upon saying this he displayed a T-shirt with that name written on it and urged those around him to accompany him to see the body. On the way, he spoke in a disjointed and confused fashion. Upon arrival at the guard post, actually an observation tower, the bare-chested body of a Negro soldier, with several gunshot wounds on the left anterior portion of the chest, was found. Due to the subject's confused state and his bizarre story, he was taken to the division psychiatrist.

Upon examination the patient was confused and apprehensive, but quite proud, in a patriotic manner, of having killed Ho Chi Minh. When confronted with the fact that the individual killed was an American Negro soldier, the subject held up the bloody, bullet-torn T-shirt, with Ho Chi Minh written across the chest, and stated rather emphatically that he had shot Ho Chi Minh, not an American soldier. He stated that the victim had told him that he was Ho Chi Minh, that the victim was disguised and had infiltrated American lines, and had proved his identity by showing his name written on the shirt. The subject then believed him, became scared, shot him, and took the T-shirt back to camp to prove that he had indeed shot and killed Ho Chi Minh. The psychiatrist's opinion was that the subject was delusional and suffering from an acute toxic psychosis, one of us (J.W.T.) concurred at a later examination.

Further examination revealed no evidence of hallucinations nor any other indication of a thought disorder. The subject was concerned and became increasingly anxious with any mention of the victim being an American soldier. He was apprehensive and unable to understand why no one believed him. He was puzzled at being seen by a psychiatrist rather than being treated as a hero for having killed Ho Chi Minh.

Following a short period of hospitalization, the subject's condition changed and he evidenced grief and depression about the preceding events.

Contact with this individual continued over the next several months without any further signs of psychotic thinking or behavior. It should be noted that the subject also stated that upon first smoking the cigarette containing *Cannabis* derivatives he experienced a burning-like irritation and an urge to cough. In addition to this he noted some mild sensations of choking and transient tingling in his extremities.

CASE 3.—A 24-year-old single Negro, private first class, was admitted to the hospital on transfer from another hospital. He had smoked a pipeful of "strange tasting tobacco" two days previously and had felt lightheaded and "funny." He subsequently had feelings of depersonalization and derealization, and thought his mind was split into two parts—good and evil. He expressed the morbid preoccupation that he was dead, admitted to unusual illusions or hallucinations (clouds pulling him in, bright lights coming out of the clouds toward him), and expressed frightening fears that he would kill someone or be killed by someone. He was disoriented, confused, and forgetful. He was treated with chlorpromazine (Thorazine) hydrochloride with some improvement, and after two days was transferred to the psychiatric facility.

On admission the patient was apprehensive, worried, and preoccupied with fears, sensations, and impulses. His restlessness, tremulousness, agitation, and rapid speech alternated with staring, mutism, and inability to complete his thoughts. He continued to express the belief that his mind was split, but denied hallucinations, delusions, or other unusual sensations. He seemed adequately oriented, and denied any prior exposure to marihuana. The patient's history included the absence of a father in the family when he was growing up, aggressive outbursts in late adolescence, excessive drinking, and difficulty in being able to keep a job.

The patient was given chlordiazepoxide hydrochloride (Librium) and his anxiety abated rapidly. He was active in group therapy and presented no problems in ward management. He was discharged with no residual symptoms seven days after he had smoked marihuana.

VIETNAMESE MARIHUANA

To place the following findings in proper perspective several factors should first be mentioned. Marihuana is cheap and readily available in Vietnam, disguised in regular American cigarette packs. This is so well done that it is virtually impossible to tell the difference without either removing the filling from the cigarettes or smoking them.

Vietnamese marihuana is reported by the Army Chemical Laboratory in Japan to be about twice as potent (content of resins) as that normally sold or found in the United States. Because the resins are produced by the plant as a protective agent against the harmful effects of the sun,[12] it is easy for anyone familiar with the climatic conditions of Vietnam to understand the plant's increased resin production. South Vietnam lies between the eighth and the 17th parallels, and thus has a much more tropical climate than the United States (24°–49°) or Mexico (15°–33°), where the most potent marihuana sold in the United States is grown. The resins are concentrated in the tops and seed pods of the female plant. In Vietnam the plant is so abundant that most preparations make use of only the female tops and seed pods.

In addition, approximately 50% of the *Cannabis* contraband seized in Vietnam contains opiates. Therefore, the quality of the *Cannabis* derivatives used there is likely to produce a much stronger effect on the consumer.

The smoking of Cannabis derivatives is not uncommon in Vietnam. Several surveys indicated that more than 30% (30%–65%) of the soldiers used *Cannabis* derivatives at least once during their tour of duty in Vietnam.[10 11] Our experience confirms this estimate.

FINDINGS

The findings in the 12 cases of acute toxic psychosis associated with *Cannabis* intoxication are presented in the Table. In all instances, this was the patient's first admitted exposure to marihuana and in each case marked physical symptoms appeared soon after the subjects began to smoke. Symptoms included burning and irritation of the respiratory tract accompanied by an urge to cough; impaired coordination and difficulty with fine movements; odd, irregular, and vague aching of the large muscles of the extremities (especially the legs); and irritation of the conjunctivae.

Impaired cognitive functioning was also present in each soldier. This included impairment of orientation to either time or place; severe impairment of memory, most particularly of recent memory; impairment of intellectual functioning manifested by confusion, short attention span, and difficulty concentrating; impaired thinking with tangential and disjointed qualities; and impaired judgment.

The 12 exhibited liability of affect and marked anxiety and fearfulness. Ten showed paranoid symptoms including suspiciousness, referentiality, and delusions or hallucinations. Expressed fear of overt homosexual assault on the patient was frequently a factor in bringing the soldier to the medical facility.

Two patients had significant psychiatric histories and diagnosis of personality disorder could be made. The remainder had a negative history and no evidence of preexisting personality disorder.

None of the cases presented any serious difficulty during hospitalization. In all cases the patient was able to return to duty within a week. Informal follow-up disclosed no further difficulties. All except the soldier involved in the shooting incident successfully completed their tour of duty in Vietnam. Initially the first patients hospitalized were treated with moderate doses of phenothiazines and soporifics. In addition they received individual as well as group therapy. It soon became apparent that the phenothiazines were doing more for the therapist and the

ward personnel than for the patients. Following this realization no drugs were used.

COMMENT

The material presented above is similar to the cases originally described by Bromberg in 1934,[4] the only difference being our emphasis on the "organic" signs present and the short duration of the psychotic state. Reports and personal communications from Vietnam indicate that similar cases continue to be seen, and at about the same rate, ie, one to two per month.[8] This raises several questions. (1) Is this a valid clinical syndrome, and if so, is the involvement of Cannabis derivatives essential, or is it merely an added stress? (2) If this is a valid clinical syndrome, why has it not been reported in the past 30 years? (3) Are there factors present in Vietnam which predispose the occurrence of this condition there, but not in the United States?

It would seem that this is a valid clinical syndrome having a central core, consistent signs, and characteristic symptoms. The condition immediately followed inhalation of the smoke of a cigarette containing Cannabis derivatives and the symptoms rapidly intensified. In each case this was the first experience with Cannabis derivatives. The signs and symptoms had a definite toxic, organic quality and the condition seemed to be self-limiting. Recovery was complete and the symptoms did not recur. More than one psychiatrist made the diagnosis of psychosis in 11 of the 12 cases. In no instance was a similar case seen which did not involve the use of Cannabis derivatives.

Since the incidence of combat reactions in Vietnam is low in comparison with other wars, and since the visible incidence of marihuana psychosis seems so high, some observers have postulated that we are encountering the same syndrome, except that it is precipitated by marihuana, not combat. This study is unable to confirm or deny this postulate. However, these cases differ from most combat reactions reported.

We believe that Cannabis is directly and essentially involved in the development of the syndrome. Environmental stresses may potentiate, exaggerate, or otherwise effect the symptoms. The same environment may also have caused nonprofessionals to handle those persons less severely affected by smoking Cannabis derivatives, leaving only those severely affected with toxic psychosis to be seen in medical facilities.

While many of the environmental factors of Vietnam are not present in the United States, it is quite likely that the syndrome described above does occur here. Most cases are probably handled within the community by nonprofessionals, and only a few persons are seen by physicians. Those persons who seek a physician's care may not volunteer or admit to Cannabis usage because it is illegal. As the symptoms clear in a relatively short period of time, the physician may be satisfied and look no further into the cause. Even if the patient does admit to using Cannabis, will the physician accept this as a possible etiology?

One of us (J.W.T.) recently heard of such a case. A young woman was admitted to a university psychiatric hospital in a psychotic state with a history of having smoked Cannabis derivatives for the first time. Her symptoms were quite similar to those we observed, and she was discharged after several days. The physician in charge had no knowledge of the possibility of Cannabis producing the psychosis, and the etiology of her transient psychotic state was not determined.

Cannabis derivatives, as a causal or precipitating agent, should be considered whenever a young person presents with an acute toxic psychosis with paranoid features. Since possession of the drug is illegal, accurate histories may not be obtainable, but the physician must be alert to the possibility of marihuana psychosis in cases resembling acute schizophrenic reaction, acute paranoid psychosis, or acute toxic-metabolic psychosis.

GENERIC AND TRADE NAMES OF DRUGS

Chlorpromazine hydrochloride—Thorazine Hydrochloride.

Chlordiazepoxide hydrochloride—Librium.

FOOTNOTES

[1] Ames, F.: A Clinical and Metabolic Study of Acute Intoxication With *Cannabis sativa* and Its Role in the Model Psychosis, *J Ment Sci* 104:972–999, 1958.

[2] Allentuck, S.: "Medical Aspects" in *The Marijuana Problem in the City of New York*, 1941, reprinted in Soloman, D. (ed.): *The Marijuana Papers*, New York: Bobbs-Merrill, Company, Inc., 1966, pp. 269–284.

[3] Keeler, M.D.: Adverse Reactions to Marijuana, *Amer J Psychiat* 124:674–677, 1967.

[4] Bromberg, W.: Marijuana Intoxication, *Amer J Psychiat* 91:303–330, 1934.

[5] Maurer, D.W., and Vogel, V.H.: *Narcotics and Narcotics Addiction*, Springfield, Ill. Charles C. Thomas, Publisher, 1962.

[6] Weil, A. T.: Zinberg, N. E.; and Nelsen, J. M.: Clinical and Psychological Effects of Marijuana in Man, *Science* 162:1234–1242 (Dec. 13), 1968.

[7] Talbott, J. A.: Pot Reactions, *USARV Med Bull* 40–7:40–41 (Jan–Feb), 1968.

[8] Fidaleo, R. A.: Marijuana: Social and Clinical Observations, *USARV Med Bull* 40–8:58–59 (March-April), 1968.

[9] Heiman, E. M.: Marijuana Precipitated Psychoses in Patients Evacuated to CONUS, *USARV Med Bull* 40-9:75–77 (May-June), 1968.

[10] Postel, W. B.: Marijuana Use in Vietnam, *USARV Med Bull* 40–11:56–59 (Sept-Oct), 1968.

[11] Casper, E.; Janecek, J.; and Martinelli, H.: Marijuana in Vietnam, *USARV Med Bull* 40–11:60–72 (Sept-Oct), 1968.

[12] Walton, R. P.: *Marijuana, America's New Drug Problem*, New York: J. B. Lippincott, Co., 1938, p. 42.

Mr. DODD. Mr. President, this article contains some interesting facts about this problem. I hope that all Senators interested in this subject will read it very carefully, especially the cases involving members of our Armed Forces.

The Senator from Iowa asked for scientific cases on this subject and I say to him here it is. And I have more. But this study discusses the terrible consequences that this Vietnamese marihuana can have on our troops. Two statements from that article are vital to this debate. They are:

> Physicians in Vietnam have been impressed by the severity and frequency of adverse reactions to smoking *Cannabis* derivatives.

And further:

> The physician must be alert to the possibility of marihuana psychosis in cases resembling acute schizophrenic reaction, acute paranoid psychosis, or acute toxic-metabolic psychosis.

As the Senator from Iowa knows, these types of psychotic reactions are the most dangerous known in the field of psychiatry.

Mr. President, I believe that the entire Judiciary Committee is sympathetic to the problem of what penalties are proper and fitting and should be imposed for possession of marihuana. I have felt for a long time that it is fruitless and is not doing us any good. That is why this bill would change the offense of possession of marihuana from a felony to a misdemeanor.

Under the bill, one found guilty of possession of marihuana can be given a suspended sentence, or can be given a sentence of 1 day and a fine of $1; but, in any event, it will be up to the judge who looks at all the facts and circumstances. I think that is, at present, the reasonable thing to do; because there are many cases where more severity is indicated than in others.

A youngster who has two or three marihuana cigarettes in his possession is not indicative of the kind of case that should be punished by imprisonment for a year or 6 months, or possibly for any time at all. There has been too much of that. It should be stopped and we want to stop unjust punishment; but on the other hand, from what we know about marihuana, and the dangers and the harms that come to a good many people from smoking it, we do not believe it is wise or in the public interest, now, to say that this is a "patsy" offense, such as a schoolboy prank, and that it should be regarded as such.

Earlier in colloquy, I said that we know about cases where the personalities of human beings who have smoked marihuana have been drastically changed and they have done brutish and sadistic things to other human beings.

This is not only one case. There are more than one. My recollection is that Dr. Yolles himself indicated in his testimony before our committee that in some cases this sort of thing undoubtedly does happen.

The point is that people respond to marihuana differently, that the effect on everyone is not the same, and that the effect of one type of marihuana is not the same on everyone. There are different types of marihuana. There is Asiatic marihuana, or hashish, as it is called, which is a very, very strong type of marihuana and does harmful things to some people. This I know to be a fact. I do not believe there is any dispute about that from anyone who ever appeared before our committee.

Mr. HUGHES. Would the Senator agree that the same character changes he describes as resulting from the use of Asiatic marihuana frequently also result from the consumption of alcohol?

Mr. DODD. No, I do not. I do not think that is true, Senator. I have asked that question of a number of people who are knowledgeable in that field. That is the only answer I can give the Senator. It is my judgment that that is not true.

Mr. President, I should like to read into the RECORD at this point the statement made by Maj. Joel Kaplan, a psychiatrist who commanded one of the two neuropsychiatric specialty teams in Vietnam. When he came back to this country he told us about some of his experiences he had over there. I would like to quote from an interview with the major in which he said:

> Let me tell you then some other experiences we had over there. As you said, over here, you know, instead of today a cocktail party, it might be a pot party among people in their

30's and 40's and so forth. What I saw over there, and what we all—all the psychiatrists who came over from the States felt could not be true were the following. There were murders committed under the, just simply, under the influence of marihuana. There were rapes committed, assault and robbery committed. People, from smoking marihuana, were becoming as Senator Dodd pointed out this term, toxically psychotic, which meant that they would become extremely paranoid, suspicious of what was going on around them and they'd begin to read into what people were doing something in reference to themselves.

The major then pointed out that this would lead them to do violent and brutal things.

This sort of testimony is not unique. We heard it from a lot of people. Again, the point is that we cannot take the chance of treating this problem as something that is not really very serious. It is very serious, and it does very serious and harmful things to people and they in turn do terrible things to other people.

I think that with the provision of this bill reducing the possession of marihuana down to a misdeameanor and taking away the mandatory requirement of the imposition, the penalty, that we are going as far as we should go.

I hope that after the bill is passed and the committee is appointed and makes its studies and the results are available, maybe we will find that we will be able to further reduce the penalty. However, right now there is no reason for doing so. And my suspicion is that we will not do so after the report is in.

In any event, I find nothing to substantiate the impression that this is a triviality and a thing we should avoid most of the time. I do not think the Senator wants to say that.

Mr. HUGHES. Mr. President, is there anything I have said today or at any other time that would cause the Senator to indicate that I think the question of marihuana is a triviality?

Mr. DODD. No, I am sure the Senator does not think so. But I am trying to say that people outside of this Chamber, people in the country, and particularily youngsters, will, when they read that the Senate reduced the penalty to 6 months, think it is not a very serious question.

So, for all these reasons, I hope I have spelled out sufficient reason why the amendment should not be agreed to.

I believe it is not wise to do so now.

So many times in this debate I have said to the Senator from Iowa that I share his views. I say it again. I do share his views on this problem. And I have thought about it very seriously, as the Senator knows.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for an additional 2 minutes.

Mr. DODD. Mr. President, if we agree to this reduction, I am afraid we will bring on more trouble than we already have.

It is true that these youngsters who are smoking this drug are not criminals, as the Senator has pointed out. Certainly they are not hardened criminals. They are doing it for an adventure. However, I think the thing is so bad and so potentially harmful that we have to hold the line.

Therefore, I hope the amendment will be rejected.

Mr. HRUSKA. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. HRUSKA. Mr. President, the way the section now reads, the last sentence of that section is:

A second or subsequent offense shall be punished as a subsequent or second offense under section 501(c), subparagraph (2).

That language, according to the amendment of the Senator from Iowa, would be deleted, is that right?

Mr. DODD. The Senator is correct.

Mr. HRUSKA. That would mean that a third or fourth offense would be subject to the penalty prescribed in section 508, which is simply to double the penalty for the first offense.

Mr. DODD. The Senator is correct.

Mr. HRUSKA. And that is not considered to be within the spirit of the bill insofar as the general scheduling of the penalty is concerned.

Mr. DODD. The Senator is correct. I have not talked about that, but that is an important aspect of the amendment.

Mr. HRUSKA. If that sentence were maintained, we would have section 501(c) subparagraph 2 control which would make a sentence on a second or subsequent offense imprisonment for 5 years or not more than $5,000. This is more consistent with the situation where a man persists in this practice and keeps on bringing misery to many hundreds of people, is that not right?

Mr. DODD. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for an additional 3 minutes.

Mr. HRUSKA. This is still all subject to the tentative proposition which we had recognized from the very inception when we had this bill up originally. It was then on a felony basis. We put it back on a misdemeanor basis with the provision that the entire record could be expunged if the offender were to behave himself afterward. We were doing that in an effort to cooperate with him. Even that provision will be subject to the report of this Committee on Marihuana.

In our jurisprudence, a man is presumed innocent until he is proved to be guilty. I know of no such rule that attaches to a substance such as marihuana. The burden should not be put on us to prove that under the prima facie evidence. We put in the provision that it be a misdemeanor and then depend on the study of the Commission on Narcotics. We can then go in one direction or the other or stay on this line if that seems more desirable.

Mr. DODD. The Senator is correct. The Senator will remember—and I am glad the Senator from Iowa is listening—that Dr. Stanley Yolles, who is a very distinguished physician, the Director of the National Institute of Mental Health, and a real authority in this field, endorses this bill. The Senator from Nebraska knows that.

Mr. HRUSKA. That is correct.

Mr. DODD. That is the way it should be done. And I know the Senator read from his testimony before our committee. Dr. Yolles knows a great deal about the subject. He thinks we are on the right track here.

I know what motivates the Senator from Iowa. He is a gentle, compassionate man. He feels very acutely the suffering of these young people and many other people because of the narcotic situation. I do, too. But I feel for those fathers, mothers, sisters, and brothers across this land. And I know a lot of them have been afflicted by this.

I have calls every day from people in my State and outside of my State asking for help, asking me if there is some way I can help their son or daughter.

Most of the time there is not anything I can do. So I know about the pain involved in this. I am well aware of it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 additional minutes.

Mr. DODD. I am not one who likes to inflict pain on others. I would be the last one to do it. I really and truly believe that we have to hold the line in the interest of all those who have been afflicted or will be afflicted in the future until such time as we can find an answer to this awful problem of marihuana.

Mr. HUGHES. Mr. President, will the Senator yield for a complimentary statement to which I do not think he will object?

Mr. DODD. I yield.

Mr. HUGHES. Mr. President, I want the distinguished Senator and his entire committee to know that I appreciate and am entirely sympathetic with the approach they take. I think it was a fine thing. I think they acted on the basis of what we know. And they did it because of their own compassion and concern over marihuana.

I think that is a fine thing. My only regret is that I do not think they have gone far enough.

The Senator from Nebraska mentioned the second offense of marihuana possession. If I understand my amendment, all I propose is to treat it the same as in the case of drugs and other narcotics.

Mr. DODD. I believe that is correct. And to make clear exactly what we have done in this bill on penalties, I ask unanimous consent to have printed in the RECORD at this point a chart comparing the penalty structures in the bill with the present narcotics laws.

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

COMPARISON OF PENALTY STRUCTURES BETWEEN S. 3246 (CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969) AND PRESENT LAW

Violation	Law applicable	Maximum fine	Sentence (years)	Special parole term	Probation or suspended sentence permitted	Parole permitted
Unlawful distribution, possession with intent to distribute, manufacture, importation and exportation, etc	Present law:					
	Narcotics	$20,000	5 to 20	No	No	No.
	Marihuana	20,000	do	No	No	Yes.
	Dangerous drugs	10,000	Up to 5	No	Yes	Yes.
(1st offense)	S. 3246:					
Note: Under existing Federal law, possession with intant to distribute is not a separate offense.	I and II narcotics	25,000	Up to 12	At least 3 years	Yes	Yes.
	I and II nonnarcotic and III substances	15,000	Up to 5	At least 2 years	Yes	Yes
	IV substances	5,000	Up to 1	No	Yes	Yes.
(2d offense)	Present law:					
	Narcotics	20,000	10 to 40	No	No	No.
	Marihuana	20,000	do	No	No	No.
	Dangerous drugs	20,000	Up to 5	No	Yes	Yes
	S. 3246:					
	I and II narcotics	50,000	Up to 24	At least 6 years	Yes	Yes.
	I and II nonnarcotic and III substances	30,000	Up to 10	At least 4 years	Yes	Yes.
	IV substances	10,000	Up to 2	No	Yes	Yes.

Violation	Law applicable	Maximum fine	Sentence (years)	Probation or suspended sentence permitted	Parole permitted
Simple possession (First offense)	Present law:				
	Narcotics	$20,000	2 to 10	Yes	Yes.
	Marihuana	20,000	do	Yes	Yes.
	Dangerous drugs	1,000	Up to 1	Yes	Yes.
	S. 3246:				
	I and II narcotics	5,000	do	Yes	Yes.
	I and II nonnarcotic and III substances	5,000	do	Yes	Yes.
	IV substances	5,000	do	Yes	Yes.
(2d offense)	Present law:				
	Narcotics	20,000	5 to 20	No	No.
	Marihuana	20,000	do	No	Yes.
	Dangerous drugs	1,000	Up to 1	Yes	Yes.
	S. 3246:				
	I and II narcotics	10,000	Up to 2	Yes	Yes.
	I and II nonnarcotics and III substances	10,000	do	Yes	Yes.
	IV substances	10,000	do	Yes	Yes.
Distribution of small amounts of marihuana for no profit	Present law: No applicable provisions.				
	S. 3246:				
(1st offense)		5,000	1	Yes	Yes.
(2d offense)		15,000	Up to 10	Yes	Yes.
Continuing criminal enterprise	Present law: No applicable provisions.				
	S. 3246:				
(1st offense)		50,000	5 to life	No	No.
(2d offense)		100,000	10 to life	No	No.

VIOLATION	
Distribution to persons under the age of 18	S. 3246 provides that any person over 18 who knowingly and intentionally violates subsec. 501(a)(1) by distributing a substance classified in schedules I or II which is a narcotic to a person under 18 years of age who is at least 3 years his junior is punishable by a term of imprisonment twice that authorized by subsec. 501(c)(1), by a fine of $25,000, or both. Distribution of any other controlled dangerous substance classified in schedules I, II, III, or IV by a person over 18 to a person under 18 who is at least 3 years his junior is punishable by a term of imprisonment up to twice that authorized under subsec. 501(c)(2) or (3), by the fine authorized under subsection 501(c) (2) or (3), or both. For any of these offenses, imposition or execution of sentences cannot be suspended and probation cannot be granted. Under existing Federal law, distribution of narcotics or marihuana by a person over 18 to a person under 18 years of age is punishable by imprisonment for not less than 10 years nor more than 40 years and, in addition, may be fined not more than $20,000. Imposition or execution of such sentence cannot be suspended and probation cannot be granted. In addition, if the offense involves a narcotic drug, the parole provisions under Federal law shall not apply. Under the Drug Abuse Control Amendments of 1965, a person over 18 who distributed dangerous drugs to a person under 21 years of age is punishable by imprisonment for not more than 10 years, a fine not exceeding $15,000, or both. A second offense is punishable by imprisonment for not more than 15 years, a fine not exceeding $20,000, or both.
Conditional discharge for possession as 1st offense.	S. 3246 provides that a court may, upon finding any person guilty of possessing a controlled dangerous substance without intent to distribute, and who has not previously been convicted under any Federal or State law relating to narcotic drugs, marihuana, stimulant, depressant, or hallucinogenic drugs, defer further proceedings and place the person on probation upon such reasonable terms and conditions as it may require. Upon violation of the terms of probation, the court may enter an adjudication of guilt and proceed as provided by the respective acts. Upon fulfillment of the terms of probation, the court shall discharge the person and dismiss the proceedings. Such discharge shall not be deemed a conviction for the purposes of the disabilities imposed by law upon persons convicted of crimes. However, such discharge and dismissal under these sections is available only once with respect to any person. There are no provisions for 1st-offender treatment under present Federal law for offenses involving possession of narcotics or marihuana. There is a provision allowing for 1st-offender treatment under the Drug Abuse Control Amendments of 1965, but it is applicable only to cases involving possession of dangerous drugs.
Endeavor and conspiracy	S. 3246 provides that any person who endeavors or conspires to commit any offense under the act may be punished by imprisonment and/or fine, which may not exceed the maximum punishment proscribed for committing the offense. Present Federal law provides that any person who conspires to commit an offense under any of the acts may be punished by imprisonment and/or fine not exceeding the maximum punishment proscribed for committing the offense. Attempt to commit an offense under any of the existing acts is not punishable as an offense.

Mr. DODD. In summation, Mr. President, I believe that the one part of S. 3246 which takes the biggest and best step forward with respect to drug control is the new penalty structure we have proposed.

The main point here was to do away with the mandatory minimum sentences except for the professional criminal involved in a continuous criminal enterprise.

The basic rationale for this was the recognition that the judge should have discretion in imposing penalties that best fit the individual before the court.

In line with that rationale we gave the court all the possible alternatives for almost all drug violations and particularly for the possession of marihuana.

These include suspended sentence, probation, parole and discharge and dismissal of proceedings for first possession offenses. Of course there are reasonable upper limits for institutional commitment if the judge finds such commitment necessary.

I believe these upper limits for confinement are so reasonable including the up to 1 year sentence for possession that I cannot support any amendment in this area.

If the judge is to have true discretion it must work both ways.

In that connection I think we have sufficient support for the proposed penalties in the record of the hearings.

Even the medical people who do not favor stiff penalties were in favor of some legal controls.

Dr. Stanley Yolles, Director of the Institute of Mental Health, who supplied the bulk of our testimony on marihuana said:

I do not at this time advocate the removal of all restrictions on the use of marihuana. Medically speaking I can not give it a clean bill of health. But penalties for its use should be lowered, in proportion to the danger and the risk to the individual and society of this drug.

Mr. President, I ask unanimous consent to have the formal statement made by Dr. Stanley F. Yolles before the Subcommittee To Investigate Juvenile Delinquency on September 17, 1969, made part of the permanent record of these proceedings.

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

STATEMENT BY STANLEY F. YOLLES, M.D., BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY OF THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, ON CONTROL OF DRUG ABUSE, SEPTEMBER 17, 1969

Mr. Chairman; Members of the Committee, I appreciate this opportunity to appear before you today as a professional involved and interested in the phenomenon of drug abuse in the United States. I would like to make clear that I am not representing the Department of Health, Education, and Welfare. The Department has not filed a report on the bills pending before you and therefore I cannot comment officially about them.

As a physician, my opinions, convictions and conclusions are based on almost twenty years of professional involvement in the development of research, treatment and rehabilitation as they relate to users of narcotics and other dangerous drugs. My professional experience at the Public Health Service Hospital in Lexington, Kentucky and through the succeeding years at the National Institute of Mental Health, has included consideration of all facets of the drug problem—from prevention to penalties. So I have some strong convictions on the subject, based on professional and scientific experience.

With your approval, Mr. Chairman, I would first like to summarize the drug situation and then talk about hard narcotics and marihuana as separate and distinct parts of the total problem.

Dr. Sidney Cohen, Director of the NIMH Division of Narcotic Addiction and Drug Abuse will speak to the hallucinogens, the amphetamines and the barbiturates.

THE DRUG PHENOMENON

The widespread social problem of drug abuse in the United States is no longer restricted to any one part of our population. It is found at all social and economic levels: in the core city and in the suburbs. It is no longer restricted only to the young. It involves the junior executive and the housewife, the professional individual as well as the ne'er-do-well.

In this situation, there are things that need to be said on the basis of available fact and of professional and scientific experience.

There are unfortunately no totally reliable data on the prevalence of drug abuse, but it is a problem that is growing at an alarming rate.

In the case of narcotic drugs, statistics supplied by the Bureau of Narcotics and Dangerous Drugs for 1968 indicate that there are approximately 65 thousand active *hard narcotic* addicts in the United States. This is undoubtedly a minimal estimate, since it is solely based on reporting from law enforcement agencies.

A more plausible estimate is in the range of 100 thousand to 125 thousand active narcotic abusers in the United States.

The number of non-narcotic drug abusers, including those addicted or habituated to agents such as sedatives, stimulants, related drugs, and certain tranquilizers, can only be grossly estimated.

The range of persons directly affected by abuse of these drugs, based on available data on production and illicit distribution, lies somewhere between a quarter and a half million people.

The use of LSD has apparently declined during the past two years, but there is still evidence of active experimentation with LSD by some teen-agers. It remains a drug of abuse essentially for young middle-income persons.

Marihuana use has been rapidly increasing in the past five years.

A recent survey of certain high schools suggests that as many as 50 percent of students in selected urban and suburban areas surveyed have had some experience with marihuana.

A conservative estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may be as high as 12 million people.

On a worldwide basis, marihuana is an intoxicant second only to alcohol in popularity and is used by some 200 to 250 million people.

These are facts to be reckoned with in a reasoned discussion of the problem and its possible control. But because drug use and abuse touches our deepest values, our hopes, our aspirations as well as our fears, it is an emotionally-charged area.

For every false prophet advocating drug use there is a viewer-with-alarm prone to sensationalism and the advocacy of simplistic solutions. As our sensitivity to the drug problem has increased over the years, our sense of proportion seems to have diminished.

However, in recent months, there have been significant indications that we, as a population, are ready to stop defending the mistakes of the past in our efforts to control the abuse of dangerous drugs and, rather, to explore new pathways through which our society can make its decisions.

Both President Nixon and President Johnson have strongly stated this need for a new approach toward understanding the problem.

President Johnson, recognizing that a recodification and unification of the laws on narcotics and dangerous drugs was long overdue, established the National Commission on Reform of Federal Criminal Laws. The report of this Commission has not as yet been published, but its findings will include recommendations on drug legislation.

President Nixon, in his message to Congress on combating drug abuse, stated that "it has been a common oversimplification to consider narcotics addiction or drug abuse to be a law enforcement problem alone."

Pointing out that effective control of illicit drugs requires the cooperation of many agencies of the Federal, State and local governments, the President said, "At the Federal level, the burden of the Federal effort must be carried by the Departments of Justice; Health, Education, and Welfare; and the Treasury."

As a health professional, I am strongly in favor of this kind of joint approach to the problem of control. I recognize and support the need for reasonable enforcement measures to control the problem. However, means to control drug abuse must include recommendations from the medical community, as well as from law enforcement officers. Too often, in the past, the medical point of view has been neglected.

Drug abuse is not a simple, unitary phenomenon. Drug use and abuse are health, legal, social, economic and moral problems.

It is necessary, in dealing with such complex phenomena, for the medical community at this time to accelerate the kind of research which will yield the basic knowledge for a more rational approach to the problem.

President Nixon has also emphasized that the solution to the problem has been hampered by lack of information.

"Proper evaluation and solution of the drug problem in this country," the President stated, "has been severely handicapped by a dearth of scientific information on the subject—and the prevalence of ignorance and misinformation."

It will take some exceedingly hard work to dispel the doubts and mistrust surrounding information on drugs, because from the beginnings of efforts to control drug use in this country there has been a long parade of what might best be called "error" and what has ranged from ignorance to misrepresentation.

Dr. Thomas Parran, while serving as Surgeon General, had this to say in 1938, during the dedication ceremonies of the PHS Hospital at Fort Worth, Texas:

"Errors were at first made in the treatment meted out to addicts. From doing nothing about the narcotic problem, we started in a sudden burst of enthusiasm to clean up the situation without proper regard for human values and without considering the suffering and distress entailed in a rigid enforcement of the law as it then stood.

"The law, in effect, made criminals out of persons who were guilty only of suffering from the effects of a weakness they could not control. . . .

"It soon became evident that we were in danger of losing by too harsh application of repressive measures what we were gaining by more intelligent attention to some phases of the addiction problem. We often completed the ruin of individuals whom it was our duty to save."

What we must realize in 1969 is that—although the drug abuse problem of today is acute—it has been with us for a long time and we have accomplished little in developing techniques that might have helped us in our current dilemma.

This situation is especially regrettable, because there is a large body of information available upon which improved methods of combating the drug abuse problem can be based.

There are few fields in which there have been so many competent and thorough investigations by committees and commissions over the years as there have been in the area of narcotics and other dangerous drugs.

They include the 1938 Mayor's Committee of New York; the 1951 American Bar Association's Commission on Organized Crime; the 1963 President's Advisory Commission on Narcotic and Drug Abuse (the Prettyman Commission); the 1967 Commission on Law Enforcement and the Administration of Justice; as well as the Wootton Committee of Great Britain.

These professional groups have reported with a unanimity not often evident in such a controversial subject area and I will refer to some of their specific recommendations later on. At the moment, I merely want to point out that the Nation has not accepted or implemented their recommendations. But the findings are available for the using, so that I see no need to establish another committee or commission to study marihuana.

Instead of favoring another commission, I find myself asking, "How long, Oh, Lord, how

long are we going to suggest new committees, new commissions and new task forces in lieu of doing something?"

Certainly, studies of drugs and drug users must and are continuing, many of them supported by the NIMH. I submit that these studies serve to develop new information more expeditiously than any additional review-by-commission—at least until we have made use of the opinions and recommendations already available.

In contrast to establishment of another commission, I would favor provisions to direct the NIMH to conduct research and make a basic determination on marihuana. Some relevant studies are already under way.

Such proposals call for an end to the approach that passes restrictive laws first and then gets scientific evidence afterward.

We must put a very strong spotlight on this issue, Mr. Chairman. It is basic to any improvement in the control of drug abuse.

We cannot continue to restrict use, and legislate against the use of dangerous substances without scientific basis for control.

Senator Hughes, speaking in August at hearings of the Subcommittee on Alcoholism and Narcotics, in pleading for "open-mindedness and a willingness to make a fresh start", said:

"We are working from a prosecution, rather than a public health approach.

"The onus of the criminal association with drugs is a severe obstacle to therapy in drug addiction; and we can't even communicate with our kids about smoking pot because, under our laws, smoking marihuana and shooting heroin are in the same league, and neither we nor our kids can forget it."

This Committee is primarily concerned today with proposed Federal legislation, but the current framework of State law also illustrates the need for a more sound basis for public policies concerning drug abuse.

In the last year, State legislatures within this country have passed diverse and sometimes contradictory laws in their efforts to control drug abuse. At least 20 States have this year either passed new laws or amended existing statutes; and another 20 are debating proposed changes.

It would be tragic if these changes continue to be based on old confusions and controversies. The disparities among laws in the States need to be lessened rather than increased and this can occur only after agreement about the degree of risk associated with the use of each drug and an appropriate proscription of use based on that risk, and the Federal Government should point the way.

One of the major difficulties in efforts to arrive at effective control of drug abuse has come from the practice of grouping dangerous drugs arbitrarily, with little regard for their differing characteristics and their specific and distinct effects.

I hope that Dr. Cohen and I can clarify these differences, to help define the degree of danger in the abuse of each of the dangerous drugs.

NARCOTICS

There can be no doubt that control of narcotics is necessary, both to protect the user and to protect society. The major dangers of abuse of drugs such as heroin are known and have been repeatedly demonstrated.

The direct result of overuse may be death. Indirect results are often ill health, or death from hepatitis, pneumonia, malnutrition, or infection and disease induced by the use of dirty hypodermic syringes. And as a way of life for the individual, there is gross deterioration in a "junkie" culture.

Stronger and more effective controls of smuggling, sale and distribution of narcotics by the underworld are needed.

However, realizing that laws seeking to control personal consumption by individuals are notoriously hard to enforce, I would urge the further expansion of high quality treatment and rehabilitation programs.

The principle that treatment and rehabilitation of the addict is to be preferred over punishment has only recently become a Federal policy, with the passage of the Narcotic Addict Rehabilitation Act of 1966.

As I have mentioned, Dr. Parran's concern over the punitive bases of treatment was expressed in 1938. Other professionals had also spoken out for reforms. But civil commitment for narcotic addicts received its greatest impetus in 1962 when the Supreme Court, in the Robinson case, declared that statutes making addiction to narcotics a criminal offense were in violation of the Eighth Amendment.

The court maintained that drug addiction is an illness "comparable to leprosy, insanity, and the common cold" and that criminal punishment could not be inflicted for it.

Ironically, although the decision was a milestone for the principle of treatment and rehabilitation, it came too late to help the addict Robinson. Free while his appeal was pending, Robinson had already died in a Los Angeles alley before the Supreme Court made its ruling. According to police reports, the cause of death was an overdose of narcotics.

The passage of the Narcotic Addict Rehabilitation Act of 1966 opened a pathway to treatment of the sick addict.

The statute in no way limited enforcement of laws designed to control drug traffic, or to prosecute organized criminals. What the law recognized is the fact that the individual *addict* is sick and needs help.

The NARA legislation was adopted so that a community-based treatment and rehabilitation program could be developed in the United States. Research advances made it worthwhile to try some new approaches in solving the stubborn narcotics problem.

The NIMH is carrying out a comprehensive program in an attempt to develop the necessary understanding, manpower and improved techniques for dealing with the narcotic problem.

Through its administration of the NARA Act and the Narcotic Addict Rehabilitation Amendments to the Community Mental Health Centers Act, the NIMH is actively carrying out the Congressional mandate to treat and rehabilitate, rather than punish the addict.

The program has been in operation for a year-and-a-half. Six community treatment programs for narcotic addiction were funded in FY 1968 and are in operation. Ten more were funded in FY 1969.

I am in general agreement with legislative provisions to expand eligibility for treatment under NARA, to include those addicts charged with burglary, those who have failed after three or more civil commitments and those who have had two or more felony commitments.

However, I must point out that these patients would require more intensive individual treatment than it is now possible to provide, given the current rate of funding and the personnel ceilings imposed on the program.

Even for patients now eligible for treatment, the present capability of the two Federal Clinical Research Centers at Lexington and Fort Worth is overtaxed.

Since the inception of the NARA program, Fort Worth and Lexington have examined 2,236 patients civilly committed for treatment under Titles I and III of the Act.

Of that number, only 52 percent (1,071) were in treatment by June 30, 1969. The 48 percent (1,059) had not been accepted after the thirty-day examination and evaluation period.

The patients who were not accepted for treatment, Mr. Chairman, were patients with very difficult problems. If we were to try to treat them, it would require about twice as many staff members at Fort Worth and Lexington as we now have.

As a matter of actual fact—and one which is ignored every time we talk about the treatment program for narcotic addicts—given the funds and personnel currently available, any increase in the number of patients will result in a reduction of the ratio of treatment staff available to patients. The result will be less individual treatment and poorer care.

Almost since their establishment, Lexington and Fort Worth facilities have been financially undernourished and understaffed.

If there is to be proper treatment, the facilities must have trained people to provide it.

Our hope in the long run is that the States and communities will take a more active role in developing narcotics treatment programs—aided by Federal support for construction and staffing under the Community Mental Health Centers Act.

As of June 30, 1969, the six community treatment programs funded under the provisions of NARA had a total of 1,948 addicts in treatment. By next year, the ten community programs funded in FY 1969 expect to be treating an additional 5,400 addicts.

However, far too few of these centers have been funded so far, and until more of them can be organized, the States are unable to take on much of the task.

States and communities are having difficulty in financing operations of community mental health centers as Federal support of initial staffing costs decreases and terminates. The Act should be broadened to include support of the total cost of operation of these centers, as originally authorized, rather than only the cost of initial staffing.

Assistant Secretary Creed Black, of the Department of Health, Education, and Welfare, presented the Administration's recommendations in this regard in July, before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare.

"Few communities," Mr. Black pointed out, "are able or willing initially to devote limited resources in these two problem areas. Americans have very ambivalent feelings about alcoholics and narcotic addicts. The patients are very difficult to treat. Professional interest needs to be stimulated.

"We believe, therefore, that preferential matching and a longer period of Federal support than 51 months will be necessary. The necessary matching ratio is yet to be determined; but it is clear that such preferential matching is essential."

It takes *people* to provide aftercare for addicts when they are trying to rehabilitate themselves once they have broken the habit. It takes *people* to manage these programs.

In most statements on this subject, Mr. Chairman, a need for more *enforcement* personnel is recognized but *nowhere* is there mention of the need for treatment personnel, or personnel to conduct research and training programs.

If we are to make any significant headway at all in control of drug abuse, then we must place far greater emphasis on the treatment and rehabilitation of narcotic addicts. The need for medical personnel for treatment must be recognized as of equal or greater importance than the need for people to enforce the law. I am pleased that legislative proposals include provisions to improve the narcotic rehabilitation program, because there has been significant progress in treatment programs for addicts, and these efforts should be expanded.

The development of experimental metha-

done maintenance programs and the use of narcotic antagonists, such as Cyclazocine and Naloxone, have been both exciting and controversial.

Since methadone maintenance involves the continued use of a narcotic substitute on a long-term basis, it has been the object of some criticism. Methadone does not appear to be a "universal treatment" for all addicts, nor does it result in an abstinence from drugs.

The goal of methadone maintenance is to achieve socially acceptable behavior on the part of the addict, rather than to require abstinence, per se. This treatment approach operates under the principle that if, in fact, *any* medication permits a narcotic user to become a law-abiding and productive member of society, it should be acceptable medication.

To understand all the implications of this treatment, we are supporting a wide variety of studies in this regard. And studies are also being supported to develop new and long-acting narcotic antagonists such as a depot (long acting) cyclazocine, to block the action of narcotics.

Given the proposed methods to strengthen support for community narcotic addiction treatment and rehabilitation programs, and with a wider implementation of NARA, we have *on paper* the capacity in this country to effect a significant reduction in the abuse of narcotics and begin effective education to prevent hard drug use.

How we transform the words of the statutes into practical results depends on men and money. Without these, present enforcement techniques in the narcotic field will only continue to spin the addict around in the revolving door from jail to inadequate treatment and back again.

MARIHUANA

Mr. Chairman, I would now like to spend the remainder of my time here in talking about marihuana.

Because of the increase in the use of marihuana and because of the confusion and controversy resulting from that use, it is of the greatest importance to present factual information about the drug itself, the effects of its use and the history of efforts to control its use.

For, unless we separate fact from fable in the public uproar over the use of this drug, our efforts to achieve effective and acceptable controls over marihuana use will indeed be just "more of the same."

The marihuana story for 1969 in the United States goes back to the 1930's.

The "great experiment" was over. The prohibition of the use of alcoholic beverages, under the Eighteenth Amendment, had ended.

For better or worse, American voters had made it clear that they considered alcohol a social beverage, and chose to limit prohibition of its use through State laws which vary to this day, in terms of "wet" and "dry" jurisdictions and the age at which individuals can legally drink beer, wine and spirits.

The experiment, which we voted to terminate, had produced at least two major results: the social usage of alcohol by adult men and women had increased and the contempt for an unpopular law had spread, bringing other legal restrictions on manners and morals into question.

At approximately the same time, however, enough hue and cry over the *reported* evils of another intoxicant—marihuana—resulted in the adoption of the Marihuana Tax Act of 1937.

We know that marihuana is not, scientifically, a narcotic drug like heroin or morphine, but is a mild hallucinogen. It should not be associated with narcotics—either medically or legally.

However, "guilt by association" with narcotics occurred for marihuana for the first time in Federal law in 1929, with the passage of P.L. 672—70th Congress—authorizing the establishment of the Lexington and Fort Worth Hospitals.

In the statute, the term "habit-forming narcotic drug" or "narcotic" was specifically defined—drug by drug—and on the list was "Indian hemp (marihuana) and its various derivatives, compounds and preparations,"

Nowhere in the Committee Hearings or in the Congressional Record was there any discussion of the rationale for this drug classification.

As States adopted the Uniform Narcotic Drug Act which included marihuana, it was more widely classified as a narcotic.

And so the stepping-stone concept got its start. Once labelled as a statutory narcotic, marihuana continued to be so labelled in succeeding years.

By 1937, the use of marihuana was reported to present so severe a health danger that Federal controls were represented as necessary. And so the Marihuana Tax Act of 1937 was enacted, even though many of the statements in testimony before Congress were substantially untrue.

The report to the Senate on the Bill quotes the following testimony:

"Under the influence of this drug (marihuana) the will is destroyed and all power of directing and controlling thought is lost. Inhibitions are released. As a result of these effects, many violent crimes have been and are being committed by persons under the influence of this drug. Not only is marihuana used by hardened criminals to steel them to commit violent crimes, but it is also being placed in the hands of high-school children in the form of marihuana cigarettes by unscrupulous peddlers. Its continued use results many times in impotency and insanity."

Elsewhere in the testimony, a witness stated, "I believe in some cases that one marihuana cigarette may develop a homicidal maniac probably to kill his brother." (sic).

At the time of the hearings on this proposal, one of the witnesses was Dr. William C. Woodward, appearing for the American Medical Association.

In speaking about newspaper accounts of abuse of marihuana, Dr. Woodward said:

"It has surprised me that the facts on which these (newspaper) statements have been made have not been brought before this Committee by competent primary evidence. We are referred to newspaper publications concerning the prevalence of marihuana addiction. We are told that the use of marihuana causes crime.

"But as yet no one has been produced from the Bureau of Prisons to show the number of prisoners who have been found addicted to the marihuana habit. An informal inquiry shows that the Bureau of Prisons has no evidence on that point. Dr. Woodward pointed to a series of agencies including the PHS who had not been consulted.

"You have been told that school children are great users of marihuana cigarettes. No one has been summoned from the Children's Bureau to show the nature and extent of the habit, among children.

"Inquiry of the Children's Bureau shows that they have had no occasion to investigate it and know nothing particularly of it.

"Inquiry of the Office of Education—and they certainly should know something of the prevalence of the habit among the school children of the country, if there is a prevalent habit—indicates that they have had no occasion to investigate and know nothing of it.

"Moreover, there is in the Treasury Department itself, the Public Health Service, with its Division of Mental Hygiene. The Division of Mental Hygiene was, in the first place, the Division of Narcotics. It was converted into the Division of Mental Hygiene, I think, about 1930. That particular Bureau has control at the present time of the narcotics farms that were created about 1929 or 1930 and came into operation a few years later. No one has been summoned from that Bureau to give evidence on that point.

"Informal inquiry by me indicates that they have had no record of any marihuana or Cannabis addicts who have ever been committed to those farms.

"The Bureau of the Public Health Service has also a division of pharmacology. If you desire evidence as to the pharmacology of Cannabis, that obviously is the place where you can get direct and primary evidence, rather than the indirect hearsay evidence."

The indictment by Dr. Woodward, who qualified both as a physician and an attorney, of the acceptance of "indirect hearsay evidence" by the Committee brought forth neither questions nor comment at that time.

The legal history of marihuana control measures is a matter of record and I will not pursue it here. The major point I wish to make is that in the case of marihuana, legal penalties were assigned to its use that are strict enough to ruin the life of a first-time offender, with total disregard for medical and scientific evidence of the properties of the drug or its effects. I know of no clearer instance in which the punishment for an infraction of the law is more harmful than the crime.

I would like to make my professional position very clear in this regard, Mr. Chairman.

I do not, at this time, advocate the removal of all restrictions on the use of marihuana. I believe that until we know more than we now do about the long-term effects of marihuana and other forms of *Cannabis* that use of the drug should continue to be controlled—Medically speaking, I cannot give it a clean "bill of health." *But,* penalties for its use should be lowered, in proportion to the danger and risk to the individual and society of this drug.

Marihuana can be for some, potentially, a dangerous drug. Generally it is a mild drug, in comparison with other hallucinogenics such as LSD, or with certain amphetamines and barbiturates. To equate its risk—either to the individual or to society—with the risks inherent in the use of hard narcotics is—on the face of it—merely an effort to defend an indefensible, established position that has no scientific basis.

It is quite understandable that law enforcement officials are concerned with the misuse of marihuana. So are physicians, educators and scientists. But the *degree* of concern must now—at long last—be equated with the degree of mental and physical risk. For too long, the fantasies surrounding marihuana, whether fostered deliberately or through ignorance, have clouded the facts.

I would like to mention some of them here, because fallacy can only give way to fact if each is recognized for what it is.

MARIHUANA

Fable

1. Marihuana is a narcotic.

Fact

1. Marihuana is not a narcotic except by statute. Narcotics are opium or its derivatives (like heroin, and morphine) and some synthetic chemicals with opium-like activity.

Fable

2. Marihuana is addictive.

Fact

2. Marihuana does not cause physical addiction, since tolerance to its effects and

symptoms on sudden withdrawal does not occur. It can produce habituation (psychological dependence).

Fable

3. Marihuana causes violence and crime.

Fact

3. Persons under the influence of marihuana tend to be passive. It is true that sometimes a crime may be committed by a person while under the influence of marihuana. However, any drug which loosens one's self-control is likely to do the same and relates primarily to the personality of the user.

Fable

4. Marihuana leads to increase in sexual activity.

Fact

4. Marihuana has no aphrodisiac property.

Fable

5. Marihuana is harmless.

Fact

5. Instance of acute panic, depression, and psychotic states are known, although they are infrequent. Certain kinds of individuals can also become overinvolved in marihuana use and can lose their drive. We do not know the effects of long-term use.

Fable

6. Occasional use of marihuana is less harmful than occasional use of alcohol.

Fact

6. We do not know. Research on the effects of various amounts of each drug for various periods is under way.

Fable

7. Marihuana use leads to heroin.

Fact

7. We know of nothing in the nature of marihuana that predisposes to heroin abuse. It is estimated that less than 5% of chronic users of marihuana go on to heroin use.

Fable

8. Marihuana enhances creativity.

Fact

8. Marihuana might bring *fantasies* of enhanced creativity but they are illusory, as are "instant insights" reported by marihuana users.

Fable

9. More severe penalties will solve the marihuana problem.

Fact

9. Marihuana use has increased enormously in spite of the most severely punitive laws.

Fable

10. It is safe to drive while under the influence of marihuana.

Fact

10. Driving under the influence of any intoxicant is hazardous.

EFFECTS OF MARIHUANA

Of all those who have tried marihuana, about 65 percent are experimenting, trying the drug from one to ten times, and then discontinuing its use. Some 25 percent are social users, smoking marihuana on occasion when it is available, usually in a group context. *Ten percent* or less can be considered chronic users who devote significant portions of their time to obtaining and using the drug. The effects of marihuana vary with the potency of the agent, the psychological set of the user, and the setting in which use takes place. Thus, it has been estimated that half of those who use marihuana the first time experience no effects at all.

The *chronic* user of marihuana or "Pothead" may encounter a number of psychological problems. If he is using it to escape life stress, his mental growth is impaired by not learning how to deal with frustration and problems. He tends to withdraw from here-and-now reality, loses ambition and drive, and sustains a loss of motivation. He is present-oriented rather than future-oriented. He may drop out of active involvement in school or work.

Further research is needed to elucidate more clearly both the short and long-term effects of marihuana use. The absence of good scientific data should not lead to the assumption that long-term use is harmless. As in the case of tobacco, it is possible that there are serious consequences of chronic use which will only become apparent through careful longitudinal studies.

One needs to be particularly concerned about the potential effect of a reality-distorting agent on the future psychological development of the *adolescent* user. We know that normal adolescence is a time of great psychological turmoil. Patterns of coping with reality developed during the teen-age period are significant in determining adult behavior. Persistent use of an agent which serves to ward off reality during this critical developmental period is likely to compromise seriously the future ability of the individual to make an adequate adjustment to a complex society.

Despite our acknowledgedly scanty information on adverse effects, there is reason to believe that the marihuana user is exposed to an increased risk of either acute or chronic psychologic damage each time he lights a marihuana cigarette. Though the incidence of serious adverse reaction appears to be low, by definition as the number of users increase, the total number of those experiencing adverse reactions will also rise. The effects of the drug on judgment and perception might very well be a factor in automobile accidents. Those users who already have significant psychiatric problems might readily be led to avoid obtaining necessary psychiatric treatment by this form of self-medication, only to wind up as one of the group of users whose entire life becomes absorbed in the drug culture.

It is obvious, therefore, that there are some things we already know about marihuana, in spite of the fact that many people are unwilling to accept this knowldege.

A youngster who smokes one marihuana cigarette is not a dope fiend, even though misguided individuals in the past have made this association.

There is probably not a single youngster today which believes that smoking one marihuana cigarette will automatically lead him to perdition.

In this situation, it is extremely unfortunate that by the continued, exaggerated emphasis on the supposed dire evils of marihuana smoking, we make it extremely difficult to tell people what the *real* risks of use of specific kinds of drugs are. And there is no doubt that we have already built up in the new generation some of what people of our age absorbed in the days of the Volstead Act. The prohibition syndrome, as applied to marihuana, has already brought about defiance of these specific laws; additionally, it has created in the new generation a credibility gap concerning other laws and law enforcement.

This Committee, Mr. Chairman, is considering various legislative proposals. Other proposals designed to improve control of drug abuse are also before the Congress and have been assigned to other Committees.

I would like to discuss the elements in both the proposals under consideration by this Committee which I would hope to see enacted, and the elements in both that I think could be improved.

I would not favor adoption of either proposal in its present form, without further consideration of medical and scientific data, as well as further consideration of statements made by judges, probation officers, prison officials and others who oppose mandatory minimum penalties on drug offenders.

The principle and the effects of mandatory penalties defeats the whole purpose of treatment and rehabilitation of drug users; it unnecessarily limits the courts and negates the traditional American expectancy that each individual will be heard by a court of law in terms of his intent, the circumstances of his alleged offense, and his potential ability to be rehabilitated.

As a result of my professional experience with drug users sentenced by the courts, I am convinced that the social and psychological damage caused by incarceration is in many cases far greater to the individual and to society than was the offense itself. Each case of drug abuse must be decided separately, from the legal as well as the medical point of view.

From this standpoint, I would favor provisions which would make possible a definite scientifically based determination of the dangers of marihuana use and of the properties of the drug itself.

In regard to the procedures suggested for placing dangerous drugs in specific schedules or classes, I prefer flexible provisions which allow for changes in the class or schedule of a drug, as additional knowledge of that drug becomes available.

Proposals have been made that in establishing drug standards and schedules, the authority to designate rests with the Attorney General. He would be required to request the advice in writing from the Secretary of Health, Education, and Welfare and from a Scientific Advisory Committee whether a substance should be added, deleted or rescheduled as a dangerous substance.

I have two main points to make here, Mr. Chairman. First, it would be preferable to specifically list the professional disciplines of the members of the Scientific Advisory Committee to be involved in decisions about scheduling dangerous substances.

There are nine criteria to be considered with respect to each substance of which the first seven are primarily within the professional competence of the medical, scientific and public health disciplines. The remaining two are primarily legal. Therefore, it would be wise to have the makeup of the committee such that its membership would have professional competence to gauge the criteria.

Changes in scheduling drugs in any piece of legislation can only have real meaning if they are based on research findings. My second point in this regard, therefore, is that social and psychological research on the use and abuse of drugs should remain a medical and health responsibility so that scientific credibility can be established.

As President Nixon has said, "In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about both the short and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependency forged by any continued drug use.

"The National Institute of Mental Health has primary responsibility in this area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding in this entire area."

Similarly, drug abuse education in schools and for health professions should continue to be the responsibility of the health professions. We have long been involved in such education programs and public response to the expanded drug education pamphlets, TV and radio spots and other visual materials indicates that when youngsters get facts instead of hysteria, they pay attention to this information.

The Department of Justice should, of course, have responsibility for the training and education of enforcement personnel, but today's youth are unlikely to accept information on drugs presented by enforcement officials.

I am hopeful that relevant, factual educational programs will begin to become significantly effective in curbing the indiscriminate abuse of all drugs as it has been in reducing LSD use.

No matter what legal reforms are undertaken, this task will be difficult, because the whole problem has gotten out of hand, and the smoking of marihuana has become an accepted fashion among millions of our citizens.

In this situation, the first place in which legal reforms can be made is in the removal of mandatory minimum penalties, in all cases of drug abuse.

I agree with you, Mr. Chairman, as you stated at the White House Conference on Narcotics and Drug Abuse in 1962, that the time has come to correct the mistake that was made with the passage of the Narcotics Control Act of 1956. This Act radically departed from the existing trend in criminal legislation—a trend toward individual treatment of convicted offenders with a view to their eventual rehabilitation.

The Act has deprived Federal judges of discretion in sentencing and requires consideration of an individual defendant on a class basis, rather than in response to his specific circumstances.

If mandatory sentences really were deterrents to criminal conduct, then there would be little justification for limiting them only to narcotic and marihuana offenders.

Mandatory sentences bear little or no relationship to the public good, to public health or to mental health.

I think it important that the record of this Committee's current hearings include the results of the questionnaire that the *Chairman* of this Committee included in the proceedings of the White House Conference on Narcotics and Drug Abuse.

Its report stated:

"The Commission makes a flat distinction between the two drugs (narcotics and marihuana) and believes that the unlawful sale or possession of marihuana is a less serious offense than the unlawful sale or possession of an opiate.

"The Commission believes that the sentencing of the petty marihuana offender should be left entirely to the discretion of the courts. There should be no mandatory minimum sentences for marihuana offenders and no prohibition of probation or parole.

"The courts should have the discretion to impose a fixed sentence (with eligibility for parole), to suspend sentence, or to impose an indeterminate sentence. The Commission is opposed to mandatory minimum sentences even in the case of multiple offenders."

If one considers the actual application of mandatory penalties when, for example, a twenty-one-year-old College Junior who gives a Freshman a marihuana cigarette and then is subject to a *mandatory* ten years in jail, the scene becomes *absurd* in relation to the size of the problem as well as tragic for the individual person.

As a joint project of the Senate Subcommittees on Juvenile Delinquency and National Penitentiaries, the questionnaire was sent to Federal district judges, Federal chief probation officers, Federal prison authorities and U.S. attorneys, inquiring into the effects of the mandatory minimum sentence provisions, and the elimination of probation and parole in the handling of narcotics offenders.

The results of the survey showed that approximately 75 percent of all those who responded—people who lived with this law from day to day—opposed these two basic provisions of the Act.

James V. Bennett, former Director of the Federal Bureau of Prisons, has stated "there is a real danger that, in the effort to contain the problems which stem from the hopelessness characterizing the attitudes of men with mandatory sentences, much of what has been achieved in the development of constructive programs for all types of prisoners may be wiped out."

I am strongly in favor of the specific recommendations of the Prettyman Commission, made in 1963, in its report to the President. Any legislation designed to control drug abuse should include in its provisions the concepts and recommendations of that Commission.

A *conservative* estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may go as high as 12 million people.

Can you imagine what would happen to the law enforcement and corrections system of this country if each of these 12 million people had been caught by a policeman when smoking his first marihuana cigarette?

It is no wonder that law enforcement officials reportedly stay away from rock festivals and other gatherings where the marihuana smoke hangs heavy in the air and proof of possession is very easily come by.

It is time to change from a prosecution to a public health approach in dealing with drug abuse and especially in cooling the marihuana problem, and I can only repeat what I said 18 months ago to this Committee. If we are to get to the root of this problem of drug abuse, we must be prepared to identify and investigate the underlying problems which lead people to distort or ward off reality with drugs.

Until this is done, nothing said here today will achieve much more than to begin to solve the problem on paper. And since the problem is far more than a "paper tiger", we are faced with the fact that Americans must make a conscious decision relating to their acceptance or rejection of the use of dangerous drugs.

Even if it is found that there are no dire physiological effects of marihuana-smoking, the problem still remains and a decision still has to be made by our society.

To protect the few who are oversensitive to the drug, will society restrict the use of this substance by the many?

Or, in the light of scientific information, our society may choose to remove restrictions and allow the individual to decide.

In my professional judgment, Mr. Chairman, even though marihuana is certainly not the horror it was alleged to be in 1937, it *is* a drug having a capacity to alter mood, judgment and functional ability. For these reasons, I believe that in the interests of public health, it is necessary—at least for the present—to maintain restrictions on the availability and use of this drug.

Although there are several pathways toward alternative, conscious decisions, any valid decision, I am convinced, must involve the scientific fact of the amount of public danger which exists, and the specific range of risk involved in the use of each drug.

If one-half-of-one percent of the population is at risk, the decision could certainly be different from a situation in which from 10 to 20 percent of the population is at risk.

The most obvious pathways to decisions which must be made very soon, if the uproar over drug abuse is to achieve any significant and acceptable results, are through legal reform and through education.

In considering both of these, however, the time has certainly come to substitute a broad and realistic look at our American society for the tunnel vision on which our legal and moral attitudes to drug use have been founded until now.

We all know, for example, that marihuana-smoking is more than a fad. It is linked with student contempt for the Establishment.

Marihuana-smoking has become a symbol of rejection of things as they are, as well as a sometimes pleasurable experience in itself.

The Chairman of the House Interstate and Foreign Commerce Committee, Mr. Staggers, in commenting on the need for new legislation, said, "Unfortunately, ours seems to be, for many of our citizens, a drug-oriented, drug-taking society. Hourly, television and radio commercials assault our ears extolling the virtues of various drugs. . . . Perhaps this overall orientation contributes to drug abuse among the young.

"Perhaps the problem lies deeper. Our national rate of suicide, alcoholism, violent crime and divorce indicates that a substantial number, and perhaps the majority, of Americans find their social and human environment something less than satisfactory.

"Whether we call it anomie, alienation, or excessive concentration on material values, this dissatisfaction may lie closer to the surface in many than they would be willing (or perhaps psychologically able) to admit. If so, it seems unlikely that laws alone can accomplish what is needed, although increased research on a very fundamental level may point the way."

Dr. Dana Farnsworth, Director of University Health Services at Harvard University and Chairman of the American Medical Association Council on Mental Health, speaking at a meeting of the American Medical Association, said, "Until now, the official attitude has been 'Stamp out drug use and you'll get rid of the problem.' But the use of drugs is not the central problem—it is only a symptom, an index of the confusions and uncertainties which affect increasing numbers of young people.

"Unenforceable laws and inappropriate penalties make a mockery of the whole principle of legal control and provide one more example of the adult world's misunderstanding of the problem."

A 22-year-old former drug addict, it seems to me, expressed a rare depth of perception when he said that the problem "is a problem neither of youth nor one of drugs, but a problem of a whole society and an entire life style shared by young and old alike."

Our life style, in the 1970's, will be characterized by our ability or inability to use the products of our technical ingenuity to help bring about our happiness and well-being.

The current patterns of drug abuse are illustrative of our inability to make the results of our technological skills work for us as servants, rather than as masters.

As science continues to offer an ever-widening choice of chemicals designed to modify emotions and behavior and to enable us to cope with our environment, ways are being found to use them detrimentally. Our ingenuity, to date, has outrun our wisdom; we have yet to find the restraint to limit ourselves to constructive uses of these products.

The first place in which legal reforms can be made is in the removal of mandatory minimum penalties in all cases of drug abuse.

If this were done, it is quite possible that this one, major step toward accommodating

the law to the realities of drug use might also initiate a stepping stone toward a greater respect for the law generally, if those laws were just and relevant.

Such a legal reform would eliminate one of the major causes of defiance brought on by the violent rejection by youth of what they see as our society's hypocrisies. And certainly, such a reform would capture the attention and, I am sure, a large amount of cooperation among the young people who smoke marihuana, as well as their parents, their teachers, and the courts.

If these millions of young people were convinced that efforts to reform the drug laws were sincere and based on scientific fact and evidence, I feel confident that they would be more receptive and less cynical about information about possible harmful effects of drugs.

There is no doubt that the scare techniques which have been used in the past have now been discredited. And the resultant disbelief in much of the information provided by any persons in authority on many subjects should teach us that the *abuse of known information* is worse than the lack of any information at all.

In our search for information about man's behavior, many of us at the National Institute of Mental Health are relating the problems of some types of drug abuse to a more general question. What is the best way of handling "crimes without victims"—those situations in which an individual, at most, is harming himself?

Do these belong in the criminal code, or should they be handled in another way?

This is a philosophy, in considering man's conduct, that is worthy of serious research and discussion.

As an initial step toward fundamental changes which must be forthcoming in changing the rules of our way of life, the members of Congress and others who share the authority to do so have an immediate opportunity to revise the procedures for punishment. Society can then begin to devise procedures for protection, acceptable not only to tradition but also to our restless, rebellious, but *thoughtful* young people who have had enough of rhetoric and empty promises.

1. What are the most recent trends in marihuana and dangerous drug abuse throughout the country as indicated by your studies?

Although drug abuse varies in different regions and is contingent upon many factors such as available supplies, and what is "in," certain nationwide patterns of drug abuse are discernible. The use of marihuana and, its more potent resin, hashish, is on the increase. This is true for the total numbers of people involved, and the increasing youthfulness of smokers. It is also true for numbers of arrests for cannabis violations.

In one urban university that was sampled in 1967, 21 percent had reported some previous experience with marihuana. In 1968 the same sample was retested and 57 percent had tried the drug. It was estimated by the authors that by 1969, 70 percent would have used the drug. In 1967, 4 percent reported regular use (potheads). By 1968, 14 percent indicated regular smoking of marihuana.

The psychedelics like LSD and STP are still being used. However, LSD use has leveled off or actually decreased. Many factors contribute to this change in the incidence of LSD consumption, one of the more important ones being the increased evidence from research and from medical data of the dangers of this drug.

The abuse of amphetamines is increasing. There are two major kinds of stimulant abuse, the unsupervised use of pills in relatively low doses, and the injection of large amounts intravenously. The first type of misuse occurs at all age levels. The "mainlining" activity is predominantly an abuse by young people. The dangers of injecting enormous amounts of "speed" are paranoid psychosis, assaultiveness, malnutrition, possible brain damage, and hepatitis.

Barbiturates and other sleeping pills are being taken in excessive amounts by all age groups. They are often combined with the amphetamines. We have recent reports of an increase in sedative use by the drug-using subculture, although amphetamines and marihuana remain their drug of choice.

Narcotics, predominantly heroin and opium, are increasing in use. While at one time heroin addiction was a disease to be found in the ghetto, more recently it has been observed among middle and upper class adolescents. In surveys of young people, 2.5–5 percent of *regular* marihuana users have *tried* heroin.

Social scientists who observe the drug panorama are in general agreement about the issue of multiple use of drugs. Habitual marihuana users will invariably try hashish, which is 3–4 times stronger. They are often attracted to LSD and other hallucinogenic drugs. Pep pills, like the amphetamines, are used by ⅓ to ½ of "potheads," and some of these go on to injecting amphetamines. The escalation to heroin is infrequent, but it certainly occurs. A very bizzare and dangerous phenomenon is the ingestion, injection or inhalation of all sorts of odd chemicals, not only those mentioned above, but also model airplane glue, nutmeg, Jimson weed, lacquer thinner, freon spray, cough syrup, etc. Fortunately, only a few, very disturbed individuals are involved in this smorgasbord drug taking.

2. What is the extent of marihuana usage among high school and college students during the past 18 months?

It is estimated that more than a third of all college students have used marihuana at least once. The prevalence in junior high schools and high schools vary with the locale. In the inner city schools the percentages are highest, in suburban schools they are less, but increasing. In rural and small town schools, the numbers are low. Some metropolitan grade schools are reporting occasional marihuana experimentation.

TABLE I.—ONE SURVEY OF MARIHUANA USE AMONG 30,000 HIGH SCHOOL AND JUNIOR HIGH SCHOOL STUDENTS IN A WESTERN STATE—GRADES 7 THROUGH 12 IN 1969

[In percent]

Grade	7	8	9	10	11	12
Boys:						
Once	10.9	23.9	34.9	41.7	41.5	50.1
10 plus	4.1	11.6	20.2	25.7	30.3	33.9
Girls:						
Once	10.7	21.8	31.8	35.5	38.3	37.6
10 plus	1.7	7.4	18.0	21.2	23.3	22.3

SENIORS (GRADE 12) ONLY—1968–69

[In percent]

	1968	1969
Boys:		
Once	45.6	50.1
10 plus	25.6	33.9
Girls:		
Once	31.9	37.6
10 plus	17.4	22.3

Note.—Additional nationwide and regional surveys have been funded.

3. What is the ability of the Federal government to handle narcotic addicts under the provisions of the 1966 Narcotic Addict Rehabilitation Act?

By June 30, 1969, after a year-and-a-half of operations, 1,071 addicts were in treatment in our institutions at Lexington and Fort Worth. An additional 1,059 addicts had not been accepted after 30 days examination and evaluation period. These were patients with difficult problems who could not be treated with the currently available numbers of staff personnel.

It is projected that by 1975, an estimated 10,000 patients will be in treatment under Titles I and III of the Act. Six community treatment programs for narcotic addiction were funded in FY 1968 and are in operation, and ten more were in treatment at six Centers funded under the NARA provisions. By next year, the ten Centers funded in FY 1969 will be treating an additional 5,400 addicts. By the end of calendar year 1970, about 9,000 patients will be in treatment in these community centers.

TABLE II.—PATIENT LOAD EXISTING AND PROJECTED NARCOTIC ADDICT TREATMENT FACILITIES

	Actual, June 1969	Projected, 1970
A. Centers funded under Public Law 89–793 (sec. 402):		
Philadelphia, Pa	522	
New Haven, Conn	580	
Chicago, Ill	505	
St. Louis, Mo	232	
Albuquerque, N. Mex	109	
New York, N.Y		1,300
Total	1,948	
B. Facilities funded under Public Law 90–574 (sec. 251):		
Baltimore, Md		150
Kansas City, Mo		150
Boston, Mass		750
Jersey City, N.J		1,200
Hartford, Conn		300
San Antonio, Tex		450
Eagleville, Pa		400
West Philadelphia, Pa		900
Marlboro, N.J		300
San Juan, P.R		200
Brooklyn, N.Y		600
Total		6,700
Total actual 1969 and projected 1970		8,648

Note: Obviously, State, county, city, and private agencies must continue and increase their efforts to treat the addict in addition to the Federal effort.

Commitments to NIMH narcotic addict rehabilitation program (actual and projected)

Referred for examination and evaluation	4,267
Patients committed:	
Title I	171
Title III	2,236
Total	2,407

ACTUAL AND PROJECTED COMMITMENTS TO THE NARCOTIC ADDICT REHABILITATION PROGRAM, FISCAL YEARS 1968–70[1]

	1968	1969	1970
Total addicts referred for examination and evaluation	385	2,236	4,267
Tota. addicts committed for treatment and rehabilitation	210	1,126	2,407
Title I (in lieu of prosecution)	(29)	(80)	(171)
Title III (voluntary commitments)	(181)	(1,046)	(2,236)

[1] Cumulative number of patients at the end of each fiscal year.

Narcotic addict rehabilitation program (actual and projected patient loads)

In-patients	1,429
Aftercare patients	8,777
Total	10,206

ACTUAL AND PROJECTED PATIENT LOADS FOR THE NARCOTIC ADDICT REHABILITATION PROGRAM, FISCAL YEARS 1968-75

	1968	1969	1970	1971	1972	1973	1974	1975
Inpatients [1]	362	557	821	1,017	1,312	1,463	1,456	1,429
Aftercare patients [2]	20	514	1,617	3,321	5,115	6,877	8,111	8,777
Total, NARA patients	382	1,071	2,438	4,338	6,427	8,340	9,567	10,206

[1] Includes addict patients undergoing examination, evaluation, and treatment at the clinical research centers and in community contract agencies at the end of each fiscal year.
[2] Includes total number of addict patients receiving rehabilitation services in community contract agencies at the end of each fiscal year.

4. What is the capability of the Government to effectively handle the rehabilitation of increased numbers of narcotic offenders which would result from the broadened provisions of the proposed Act?

Given present funds and personnel ceilings, any increase in patients will result in a reduction of staff to patient ratio with less individual care. At present the capability of the two Federal Clinical Research Centers at Lexington and Fort Worth is overtaxed. Only 52% of those committed can be retained for treatment because of staff shortages. The remaining 48% represent the poorly motivated or unmotivated, and about a doubling of our staff would be required to deal with these very difficult problem patients. We are actively seeking inpatient community facilities to take over a part of the present hospital load. These community inpatient facilities will have to be increased along with an expansion of the aftercare program if increased numbers of addicts become eligible. If the eligibility requirements of NARA were changed as proposed in S. 1895, we estimate that an additional 350 addicts per year would be committed for examination and evaluation. This includes those addicts charged with burglary, those who have failed after three or more civil commitments and those who have had two or more felony convictions. We would anticipate that these addicts will pose challenging and difficult problems in rehabilitation.

5. In terms of your experience, what have been the effects of the increasingly permissive or tolerant attitude toward marihuana of certain segments of the public?

Neither overpermissiveness nor overpunitiveness is a helpful attitude in dealing with the marihuana problem. As indicated, increasingly large segments of our people, particularly young people, are using marihuana.

This increase in use occurred in the face of the most harsh and restrictive laws, where penalties were meted out that are equalled at no other place in the criminal code. At our level of knowledge we cannot support overpermissive attitudes, for example, the legalization of marihuana. It would be just as bad to rush into legalization as it was to rush into the overpunitive approach in 1937, without any scientific basis for the action.

6. Is there any justification for decreasing any of the presently applicable penalties for marihuana law violations?

It is evident that the very stringent penalties for possession of small amounts of marihuana have not deterred millions of users. From anonymous questionnaires we learn that legal sanctions are rarely a deterrent to marihuana use. Some young people do abstain out of fear or respect for the law, but just as many seem to smoke marihuana as an act of defiance. Mandatory prison sentences are particularly pernicious for the person who experiments with marihuana.

The recommendations made to the President by the Prettyman Commission in 1963 should be adopted. The report stated: "The Commission makes a flat distinction between the two drugs (narcotics and marihuana) and believes that the unlawful sale or possession of marihuana is a less serious offense than the unlawful sale or possession of an opiate."

The health dangers inherent in the use of narcotics and marihuana differ considerably. A reassessment of this inequity is in order. This important question merits the most thoughtful and careful consideration.

7. Should more of the overall drug abuse control problem be delegated to scientists and practitioners in the fields of medicine (particularly psychiatry), education, research and others?

Yes. Drug abuse is a public health problem and the effective control of drugs requires that decisions regarding the nature of each drug, its characteristics and its dangers should be made by medical and other scientific disciplines competent to judge the criteria for such determinations.

President Nixon, in pointing out that effective control of illicit drugs requires the cooperation of many agencies, said, "At the Federal level, the burden of the Federal effort must be carried by the Departments of Justice; Health, Education, and Welfare; and the Treasury.

"It has been a common oversimplification," the President said, "to consider narcotics addiction or drug abuse to be a law enforcement problem alone."

As proposed in the Bills under discussion here, a Scientific Advisory Committee should be involved in decisions about scheduling dangerous substances.

It would be preferable to specifically list the professional disciplines of the members of the Scientific Advisory Committee. S. 2637 establishes nine criteria to be considered with respect to each substance. The first seven are primarily within the professional competence of the medical, scientific and public health disciplines.

Therefore, it would be wise to have the makeup of the committee such that its membership would have professional competence to gauge the criteria.

Drug research has been designated as the responsibility of the National Institute of Mental Health. Such research, including psychological and social investigations and studies, should remain in medical and health responsibility so that scientific credibility can be established.

Mr. DODD. Mr. President, his testimony is of considerable importance to the bill before the Senate, the Controlled Dangerous Substances Act, as it contains the latest scientific information on marihuana at this point in time. Further, Dr. Yolles' statement substantially supports the proposed legislation.

Of course, Dr. Yolles recommended the elimination of mandatory minimum sentences.

Dr. Sidney Cohen, the Director of the Division of Narcotic Addiction and Drug Abuse at the National Institute of Mental Health, recommended that penalties for the possession and use of marihuana and other drugs be lowered to the level of misdemeanors.

Dr. Roger O. Egeberg, Assistant Secretary and the chief witness for the Department of Health, Education, and Welfare also supported the penalty structure which is now a part of S. 3246.

I believe the penalties we have proposed are neither too high nor too low.

I think they achieve the purpose of reestablishing the authority and discretion of the judges to impose penalties based on the merits of the individual case before the court.

I for one believe that these are the penalties which should be adopted in this bill.

Finally, Mr. President, I would summarize my position this way. The Hughes amendment reducing the penalties for illegal possession of marihuana to 6 months imprisonment and $2,500 in fines for first offense conviction, must be rejected.

Such an amendment cannot be substantiated from the record.

S. 3246 reduces possession violations to misdemeanors—terms of imprisonment not exceeding 1 year.

Such a reduction is reasonable and proper.

Present Federal law provides for mandatory 2-year terms upon first offense conviction for possession of marihuana.

A great stride has been made pursuant to the provisions of S. 3246 reducing these penalties to misdemeanors.

Further reduction of penalties is not reasonable, rather it is arbitrary.

Under S. 3246, the judge may suspend the sentence and impose probation.

He may impose no sentence and just fine the convicted person.

Thus there is ample latitude for judicial discretion under the possession penalties of S. 3246.

The Marihuana Study Committee authorized by S. 3246 will bridge gaps in existing knowledge about marihuana and then if the evidence justifies it, penalties can be further reduced.

To do so now is unwise.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. Mr. President, I would like to make a few additional remarks. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. HUGHES. Mr. President, although the question of alcohol is not raised here—I am not attempting to raise it; and I recall the testimony of Dr. Yolles that we could not compare marihuana with alcohol—in many cases alcohol is addictive and creates a psychological dependence. Many violent crimes in this country are carried out under the influence of alcohol. Over 25,000 people a year are dying on our highways in alcohol-related instances. Yet we treat this drug—and it is a drug—in such a way that we have a series of penalties that are not, by comparison, severe for the first offense.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which shows the penalty for possession or purchase of liquor by a minor, the penalty for falsifying age, the penalty for an adult selling liquor to minors, and the penalty for an adult providing liquor to minors.

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

State	Age	Penalty for possession or purchase of liquor by minor	Penalty for falsifying age	Penalty for selling liquor to minors	Penalty for adult providing liquor to minors
Pennsylvania	21	Fine, $100 to $300 or jail for 6 months	Same as possession	Fine, $100 to $500 possible suspension or revocation of license.	Same.
Washington	21	Fine up to $300 or jail for 2 months	Same	Fine, same	Do.
Oklahoma	21	Fine up to $500	do	Fine up to $5,000 or jail for 5 years	Do.
Florida	21	Fine up to $250 and/or jail for 3 months.	do	Fine up to $500 and/or 6 months in prison.	Do.
Utah	21	At the discretion of the court	Fine up to $100 and/or 30 days	Not less than 30 days nor more than 6 months.	Do.
Iowa	[1] 21	Fine up to $100 and/or jail for 30 days	Same	Fine, $300 to $1,000	Do.
California	21	Fine up to $100	do	Licence suspended for 15 days	Fine up to $500 or 6 months.
New York	18	Fine up to $500 or 1 year in jail	$10 plus 1 year probation	Fine up to $500 or not more than 1 year.	Not more than 1 year.

[1] Some exceptions

Source: The Liquor Law Reporter, Commerce Clearing House.

Note: Major penalties are provided for people who sell or provide liquor to minors. In general lesser penalties are applied to illegal users themselves.

Mr. HUGHES. Mr. President, the chart which I have had printed in the RECORD shows that for a first offense the purchase of alcohol by a minor in Pennsylvania, the penalty is a fine of $100 to $300 or 6 months in jail; in Washington it is a fine of $300 or jail for 2 months; in Oklahoma it is a fine of up to $500; in Florida it is a fine of up to $250 and/or jail for 3 months; in Utah the penalty is at the discretion of the court; in Iowa it is a fine of up to $100 and/or jail for 30 days; in California it is a fine of up to $100, and in New York it is a fine of up to $500 or 1 year in jail. What we should do in connection with marihuana is to place the penalties correspondingly. I realize that the subcommittee of which the distinguished Senator from Connecticut is chairman and the Committee on the Judiciary attempted to do that. I compliment them for going as far as they went. I feel we should go further, and I differ with them that they have gone far enough.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I would be willing to yield back all time, if the Senator from Iowa would.

Mr. HUGHES. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUGHES. I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 456) of the Senator from Iowa (Mr. HUGHES), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. Moss), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Californa (Mr. MURPHY), the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 24, nays 58, as follows:

[No. 20 Leg.]

YEAS—24

Brooke	Inouye	Montoya
Byrd, Va.	Jackson	Muskie
Case	Magnuson	Nelson
Church	Mansfield	Pastore
Goodell	McCarthy	Pell
Harris	McGovern	Sparkman
Hart	Metcalf	Williams, N.J.
Hughes	Mondale	Young, Ohio

NAYS—58

Aiken	Ervin	Percy
Allen	Fannin	Proxmire
Allott	Fong	Randolph
Baker	Goldwater	Russell
Bayh	Gore	Saxbe
Bellmon	Griffin	Schweiker
Bennett	Gurney	Scott
Bible	Hansen	Smith, Maine
Boggs	Hatfield	Spong
Burdick	Holland	Stennis
Cannon	Hollings	Stevens
Cook	Hruska	Symington
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower
Dodd	McClellan	Williams, Del.
Dole	McGee	Yarborough
Eagleton	McIntyre	Young, N. Dak.
Eastland	Miller	
Ellender	Pearson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—17

Anderson	Javits	Packwood
Cranston	Kennedy	Prouty
Dominick	Mathias	Ribicoff
Fulbright	Moss	Smith, Ill.
Gravel	Mundt	Tydings
Hartke	Murphy	

So the amendment (No. 456) was rejected.

Mr. HRUSKA. Mr. President, as we enter the decade of the seventies, it is natural for us to examine the problems and difficulties of the sixties and seek solutions for them so that life in the coming decade will be better than it was in the past.

What are these problems? They are, of course, legion and not subject to any broad brush approach. Each must be met directly and resolved individually.

The Senate today has before it a bill which I believe will be a significant step toward solving one of the very difficult problems of our time—the problem of drug abuse.

As you will recall, last July President Nixon sent a message to Congress which contained an aggressive and comprehensive program to combat the national problem of drug abuse. In that message, the President said:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to . . . millions of Americans.
>
> A national awareness of the gravity is needed.
>
> A new urgency and concentrated national policy is needed at the federal level to begin to cope with this growing menace to the general welfare of the United States.

Based on my continuing interest in this problem over the years, I know that what the President said is true.

Mr. President, I cannot overestimate the threat that narcotics and dangerous drugs pose to the mental and physical health of the Nation; especially to our young people who are, in frighteningly increasing numbers, turning to marihuana, hard narcotics, and other dangerous drugs as a way of life.

All too many of our young people look to drugs for various reasons: for excitement, for experimentation, or for physical escape; for curiosity; or to "belong." All sections of our country are affected: the suburbs and the inner cities, the colleges, and even the high school campuses.

Most public concern is directed at the more well-known substances, such as heroin and marihuana. While these substances continue to be a real danger, there is also a rising abuse of other dangerous substances such as the barbiturates and amphetamines.

Let there be no mistake or misunderstanding about the gravity of this problem. It is extremely serious. The available statistics are shocking and more than substantiate our current fears.

The FBI Uniform Crime Reports show that the total number of narcotic and marihuana arrests in the United States have increased from 9,863 in 1958 to 162,-

177 in 1968, the last full year available for comparison.

By age classification, the FBI reports show that in 1958, 3.8 percent of the persons arrested for drug violations were under 18 years of age, 14.7 percent were under 21, and 35.1 percent were under 25.

Ten years later, in 1968, narcotics arrests showed that 26.6 percent of those arrested were under 18, 56.5 percent were under 21 and 76.6 percent were under 25.

In 1958, there were virtually no reported drug arrests of persons under 15 years of age while in 1968, about 3 percent of those arrested were 15 years of age or younger.

The dangers inherent in drug abuse are not limited to the user but constitute a threat to society as well.

Mr. President, a person who is addicted to drugs, especially hard narcotics such as heroin, usually starts his habit by ingesting a small amount of the substance into his system for relief from the cares and problems of his world or sometimes just to try something different. These addictive drugs have an adverse effect on the individual's system which results in a degree of immunization to the drug. In order to enjoy the pleasures of past experiences, the user must ingest progressively more and more of the drug. In a very short time, he becomes absolutely dependent, physically and emotionally, on the drug. At this point, he will get more of the drug no matter what the price, and the price is high. In order to support a habit, an addict will do most anything to raise the necessary money. This usually leads to a life of crime, since an average person simply cannot support a habit which can cost $40 or $50 a day on an ordinary salary.

The addict becomes alienated from his family, his friends and from society in general and begins to live for the drug.

Mr. President, drug abuse is a grave problem and a solution must be found or it will grow worse. The bill before the Senate, S. 3246, constitutes a giant step toward this needed solution.

The purpose of this bill is to consolidate and rationalize the patchwork of existing legislation and to bring about some needed changes so that our basic Federal statutory tool is as effective and as up to date as possible. The bill represents a codification, a modernization, and a simplification of existing Federal narcotic and dangerous drug laws. But we are not merely redecorating the existing legal structure. Rather, we have laid a new foundation; enacted thereon a sound framework within which a firm but sensible Federal drug policy may be carried out, and we have topped it all with long-needed law enforcement tools.

Yet, this new law will be flexible enough to accommodate changes brought about by increased knowledge gained through research and the development of new drugs. It will also accommodate changes in the habits, attitudes, and activities of our population and our national goals and international obligations.

This bill consists of nine titles. It constitutes a combination of the best features of S. 1895, which was introduced by the distinguished Senator from Connecticut; S. 2590, which was introduced by the distinguished Senator from Utah; and S. 2637, which was introduced on behalf of the administration by the late minority leader, Senator Dirksen, and myself. This bill also includes some provisions which were not in either. I shall now proceed to discuss briefly each of the titles of the bill.

TITLE I—FINDINGS AND DECLARATIONS, AND DEFINITIONS

Mr. President, title I of S. 3246 succinctly sets out the constitutional basis on which this legislation is to be grounded; namely, the authority of Congress to control interstate and foreign commerce and to protect the general public health and welfare. It is important to note that this is in line with contemporary thinking and a departure from many existing drug control measures which implement Congress constitutional authority to lay and collect taxes. Past experience with the Harrison Narcotic Act of 1914 and the Marihuana Tax Act of 1937 has demonstrated that taxing measures to control drugs are extremely cumbersome and quite often ineffective, if not unconstitutional.

In addition, title I also contains the many definitions necessary for the successful implementation of the bill. Many of these definitions are carried over from existing law. Others are new and are designed to clarify and distinguish those individuals who are intended to be included within the scope of the bill. Many participants in the hearings before the Subcommittee To Investigate Juvenile Delinquency voiced objection to the inclusion of certain classes of persons, pharmacists, physicians, and researchers to name a few, within the scope of coverage. However, the evidence and testimony adduced clearly indicates that many of these individuals pose a great source of diversion of dangerous substances into other than legitimate channels. The evidence gathered clearly warrants their being made subject to the regulatory controls imposed by later titles of the bill. This is particularly true in light of the fact that approximately 90 percent of all stimulant and depressant drugs found in illicit channels were legitimately manufactured here in the United States. We must bring this illicit diversion of drugs to a halt. Making all persons who in any way deal with these dangerous substances subject to the regulatory controls of the bill is one of the best ways I can think of to protect against this diversion.

TITLE II—STANDARDS AND SCHEDULES

Mr. President, title II of the bill vests the authority to control those drugs enumerated as controlled dangerous substances within the Attorney General. He may add, delete, or reschedule a drug within any one of the four schedules listed either upon his own motion or that of any interested party. However, before undertaking to bring a drug under control or remove a drug from control, the Attorney General must first consider the advice of the Secretary of Health, Education, and Welfare and that of the Scientific Advisory Committee established under title VI of the bill. This proviso should be more than adequate to insure the necessary input of scientific and medical data into the Attorney General's determination as to whether or not a particular drug should be brought within the controls imposed by the bill.

Any statement that the control of dangerous drugs under this bill is purely a scientific and medical determination is not necessarily a true one. While no one would question that a preliminary determination of abuse potential, one of the criteria to be considered in making the determination to control a particular drug, is the necessary trigger that sets in motion any decision for subsequent control, it is, however, only a trigger. This preliminary determination will be made by the Scientific Advisory Committee which is a group of qualified scientists drawn from a list prepared by the National Academy of Sciences. The input from this level comes in not only from the Department of Health, Education, and Welfare, but from the academic community and other agencies. In short, all the basic information, medical, scientific, and actual abuse flows to the committee from many diverse sources.

The committee itself, as an independent body, makes its recommendations. Once such recommendations are made, it is a policy determination as to whether or not a drug should be controlled. At that point in time, since the control of the drug will require enforcement, it is necessary to evaluate that recommendation, along with practical problems of enforcement, to determine whether the drug should be placed under control. This is not something that the Secretary of Health, Education, and Welfare is as qualified to perform as is the Attorney General.

The Department of Health, Education, and Welfare is not enforcement oriented as has been clearly pointed out in the staff papers. Yet, the control of a dangerous drug is an enforcement matter since such control results in investigations and regulations to insure against illicit diversion and illicit trafficking. The control of a particular drug also can raise antitrust considerations, as well as international questions. All these factors must be brought together and decided upon. The Attorney General is best able to make such a judgment and in point of fact, has been doing so at the present time.

As well as providing for the necessary scientific and medical input into the Attorney General's determination to control a drug, title II in addition sets out nine criteria he must consider before bringing any substance under control. These include such things as the drug's actual or relative potential for abuse, evidence of pharmacological effects, the risk to public health, obligations of the United States under international treaties and conventions, and the drug's addiction sustaining qualities.

All the drugs enumerated under title II, and thus subject to control, are listed in one of four schedules. Each schedule

has its own set of criteria and any drug must meet these criteria before they can be included within the particular schedule. Examples of these criteria would be the degree of potential for abuse, acceptability of medical use in the United States, and the degree of safety involved in using the particular drug.

Schedules I and II, over which the most stringent controls are placed, contain the narcotics and the hallucinogenic drugs. These are the drugs with the highest abuse potential and little or no accepted medical use in this country. Marihuana is included in schedule I since it comes squarely within the criteria of that schedule. Bear in mind, however, and as I will point out in a moment, these schedules serve a twofold purpose. The schedules are set up to determine what regulatory controls will be applicable but, in addition, they serve to plug into the penalty structure of title V for determining what type of penalty will be imposed for violations of the act.

Schedule III contains what are presently known as the class B narcotics, which have a relatively low abuse potential, and the stimulant and depressant drugs. Schedule IV contains the exempt narcotic preparations which are the over-the-counter cough preparations and such other drugs as paregoric.

It is important to note that these schedules are flexible to a degree in that the Attorney General is allowed to move drugs within the various schedules with the exception that he cannot summarily remove a drug from schedule I, which has the most stringent controls imposed over it, directly to schedules III or IV, which contain less dangerous substances and are subject to less stringent control. The Attorney General can, however, remove a substance from Schedule I and place it in Schedule II should the need arise.

One must keep in mind, however, that a drug must meet the criteria demanded of the particular schedule before it can be placed in it.

TITLE III—INDUSTRY REGULATION

Mr. President, title III sets forth the provisions which will govern the legitimate manufacture, distribution, and dispensing of controlled dangerous substances. All persons, except those few specifically exempted, who manufacture, distribute, or dispense controlled dangerous substances must register with the Attorney General. To do so, strict standards must be met by the applicant for registration, including such things as maintenance of effective controls against diversion, compliance with State and local law, prior conviction record relating to controlled substances, and past experience in the manufacture or distribution of these substances.

I do not think anyone would seriously question the necessity for requiring registration since it is perhaps the only means of ascertaining all those individuals who are dealing in controlled drugs. If we are to protect against drug diversion it becomes vitally important to know of all those persons and establishments who are legitimately dealing in controlled substances.

There are also provisions within title III allowing for a suspension or revocation of a registration by the Attorney General. However, he is not accorded a free rein in that a registration can only be suspended or revoked if the applicant is found to have falsified his application; or been convicted of any felony relating to controlled dangerous substances under either Federal or State law or has had his State license or registration revoked and is no longer permitted under State law to manufacture, distribute, and dispense controlled dangerous substances. This provision is important since it allows the Attorney General to purify the registration lists should the need arise.

In addition to permitting revocation or suspension of a registration only on the happening of any of these three enumerated contingencies, additional safeguards require the Attorney General to give the registrant notice of his intent to revoke or suspend and afford the registrant an opportunity to be heard. This is really only a codification of those procedures required by the Administrative Procedures Act and our Constitution.

Incumbent on all registrants under the bill are the recordkeeping and biennial inventory requirements. If and when the bill becomes effective, all registrants will be required to inventory and record all stocks of controlled dangerous substances on hand. This will establish a base line for future inventories, which will be required every 2 years at the time of the registrant's regular fiscal inventory. The requirement of records and inventories will enable the Attorney General to easily pinpoint possible sources of diversion by such means as accountability audits and thus should serve as an effective deterrent against diversion.

Provisions requiring narcotic drugs to be distributed only pursuant to an order form have been carried over from existing law with the exception that hallucinogenic drugs have been included under the order form requirements of the proposed bill while the class B narcotics have been excluded since their abuse is no longer of such a degree as to warrant the imposition of order form requirements.

Prescriptions are required for the dispensing of schedules II and III substances. However, to conform with common and accepted practice, in emergency situations, oral prescriptions will be permitted for dispensing schedule II narcotics provided certain requirements are met. In addition, limitations are imposed on the number of times and the time span within which a prescription may be refilled.

TITLE IV—IMPORTATION AND EXPORTATION

Mr. President, title IV sets out the provisions relating to the importation and exportation of drugs under control. While for the first time the Attorney General will be authorized to import narcotic drugs, he will only be able to do so upon the happening of either of two specific events. He must either find that there is an emergency situation and that domestic supplies are inadequate, or that there is inadequate competition among domestic manufacturers which cannot be remedied by the registration of additional manufacturers.

In addition, new and stiffer restrictions are imposed upon the exportation of any controlled dangerous substance. Such restrictions should significantly decrease the flow of illicit drugs at this country's borders, especially in the situation which exists now where drugs are legitimately exported from this country only to be smuggled back in and distributed into illicit channels.

TITLE V—OFFENSES AND PENALTIES

Mr. President, title V sets out the penalties imposed for violations of the various provisions of the act. These changes in the penalty structure were not decided upon arbitrarily, but were the result of careful examination of the relevant facts. The Subcommittee To Investigate Juvenile Delinquency has for several years followed the drug abuse problem very closely, receiving testimony from persons knowledgeable in all aspects of the problem. In this regard, we have over the past several years heard the testimony of law enforcement officials, government officials, scientific experts, physicians, psychiatrists, college professors, and students. We have also heard from addicts and other drug abusers.

The evidence which we have received shows that the severe penalties imposed under existing laws have failed to deter drug abuse. In fact, the opposite is true. Abuse of drugs, especially marihuana, has increased dramatically in recent years.

When Attorney General Mitchell testified before our subcommittee last September, I presented him with my reservations about the effectiveness of the present severe penalties. It was pointed out that the State of Nebraska had enacted legislation to reduce a first offense for marihuana abuse to a misdemeanor, and urged him to consider following this lead.

The administration responded to these and similar arguments by agreeing to reduce and modify the penalty structure substantially. This action, by the administration, was, of course, personally gratifying. More important, however, it showed the commitment of the Nixon administration to have enacted legislation which is responsive to present day needs.

Mr. President, I hasten to add that while the penaltiy provisions contained in this bill are tough, they are also rational and credible. The penalties are tailored to fit the crime and the person who committed that crime. Harsh penalties are leveled against the person who traffics in drugs as part of a continuing criminal enterprise. These are found in section 509, which is a new concept designed to put the professional criminal out of business. If we can immobilize the professional criminal, we will take a giant step toward solving the drug abuse problem in this country.

This is what section 509 is all about. It is directed at the professional criminal and is designed to make the cost of doing business too high for him to continue in operation.

Under the provisions of this section, when the Attorney General is able to build a drug abuse felony case against a known professional, the court can consider the special penalty provisions applicable.

After the defendant has been convicted, a separate presentencing procedure is held. If the court finds by a preponderance of the evidence that the defendant is a professional criminal, as defined in detail in the bill, it can in lieu of the normal penalty provided by law, sentence that defendant to a minimum of 5 years in prison or up to life and a fine of $50,000 for a first offense. In addition, the defendant will forfeit to the United States all illegal profits no matter how disguised or where invested.

The above section is, of course, subject to the very precise standards and the proceedings under it are subject to court review.

Mr. President, the enactment of S. 3246, with section 509, will serve notice on the professional criminal that his profession is no longer acceptable, no longer safe, and no longer profitable.

As I mentioned earlier, the drug schedules also serve the function of determining what penalties are to be imposed for particular offenses. Ordinary traffickers in schedules I and II narcotics will be subject to a term of imprisonment for up to 12 years, a fine not exceeding $25,000, or both. In addition, a judge must impose a 3-year special parole term, which is a relatively new concept, but one which will provide necessary postincarceration supervision.

Trafficking offenses involving hallucinogenic drugs, which include marihuana, and stimulant and depressant drugs are punishable by imprisonment for up to 5 years, a fine not exceeding $15,000 or both. An additional 2-year special parole term must also be imposed.

An additional provision provides that distribution of small amounts of marihuana for no or insignificant remuneration is punishable by imprisonment for up to 1 year. This is intended to cover quasi-donative transfers such as where a friend gives another a few marihuana cigarettes for nothing or for enough money to cover the cost of the marihuana.

Possession offenses are subdivided into two types—possession with intent to distribute, which is a felony and treated the same as a trafficking offense; and simple possession for one's own use, which is accorded misdemeanor treatment, regardless of the drug involved.

Other penalty provisions of the bill relate to offenses committed by registrants. If the offense is committed unknowingly or unintentionally, only civil fines are imposed. However, for willful violations, criminal sanctions will be imposed.

Second and subsequent offenses will generally be punishable by up to twice the penalty provided for first offenses.

In achieving a more rational penalty scheme, provisions have been made for allowing first offender treatment in cases of first offense, simple possession. Under this provision a judge may, in his discretion, place a first offender on conditional probation if he pleads guilty or is convicted of simple possession. Upon fulfillment of the conditions imposed, the defendant will be discharged and the proceedings against him dismissed. If he is under 21, all official records of his arrest and conviction must be expunged and he will not have to acknowledge his prior conviction in any inquiry for any purpose.

TITLE VI—ADMINISTRATIVE PROVISIONS

Mr. President, title VI sets out the administrative provisions necessary for the successful implementation of the bill. Of key importance are the sections authorizing the Attorney General to conduct educational and research programs and establish cooperative arrangements between Federal, State, and local law enforcement agencies.

Under the former section, the Attorney General is authorized to establish methods to assess the effects of controlled dangerous substances and to identify those drugs found to have a potential for abuse. This authorization is absolutely essential since the Attorney General is charged with the responsibility of determining whether or not to bring a drug under control. We cannot allow him to operate in the dark. We must give him sufficient latitude to gather, sift, and evaluate all those facts necessary to making a rational control determination.

In an effort to prevent stifling of research, this section also permits the Attorney General to authorize the possession and distribution of controlled substances by researchers and the withholding of names or identifying characteristics of research subjects.

Section 603 will for the first time establish cooperative arrangements between Federal, State, and local law enforcement personnel. As well as making for a more unified and concerted effort in combating drug abuse, this section will also provide the vehicle by which the first accurate assessment of the total drug abuse picture can be made.

Other provisions of title VI provide for the establishment of the Scientific Advisory Committee, which will advise the Attorney General as to the merits of bringing a particular drug under control; administrative hearings; the issuance of subpenas; and judicial review.

TITLE VII—ENFORCEMENT PROVISIONS

Mr. President, this title contains perhaps the most controversial provision in the entire bill; namely, the provisions authorizing officers under certain circumstances to execute a search warrant without knocking or announcing their authority and purpose. I think my views and support of this provision were made clear yesterday, and I feel no need to reargue the matter at this time. Let it suffice to say that I think the provision is clearly within the bounds of reasonableness prescribed by the Constitution and would prove to be a very effective, if not essential, law enforcement tool.

I hasten to add that there are other provisions contained in title VII which are equally as important but which have been clouded over by the present controversy over the no-knock section.

The sections providing for administrative inspections and warrants and for the forfeiture of the vehicles used by the drug trafficker in carrying out his vicious trade all will contribute most significantly to the effective enforcement of this bill.

The section on administrative inspections and warrants is a codification of two recent decisions by the U.S. Supreme Court which held that, in general, administrative inspections must be conducted pursuant to a warrant where the person in control of the premises refuses entry to the officers. This is the case even though there is a statute authorizing such an inspection. What section 703 does is to codify the criteria laid down by the Court for establishing probable cause, and the procedures which must be followed in executing any administrative inspection warrant issued. I might add that these warrants can only be executed during normal business hours, and the officers serving them must present the warrant and appropriate credentials to the person in control of the premises before entering.

The forfeiture provisions contained in the bill were for the most part carried over from existing law except that they have been expanded to cover the dangerous drugs as well as narcotics and marihuana. We must bear in mind that the drug trafficker needs mobility to carry on his illegal business. This section will insure that he will be, in part, deprived of this much needed mobility since the vehicles he uses will be forfeited to the Government.

TITLE VIII—COMMITTEE ON MARIHUANA

Mr. President, title VIII calls for the establishment of a Committee on Marihuana to carry out a study on all phases of marihuana use. This committee is to be composed of experts with diversified professional backgrounds selected jointly by the Attorney General and the Secretary of Health, Education, and Welfare.

The study will focus on the legal, medical, pharmacological, and sociological aspects of marihuana use in an effort to arrive at some definitive answers to many of the questions about this drug which have been gnawing at us over the years.

TITLE IX—MISCELLANEOUS

Mr. President, title IX, the last title of the bill, sets out the various technical provisions such as repealers, conforming amendments, sections continuing pending proceedings and regulations, a section for authorization of appropriations, and a severability clase.

CONCLUSION

Mr. President, as we proceed into the seventies we should resolve that one of the most alarming problems of the sixties will be met head on and resolved. We can do this by enacting the Controlled Dangerous Substances Act and giving our law enforcement officers the tools they need to cope with and eradicate this drug abuse blight from our society.

While this bill is not a panacea, it is a significant step toward wiping out the

drug abuse problem. It should have our resounding support and quick enactment into law.

Mr. COOK. Mr. President, one of the most serious domestic problems facing the United States today is the accelerating problem with respect to the illicit use of drugs. Between 1960 and 1968, there was a 322-percent increase in arrests for narcotics and marihuana violations. Known narcotic addicts, the majority of whom were addicted to heroin, have almost doubled since 1960.

The greatest malignancy of this situation is the alarming increase in the use of drugs by the youth of our country. Clinical evidence of the seriousness of the problems, particularly among young persons, continues to mount and this can only be considered a situation of ominous potential.

The primary orientation of enforcement by the Federal Government is toward the professional trafficker—the importer, the wholesaler, the interstate distributor, the retailer, and the pusher. These are the entrepreneurs who profit by exploiting the physical and emotional weaknesses of our citizens.

Our democratic institutions are not required to capitulate to the vicious and illegal activities of the professional traffickers. Consequently, the creation of an intelligent and responsive legal framework for eliminating these problems must be one of the highest priorities of the Congress.

The entire resources of the Federal Government must be marshaled if we are to eliminate drug abuse and its tragic consequences. I believe that the proposed controlled dangerous substances act will provide the necessary legal framework which will enable society to effectively respond to this problem.

This bill would place in one integrated statute a revised and modern regulatory scheme for the control of narcotics and dangerous drugs. It would primarily replace the following Federal statutes: the Harrison Act of 1941 and related narcotic legislation, the Marihuana Tax Act of 1837, and the drug abuse control amendments of 1965.

The bill contains a number of innovations reflecting contemporary penology but it also preserves the desirable features of the structure and concepts of the existing legislation. The necessity of consolidating the laws pertaining to narcotic and dangerous drug control has been accented by the Reorganization Plan No. 1 of 1968 in which the Bureau of Narcotics of the Treasury Department and the Bureau of Drug Abuse Control of the Department of Health, Education, and Welfare were merged into the Bureau of Narcotics and Dangerous Drugs within the Department of Justice. As a concomitant of this action, a special prosecution unit was created in the Criminal Division of the Department of Justice to supervise the enforcement of laws relating to narcotics and dangerous drugs.

The Departments of Treasury and Health, Education, and Welfare administered separate bodies of statutory law, one based upon the taxing power, and the other upon the commerce clause. The existing statutes relate to different drug classifications and provide differing regulatory mechanisms and penalty structures. There are many basic inconsistencies in the existing legislature structure. This bill will make the controls of narcotics and dangerous drugs coalesce in both logic and practice.

Since early in the 20th century, we have structured our drug control policies around the dual judgments that drug abuse was an evil to be suppressed and that this could most effectively be done by the application of criminal enforcement and penal sanctions. As a result of those judgments, our traditional response to an acceleration in drug abuse has been to increase the penalties for drug offenses. The premise has been that the more certain and severe the punishment, the greater the deterrent.

The existing statutes have established a complex pattern of offenses. The present bewildering variety of offenses also prescribe a range of mandatory minimum sentences. A minimum sentence of 2 years must be imposed where the evidence shows possession of narcotics or marihuana, a minimum of 5 years for a second offense, a minimum of 10 years for any subsequent offense. The statutes impose a minimum sentence of 5 years for a first offense of smuggling, selling or otherwise transferring narcotics or marihuana. A minimum of 10 years for a second or subsequent offense. These laws preclude the suspension of the sentence, probation, and parole for most of the convicted offenders.

Within any classification of offenses, differences exist in both the circumstance and nature of the illegal conduct and in the offenders. Mandatory provisions deprive judges and correctional authorities of the ability to base their judgments on the seriousness of the violations and the particular characteristics and potential for rehabilitation of the offender. I believe that these inflexible sentencing procedures have had discernible adverse effects. Principally, they have made the rehabilitation of the convicted narcotics offender virtually impossible since there is little motivation for rehabilitation where there is no hope of parole.

There is a broad consensus among judges and correctional authorities that discretion should be restored. A 1964 policy statement of the Advisory Council of Judges and repeated testimony by officials of the Bureau of Prisons and Board of Parole are expressions of this consensus.

The basic theory of the present penal provisions is that offenses under the narcotics and marihuana laws are, regarded collectively, offenses of equal gravity. I do not believe that it is equitable to impose the same high mandatory penalties for marihuana abuse as for heroin abuse in view of the considerable amount of evidence that marihuana is significantly less harmful and dangerous than heroin.

It has also become abundantly clear that the severity of penalties has not affected the extent of narcotic and dangerous drug abuse. The mandatory minimums which have been legislated have not produced the expected reduction in drug law violations. For example, under Federal law, and under many State statutes, marihuana convictions require the imposition of the same strict penalties that are applicable to heroin offenses. However, marihuana violations have almost doubled within the past 2 years.

A National Institute of Mental Health survey indicates that as many as 50 percent of high school students in certain areas have had some experience with marihuana. A further study of a student sample in a university showed that in 1967, 21 percent of these students had previous experience with marihuana. The same sample in 1968 revealed that 57 percent had tried marihuana.

As amended in committee, this bill will eliminate all mandatory minimum sentences for drug law violations except for a special class of professional criminals. Title V of the bill designates the offenses and penalties for unlawful manufacture; distribution; dispensing; possession with intent to manufacture, distribute, or dispense; importation; exportation; and simple possession of controlled dangerous substances.

Only professional criminals will continue to be subject to mandatory minimum sentences. A professional criminal is defined as a person over 21 years of age who has played a substantial role in a continuing criminal enterprise in concert with at least five other persons and occupied a position of organizer, a supervisory position or other position of management. A person can also be considered a professional criminal if he has substantially participated in a continuing criminal enterprise and has under his control a large amount of money not demonstrated to have been legally acquired.

The professional criminal engaged in these violations is subject to a mandatory 5-year term for a first offense. For a second such offense, the professional criminal is subject to a mandatory term of 10 years. A professional criminal, even for the first offense, can be sentenced to life imprisonment. In any case, where an individual is adjudged a professional criminal, imposition or execution of sentence cannot be suspended, probation cannot be granted, and parole is denied. All other classes of drug offenders, however, are penalized without minimum mandatory sentences.

One of the most innovative features of the penalty is that first offenders convicted of mere possession may receive a conditional discharge of the proceedings against them. Upon fulfillment of any terms and conditions the court might impose, their record will be expunged.

I believe that the increasing national problem of narcotic and drug abuse requires this type of congressional response and I strongly recommend passage of the proposed controlled dangerous substances act.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I inquire of the distinguished majority leader whether he might give us some idea of

what we can expect next, and for the rest of the week, if we may have the attention of the Senate.

The PRESIDING OFFICER. Will the Senate be in order, so that we can hear the program for next week? Senators will please take their seats, and will refrain from conversation.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, it is my understanding that the able Senator from New Hampshire has an amendment to the pending drug bill which will not take too long, perhaps 10 minutes at the most. Would the Senator be agreeable to a time limitation to that effect, when the amendment is offered?

Mr. McINTYRE. Mr. President, if the majority leader will indulge me, I do not believe a time limitation will be necessary.

Mr. MANSFIELD. The able Senator from Michigan has an amendment. He has agreed to a time limitation. And I understand the able Senator from Maryland has an amendment.

Mr. HRUSKA. Mr. President, that amendment will be submitted by the Senator from Connecticut on behalf of the Senator from Maryland. It is not a disputed item, Mr. President, and there is a disposition on the part of both the Senator from Connecticut and myself to accept it.

Mr. MANSFIELD. So that is the way it shapes up at the moment. It looks like there is a little light at the end of the tunnel.

It is anticipated that at the conclusion of the consideration and the vote on the pending measure, the Senate will then turn to the so-called failing newspaper bill, to be followed by such items as mass transportation, S. 2289, an act to amend the Interstate Commerce Act, and eventually H.R. 514, an act to extend programs of assistance for elementary and secondary education, which may well take some time.

That is about it.

Incidentally, it is the intention of the joint leadership to again have the Senate meet on Saturday, and to come in reasonably early, to try to expedite the program which the President is very much interested in as judiciously as possible. On Saturday, there will be a live quorum call, and I hope for and look forward to some possible votes on that day.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate continued with the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 455

Mr. McINTYRE. Mr. President, I call up my amendment No. 455, to establish a Committee on Non-Governmental Drug Abuse Prevention and Control.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

Mr. McINTYRE's amendment (No. 455) is as follows:

AMENDMENT No. 455

On page 87, line 3, strike out "COMMITTEE ON MARIHUANA" and insert in lieu thereof "ADVISORY COMMITTEES".

On page 87, line 4, strike out "ESTABLISHMENT OF COMMITTEE" and insert in lieu thereof "ESTABLISHMENT OF COMMITTEE ON MARIHUANA".

On page 89, between lines 21 and 22, insert the following new section:

"ESTABLISHMENT OF COMMITTEE ON NONGOVERNMENTAL DRUG ABUSE PREVENTION

"SEC. 802. (a) There is hereby established a Committee on Nongovernmental Drug Abuse Prevention and Control (hereinafter referred to in this section as the 'Committee') for the purposes of (1) studying the extent to which nongovernmental organizations are involved in the prevention and control of drug abuse or addiction, and (2) advising as to how such organizations can best be fostered and encouraged.

"(b)(1) The Committee shall be composed of twenty-one members, no more than seven of whom may be Members of Congress or otherwise employed by the Federal Government, to be appointed by the President.

"(2) The Committee shall elect a chairman from among its members.

"(3) The members of the Committee shall serve without compensation but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the Committee.

"(4) The Committee shall submit a report of its findings and recommendations to the President and Congress within one year after the date of enactment of this Act. Thirty days after submitting such report, the Committee shall cease to exist.

"(c) In order to carry out the purposes of this section, the Committee is authorized—

"(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

"(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate for a grade GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of their duties for the Committee. While traveling on official business in the performance of duties for the Committee such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

"(d) The Committee is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Committee and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman or any other member when acting as Chairman.

"(e) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis.

"(f) There are hereby authorized to be appropriated such sums as may be necessary, not to exceed $250,000, to carry out the provisions of this section."

Mr. McINTYRE. I discussed this proposal and the need for such a committee in great detail last Saturday. I hope that my colleagues who were unable to be on the floor at that time have had, or will have, an opportunity to read my remarks which appear on pages 1010 and 1011 of the RECORD for January 24.

For the benefit of my colleagues, however, I would like to restate very briefly the following major points:

First. The magnitude of the drug abuse and addiction problem is so enormous that we cannot hope to solve it through governmental efforts alone. This point is well-demonstrated by the excellent committee report which documents the fact that, despite heroic efforts by the Federal, State, and local governments in recent years, the problem has continued to grow.

Second. It is evident, therefore, that the only way we can hope to deal with this problem effectively is through the involvement of concerned individuals and nongovernmental groups and organizations on a massive scale, which will reach right down to the local level.

Third. Considerable efforts are already being expended by private individuals and groups toward the solution of this problem. These include parents, teachers, ministers, and other individuals as well as private corporations, educational and civic associations, service clubs; fraternal and labor organizations, women's clubs, professional associations, church groups, hospital organizations, youth groups, and many others.

Fourth. If these efforts are to be increased and made most effective, it is necessary that we have some mechanism to provide cohesion and direction and to assure that these efforts are not dissipated through splintering or misdirection.

Fifth. The amendment which I have proposed seeks to accomplish this purpose through the establishment of presidentially appointed committee of 21 members, no more than seven of which are to come from the Federal Government. This committee will undertake the task of surveying the present nongovernmental activities in this area and making proposals for increasing such efforts and making them more effective through proper coordination with existing governmental and other activities.

The life of the committee would be for 1 year. If it is later deemed advisable to extend the life of the committee or to establish a permanent committee, this would require new legislation.

Mr. President, I urge my colleagues to give their wholehearted support to this amendment, which I believe is necessary to the eventual solution of this terrible social problem.

I appreciate that the Senator from Connecticut is favorably disposed toward the idea behind this amendment and I would hope that he would accept the amendment and take it to conference.

Mr. DODD. Mr. President, I thank the Senator. We have studied this amendment of the Senator from New Hampshire. I have told him that I think it is meritorious, and we are ready to accept it and take it to conference.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. I join with the Senator from Connecticut in his statement. It is agreeable with me also.

The PRESIDING OFFICER. Without objection, the amendments of the Senator from New Hampshire (No. 455) are agreed to en bloc.

Mr. HART. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Michigan (Mr. HART) proposes an amendment as follows:

On page 59, line 20, strike the word "information" and insert in lieu thereof the word "evidence."

On page 59, line 21, strike the word "information" and insert in lieu thereof the word "evidence."

On Page 60, line 12, after the word "including" insert "the evidence relied upon during the hearing and."

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield, without losing his right to the floor?

Mr. HART. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on the pending amendment, to be equally divided between the Senator from Michigan (Mr. HART) and the manager of the bill, the Senator from Connecticut (Mr. DODD), or whomever he may designate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, it is possible that we may consume substantially less time.

Mr. BYRD of West Virginia. Mr. President, may we have order so that we can hear the Senator explain the amendment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. This amendment relates to section 509 of the bill. It will be found beginning at page 58 of the bill as reported.

Mr. President, as I understand the bill, certain criminal acts are defined. A man is indicted and charged with a violation, and goes to trial.

The Government's requirement of proof is that it be established beyond a reasonable doubt that he did in fact sell, as a commercial venture, a hard drug. After the trial, he is found guilty. What happens then? In the normal proceeding, a pretrial hearing occurs, information is presented to the court, and the court makes a decision as to what the appropriate sentence shall be. However, section 509 says that if this defendant is felt by the State to have been engaged in continuing criminal enterprises of the same or similar character and that they have notified the court of this prior to the trial, then a hearing shall be had to determine whether the defendant is in fact involved in a continuing criminal enterprise.

Section 509(b) says:

If it appears by a preponderance of the information . . . that the defendant is involved in a continuing criminal enterprise, the court shall sentence him to——

A much heavier term.

My feeling has been—indeed, continues to be—that the same degree of truth be required of the State to establish that he in fact has been involved in a continuing criminal enterprise as is required of the State before he can be found guilty of a substantive offense of another character.

What does make it "one engaged in a continuing criminal enterprise" for the purpose of this act? Well, this is what we say must be established, not by proof beyond reasonable doubt—merely by preponderance of information. This is at the bottom of page 61:

The defendant shall be deemed involved in a continuing criminal enterprise . . . involving any violations of this Act . . . in concert with at least 5 other persons.

This fellow wants to prove that he was not involved in any activity with five other persons.

Or in "a supervisory position"—he wants to prove that he was not a supervisor—"or other position of management." He says, "I was not in a position of management."

Why should not the State be required to prove with respect to that under the same evidentiary requirements as proof that he had possession?

Or, he can be deemed involved in a continuing criminal enterprise if he "played a substantial role in a continuing criminal enterprise involving any violations of this act—and has or has had in his own name or under his control substantial income or resources not demonstrated to have been derived from lawful activities or interests."

That is almost a presumption. But at least he should be able to say, "I do not have substantial resources derived in this fashion." He wants the State to prove that. I think it is the obligation of the State to prove that in the same fashion that it must prove beyond reasonable doubt that he was in possession, if that was the substantive charge. If you want to make him, in addition, a continuing criminal violator, why not require the same burden of proof, and prove that there were five persons or more with whom he was engaged, and prove that he was in a management position?

The objection is made that this is not a trial in the traditional sense, that this is more like a presentence hearing, and that customarily in presentence hearings information may be advanced.

I would be much more comfortable if the State was required to prove beyond reasonable doubt that he fit one or more of these additional categories before he would be subjected to the additional sentencing. But at least it should be required that it be by a preponderance of evidence.

This is an adversary proceeding. He says, "I was not in a management role." But he loses, with the possibility of going to jail for a much longer time, the protection that State establish beyond reasonable doubt that he was in fact in a management role. At least, he should be entitled in this proceeding to rules of evidence and the requirement that proof by a preponderance of evidence be advanced before it can be said that he has been in a supervisory position or was with five or more.

Let the State at least meet that burden of proof before it can be said, "And in addition to being convicted just now of possession, you have been involved in a continuing criminal enterprise because you were involved with five or more in one of these actions."

Mr. President, it seems to me that this level of proof burden should be asserted against the State before anyone can be found to be a continuing criminal activist.

I ask the Senator from Connecticut if it is his opinion that S. 3246 does require that the State carry, by a preponderance of the evidence, the establishment of substantial continuing criminal enterprise or whether it is simply a preponderance of the information.

Mr. DODD. It requires a preponderance of the evidence. Yes, it does require a preponderance of the evidence.

Mr. HART. Some confusion is possible, and it is for this reason that I should like to develop in the discussion with the Senator from Connecticut his understanding of the committee's purpose.

We find on page 59, at line 20, in subsection (b), provision for the hearing: After the defendant has been found guilty of the substantive offense, the court shall hold a hearing; it shall fix a time; the defendant shall be advised; compulsory process and cross-examination is permitted.

Beginning at line 19:

If it appears by a preponderance of the information . . . that the defendant is involved in a continuing enterprise, the court shall sentence him—

That would suggest the possibility that all that is required in order to establish the man to be in one of these special categories is a preponderance of the information, although on page 61, subsection (f), beginning on line 13, we say that a defendant shall be deemed involved in a continuing criminal enterprise for purposes of the section if the court determines by a preponderance of the evidence that the convicted person meets this.

Would the Senator from Connecticut agree that, with respect to determining whether a person has been acting in concert with at least five persons or in a supervisory position, the State must establish that by a preponderance of the evidence?

Mr. DODD. Yes. That is my understanding. I think it should be.

Mr. HART. I think it should be, too. I think we both agree that even the meanest and the cruelest person in our so-

ciety, including commercial dope peddlers, should be given the protection at least of requiring that a preponderance of the evidence establish that he is in fact in the category of a continuing criminal enterprise because he did occupy a position of organizing.

Mr. DODD. I thoroughly agree with the Senator from Michigan. He is right.

Mr. HART. I thank the Senator from Connecticut.

Mr. HRUSKA. Mr. President, there are many very good reasons why this amendment should not be agreed to.

Mr. HART. If the Senator from Nebraska would permit me at this moment to make a comment which might shorten his remarks, it would be the feeling of the Senator from Michigan that the amendment could be withdrawn, if in fact we have agreed that this bill requires a preponderance of the evidence before a defendant shall be deemed to be engaged in a continuing criminal enterprise.

Mr. HRUSKA. Those words are plainly printed in the bill.

Mr. HART. Would the Senator agree that they should be? Would the Senator agree that they should be?

Mr. HRUSKA. What is the suggestion? What would the Senator put in there on line 20, page 59?

Mr. HART. The amendment, as tendered, would have substituted the word "evidence" for "information."

Mr. HRUSKA. Yes.

Mr. HART. But my question relates to the clause on line 15, page 61, which requires, as I read it, a preponderance of the evidence with respect to the two enumerated activities which make the man a continuing criminal. If, in fact, we are agreed that the bill requires a preponderance of the evidence with respect to that proof burden——

Mr. HRUSKA. It does so on page 61. That is right.

Mr. HART. Would the Senator agree that that is desirable?

Mr. HRUSKA. I have approved the bill. I have signed the report. To that extent, therefore, I would say yes, it is desirable.

Mr. HART. With that clear understanding of the intention of the committee, and our understanding of the reach of the bill, I would withdraw the amendment.

If I may make a brief explanation now, I first thank the Senator from Connecticut and the Senator from Nebraska. I think we have agreed that this is the sound and responsible way if we are going to deal with the Government's burden of proof.

Certainly a preponderance of the evidence is less than a proof beyond reasonable doubt in the case of this category of the continuing criminal enterprise. We should stop there. We should not go beyond that point and suggest that even the meanest person can be put away for 30 years mainly on a preponderance of the information—no evidentiary stand; yet, unhappily, it is my impression that that is precisely what this body did when it passed S. 30 a few days ago.

Therefore, I hope, given this discussion, that our friends in the House will correct our oversight in S. 30.

Mr. DODD. I thank the Senator from Michigan.

The PRESIDING OFFICER. Would the Senator from Michigan kindly give the Chair his attention for one moment? The Chair would inquire of the Senator whether he wishes to withdraw his amendment.

Mr. HART. Mr. President, I indicated that I intended to do so, and thought I had withdrawn it. I ask now that it be withdrawn.

The PRESIDING OFFICER. The amendment of the Senator from Michigan is withdrawn.

AMENDMENT NO. 437

Mr. DODD. Mr. President, I have an amendment which I sent to the desk, and ask that it be stated. It is one proposed by the Senator from Maryland (Mr. TYDINGS), who is necessarily absent at this time, and I ask unanimous consent to insert in the RECORD at this point a statement on the subject by Senator TYDINGS.

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

STATEMENT BY SENATOR TYDINGS

Mr. President, I would like to congratulate the Senator from Connecticut and his able staff for the fine effort they have made in preparing and bringing to the Senate floor this important drug legislation. I have considered the bill and I believe it is, in general, worthy of our support.

Mr. President, S. 3246, the Controlled Dangerous Substance Act of 1969 carries an explicit warning to professional dangerous drug merchants that the federal government is prepared to impose upon them penalties which in severity will match the depravity of their crime. These penalties will be at a level which should serve to deter large scale drug trafficking.

The severe professional criminal penalties are in large part a product of my efforts in the Judiciary Committee, where I offered the penalties in the form of an amendment. I am gratified that the amendment was accepted by the Committee. The penalties are also a reflection of the penal provisions for professional drug merchants as set forth in S. 3071, the District of Columbia Comprehensive Drug Abuse and Narcotics Crime Act of 1969, which I introduced on October 27, 1969. The Senate Committee on the District of Columbia, of which I am chairman, is currently holding hearings on this bill.

Mr. President, there is no more despicable criminal than one who engages in large scale importation and wholesale and retail distribution of addictive drugs. Not only does he debase the lives and exhaust the financial resources of thousands of addicts who fall victim to his drugs, but also, through them, he is responsible for ravaging society with countless muggings, robberies and other serious crimes perpetrated to support the addicts' habits. In this regard, a recent study of men admitted to D.C. jail revealed that 45 percent evidenced drug use immediately prior to arrests. The major drug traffickers also rob the public purse of millions of dollars through the costs incurred in narcotics law enforcement and treatment and rehabilitation of addicts.

Unfortunately, the profits produced by this nefarious activity are great. Three hundred and fifty dollars worth of pure opium purchased abroad can be parlayed into $225,000 when sold as heroin to the addicts on our streets. For this reason, the importation and distribution of narcotics is organized crime's major illegal activity next to gambling.

Because the damage wrought upon society is so pervasive and the profits reaped in return by the criminal, so lucrative, stiff criminal sanctions are not only justified but essential to deter the activity. The past Commissioner of the Bureau of Narcotics, Henry L. Giordano, has stated that underworld drug traffickers are fearful of severe penalties and such penalties have a deterrent effect. Similarly, a Report on Organized Crime and Illicit Traffic in Narcotics by the Senate Committee on Government Operations concluded that "long prison terms for traffickers are essential to effective [drug law] enforcement."

Likewise, in 1963, the President's Advisory Commission on Narcotics and Drug Abuse recommended:

"The illegal traffic in drugs should be attacked with the full power of the federal government. The price of participation in this traffic should be prohibitive. It should be made too dangerous to be attractive."

The provisions of the Act pertaining to professional criminal penalties is in the spirit of this philosophy. As a result of my amendments accepted by the full Judiciary Committee, Section 509(b) of the Act will subject professional criminals to up to life imprisonment and a mandatory fine without limitation in an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity. The fine is designed to completely knock the professional offenders out of the drug business.

Mr. President, I believe that this provision will serve as a notice that the federal government will give no quarter to professional drug merchants.

Mr. President, in the Judiciary Committee I also offered an amendment to the penalty provisions of the Controlled Dangerous Substance Act of 1969 which made a needed distinction between the distribution of marihuana for profit and the casual distribution of marihuana for no remuneration or for small remuneration not involving a profit. An example of the latter activity would be where a college student transfers a small amount of marihuana to a friend and receives 50 cents or one dollar to cover the costs.

While casual non-profit distribution of marihuana should not, at this time, escape all criminal sanctions, clearly such conduct should not be lumped together with the continuous large-scale sale of marihuana for profit as is engaged in by drug peddlers. To this end, I recommended in Committee that casual non-profit distribution of marihuana incidental to one's own use should carry a maximum penalty of 1 year imprisonment, in contrast to the much more serious offense of drug peddling for profit which carries a maximum of 5 years imprisonment.

I was very pleased that the Judiciary Committee accepted my proposal. This is now reflected in Section 501(c)(4). The theory underlying 501(c)(4) is in complete harmony with the recent report of the Eisenhower Commission on Violence which suggested that possession and non-profit distribution of marihuana should be considered as misdemeanors.

However, I have been informed that the language of section 501(c)(4) as it emerged from Committee could present some difficulties to the Justice Department in prosecuting those who distribute marihuana for private gain. The current language would impose upon a prosecutor the extremely difficult task of proving profit as an element in all marihuana distribution offenses. For this reason, the Administration has requested the words "for insignificant remuneration not involving a profit" be deleted from this section.

I believe that this can be done without detracting from the original intent of this section and I am introducing an amendment to achieve this end.

To achieve this end, on December 18, 1969, I introduced Amendment No. 437 to S. 3246.

I wish to call up this amendment and ask unanimous consent that it be printed in the record at this point.

The record will continue to reflect that the legislative intent of section 501(c)(4) is to cover casual distribution of a small amount of marihuana for small remuneration not involving a profit as well as covering non-remunerative distribution of marihuana.

The amendment is also designed to show that penalties for second and subsequent offenders of section 501(c)(4) will be subject to twice the penalties as set forth in section 508 rather than under section 501(c)(2).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On pages 49 and 50 beginning at line 23, delete the words beginning with "any person" and ending with "under 501(c)(2)" and insert in their place the words: "Any person, who, in violation of this Act, distributes a small amount of marihuana for no remuneration shall be sentenced, if it is his first offense under the Act, to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both."

Mr. DODD. Mr. President, the amendment has been agreed to by all parties and there is no contest about it. It is merely a clarifying amendment.

Mr. HRUSKA. Mr. President, after canvassing the amendment, it is the joint judgment of the Senator from Connecticut and the Senator from Nebraska that it should be agreed to at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland, No. 437.

The amendment was agreed to.

Mr. HART. Mr. President, as we approach final action on this bill, I would like to state on the record two recommendations which the Commission on the Causes and Prevention of Violence made relative to the problem of young persons and drugs. Unanimously, the Commission, chaired so ably by Dr. Milton Eisenhower, made the following specific recommendations:

We recommend that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marijuana use.

We recommend that Federal and State laws make use and incidental possession of marijuana no more than a misdemeanor until more definitive information about marijuana is at hand and the Congress and State legislatures have had an opportunity to revise the permanent laws in light of this information. (Pending further study, we do not recommend a similar reduction in the penalty for those who traffic in marijuana for profit.)

I suggest, Mr. President, that it would not burden this RECORD to ask unanimous consent to print an excerpt of the Commission's final report under the title "Drugs and Youth."

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

IV. DRUGS AND YOUTH

Our main concern in this chapter is to stress the importance of challenging the young people of the nation to become full partners in the enterprise of building a better society. But we must also add a word on one increasingly acute aspect of the present "generation gap"—the problem of drugs, particularly marijuana.

The development of drug subcultures among many of today's youth is particularly troubling to those who are older. Increased education about the physical and psychological hazards of the use of addictive drugs, LSD, the amphetamines, and other dangerous substances is essential if the health of young people and their children is to be properly safeguarded. In addition, the older generation must answer, in good faith and on the basis of better knowledge, the question raised by many young people as to whether present proscriptions on marijuana use go too far.

The startling recent increase in marijuana use by many young people has intensified the conflict between generations and posed enormous problems in the enforcement of drug laws. Possession and/or use of marijuana is treated severely by the law. In most states such possession or use is a felony, whereas the use or possession of the more dangerous LSD is only a misdemeanor.[1] This lack of elementary logic and justice has become a principal source of frustration and alienation contributing markedly to youth's often bitter dissatisfaction with today's society. We believe that action must be taken to put the whole situation into rational perspective.

Scientific knowledge about marijuana remains sparse, but some of its pharmacological properties have been established: marijuana is not a narcotic or an opiate and is not addicting.[2] There is as yet no evidence as to the relationship it bears to the use of harder drugs.[3]

We recommend that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marijuana use.[4]

The Congress should enact laws and appropriate adequate funds for this purpose. Much remains to be learned about the drug's psychological effects, particularly with respect to the expectation and personality types of users and the total emotional mood of the environment and the persons in it. Many experienced users have had at least one "bad trip" and some cases have been reported of extremely traumatic reactions to marijuana. It may be that marijuana use can be damaging to individuals with a history of mental instability or other personality disorders. Similarly, little is known about its possible psychological effects, including psychological dependency, on adolescents who are in the process of learning to cope with the demands of adult life. And we most assuredly need to know if marijuana users have a predisposition to use harder drugs.

Despite all existing evidence to the contrary, state and federal laws alike treat marijuana as a narcotic, and penalties for its sale and use in some states are extreme. In one state, the penalty is two years to life imprisonment for a first offense of possession. In at least two others, the penalty for an adult convicted of selling marijuana to a minor is death. According to the latest available Justice Department figures, the average length of sentence imposed for violation of state laws was 47.7 months. In 1967 the federal government made 706 arrests for marijuana offenses, as compared to the state of California alone which made 37,513 arrests, 10,907 of them juveniles under eighteen.

Erroneously classifying marijuana as a narcotic, this patchwork of federal and state laws, inconsistent with each other and often unenforceable on their merits, has led to an essentially irrational situation. Respect for the law can hardly be inculcated under these circumstances. Since many of our youths believe marijuana to be relatively harmless and, yet, are faced with legal sanctions, they are led into a practice of law evasion which contributes to general disrespect for the law. Furthermore, enforcement of laws generally deemed harsh and unjust seem nonetheless to encourage police practices—e.g., raids without probable cause, entrapment—which infringe on personal liberties and safeguards. The situation is reminiscent of the problems encountered in enforcement of Prohibition during the 1920's. The present harsh penalties for possession and use of marijuana are a classic example of what legal scholars call "overcriminalization"—treating as a serious crime private personal conduct that a substantial segment of the community does not regard as a major offense; prosecutors, judges and juries tend to moderate the severity of the statutory sanctions, and the resulting hyprocrisy of all concerned diminishes respect for the law.

In view of the urgency of the marijuana problem, we believe that legislative reform of the existing marijuana penalty structure should not wait several years until further research is completed.

We recommend that federal and state laws make use and incidental possession of marijuana no more than a misdemeanor until more definitive information about marijuana is at hand and the Congress and state legislatures have had an opportunity to revise the permanent laws in light of this information. (Pending further study, we do not recommend a similar reduction in the penalty for those who traffic in marijuana for profit.)

Instead of the existing inequitable criminal penalties (including imprisonment) for mere possession and use of the drug, interim legislation might well provide only for civil penalties such as the confiscation of the drug and fines. If the interim legislation does provide for prison sentences, it should at least grant wide discretion to the trial judge to suspend sentence or release on probation.

We were heartened by the recommendation recently submitted to the Congress by several leading officials of the Executive Branch of the government—recommendations which seek immediate change in the provisions of federal law affecting drug use. Among other things, these officials indicated that use and incidental possession of marijuana should be declared to be no more than a misdemeanor.

The above recommendations should not, of course, be taken as suggesting either that we approve the use of marijuana, or that we favor any relaxation of society's efforts to discourage the use of the clearly dangerous drugs.

Expert testimony offered to this Commission indicates that the so-called hard drugs, such as heroin, do not in themselves make users prone to commit other crimes, but that the daily use of such drugs involves exorbitant costs; hence users often undertake lives of burglary and armed robbery in order to obtain funds for the continued purchase of drugs. Further, drug importa-

---

[1] A felony is a serious crime usually punishable by imprisonment for an extended period (under federal law for a year or more); a misdemeanor is a lesser offense punishable by fine or imprisonment of less than a year. In many states, a felony conviction results in a loss of voting right, jury service, and the right to enter various professional occupations; a misdemeanor conviction does not.

[2] Addiction is a physiological and psychological dependence on a drug, with definite symptoms occurring when the drug is withdrawn.

[3] In testimony on October 14, 1969 before the House of Representatives Select Committee on Crime, Dr. Robert O. Egeberg, Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs, stated that "there is no scientific evidence to demonstrate that use of marijuana *in itself* predisposes an individual to progress to 'hard' drugs."

[4] A similar provision is contained in H.R. 10019 by Rep. Edward Koch, N.Y.

tion and distribution, like certain forms of gambling, constitute part of the life-blood of organized crime—an empire of its own ruthless, rich, pervasive, corrupting, and skillful at avoiding the reaches of the law.

We cannot usefully add to all that has been written by other Commissions, the Department of Justice, and many state authorities about the need for stopping the importation of the hard drugs, and for vigorously prosecuting the traffickers in these drugs. Nor can we add to the urgent recommendations that have been made by others to eliminate from our society the empires of organized crime.

But we do most emphatically declare that classifying marijuana users with the users of the hard drugs is scientifically wrong, a wrong recognized by the young, a wrong that makes them contemptuous of the drug laws and to some extent of all law. They wonder why the federal and state governments do not insist upon more widespread research to establish facts and to change laws in harmony with the facts as developed.

The PRESIDING OFFICER. 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.

Mr. DODD. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill (S. 3246) pass?

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. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 21 Leg.]

YEAS—82

Aiken	Goldwater	Muskie
Allen	Goodell	Nelson
Allott	Griffin	Pastore
Baker	Gurney	Pearson
Bayh	Hansen	Pell
Bellmon	Harris	Percy
Bennett	Hart	Proxmire
Bible	Hatfield	Randolph
Boggs	Holland	Russell
Brooke	Hollings	Saxbe
Burdick	Hruska	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Inouye	Smith, Maine
Cannon	Jackson	Sparkman
Case	Jordan, N.C.	Spong
Church	Jordan, Idaho	Stennis
Cook	Long	Stevens
Cooper	Magnuson	Symington
Cotton	Mansfield	Talmadge
Curtis	McCarthy	Thurmond
Dodd	McClellan	Tower
Dole	McGee	Williams, N.J.
Eagleton	McGovern	Williams, Del.
Eastland	McIntyre	Yarborough
Ellender	Metcalf	Young, N. Dak.
Ervin	Miller	Young, Ohio
Fannin	Mondale	
Fong	Montoya	

NAYS—0

NOT VOTING—18

Anderson	Hartke	Murphy
Cranston	Javits	Packwood
Dominick	Kennedy	Prouty
Fulbright	Mathias	Ribicoff
Gore	Moss	Smith, Ill.
Gravel	Mundt	Tydings

So the bill (S. 3246) was passed as follows:

S. 3246

An act to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, 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, with the following table of contents, may be cited as the "Controlled Dangerous Substances Act of 1969".

TITLE I—FINDINGS AND DECLARATION, AND DEFINITIONS

Sec. 101. Findings and declaration.
Sec. 102. Definitions.

TITLE II—STANDARDS AND SCHEDULES

Sec. 201. Authority to control.
Sec. 202. Schedules of controlled substances: Schedules I through IV, criteria and lists.

TITLE III—REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES

Sec. 301. Rules and regulations.
Sec. 302. Registration requirements.
Sec. 303. Registration.
Sec. 304. Denial, revocation, or suspension of registration.
Sec. 305. Marking of containers.
Sec. 306. Quotas applicable to certain substances.
Sec. 307. Records and reports of registrants.
Sec. 308. Order forms.
Sec. 309. Prescriptions.

TITLE IV—IMPORTATION AND EXPORTATION

Sec. 401. Importation; prohibition for manufacture of heroin.
Sec. 402. Importation of coca leaves.
Sec. 403. Exportation.
Sec. 404. Transshipment and in-transit shipment.

TITLE V—OFFENSES AND PENALTIES

Sec. 501. Prohibited acts A—penalties.
Sec. 502. Prohibited acts B—penalties.
Sec. 503. Prohibited acts C—penalties.
Sec. 504. Endeavor and conspiracy.
Sec. 505. Additional penalties.
Sec. 506. Distribution to persons under age eighteen.
Sec. 507. Conditional discharge for possession as first offense and expunging of records.
Sec. 508. Second or subsequent offenses.
Sec. 509. Continuing criminal enterprises.

TITLE VI—ADMINISTRATIVE PROVISIONS

Sec. 601. Delegation of authority—rules, regulations, and procedures—bequests and gifts.
Sec. 602. Education and research.
Sec. 603. Cooperative arrangements.
Sec. 604. Scientific Advisory Committee.
Sec. 605. Administrative hearings.
Sec. 606. Subpenas.
Sec. 607. Judicial review.

TITLE VII—ENFORCEMENT PROVISIONS

Sec. 701. Powers of enforcement personnel.
Sec. 702. Search warrants.
Sec. 703. Administrative inspections and warrants.
Sec. 704. Forfeitures.
Sec. 705. Injunctions.
Sec. 706. Enforcement proceedings.
Sec. 707. Immunity and privilege.
Sec. 708. Burden of proof—liabilities.
Sec. 709. Payments and advances.

TITLE VIII—ADVISORY COMMITTEES

Sec. 801. Establishment of Committee on Marihuana.
Sec. 802. Establishment of Committee on Nongovernmental Drug Abuse Prevention and Control.

TITLE IX—MISCELLANEOUS

Sec. 901. Repealers.
Sec. 902. Conforming amendments.
Sec. 903. Pending proceedings.
Sec. 904. Continuation of regulations.
Sec. 905. Severability.
Sec. 906. Authorization of appropriations.
Sec. 907. Saving provision.
Sec. 908. Effective date.

TITLE I—FINDINGS AND DECLARATION, AND DEFINITIONS

FINDINGS AND DECLARATION

SEC. 101. The Congress finds and declares that many of the drugs included within this Act have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.

The Congress, however, finds and declares that the illegal importation, manufacture, distribution, possession, and improper use of controlled dangerous substances have a substantial and detrimental effect on the health and general welfare of the American people.

The Congress finds and declares that the United States is a party to international conventions designed to establish effective control over international and domestic traffic in controlled dangerous substances, particularly the Single Convention on Narcotics Drugs, 1961.

The Congress finds and declares that a major portion of the traffic in controlled dangerous substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce.

(a) After manufacture, many controlled dangerous substances flow through interstate commerce.

(b) Substances distributed locally commonly flow through interstate commerce immediately prior to such distribution.

(c) Substances possessed commonly flow through interstate commerce immediately prior to such possession.

(d) Local distribution and possession of controlled dangerous substances contribute to swelling the interstate traffic in such substances.

(e) Substances manufactured and distributed intrastate cannot be differentiated from substances manufactured and distributed interstate; thus, it is not feasible to distinguish, in terms of controls, between substances manufactured and distributed interstate and substances manufactured and distributed intrastate.

The Congress finds and declares that Federal control of the primarily intrastate incidents of the traffic in controlled dangerous substances is essential to the effective control of the interstate incidents of such traffic.

DEFINITIONS

SEC. 102. As used in this Act:

(a) "Addict" means any individual who habitually uses any narcotic drug as defined in this Act so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) "Administer" means to deliver, by a practitioner, in his presence, a controlled dangerous substance to the ultimate user or human research subject by injection, or for inhalation, or ingestion, or by any other means.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser, but does not include a common or contract carrier, public warehouseman, or employee thereof.

(d) "Bureau of Narcotics and Dangerous Drugs" means the Bureau of Narcotics and Dangerous Drugs, Department of Justice.

(e) "Control" means to add, remove, or change the placement of a drug, substance, or immediate precursor under title II of this Act.

(f) "Controlled dangerous substance" means a drug, substance, or immediate precursor in schedules I through IV of title II of this Act. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in section 26 of the United States Code, subtitle E.

(g) "Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

(h) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled dangerous substance, whether or not there exists an agency relationship.

(i) "Department" means the United States Department of Justice.

(j) "Depressant or stimulant drug" means—

(1) a drug which contains any quantity of (A) barbituric acid or any of the salts of barbituric acid; or (B) any derivative of barbituric acid which has been designated by the Secretary of Health, Education, and Welfare as habit forming under section 502(d) of the "Federal Food, Drug, and Cosmetic Act" (52 Stat. 1050; 21 U.S.C. 352(d));

(2) a drug which contains any quantity of (A) amphetamine or any of its optical isomers; (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (C) any substance which the Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system; or

(3) lysergic acid diethylamide or any other drug which contains any quantity of a substance which the Attorney General, after investigation, has found to have, and by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(k) "Dispense" means to deliver a controlled dangerous substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" is a practitioner who delivers a controlled dangerous substance to the ultimate user or human research subject.

(l) "Distribute" means to deliver a controlled dangerous substance. "Distributor" means a person who delivers a controlled dangerous substance.

(m) "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3) of this paragraph; but does not include devices or their components, parts, or accessories.

(n) "Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(o) "Manufacture" means the production, preparation, propagation, compounding, or processing of a controlled dangerous substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacturer" also includes any person who packages, repackages, or labels any container of any controlled dangerous substance, except practitioners who dispense or compound prescription order for delivery to the ultimate consumer.

(p) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, coca leaves, and opiates;

(2) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(3) a substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in clauses (1) and (2), except that the words "narcotic drug" as used in this Act shall not include decocainized coca leaves or extract of coca leaves, which extracts do not contain cocaine or ecgonine.

(q) "Net disposal" means the quantity of a controlled dangerous substance in schedule I or II or any narcotic drug distributed, dispensed, used in the production of another narcotic drug for which the manufacturer is registered, or otherwise disposed of (as such or contained in or combined with other drugs compounded by the manufacturer of such narcotic drug) by the manufacturer during a stated period, less the quantity of any controlled dangerous substance in schedules I and II or other narcotic drug returned to the manufacturer by a customer and any quantity distributed or dispensed to another registered manufacturer of the same narcotic drug.

(r) "Opiate" means any controlled dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

(s) "Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research by the United States or the jurisdiction in which he practices or does research.

(v) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance.

(w) "Immediate precursor" means a substance which the Attorney General has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

(x) "State" means any State, territory, possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico), the Trust Territory of the Pacific Islands and the Canal Zone.

(y) "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

(z) "United States" means all places and waters, continental or insular, subject to the jurisdiction of the United States.

TITLE II—STANDARDS AND SCHEDULES

AUTHORITY TO CONTROL

SEC. 201. (a) The Attorney General shall control all substances enumerated in section 202 of this Act and he may, upon his own motion or on the petition of any interested party pursuant to the procedures of subchapter II of chapter 5 of title 5 of the United States Code, add, delete, or reschedule a substance as a controlled dangerous substance. Before so doing, the Attorney General shall request the advice in writing from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee established in title VI of this Act whether a substance should be added, deleted, or rescheduled as a controlled dangerous substance. Such advice shall be rendered to the Attorney General within a reasonable time. The Attorney General shall consider with respect to each substance hereafter controlled:

(1) its actual or relative potential for abuse;
(2) scientific evidence of its pharmacological effect, if known;
(3) state of current scientific knowledge regarding the substance;
(4) its history and current pattern of abuse;
(5) the scope, duration, and significance of abuse;
(6) what, if any, risk there is to the public health;
(7) its psychic or physiological dependence liability;
(8) controls required based on United States obligations under international treaties, conventions, or protocols; and
(9) whether the substance is an immediate precursor of a substance already controlled under this title. After considering the above factors, the Attorney General shall make findings with respect thereto and shall issue an order controlling the substance if he finds that the substance has a potential for abuse or that control is required by United States obligations under international treaties, conventions, or protocols.

(b) If the Attorney General designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(c) When, for the purpose of greater protection of the public, at the time a new drug application is submitted to the Department of Health, Education, and Welfare for any drug having a stimulant, depressant, or hallucinogenic effect on the central nervous system, it appears that such drug has an abuse potential, such information shall be forwarded by the Department of Health, Education, and Welfare to the Bureau of Narcotics and Dangerous Drugs for the review by the Scientific Advisory Committee prior to their advising the Attorney General whether or not to control such drug under this Act.

(d) The Attorney General shall not remove any schedule I substance of this title to schedules III or IV, nor shall he delete such substances from the controls of this Act unless specifically authorized by the Congress to do so.

SCHEDULES OF CONTROLLED SUBSTANCES

SEC. 202. The following schedules include the controlled dangerous substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

(a) Schedule I—In determining that a substance comes within this schedule, the Attorney General shall find:
(1) a high potential for abuse, and
(2) no accepted medical use in the United States, and
(3) a lack of accepted safety for use under medical supervision.

The following controlled dangerous substances are included in this schedule:

(a) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:
(1) Acetylmethadol.
(2) Allylprodine.
(3) Alphacteylmethadol.
(4) Alphameprodine.
(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.
(9) Betamethadol.
(10) Betaprodine.
(11) Clonitazene.
(12) Dextromoramide.
(13) Dextrorphan.
(14) Diampromide.
(15) Diethyliambutene.
(16) Dimenoxadol.
(17) Dimepheptanol.
(18) Dimethyliambutene.
(19) Dioxaphetyl butyrate.
(20) Dipipanone.
(21) Ethylmethylthiambutene.
(22) Etonitazene.
(23) Etoxeridine.
(24) Furethidine.
(25) Hydroxypethidine.
(26) Ketobemidone.
(27) Levomoramide.
(28) Levophenacylmorphan.
(29) Morpheridine.
(30) Noracymethadol.
(31) Norlevorphanol.
(32) Normethadone.
(33) Norpipanone.
(34) Phenadoxone.
(35) Phenampromide.
(36) Phenomorphan.
(37) Phenoperidine.
(38) Piritramide.
(39) Proheptazine.
(40) Properidine.
(41) Racemoramide.
(42) Trimeperidine.

(b) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Acetylcodone.
(2) Benzylmorphine.
(3) Codeine methylbromide.
(4) Codeine-N-Oxide.
(5) Desomorphine.
(6) Heroin.
(7) Hydromorphinol.
(8) Methyldesorphine.
(9) Methylhydromorphine.
(10) Morphine methylbromide.
(11) Morphine methylsulfonate.
(12) Morphine-N-Oxide.
(13) Myrophine.
(14) Nicocodeine.
(15) Nicomorphine.
(16) Normorphine.
(17) Thebacon.

(c) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Bufotenine.
(2) Diethyltryptamine.
(3) Dimethyltryptamine.
(4) 4-methyl-2,5-dimethoxyamphetamine.
(5) Ibogaine.
(6) Lysergic acid diethylamide.
(7) Marihuana.
(8) Mescaline.
(9) Peyote.
(10) Psilocybin.
(11) Psilocyn.
(12) Tetrahydrocannabinol.

(b) Schedule II—In determining that a substance comes within this schedule, the Attorney General shall find:
(1) a high potential for abuse, and
(2) currently accepted medical use in the United States, or currently accepted medical use with severe restrictions, and
(3) abuse may lead to severe psychic or physical dependence.

The following controlled dangerous substances are included in this schedule.

(a) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:
(1) Opium, coca leaves, and opiate;
(2) Any salt, compound, derivative, or preparation of opium, coca leaves; or opiate;
(3) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clauses 1 and 2, except that these substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecognine; and shall not include the isoquinoline akaloids of opium;
(4) Opium poppy and poppy straw.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:
(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Diphenoxylate.
(5) Fentanyl.
(6) Isomethadone.
(7) Levomethorphan.
(8) Levorphanol.
(9) Metazocine.
(10) Methadone.
(11) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
(12) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane carboxylic acid.
(13) Pethidine.
(14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
(15) Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate.
(16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(17) Phenazocine.
(18) Piminodine.
(19) Racemethorphan.
(20) Racemorphan.

(c) Schedule III—In determining that a substance comes within this schedule, the Attorney General shall find:
(1) a potential for abuse less than the substances listed in schedules I and II; and
(2) well documented and approved medical use in the United States; and,
(3) abuse may lead to moderate or low physical dependence or high psychological dependence.

The following classes of controlled dangerous substances are included in this schedule:

(a) Any material, compound, mixture, or preparation which contain any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
(2) Phenmetrazine and its salts.
(3) Any substance which contains any quantity of methaphetamine, including its salts, isomers, and salts of isomers.
(4) Methylphenidate.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.
(2) Chloral betaine.
(3) Chloral hydrate.
(4) Chlordiazepoxide.
(5) Chlorhexadol.
(6) Diazepam.
(7) Ethchlorvynol.
(8) Ethinamate.
(9) Glutethimide.
(10) Lysergic acid.
(11) Lysergic acid amide.
(12) Meprobamate.
(13) Methyprylon.
(14) Pareldehyde.
(15) Petrichloral.

(16) Phencyclidine.
(17) Sulfondiethylmethane.
(18) Sulfonethylmethane.
(19) Sulfonmethane.
(c) Nalorphine.
(d) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof, except those narcotic drugs listed in other schedules;
(1) Not more than one and eighty one-hundredths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
(2) Not more than one and eighty one-hundredths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(3) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
(4) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(5) Not more than one and eighty one-hundredths grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(6) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(7) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than twenty-five milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therepeutic amounts.
(8) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(e) The Attorney General may by regulation except any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (a) and (b) of this schedule above from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system: *Provided*, That such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system.
(f) The Attorney General shall by regulation exempt any non-narcotic substance from the control under this Act if such substance may, under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), be lawfully sold over the counter without a prescription.
(d) Schedule IV—In determining that a substance comes within this schedule, the Attorney General shall find:
(1) a low potential for abuse relative to the substances listed in schedule III; and
(2) currently accepted medical use in the United States; and
(3) limited physical dependence and/or psychological dependence liability relative to the substances listed in schedule III.

The following controlled dangerous substances are included in this schedule.
(a) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:
(1) Not more than two hundred milligrams of codeine per one hundred milliliter or per one hundred grams;
(2) Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;
(3) Not more than fifty milligrams of ethyl-morphine per one hundred milliliters or per one hundred grams;
(4) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;
(5) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than five milligrams per dosage unit.

TITLE III—REGULATION OF MANUFACTURE, DISTRIBUTION, AND DISPENSING OF CONTROLLED DANGEROUS SUBSTANCES

RULES AND REGULATIONS

SEC. 301. The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled dangerous substances.

REGISTRATION REQUIREMENTS

SEC. 302. (a) Every person who manufactures, distributes, or dispenses any controlled dangerous substance or who proposes to engage in the manufacture, distribution, or dispensing of any controlled dangerous substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.
(b) The following persons shall not be required to register and may lawfully possess controlled dangerous substances under the provisions of this Act:
(1) an agent, or an employee thereof, of any manufacturer, distributor, or dispenser of any controlled dangerous substance if such agent is acting in the usual course of his business or employment;
(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled dangerous substance is in the usual course of his business or employment;
(3) an ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner.
(c) The Attorney General may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.
(d) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled dangerous substances listed in the schedules in section 202.
(e) The Attorney General is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated by him.

REGISTRATION

SEC. 303. (a) The Attorney General shall register an applicant to manufacture controlled dangerous substances included in schedule I or II of title II of this Act if he determines that such registration is consistent with the public interest and with treaty or other international obligations of the United States. In determining the public interest, the following factors shall be considered:
(1) maintenance of effective controls against diversion of particular controlled dangerous substances and any schedule I or II substance compounded therefrom into other than legitimate medical, scientific, or industrial channels, by limiting the importation and bulk manufacture of such controlled dangerous substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, and industrial purposes;
(2) compliance with applicable State and local law;
(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;
(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution or dispensing of such substances;
(5) past experience in the manufacture of controlled dangerous substances, and the existence in the establishment of effective controls against diversion; and,
(6) such other factors as may be relevant to and consistent with the public health and safety.
(b) The Attorney General shall register an applicant to distribute a controlled dangerous substance included in schedule I or II unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:
(1) maintenance of effective controls against diversion of particular controlled dangerous substances into other than legitimate medical, scientific, and industrial channels;
(2) compliance with applicable State and local law;
(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;
(4) past experience in the distribution of controlled dangerous substances; and
(5) such other factors as may be relevant to and consistent with the public health and safety.
(c) Registration granted under subsections (a) and (b) of this section shall not entitle a registrant to manufacture and distribute controlled dangerous substances in schedule I or II other than those specified in the registration, or any quantity of those controlled dangerous substances in excess of the quota assigned pursuant to section 306.
(d) The Attorney General shall register an applicant to manufacture controlled dangerous substances included in schedules III and IV unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:
(1) maintenance of effective controls against diversion of particular controlled dangerous substances and any schedule III or IV substance compounded therefrom into other than legitimate medical, scientific, or industrial channels;
(2) compliance with applicable State and local law;
(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;
(4) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;
(5) past experience in the manufacture, distribution, and dispensing of controlled dangerous substances, and the existence in the establishment of effective controls against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

(e) The Attorney General shall register an applicant to distribute controlled dangerous substances included in schedules III and IV unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled dangerous substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled dangerous substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(f) Practitioners shall be registered to dispense substances in schedules II through IV if they are authorized to dispense under the law of the State in which they practice. A registration application by a practitioner who wishes to conduct research with schedule I substances shall be referred to the Secretary of Health, Education, and Welfare for advice. The Secretary shall promptly advise the Attorney General concerning the qualifications of each practitioner requesting registration. Registration for the purpose of bona fide research with schedule I substances by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a) or on the ground that the applicant's past practice or proposed procedures furnish ground for the belief that the applicant will abuse or unlawfully transfer such substances or fail to safeguard adequately his supply of such substances against diversion from legitimate medical or scientific use.

(g) The Attorney General shall permit persons to initially register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled dangerous substances prior to the effective date of this Act and who are registered or licensed under section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), section 8 of the "Narcotics Manufacturing Act of 1960" (74 Stat. 62; 21 U.S.C. 506), and sections 4721, 4722, 4751, 4752, and 4753 of the "Internal Revenue Code of 1954" (68 Stat. 31; 26 U.S.C. 4721, 4722, 4751, 4752, and 4753).

DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION

SEC. 304. (a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled dangerous substance, may be suspended or revoked by the Attorney General upon a finding that the registrant:

(1) has materially falsified any application filed pursuant to this Act or required by this Act;

(2) has been convicted of a felony under this Act or any law of the United States, or of any State, relating to any substances defined herein as a controlled dangerous substance; or

(3) has had his State license or registration suspended or revoked by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled dangerous substances.

(b) The Attorney General may limit revocation or suspension of a registration to the particular controlled dangerous substance with respect to which grounds for revocation or suspension exist.

(c) Before taking action pursuant to this section, or pursuant to a denial of registration under section 303, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis therof and shall call upon the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5, of title 5, of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this Act or any law of the United States.

(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

(e) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306.

(f) In the event the Attorney General suspends or revokes a registration granted under section 303, all controlled dangerous substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled dangerous substances shall be forfeited to the Government.

MARKING OF CONTAINERS

SEC. 305. Commercial containers of controlled dangerous substances, where appropriate, shall be identified by a symbol in accordance with the rules and regulations promulgated by the Attorney General.

QUOTAS APPLICABLE TO CERTAIN SUBSTANCES

SEC. 306. (a) The Attorney General shall determine the total quantity and establish production quotas for each controlled dangerous substance in schedules I and II to be manufactured each calendar year to provide for the estimated medical, scientific, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks.

(b) The Attorney General shall limit or reduce individual production quotas to the extent necessary to prevent the aggregate of individual quotas from exceeding the amount determined necessary each year by the Attorney General under subsection (a). The quota of each registered manufacturer for each controlled dangerous substance in schdeule I or II shall be revised in the same proportion as the limitation or reduction of the aggregate of the qoutas. However, if any registrant, before the issuance of a limitation or reduction in quota, has manufactured in excess of his revised quota, the amount of the excess shall be subtracted from his quota for the following year.

(c) On or before July 1 of each year, upon application therefor by a registered manufacturer, the Attorney General shall fix a manufacturing quota for the controlled dangerous substances in schedules I and II that the manufacturer seeks to produce. The quota shall be subject to the provisions of subsections (a) and (b) of this section. In fixing such quotas, the Attorney General shall determine the manufacturer's estimated disposal, inventory, and other requirements for the calendar year; and, in making his determination, the Attorney General shall consider the manufacturer's current rate of disposal, the trend of the national disposal rate during the preceding calendar year, the manufacturer's production cycle and inventory position, the economic availability of raw materials, yield and stability problems, emergencies such as strikes and fires, and other factors.

(d) The Attorney General shall, upon application and subject to the provisions of subsections (a) and (b) of this section, fix a quota for a controlled dangerous substance in schedule I or II for any registrant who has not manufactured that controlled dangerous substance during one or more preceding calendar years. In fixing such quota, the Attorney General shall take into account the registrant's reasonably anticipated requirements for the current year; and, in making his determination of such requirements, shall consider such factors specified in (c) of this section as may be relevant.

(e) At any time during the year any registrant who has applied for or received a manufacturing quota for a controlled dangerous substance in schedule I or II may apply for an increase in that quota to meet his estimated disposal, inventory, and other requirements during the remainder of that year. In passing upon the application the Attorney General shall take into consideration any occurrences since the filing of the registrant's initial quota application that may require an increased manufacturing rate by the registrant during the balance of the year. In passing upon the application the Attorney General may also take into account the amount, if any, by which the determination of the Attorney General under subsection (a) of this section exceeds the aggregate of the quotas of all registrants under this section.

(f) Notwithstanding any other provisions of this title, no registration or quota may be required for the manufacture of such quantities of controlled dangerous substances in schedules I and II that incidentally and necessarily result from the manufacturing process used for the manufacture of a controlled dangerous substance duly registered under this title. The Attorney General may, by regulation, prescribe restrictions on the retention and disposal of such incidentally produced substances.

RECORDS AND REPORTS OF REGISTRANTS

SEC. 307. (a) Upon the effective date of this Act, each registrant manufacturing, distributing, or dispensing controlled dangerous substances in schedules I, II, III, or IV shall make a complete and accurate record of all stocks of such dangerous substances on hand. Thereafter, complete and accurate records of all such dangerous substances shall be maintained for two years. Each two-year period after the effective date of this Act, at the time of his regular fiscal inventory, each registrant manufacturing, distributing, or dispensing controlled dangerous substances shall prepare an inventory of each dangerous substance in his possession. Records and inventories shall contain such information as shall be provided by rules and regulations promulgated by the Attorney General. This subsection shall not apply to practitioners who lawfully prescribe or administer, but not otherwise dispense, controlled dangerous substances listed in schedules II, III, or IV of this Act.

(b) The Attorney General may by regulation require the submission of reports nec-

essary to conform to international obligations of the United States.

ORDER FORMS

SEC. 308. (a) Controlled dangerous substances in schedules I and II shall be distributed only by a registrant, pursuant to an order form prescribed by the Attorney General.

(b) Nothing contained in subsection (a) shall apply—

(1) to the administering or dispensing of such substances to a patient or a research subject by a practitioner in the course of his professional practice; however, such practitioner must comply with the requirement of section 307 of this Act;

(2) to the distribution or dispensing of such substances by a pharmacist to an ultimate user pursuant to a written prescription issued by a practitioner authorized by State law to issue such prescription; however, such pharmacist must comply with the requirements of section 307 of this Act.

PRESCRIPTIONS

SEC. 309. (a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without the written prescription of a practitioner: *Provided,* That in emergency situations, as prescribed by the Attorney General by regulation, such drug may be dispensed upon oral prescription in accordance with section 503(b) of that Act. Prescriptions shall be retained in conformity with the requirements of section 307 of this Act. No prescription for a schedule II substance may be refilled.

(b) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in schedule III which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without a written or oral prescription in conformity with section 503(b) of that Act. Such prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

(c) No controlled dangerous substance included in schedule IV may be distributed or dispensed other than for a medical purpose.

(d) Whenever it appears to the Attorney General that a drug not considered to be a prescription drug under the Federal Food, Drug, and Cosmetic Act should be so considered because of its abuse potential, he shall so advise the Secretary of Health, Education, and Welfare and furnish to him all available data relevant thereto.

TITLE IV—IMPORTATION AND EXPORTATION

IMPORTATION OF CONTROLLED DANGEROUS SUBSTANCES—PROHIBITING CRUDE OPIUM FOR THE MANUFACTURE OF HEROIN

SEC. 401. (a) It shall be unlawful to import or bring into the United States any controlled dangerous substance listed in schedules I or II of title II of this Act, or any narcotic drug listed in schedules III or IV of title II of this Act, except that—

(1) such amounts of crude opium and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, or

(2) such amounts of any schedule I or II substance or any narcotic drug that the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States (A) during an emergency in which domestic supplies of such substances are found by the Attorney General to be inadequate or (B) if the Attorney General finds that competition among domestic manufacturers of the drug is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 hereof,

may be imported under such regulations as the Attorney General shall prescribe. No crude opium may be imported or brought into the United States for the purpose of manufacturing heroin or smoking opium.

(b) Non-narcotic controlled dangerous substances listed in schedule III may be imported for medical and other legitimate uses only pursuant to such notification requirements as the Attorney General may prescribe by regulation.

IMPORTATION OF COCA LEAVES

SEC. 402. In addition to the amount of coca leaves which may be authorized to be imported under section 401 (a) of this title, the Attorney General may permit the importation of additional amounts of coca leaves: *Provided,* That, after entry into the United States, all cocaine, ecgonine, and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made, contained in such additional amounts of coca leaves, shall be destroyed under the supervision of an authorized representative of the Attorney General.

EXPORTATION OF CONTROLLED DANGEROUS SUBSTANCES

SEC. 403. (a) No person shall export or cause to be exported from the United States, any narcotic drug listed in schedules I, II, and III of title II of this Act to any other country except—

(1) to a country which is a party to the International Opium Convention of 1912 for the Suppression of the Abuses of Opium, Morphine, Cocaine, and Derivative Drugs, or to the International Opium Convention signed at Geneva on February 19, 1925; or

(2) to a country which is a party to the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs concluded at Geneva, July 13, 1931, as amended by the protocol signed at Lake Success on December 11, 1946, and the protocol bringing under international control drugs outside the scope of the convention of July 13, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs (as amended by the protocol signed at Lake Success on December 11, 1946) signed at Paris, November 19, 1948; or,

(3) to a country which is a party to the Single Convention on Narcotic Drugs, 1961, signed at New York, March 30, 1961; and with respect to any such country in subsection (1), (2), or (3) only if—

(a) such country has instituted and maintains, in conformity with the conventions to which it is a party, a system for the control of imports of narcotic drugs which the Attorney General deems adequate;

(b) the narcotic drug is consigned to a holder of such permits or licenses as may be required under the laws of the country of import;

(c) substantial evidence is furnished to the Attorney General by the exporter that the narcotic drug is to be applied exclusively to medical and scientific uses within the country of import, and that there is an actual need for the narcotic drugs for medical and scientific uses within such country; and

(d) a permit to export the narcotic drug in each instance shall have been issued by the Attorney General.

(b) Notwithstanding the provisions of subsection (a) of this section, the Attorney General may authorize the exportation of any narcotic drug (including crude opium and coca leaves) to a country which is a party to any of the international instruments mentioned in subsection (a) if the particular drug is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(c) No person subject to the jurisdiction of the United States shall export or cause to be exported from the United States any nonnarcotic controlled dangerous substance listed in schedules I and II of title II of this Act to any other country unless—

(1) such country has instituted and maintains a system which the Attorney General deems adequate for the control of imports of such substances;

(2) the controlled dangerous substance is consigned to a holder of such permits or licenses as may be required under the laws of the country of import;

(3) substantial evidence is furnished to the Attorney General that the dangerous substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country to which exported, that it will not be exported from such country, and that there is an actual need for the dangerous substance for medical, scientific, or other legitimate uses within the country; and

(4) a permit to export the controlled dangerous substance in each instance shall have been issued by the Attorney General.

(d) Notwithstanding the provisions of section (c) of this section, the Attorney General may authorize the exportation of any nonnarcotic dangerous substance if the particular substance is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(e) No person subject to the jurisdiction of the United States shall cause to be exported from the United States any controlled dangerous substances not requiring an export permit provided by this section to any other country unless the laws of the country to which the controlled dangerous substances are consigned permit the importation into the country, and then only if—

(1) there is furnished to the Attorney General prior to export documentary proof that importation is not contrary to the laws or regulations of the country of destination;

(2) a special controlled dangerous substance invoice, in triplicate, accompanies the shipment setting forth such information as the Attorney General may prescribe to identify the parties to the shipment and the means of shipping. Two copies of the invoice shall be forwarded to the Attorney General before the controlled dangerous substances are exported from the United States.

TRANSSHIPMENT AND IN-TRANSIT SHIPMENT OF CONTROLLED DANGEROUS SUBSTANCES

SEC. 404. No controlled dangerous substance listed in schedule I shall be admitted into the United States for transportation to another country, or be transferred or transshipped from one vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation or for any other purpose except for scientific, medical, or other legitimate purposes in the country of destination, and then only with the prior written approval of the Attorney General, which shall be granted or denied within twenty-one days of the request. No dangerous substances listed in schedules II and III may be so admitted, transferred, or transshipped except upon advance notice to the Attorney General.

TITLE V—OFFENSES AND PENALTIES

PROHIBITED ACTS A—PENALTIES

SEC. 502. (a) Except as authorized by this Act, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance;

(2) to import a controlled dangerous substance classified in schedules I or II or a narcotic drug classified in schedules III or IV into the United States;

(3) to export a controlled dangerous substance classified in schedules I or II or a narcotic drug classified in schedule III from the United States;

(4) to bring or possess on board any vessel, vehicle, or aircraft under the special maritime and territorial jurisdiction of the United States a controlled dangerous substance classified in schedules I or II, or a narcotic drug classified in schedule III, not constituting part of the cargo entered in the manifest or part of the official supplies of the vessel, vehicle, or aircraft; and,

(5) to create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance.

(b) It shall be unlawful for any person to manufacture or distribute a controlled dangerous substance classified in schedules I or II—

(1) intending that such substance be unlawfully imported into the United States: or

(2) knowing that such substance will be unlawfully imported into the United States.

This subsection is intended to reach acts of manufacture or distribution committed outside the territorial jurisdiction of the United States. Any person who violates this subsection shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.

(c) Any person who violates subsection (a) or (b) with respect to—

(1) a substance classified in schedules I or II which is a narcotic drug shall be sentenced to a term of imprisonment for not more than twelve years, a fine of not more than $25,000, or both. In addition to any term of imprisonment, any sentence imposed shall include a special parole term of at least three years.

(2) any other controlled dangerous substance classified in schedule I, II, or III, except as specified in section 501(c)(4), shall be sentenced to a term of imprisonment for not more than five years, a fine of not more than $15,000, or both. In addition to any term of imprisonment, any sentence imposed shall include a special parole term of at least two years.

(3) a substance classified in schedule IV shall be sentenced to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both.

(4) any person, who, in violation of this Act, distributes a small amount of marihuana for no remuneration shall be sentenced, if it is his first offense under the Act, to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both.

(d) A special parole term imposed under this Act may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special parole term and the resulting new term of imprisonment shall not be diminished by the time which was spent on special parole. A person whose special parole term has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. The special term provided for in this Act is in addition to, and not in lieu of, any other parole provided for by law.

(e) It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by the Act. Any person who violates this section shall be sentenced to a term of imprisonment for not more than one year, a fine of not more than $5,000, or both.

PROHIBITED ACTS B—PENALTIES

SEC. 502. (a) It shall be unlawful for any person—

(1) who is subject to the requirements of title II of this Act to distribute or dispense a controlled dangerous substance in violation of section 309;

(2) who is a registrant to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration to another registrant or other authorized person;

(3) to bring a controlled dangerous substance classified in schedule I, II, or III into the United States or the special maritime or territorial jurisdiction of the United States for transshipment to another country, or to transfer or transship such a substance from one vessel to another within the United States for immediate exportation or for any other purpose—in violation of section 404 of this Act;

(4) who is a registrant to omit from any container of a controlled dangerous substance the symbol required by section 305 of this Act;

(5) to remove, alter, or obliterate a symbol required by section 305 of this Act;

(6) to refuse or fail to make, keep, or furnish any record, report, notification, order form, statement, invoice, or information required under this Act; or

(7) to refuse any entry into any premises or inspection authorized by this Act.

(b) It shall be unlawful for any person who is a registrant to manufacture a controlled dangerous substance which is—

(1) not expressly authorized by his registration and by a quota assigned to him pursuant to section 306 of this Act; or

(2) in excess of a quota assigned to him pursuant to section 306 of this Act.

(c) Any person who violates this section is punishable by a civil fine of not more than $25,000: *Provided*, That if the violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is punishable by imprisonment for not more than one year, or a fine of not more than $25,000, or both.

PROHIBITED ACTS C—PENALTIES

SEC. 503. (a) It shall be unlawful for any person knowingly or intentionally—

(1) who is a registrant to distribute a controlled dangerous substance classified in schedule I or II, in the course of his legitimate business, except pursuant to an order form as required by section 308 of this Act:

(2) to use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) to acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this Act, or any record required to be kept by this Act;

(5) to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting an offense under any provision of this Act. Each separate use of a communication facility shall be a separate offense under this section. For purposes of this subsection, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds; it includes mail, telephone, wire, radio, and all other means of communication; and,

(6) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

(b) Any person who violates this section is punishable by imprisonment for not more than three years, a fine of not more than $30,000, or both.

ENDEAVOR AND CONSPIRACY

SEC. 504. Any person who endeavors or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the endeavor or conspiracy.

ADDITIONAL PENALTIES

SEC. 505. Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

DISTRIBUTION TO PERSONS UNDER AGE EIGHTEEN

SEC. 506. Any person who is at least eighteen years of age who violates subsection 501(a)(1) of distributing a substance classified in schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment of twice that authorized by subsection 501(c)(1), by the fine authorized by subsection 501(c)(1), or by both. Any person who is at least eighteen years of age who violates subsection 501(a)(1) by distributing any other controlled dangerous substance listed in schedules I, II, III, or IV to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment up to twice that authorized by subsection 501(c)(2) or (3), by the fine authorized by subsection 501(c)(2) or (3), or by both. Imposition or execution of such sentence shall not be suspended and probation shall not be granted.

CONDITIONAL DISCHARGE FOR POSSESSION AS FIRST OFFENSE AND EXPUNGING OF RECORDS

SEC. 507. (a) Whenever any person who has not previously been convicted of any offense under this Act or under any statute of the United States or of any State relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled dangerous substance under subsection 501(e) the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him on probation upon such reasonable terms and conditions as it may require. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the additional penalties imposed for second or subsequent convictions under section 508 of this Act). Discharge and dismissal under this section may occur only once with respect to any person.

(b) Upon the expiration of a term of probation imposed upon any person under this Act, such person, who at the time of the offense was twenty-one years of age or younger, may apply to the Court for an order to expunge from all official records all recordation of his arrest, trial and conviction pursuant to this section. If the court determines, after hearing, that such person during the period of such probation has not been guilty of any serious or repeated violation of the conditions of such probation, it shall enter such order. The effect of such order shall be to restore

such person, in the contemplation of the law, to the status he occupied prior to such arrest and trial. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest or trial in response to any inquiry made of him for any purpose.

SECOND OR SUBSEQUENT OFFENSES

SEC. 508. (a) Any person convicted of any offense under this Act is, if the offense is a second or subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both. If the conviction is for an offense punishable under subsection 501 (c) (1) or subsection 501(c) (2) of this Act, and if it is the offender's second or subsequent offense, the court shall impose, in addition to any term of imprisonment and fine, twice the special parole term otherwise authorized.

(b) For purposes of this section, an offense shall be considered a second or subsequent offense, if, prior to the commission of the offense, the offender has at any time been convicted of an offense or offenses under this Act or under any statute of the United States relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

(c) After conviction of any offense the penalty for which is provided in this Act (but before pronouncement of sentence), the court shall be advised by the United States Attorney whether the conviction is the offender's first or subsequent offense. If it is not a first offense, the United States Attorney shall file an information setting forth the prior convictions, and the offender shall have the opportunity in open court to affirm or deny that he is the person previously convicted. If he denies the identity, sentence shall be postponed to permit a hearing before the court on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the court to be the person previously convicted or if he acknowledges that he is such person, he shall be sentenced as prescribed in this section.

CONTINUING CRIMINAL ENTERPRISES

SEC. 509. (a) Whenever an attorney charged with the prosecution of a defendant over the age of twenty-one years in a court of the United States for an alleged violation of this Act, the penalty for which is imprisonment for more than one year, has reason to believe that the defendant has been involved in a continuing criminal enterprise, such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that such defendant has been involved in a continuing criminal enterprise and who upon conviction of any offense charged in the indictment shall be subject to the imposition of a sentence under this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be involved in such continuing criminal enterprise. In no case shall the fact that the defendant is alleged to be involved in a continuing criminal enterprise be an issue upon the trial of such offense or in any manner be disclosed to the jury.

(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such offense, the court shall, before sentence is imposed, hold a hearing before the court alone. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. In connection with the hearing, the defendant and the United States shall be informed of the substance of such parts of the presentence report as the court intends to rely upon, except where there are placed in the record compelling reasons for withholding particular information, and shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such offense and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is involved in a continuing criminal enterprise, the court shall sentence him to a term of imprisonment for life, or for not less than five years, a fine of $50,000, and a forfeiture to the United States of: (1) the profits obtained by any activity in violation of the Act, (2) any interest acquired or maintained in violation of the Act, and (3) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which established, operated, controlled, conducted, or participated in the conduct of, in violation of the Act. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such offense. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

(c) A second or subsequent offense under this section is punishable by a term of imprisonment for life, or for not less than ten years, a fine of $100,000, and a forfeiture to the United States of: (1) the profits obtained by any activity in violation of the Act, (2) any interest acquired or maintained in violation of the Act, and (3) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which established, operated, controlled, conducted, or participated in the conduct of, in violation of the Act.

(d) For any sentence imposed under this section, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 of title 18 of the United States Code and the Act of July 15, 1932 (47 Stat. 696; D.C. Code 24–201 and following) as amended, shall not apply.

(e) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

(f) A defendant shall be deemed involved in a continuing criminal enterprise for purposes of this section if the court determines, by a preponderance of the evidence, that the convicted person—

(1) played a substantial role in a continuing criminal enterprise involving any violations of this Act punishable by imprisonment for more than one year in concert with at least five other persons and occupied a position of organizer, a supervisory position, or other position of management; or

(2) played a substantial role in a continuing criminal enterprise involving any violations of this Act punishable by imprisonment for more than one year and has or has had in his own name or under his control substantial income or resources not demonstrated to have been derived from lawful activities or interests.

(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition off the original sentence.

(h) With respect to the imposition, correction or reduction of a sentence after proceedings under this section, a review may be taken by the defendant or the United States to a court of appeals. Any review by the United States shall be taken at least five days before expiration of the time for taking a review or appeal by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review by the United States after the time has expired. A court extending the time for taking a review by the United States shall extend the time for taking a review or appeal by the defendant for the same period. The court of appeals may, after considering the record, including the presentation report, information submitted during the trial of such felony and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only on review taken by the United States and after hearing. Failure of the United States to take a review of the imposition of a sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Upon any withdrawal of review taken by the United States, a sentence less severe than that reviewed may be imposed but one more severe may not be imposed. Any review taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review.

(i) No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

TITLE VI—ADMINISTRATIVE PROVISIONS

DELEGATION OF AUTHORITY—RULES, REGULATIONS, AND PROCEDURES—REQUESTS AND GIFTS

SEC. 601. The Attorney General may delegate any of his functions under this Act to any officer or employee of the Department of Justice. He may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this Act. He may accept in the name of the Department of Justice any form of devise, bequest, gift, or donation where the donor intends to donate property for the purpose of preventing or controlling the abuse of dangerous substances. He may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey any such property other than moneys.

EDUCATION AND RESEARCH

SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs necessary for the effective enforcement of this Act. In connection with such programs he is authorized to—

(1) establish methods to assess accurately the effects of controlled dangerous substances and to identify and characterize controlled dangerous substances with potential for abuse;

(2) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, or special projects which bear directly on misuse and abuse of controlled dangerous substances.

(b) The Attorney General may enter into

contracts for educational and research activities without performance bonds and without regard to section 5 of title 41, United States Code.

(c) The Attorney General may authorize persons engaged in research on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any Federal or State civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

(d) The Attorney General may authorize the possession and distribution of controlled dangerous substances by persons engaged in research. Persons who obtain this authorization shall be exempt from State or Federal prosecution for possession and distribution of dangerous substances to the extent authorized by the Attorney General.

COOPERATIVE ARRANGEMENTS

SEC. 603. (a) The Attorney General shall cooperate with local, State, and Federal agencies in discharging the national and international obligations of the United States concerning traffic in dangerous substances and in suppressing the abuse of dangerous substances. To this end, he is authorized to—

(1) arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;

(2) cooperate in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States;

(3) conduct training programs on dangerous substance law enforcement for local, State, and Federal personnel;

(4) maintain in the Bureau of Narcotics and Dangerous Drugs a unit which will accept, catalog, file, and otherwise utilize all information and statistics, including records of dangerous substance addicts and other dangerous substance law offenders, which may be received from Federal, State, and local agencies, and make such information available for Federal, State, and local law enforcement purposes;

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

(b) When requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical advice, to him for carrying out the purposes of this Act: *Provided*, That no such agency or instrumentality shall be required to furnish the name or other identifying information about a patient or a research subject whose identity it has undertaken to keep confidential.

SCIENTIFIC ADVISORY COMMITTEE

SEC. 604. (a) The Attorney General shall appoint a committee of experts to advise him with respect to dangerous substances which may be subject to control under this Act, including advice with respect to whether a drug should be controlled pursuant to the criteria contained in section 201 and which schedule is most appropriate for a controlled dangerous substance in accordance with the criteria established in section 202.

(1) The Advisory Committee shall be composed of persons selected by the Attorney General after consultation with the Secretary of Health, Education, and Welfare from a list drawn by the National Academy of Sciences. Such persons shall be qualified as experts and have diversified professional backgrounds. If the National Academy of Sciences is unable or refuses to act, the Attorney General shall select the membership of the Committee from other sources. The size of the Committee may be determined by the Attorney General but shall not be less than five persons. Each member of the Committee shall serve for a term of one year and until his successor is appointed and qualifies, and shall be eligible for reappointment.

(2) Members of the Committee shall be entitled to receive compensation at the rate now or hereafter provided for a grade GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of duties for the Committee, members of the Committee shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subsection (i) of chapter 57 of title 5, United States Code. The Attorney General shall furnish the Committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the Committee.

(3) The Attorney General may establish a time limit for the Committee's submission of a written report required by section 201 of this Act.

(4) Referral of a matter to the Committee shall not suspend any administrative proceeding unless the Attorney General so directs.

(b) The Attorney General may from time to time appoint other committees to advise him with respect to preventing and controlling the abuse of dangerous substances. Members of the Committee may be entitled to receive compensation at the rate now or hereafter provided for a grade GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the Committee, members of the Committee shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subsection (1) of chapter 57 of title 5, United States Code.

ADMINISTRATIVE HEARINGS

SEC. 605. (a) In carrying out his functions, the Attorney General may hold hearings, sign and issue subpenas, administer oaths, examine witnesses and receive evidence at any place in the United States.

(b) Except as otherwise provided in this Act, notice shall be given and hearings shall be conducted under appropriate procedures of subchapter II of chapter 5, title 5, United States Code.

SUBPENAS

SEC. 606. (a) In any matter relating to the control of dangerous substances, the Attorney General is empowered to subpena witnesses, compel their attendance and testimony, and require the production of any records (including books, papers, documents, and tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing: *Provided*, That a witness shall not be required to appear at any hearing more than five hundred miles distant from the place where he was served with subpena. Witnesses summoned by the Attorney General shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) A subpena of the Attorney General may be served by any person designated in the subpena to serve it. Service upon a natural person may be made by personal delivery of the subpena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpena to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpena entered on a true copy thereof by the person serving it shall be proof of service.

(c) In the case of contumacy by or refusal to obey a subpena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpenaed person is an inhabitant, carries on business or may be found, to compel compliance with the subpena of the Attorney General. The court may issue an order requiring the subpenaed person to appear before the Attorney General, to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

JUDICIAL REVIEW

SEC. 607. All final determinations, findings, and conclusions of the Attorney General under this Act shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which his principal place of business is located upon petition filed with the court and delivered to the Attorney General within thirty days after notice of the decision. Findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive.

TITLE VII—ENFORCEMENT PROVISIONS

POWERS OF ENFORCEMENT PERSONNEL

SEC. 701. (a) Any officer or employee of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice designated by the Attorney General may:

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant for any offense against the United States committed in his presence, or for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this Act; and

(5) perform such other law enforcement duties as the Attorney General may designate.

(b) Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws.

SEARCH WARRANTS

SEC. 702. (a) A search warrant relating to offenses involving controlled dangerous substances may be served at any time of the day or night if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant and for its service at such time.

(b) Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the

executing officer or another person, and has included in the warrant a direction that the officer executing it shall not be required to give such notice: *Provided,* That any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 703. (a) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States Magistrate may, within his jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections of controlled premises authorized by this Act or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, "probable cause" means a valid public interest in the effective enforcement of the Act or regulations sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee duly designated and having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the item or types of property to be seized, if any. The warrant shall be directed to a person authorized by section 701 to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant, The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

(b) The Attorney General is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this title only, "controlled premises" means:

(a) places where persons registered or exempted from registration requirements under this Act are required to keep records; and

(b) places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this Act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled dangerous substance.

(2) When so authorized by an administrative inspection warrant issued pursuant to subsection (a) of this section, an officer or employee designated by the Attorney General, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, shall have the right to enter controlled premises for the purpose of conducting an administrative inspection.

(3) When so authorized by an administrative inspection warrant, an officer or employee designated by the Attorney General shall have the right—

(a) to inspect and copy records required by this Act to be kept;

(b) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (b)(5) of this section, all other things therein (including records, files, papers, processes, controls, and facilities) bearing on violation of this Act; and

(c) to inventory any stock of any controlled dangerous substance therein and obtain samples of any such substance.

(4) This section shall not be construed to prevent the inspection without a warrant of books and records pursuant to an administrative subpena issued in accordance with section 606 of this Act, nor shall this section be construed to prevent entries and administrative inspections (including seizures of property) without a warrant—

(a) with the consent of the owner, operator, or agent in charge of the controlled premises;

(b) in situations presenting imminent danger to health or safety;

(c) in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and

(e) in all other situations where a warrant is not constitutionally required.

(5) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to—

(a) financial data;

(b) sales data other than shipment data; or

(c) pricing data.

FORFEITURES

SEC. 704. (a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) all controlled dangerous substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of this Act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled dangerous substance in violation of the provisions of this Act;

(3) all property which is used, or intended for use, as a container for property described in subsections (1) and (2);

(4) all conveyances including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in (1) or (2), except that:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this chapter unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this Act; and

(b) No conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State; and

(5) all books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this Act.

(b) Any property subject to forfeiture to the United States under this Act may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property except that seizure without such process may be made when—

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the United States in a criminal injunction or forfeiture proceeding under this Act;

(3) the Attorney General has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the Attorney General has probable cause to believe that the property has been used or intended to be used in violation of this Act.

In the event of seizure pursuant to paragraphs (3) and (4) of this subsection, proceedings under subsection (d) of this section shall be instituted promptly.

(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under the provisions of this Act, the Attorney General may:

(1) place the property under seal;

(2) remove the property to a place designated by him; or

(3) require that the General Services Administration take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(d) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable and not inconsistent with the provisions hereof: *Provided,* That such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this Act by such

officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

(e) Whenever property is forfeited under this Act the Attorney General may—

(1) retain the property for official use;

(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, provided that the proceeds be disposed of for payment of all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising and court costs;

(3) require that the General Services Administration take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau of Narcotics and Dangerous Drugs for disposition. Such disposition may include delivery for medical or scientific use to any Federal or State agency under regulations of the Attorney General.

(f) All substances listed in schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this Act shall be deemed contraband and seized and summarily forfeited to the United States. Similarly, all substances listed in schedule I, which are seized or come into the possession of the Government, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the United States.

(g)(1) All species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this Act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the United States.

(2) The failure, upon demand by the Attorney General, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

(3) The Attorney General, or his duly authorized agent, shall have authority to enter upon any lands, or into any dwelling pursuant to a search warrant, to cut, harvest, carry off, or destroy such plants.

INJUNCTIONS

SEC. 705. (a) The district courts of the United States and all courts exercising general jurisdiction in the territories and possessions of the United States shall have jurisdiction in proceedings in accordance with the Federal Rules of Civil Procedure to enjoin violations of this Act.

(b) In case of an alleged violation of an injunction or restraining order issued under this section, trial shall, upon demand of the accused, be by a jury in accordance with the Federal Rules of Civil Procedure.

ENFORCEMENT PROCEEDINGS

SEC. 706. Before any violation of this Act is reported by the Director of the Bureau of Narcotics and Dangerous Drugs to any United States Attorney for institutions of a criminal proceeding, the Director may require that the person against whom such proceeding is contemplated be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

IMMUNITY AND PRIVILEGE

SEC. 707. (a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury of the United States, involving a violation of this Act, and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, upon the request of the United States attorney for such district, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

(c) A United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant Attorney General, designated by the Attorney General, request an order under subsection (b) when in his judgment—

(1) the testimony or other information from such individual may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

BURDEN OF PROOFS; LIABILITIES

SEC. 708. (a) It shall not be necessary for the United States to negative any exemption or exception set forth in this Act in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this Act, and the burden of proof of any such exemption or exception shall be upon the person claiming its benefit.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this Act, he shall be presumed not to be the holder of such registration or form, and the burden of proof shall be upon him to rebut such presumption.

(c) The burden of establishing that a vehicle, vessel, or aircraft used in connection with the substances listed in schedule I of this Act was used in accordance with the provisions of this Act shall be on the persons engaged in such use.

(d) No liability shall be imposed by virtue of this Act upon any duly authorized Federal officer engaged in the enforcement of this Act, or upon any duly authorized officer of any State, territory, political subdivision thereof, the District of Columbia, or any possession of the United States, who shall be engaged in the enforcement of any law or municipal ordinance relating to controlled dangerous substances.

PAYMENTS AND ADVANCES

SEC. 709. (a) The Attorney General is authorized to pay any person, from funds appropriated for the Bureau of Narcotics and Dangerous Drugs, for information concerning a violation of this Act, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law.

(b) Moneys expended from appropriations of the Bureau of Narcotics and Dangerous Drugs for purchase of controlled dangerous substances and subsequently recovered shall be reimbursed to the current appropriation for the Bureau.

(c) The Attorney General is authorized to direct the advance of funds by the Treasury Department in connection with the enforcement of this Act.

TITLE VIII—ADVISORY COMMITTEES

ESTABLISHMENT OF COMMITTEE ON MARIHUANA

SEC. 801. The Attorney General and the Secretary of Health, Education, and Welfare shall appoint a committee of experts to advise them with respect to all aspects of marihuana use.

(a) The Committee on Marihuana is authorized and directed to review all available information on this subject and to execute a study to be carried out on both an intramural and extramural basis, including utilization of the resources and ongoing projects of the National Institute of Mental Health and the National Institute of Law Enforcement and Criminal Justice, covering all aspects of marihuana use.

(1) The study shall include but not be limited to—

(a) identification of existing gaps in our knowledge of marihuana;

(b) an intensive examination of the important medical and social aspects of marihuana use;

(c) surveys of the extent and nature of marihuana use;

(d) studies of the pharmacology and effects of marihuana;

(e) studies of the relation of marihuana use to crime and juvenile delinquency; and

(f) studies of the relation between marihuana and the use of other drugs.

(b) The study shall be completed within twenty-four months from the effective date of this Act at which time the Committee shall submit to the President and to Congress a comprehensive report on its findings and, in addition, its recommendations with respect to the degree of control to be exercised over marihuana use. The Committee shall cease to exist thirty days after such report is submitted.

(c) The Committee on Marihuana shall be composed of persons selected by the Attorney General and the Secretary of Health, Education, and Welfare. Such persons shall be qualified as experts and have diversified professional backgrounds. The Director of the National Institute of Mental Health and the Director of the National Institute of Law Enforcement and Criminal Justice shall be members ex officio of the Committee. The size of the Committee shall be determined by the Attorney General and the Secretary of Health, Education, and Welfare but shall not be less than five persons.

(d) Members of the Committee shall be entitled to receive compensation at the rate now or hereafter provided for a grade GS–18 of the General Schedule for employees for each day (including travel time) during which they are engaged in the actual performance of duties for the Committee, members of the Committee shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subsection (i) of chapter 57 of title 5, United States Code. The Attorney General and the Secretary shall furnish the Committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the Committee.

(e) The Committee may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed may be entitled to receive compensation at the rate now or hereafter provided for a grade GS–18 of the General Schedule for employees for each day (including travel time) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the Committee such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with sub-

section (i) of chapter 57 of title 5, United States Code.

ESTABLISHMENT OF COMMITTEE ON NONGOVERNMENTAL DRUG ABUSE PREVENTION AND CONTROL

SEC. 802. (a) There is hereby established a Committee on Nongovernmental Drug Abuse Prevention and Control (hereinafter referred to in this section as the "Committee") for the purposes of (1) studying the extent to which nongovernmental organizations are involved in the prevention and control of drug abuse or addiction, and (2) advising as to how such organizations can best be fostered and encouraged.

(b) (1) The Committee shall be composed of twenty-one members, no more than seven of whom may be Members of Congress or otherwise employed by the Federal Government, to be appointed by the President.

(2) The Committee shall elect a chairman from among its members.

(3) The members of the Committee shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Committee.

(4) The Committee shall submit a report of its findings and recommendations to the President and Congress within one year after the date of enactment of this Act. Thirty days after submitting such report, the Committee shall cease to exist.

(c) In order to carry out the purposes of this section, the Committee is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate for a grade GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of their duties for the Committee. While traveling on official business in the performance of duties for the Committee such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

(d) The Committee is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Committee and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman or any other member when acting as Chairman.

(e) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis.

(f) There are hereby authorized to be appropriated such sums as may be necessary, not to exceed $250,000, to carry out the provisions of this section.

TITLE IX—MISCELLANEOUS

REPEALERS

SEC. 901. The laws specified in the following schedule are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this Act:

STATUTES AT LARGE

(a) Act of February 23, 1887 (ch. 210, secs. 1, 2, 24 Stat. 409), as amended (title 21, secs. 191–193).

(b) Act of February 9, 1909 (ch. 100, 35 Stat. 614), as amended (title 21, secs. 171, 173, 174–184, 185).

(c) Section 1 of the Act of March 28, 1928 (ch. 266, 45 Stat. 374), as amended (title 31, sec. 529a).

(d) Act of June 14, 1930 (ch. 488, sec. 6, 46 Stat. 587; title 21, sec. 173a).

(e) Act of June 14, 1930 (ch. 488, secs. 7, 8), as amended (title 21, secs. 197, 198).

(f) Act of July 3, 1930 (ch. 829, 46 Stat. 850; title 21, sec. 199).

(g) Section 6 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529g).

(h) Act of December 11, 1942 (ch. 720, 56 Stat. 1045), as amended (title 21, secs. 188–188n).

(i) Act of August 11, 1955 (ch. 800, secs. 1–3, 69 Stat. 684; title 21, secs. 198a–c).

(j) Section 15 of the Act of August 1, 1956 (ch. 852, 70 Stat. 910; title 48, sec. 1421m).

(k) Section 1 of the Act of July 18, 1956 (ch. 629, title I), as amended (title 21, sec. 184a).

(l) Act of April 22, 1960 (74 Stat. 55; title 21, secs. 501–517).

(m) Sections 201(v) and 511 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v) and 360a), as added by section 3 of Public Law 89–74 and amended by Public Law 90–639.

(n) Section 301(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(q)), as added by section 5 of Public Law 89–74 and amended by Public Law 90–639.

UNITED STATES CODE

(a) Title 18, sections 1401–1407.
(b) Title 18, section 3616.
(c) Title 26, sections 4701–4776.
(d) Title 26, sections 7237–7238.
(e) Title 26, section 7491.

CONFORMING AMENDMENTS

SEC. 902. (a) Section 1114 of title 18, United States Code, is amended by striking out "the Bureau of Narcotics" and inserting "the Bureau of Narcotics and Dangerous Drugs".

(b) Section 1952 of title 18 of the United States Code is amended by—

(1) inserting in subsection (b)(1) the words "other controlled dangerous substances," immediately following the word "narcotics".

(2) striking subsection (c) and substituting the following new section:

"(c) Investigation of violations under this section involving liquor shall be conducted under the supervision of the Secretary of the Treasury."

(c) Section 4251(a) of title 18 of the United States Code is amended by striking out the words "section 4731 of the Internal Revenue Code of 1954, as amended," and substituting "the Controlled Dangerous Substances Act of 1969".

(d) Section 584 of the Act of June 17, 1930 (ch. 497, title IV, 46 Stat. 748), as amended by section 10 of the Act of July 1, 1944 (ch. 377, 58 Stat. 722), and section 9 of the Act of March 8, 1946 (ch. 81, 60 Stat. 39; title 19, sec. 1584), is amended by striking out the last sentence of the second paragraph and substituting the following new sentence: "The words 'opiate' and 'marihuana' as used in this paragraph shall have the same meaning as defined in the Controlled Dangerous Substances Act of 1969."

(e) Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as amended, is amended by deleting subsections (a) and (b) aand inserting in lieu thereof the following new subsections:

"SEC. 303. (a) Any person who violates a provision of section 301 shall be imprisoned for not more than one year or fined not more than $1,000, or both.

"(b) Notwithstanding the provisions of subsection (a) of this section, if any person commits such a violation after a conviction of him under this section has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $10,000, or both."

(f) Section 304(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)), as amended, is amended by striking out paragraphs (A) and (D) and the words "of such a depressant or stimulant drug or" in subparagraph (C), and relettering (B), (C), and (E) as (A), (B), and (C).

(g) Section 304(d)(3)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(d)(3)(iii)), as amended, is amended by striking out the words "depressant or stimulant drugs or".

(h) Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), as amended, is amended (1) by striking out subsection (a)(2) and renumbering subsection (a)(3) as (a)(2); (2) by deleting from the first sentence of subsection (b) the words "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug"; (3) by deleting the last sentence of subsection (b); (4) by deleting from the first sentence of subsection (c) the words "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug"; (5) by deleting the last sentence of subsection (c); (6) by deleting from subsection (d) the "(1)" immediately after the "(d)" and by inserting a period after the words "drug or drugs" and deleting the remainder of subsection (d); (7) by deleting from the heading of such section 510 the words "and Certain Wholesalers".

(i) Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372), as amended, is amended by deleting in subsection (e) the words "to depressant or stimulant drugs or".

(j) Section 201(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(a)(2)), as amended, is amended by adding a period after "Canal Zone" the first time these words appear and deleting all thereafter.

(k) Section 801(a) of the Federal Food, Drug, and Cosmetic Act (title 21, sec. 381(a)), as amended, is amended in the last sentence thereof by striking out "This paragraph" and substituting therefor "Clause (2) of the third sentence of this paragraph," and by striking out the words "section 2 of the Act of May 26, 1922, as amended (U.S.C. 1934 edition, title 21, sec. 173)" and substituting "the Controlled Dangerous Substances Act of 1969".

(l) Section 4901(a) of title 26 of the United States Code is amended by deleting the words "4721 (narcotic drugs), or 4751 (marihuana)" and by inserting the word "or" before the number "4461".

(m) Section 4905(b) of title 26 of the United States Code is amended by deleting the words "narcotics, marihuana," and "4722, 4753".

(n) Section 6808 of title 26 of the United States Code is amended by striking out subsection (8) and renumbering subsections (9), (10), (11), (12), and (13), as (8), (9), (10), (11), and (12).

(o) Section 7012 of title 26 of the United States Code is amended by striking out subsections (a) and (b) and renumbering (c), (d), (e), (f), (g), (h), (i), and (j) as (a), (b), (c), (d), (e), (f), (g), and (h).

(p) Section 7103 of title 26 of the United States Code is amended by striking out subsection (d)(3)(D) and renumbering (E) and (F) as (D) and (E).

(q) Section 7326 of title 26 of the United States Code is amended by striking out subsection (b) and relettering (c) as (b).

(r) Section 7607 of title 26 of the United States Code is amended by deleting all words prior to the word "officers" and by capitalizing the word "officer"; and by deleting in

subsection (2) the words "section 4731" and "section 4761" and inserting in subsection (2) in lieu thereof the words "Controlled Dangerous Substances Act of 1969".

(s) Section 7651 of title 26 of the United States Code is amended by deleting the words "sections 4705(b), 4735, and 4762 (relating to taxes on narcotic drugs and marihuana)".

(t) Section 7655 of title 26 of the United States Code is amended by deleting subsections (3) and (4).

(u) Section 7609 of title 26 of the United States Code is amended by striking out subsections (a)(3) and (a)(4) and renumbering (5) and (6) as (3) and (4).

(v) Section 7641 of title 26 of the United States Code is amended by striking out the words "opium suitable for smoking purposes,".

(w) Section 2901(a) of title 28 of the United States Code is amended by striking out the words "section 4731 of the Internal Revenue Code of 1954, as amended," and substituting "the Controlled Dangerous Substances Act of 1969".

(x) Section 3 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529d), is amended by striking out the words "or the Commissioner of Narcotics, as the case may be,".

(y) Section 4 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529e) is amended by striking out the words "or narcotics" and "or narcotic".

(z) Section 5 of the Act of August 7, 1939 (ch. 566, 53 Stat. 1263; title 31, sec. 529f) is amended by striking out the words "or narcotics".

(aa) Section 308(c)(2) of the Act of August 27, 1935 (ch. 740), as amended (49 Stat. 880; title 40, sec. 304(m)) is amended by striking out the words "Narcotic Drugs Import and Export Act" and substituting "Controlled Dangerous Substances Act of 1969".

(bb) Section 302(a) of the Act of July 1, 1944 (ch. 373; title III), as amended (58 Stat. 692; title 42, sec. 242(a)) is amended by striking out the words "Narcotic Drugs Import and Export Act" and substituting "Controlled Dangerous Substances Act of 1969".

(cc) Section 301(a) of the Act of November 8, 1966 (ch. 175, title III), as amended (80 Stat. 1444; title 42, sec. 3411) is amended by striking out the words "section 4731 of the Internal Revenue Code of 1954 and substituting "the Controlled Dangerous Substances Act of 1969".

(dd) Section 1(a) of the Act of July 15, 1954 (ch. 512), as amended (68 Stat. 484; title 46, sec. 239a) is amended by striking out the words "paragraph (a) of the first section of the Narcotic Drugs Import and Export Act, as amended (21 U.S.C. 171(a)) and substituting "the Controlled Dangerous Substances Act of 1969"; and by striking out the words "section 3238(b) of the Internal Revenue Code" and substituting "the "Controlled Dangerous Substances Act of 1969".

(ee) Section 7(d) of the Act of August 9, 1939 (ch. 618), as amended (23 Stat. 1292; title 49, sec. 787) is amended by striking out the words "Narcotic Drugs Import and Export Act, the internal revenue laws or any amendments thereof, or the regulations issued thereunder" and substituting "Controlled Dangerous Substances Act of 1969"; and striking out the words "Marihuana Tax Act of 1937 or the regulations issued thereunder" and substituting "Controlled Dangerous Substances Act of 1969".

PENDING PROCEEDINGS

SEC. 903. (a) Prosecutions for any violation of law occuring prior to the effective date of this Act shall not be affected by these repealers or amendments, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this Act shall not be affected by the repealers or amendments, or abated by reason thereof.

(c) All administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on the effective date of this enactment shall be continued and brought to final determination in accord with laws and regulations in effect prior to the date of this enactment. Such drugs placed under control prior to enactment of this Act which are not listed within schedules I through IV shall automatically be controlled by the Attorney General and listed in the appropriate schedule.

(d) The provisions of this Act shall be applicable to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective dates.

CONTINUATION OF REGULATIONS

SEC. 904. Any orders, rules, and regulations which have been promulgated under any law affected by this Act and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed by the Attorney General.

SEVERABILITY

SEC. 905. If a provision of this Act is held invalid, all valid provisions that are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all its valid applications that are severable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 906. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SAVING PROVISION

SEC. 907. Nothing in this Act, except this title and, to the extent of any inconsistency, section 309 of this Act, shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of the Federal Food, Drug, and Cosmetic Act.

EFFECTIVE DATE

SEC. 908. This Act shall take effect on the one hundred and eightieth day following the date of its enactment.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DODD. Mr. President, I ask unanimous consent that in the engrossment of Senate amendments to the bill, S. 3246, the Secretary of the Senate be authorized to make technical and clerical corrections.

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

Mr. DODD. Mr. President, I would draw particular attention to the fact that Librium and Valium, which until now were not among the controlled drugs, have been specifically included in the list of substances to come under the supervision of the Bureau of Narcotics and Dangerous Drugs.

There is good reason why this should be so. Both Valium and Librium are psychotropic drugs; both affect the central nervous system; both have a considerable potential for drug abuse and drug habituation.

The decision to include both these drugs among those enumerated in the present legislation was not taken lightly. It was made only after the Bureau of Narcotics and Dangerous Drugs and individual physicians pointed out the existing and potential abuse of these drugs; and the continuing problem of increasing numbers of people who are getting habituated to them.

The manufacturers of these drugs believe that they have a great deal to lose if they come under the control of the Bureau of Narcotics and Dangerous Drugs. They have consequently insisted that, contrary to ample medical evidence, neither Librium nor Valium has any potential for abuse.

They have, however, made no concerted effort to have these drugs deleted from the Senate bill. Their thrust is directed at the House, where they intend to undertake serious and strenuous efforts to have these two drugs deleted from the final House version.

So that Members of the House of Representatives are forewarned of this concerted lobbying effort to which they are to be subjected, I would dwell for a moment on an important aspect of the drug bill before us which is as I said the inclusion of several drugs heretofore not included in Federal statutes for control.

They are the tranquilizers, Librium and Valium. The inclusion of Librium and Valium, tranquilizers produced by the firm of Hoffmann-LaRoche, located in Nutley, N.J., have been bitterly contested by the manufacturer. I am not surprised at this manufacturer's objections. Sales of nearly $100 million on these two drugs in one recent year are sufficient reason for some of the most intensive lobbying on Capitol Hill in memory.

In fact, working the offices of subcommittee members there have been more Roche advance men than there are staff of the Subcommittee To Investigate Juvenile Delinquency. The fee reportedly paid to a Washington law firm to lobby this provision of the bill is three times the total subcommittee staff budget for this calendar year.

The Delinquency Subcommittee, which I chair, held legislative hearings on the administration's drug bill, S. 2637, and my bill S. 1895, during September and October of 1969. The facts on which the subcommittee brought these drugs under the stringent inventory and penalty controls of Federal statutes were a hotly debated part of the subcommittee hearings.

Appearing on behalf of the administration and the Justice Department's Bureau of Narcotics and Dangerous Drugs, John Ingersoll, its Director, presented before the subcommittee a limited survey on Librium and Valium abuse covering the last 2½ years. Briefly, this limited study of the Bureau's 14 regions show that 1,353 people attempted suicide using Librium and/or Valium; 97 succeeded.

Cases of accidental ingestion, which were considered to be in most cases probable suicide attempts, numbered 929.

In addition, there were 99 State charges of illegal activities involving these two drugs.

The most significant finding of the report shows that audits of 56 pharmacies in just six States uncovered inventory shortages of 753,434 doses of Librium and Valium. The six States included Massachusetts, Rhode Island, New York, Florida, Texas, and California.

I emphasize to Senators the difficulty involved in attempting to develop any statistics of this type for these drugs. Since they are not controlled by Federal law, the handlers are not subject to strict accountability. Coupled with the tendency of States to audit only those drugs which are controlled by Federal law, substantial numbers of these drugs can be and are diverted without this fact ever coming to light.

For example, the 10 pharmacies audited by the Florida authorities in the report I just mentioned, were the only drug stores in the State specifically audited for shortages of Librium and Valium.

Early in the hearings, when I first exposed the diversion of these drugs from pharmacies, the manufacturer poohpoohed the evidence claiming diversion was isolated to a few Cuban doctors operating in Miami, Fla.

The Bureau of Narcotics and Dangerous Drugs report demolished that argument as significant diversion was found everywhere they looked.

For example, accountability investigations of three pharmacies over a 6-month period in the State of Massachusetts, turned up shortages of 65,499 units of Librium and 39,959 doses of Valium, for a total shortage of 105,458 capsules.

And it was not only large cities or States where diversion and abuse was found.

In a city of 112,000 citizens, the Hammond, Ind., Poison Control Center and the Hammond police reported these attempted suicides involving only Librium or only Valium; in 1965, five with Librium; in 1966, six with Librium and one with Valium; in 1967, nine with Librium and one with Valium; in 1968, four with Librium and one with Valium; in 1969—through September—nine with Librium and two with Valium.

In 1968 the State of Iowa recorded seven cases of arrests for unlawful possession of dangerous drugs, involving Librium and Valium along with LSD and other dangerous drugs. Iowa State records also show two deaths and one attempted suicide with Librium and Valium; one of the deaths came a day after the victim obtained 100 Librium capsules on a falsified prescription.

Davidson County, Tenn., reported 20 attempted suicide with Librium and Valium in 1968.

Orleans Parish, La., police and public health officials revealed 16 cases of attempted suicide, suicide and illegal possession involving Librium and Valium during 1968.

To answer the pleas of the manufacturer's lawyers that Librium is one of the safest drugs on the market and not a drug of abuse, I would call to the attention of Senators the circumstances of some police investigations of other drug offenses. In Cambridge, Mass., in 1969, five drug raids and arrests revealed marihuana, Librium, Valium, and LSD all to be in the possession of defendants at the same time.

A speeding arrest defendant was in possession of narcotics and Librium. In a case involving forged prescriptions for Librium, five defendants were arrested in a raid that disclosed marihuana, Librium and other dangerous drugs. The defendants were previously involved with glue sniffing.

Robbery defendants were found to be in possession of Librium and marihuana, car thieves had both; drugstore robbers had narcotics, controlled dangerous drugs, Librium and Valium.

In Massachusetts alone 65 individuals tried to kill themselves with Librium and Valium, either alone or in combination with other drugs.

In my own State of Connecticut, police report 13 criminal cases where the defendants were found to possess Librium in violation of the law. And in Connecticut, the State reports cases of Librium abuse rose 480 percent in 1968 compared to 1967.

Mr. President, the examples of suicides and crimes involving these drugs cover the entire United States, and I should like to have printed in the RECORD at the conclusion of my remarks the entire text of the report from which my figures came. This report was compiled by the Bureau of Narcotics and Dangerous Drugs and cites hundreds upon hundreds of cases of suicides and attempted suicides as well as illegal sales involving Librium, Valium, and meprobamate or Miltown.

The manufacturer's lawyers argue that no dependence develops from use of Librium and Valium, but this report shows clearly that physical and psychological addiction have been recorded and in great numbers. No matter how persuasive the lobbyists for these drugs may be, we must distinguish their well-paid rhetoric from the simple, uncomplicated facts before us.

We have an epidemic of tranquilizer deaths directly accountable to Librium and Valium. And I mean just that, an epidemic. When public health officials speak of epidemics, they mean a rise in recorded cases above the known level of previous years' cases

New York City, for example had 173 cases of overdoses of Librium in 1967; in 1968 the figure was 205.

In 1967 that city recorded 84 overdoses of Valium; in 1968 there were 105.

Mr. President, the rates are growing, and we are asked in the honeyed tones of the manufacturer's best lawyers not to require detailed recordkeeping of the disposition of these drugs. They say it is too much trouble for the pharmacist and the manufacturer.

Trouble, the paperwork may well be. But no more trouble than accounting for the gross earnings of the manufacturer. The problem is in the manufacturer's motive for keeping records. I am sure tax accountants and accounts receivable clerks are spared no paperwork in completing their jobs. I think we can ask no less for the purpose of saving human lives by the thousands each year.

And just as the Federal Internal Revenue Service penalizes the companies for inadequate tax records and payments, so I think it is not too much to subject the same manufacturers, distributors, and dispensers to penalties should they be lax in maintaining inventory and disposition records of their products.

What would be the result if tax records were off as much as New York's pharmacies: if the tax receipts were an average of 38.14 percent short of the total amount to be paid? That State recorded shortages in drugstore inventories of 186,646 capsules out of a total of 489,250 capsules to be accounted for in less than 9 months, in just 22 drugstores.

Mr. President, I have taken this time to cite the abuse of these two tranquilizers because the opponents to this bill insist that these drugs cause no harm.

One can agree with them when they are legally dispensed under the supervision of a physician.

But I am talking about those millions of pills that are diverted to illegal channels and abused by everyone from suicidal housewives to criminal drug addicts.

I think it imperative that this Congress act to insure that manufacturers be just as concerned about the ultimate physical effect of their product as they are concerned about the ultimate financial profit they make from its sales.

They fear that these controls will intimidate doctors and reduce sales of these drugs.

If that be so, then perhaps the doctors should be aware of the drugs' propensity for finding their way into the hands of suicidal patients and into the black market.

I see no reason to protect the manufacturer's position in supplying both the druggist and the black market.

Of course, if we shut off the black market in these drugs, the manufacturer will ultimately lose the profit from those original sales: but I think the health of this Nation is worth that loss.

So that the Members of the House will be advised of the nature of the abuse problem posed by these drugs, I ask unanimous consent that the study entitled "Report on Abuse of Librium and Valium Submitted to the Subcommittee To Investigate Juvenile Delinquency by U.S. Department of Justice, Bureau of Narcotics and Dangerous Drugs" be printed at this point in the RECORD.

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

REPORT ON ABUSE OF LIBRIUM AND VALIUM SUBMITTED TO THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY BY U.S. DEPARTMENT OF JUSTICE, BUREAU OF NARCOTICS AND DANGEROUS DRUGS

INTRODUCTION

The evidence introduced at the original hearing dealt with examples of abuse or studies showing the potential for abuse which were developed prior to August, 1966. To determine the current status of these drugs' potential for abuse, the Bureau of Narcotics and Dangerous Drugs initiated a limited survey within each of the Bureau's 14 Regions for the years 1967 through 1969. The study was quite restricted in that generally only the headquarters city of the Region, the State agencies wherein the Regional

headquarters is located and one additional city were covered. Great reliance was placed on the local authorities to provide information which they already had and to initiate new information gathering programs.

The following information is summarized by State, by Region. Complete back up material is on file with the Bureau.

GENERAL SUMMARY

I. Evidence relating to diversion:

State	Number of pharmacies audited	Shortages Librium	Shortages Valium
Massachusetts	3	65,499	39,959
Rhode Island	2	2,023	1,989
New York	22	102,270	84,376
Florida	10	141,673	190,501
Texas	6	68,171	17,530
California	13	20,800	18,643
Total		400,436	352,998
Total both drugs		753,434	

II. Individuals taking Librium and/or Valium on their own initiative or not pursuant to sound medical advice: Attempted suicides, 1,256; suicides, 97; adult "accidental ingestion" 929.

III. Illegal activities involving Librium and/or Valium: 99.

REGION 1.—MASSACHUSETTS

I. Accountability audit investigations of pharmacies were conducted jointly by the Bureau of Narcotics and Dangerous Drugs and the Massachusetts Board of Pharmacy. A summary of the findings of these audits follow:

Pharmacy	Period covered	Shortages [1] Librium	Shortages [1] Valium
Medford	5/69–10/69	2,730	1,930
F. & E. Bailey & Co	4/69–10/69	1,950	3,285
Star	4/69–10/69	60,819	34,744
Total		65,499	39,959
Total both drugs		105,458	

[1] By number of capsules. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

II. The following table contains a summary of some of the cases in which Librium and Valium were detected during police investigation of other drug offenses in Massachusetts:

Date	Jurisdiction	Circumstances
8/69	Cambridge	Defendant arrested for possession of marihuana. Search of premises revealed marihuana, Librium and other dangerous drugs.
4/69	do	Defendant arrested for possession of marihuana and barbiturates. Valium also seized at time of arrest.
4/69	do	Three defendants arrested for unlawful possession of marihuana. Librium also found.
2/69	do	Acting on a search warrant for marihuana and LSD, police uncovered LSD and Librium.
9/69	do	Marihuana, Librium and LSD taken in drug raid.
3/69	Medford	Defendant originally arrested for speeding found to be in possession of narcotics and Librium.
3/69	do	Case involved forged prescription for Librium and forged application for MEDICAID. Five defendants arrested in raid and marihuana, Librium and other dangerous drugs seized. Defendants previously involved with glue sniffing.
2/69	do	Defendants arrested for robbery of pharmacy in which narcotics, DACA drugs, Librium and Valium were taken. Previously been arrested in other possession of harmful drugs cases.
7/69	Somerville	Defendant arrested in connection with drug store robbery. Drugs recovered included narcotics, DACA drugs, and Librium.
4/69	Dedham	Four juveniles arrested in automobile found to be in possession of Librium and marihuana.

III. A survey of several public health facilities, poison control centers and law enforcement agencies within the State of Massachusetts revealed the following data on incidents indicative of abuse of Librium and Valium:

Drug	Suicide	Attempted suicide	Adult, accidental ingestion [2]
Librium alone		15	11
Librium plus other drugs	1	13	5
Valium alone		7	7
Valium plus other drugs		5	
Totals	1	40	23

[2] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons.

REGION 1.—RHODE ISLAND

I. Accountability audit investigations were conducted on two pharmacies by the State of Rhode Island Division of Drug Control. A summary of their findings follows.

Pharmacy	Period covered	Shortages [1] Librium	Shortages [1] Valium
Adams Drug Store	1/68–10/69	1,555	636
Adams Drug Co	10/68–11/69	468	1,353
Totals		2,023	1,989
Total both drugs		4,012	

[1] By number of capsules. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

II. The following is a summary of incidents indicative of abuse of Librium and Valium which were received from public health officials in Rhode Island for the period 1967–68:

Drug	Attempted suicide	Suicide	Kicks	Adult accidental ingestion [1]
Librium alone	5	1		
Librium plus other drugs	4		1	
Valium alone	2			1
Valium plus other drugs	1			
Total	12	1	1	1

[1] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons.

REGION 1. CONNECTICUT.—Police authorities of the State of Connecticut reported for 1968, 12 criminal cases where the defendants were found to be in possession of Librium in violation of the law.

REGION 2.—NEW JERSEY

I. The Professional Board of Inspectors of the New Jersey State Board of Pharmacy initiated six investigations of pharmacies from 1968 to the present which resulted in undercover purchases of Librium (no attempt was made to purchase Valium). Each store was subsequently involved in disciplinary action for these illegal sales.

Pharmacy	Number of sales	Amount of Libium purchased	Board action
White's	3	535	$600 fine.
Lebow's Pharmacy, Inc.	8	110	$2,500 fine plus license suspended for 14 days.
Belmont	2	20	$100 fine.
Roseville Drug Center	4	50	$500 fine.
Edwards'	2	35	Do.
Phillips'	3	35	License suspended for 14 days.
Total	22	785	

II. A survey of the Newark, N.J., Police Narcotic Squad for the year 1968 revealed the following:

Case No.	Date	Number of defendants	Summary
5790	12/7/68	1	Creating a disturbance and illegal possession of Tuinal and Librium.
6032	2/20/68	2	Illegal possession of Librium and heroin.
5879	11/22/68	1	Illegal possession of Librium and marihuana.
5433	7/28/68	3	Illegal possession of Librium and loaded firearms.

REGION 2.—NEW YORK

I. An examination of the records of the New York State Board of Pharmacy from 1967 to date revealed that out of a total of 37 illegal drug sales made to inspectors of the Board of pharmacies, Librium and/or Valium were involved in 10 of the sales. Accountability audit investigations were made by the Bureau of Narcotics and Dangerous Drugs in conjunction with the State authorities in the 10 stores which had illegally sold the Librium and Valium and in 12 other stores involved in illegal sales of drugs. Twenty of these audits were conducted in New York City and two in Buffalo. The audits covered the period from January 1 to September 26, 1969. A summary of the findings of these audits follows:

Drug short	No. stores in which drug short	Amt. to be accounted for from 1/1/69 to 9/26/69	Amount short	Percent short
Librium Caps 5 mgs	14	72,800	23,723	32.58
Librium Caps 10 mgs	19	217,150	78,547	36.17
Valium Tabs 2 mgs	13	57,900	21,717	37.50
Valium Tabs 5 mgs	16	141,400	62,659	44.31
Total		489,250	186,646	38.14 (average)

II. An examination of the records of the New York City Poison Control Center for the years 1967, 1968, and the first 9 months of 1969, reveals numerous incidents of excessive ingestion of Librium, Valium and other tranquilizers. Although the causes of injury are not available for the years 1967 and 1968, from the nature of the operation of the Poison Control Centers they can be attributed to either accidental or intentional (suicidal) overdoses. For the cases reported in the first 9 months of 1969, it is known that ten involved attempted suicides. One of the cases involved an accidental overdose by an adult who admitted he illegally obtained the Librium from one of the pharmacies discussed in the previous section. A summary of the results of the examination of the Poison Control Center records follows. The figures do not contain incidents of ingestion by children under 12 years of age or adults over 60 years of age.

Drug	1967	1968	1969 1/1–9/30
Librium	173	205	21
Valium	84	105	20
Unspecified tranquilizers	17	19	
Total	274	329	41

III. Information obtained from the files of the New York State Department of Health for the years 1967 and 1968 also shows 223 incidents of poisonings involving Librium and 114 involving Valium, either alone with each other or in conjunction with other harmful drugs. Although the information generally did not distinguish between suicides attempted suicides and accidental ingestions, the age of the person and other drugs ingested indicated a suicidal tendency in 55 of these cases, at least one of which resulted in death. The figures do not contain incidents involving children under 12 years of age or adults over 60.

IV. An examination of the records of the New York City medical examiners revealed several examples of deaths in which Librium and Valium were involved. These findings are summarized below:

Date of death	Sex	Age	Lab findings
11/67	F	26	Librium metabolite.
4/67	F	59	Librium.
8/67	M	46	Librium poisoning.
8/67	M	45	Librium and Placidyl.[1]
8/68	F	45	Acute barbiturate poisoning.[2]
9/68	F	27	Do.[2]

Footnotes at end of table.

Date of death	Sex	Age	Lab findings
9/68	F	57	Overdose of Seconal.[4]
12/68	F	43	Overdose of Librium.
12/68	F	35	Overdose of Librium and Darvon.
2/68	M	40	Placidyl.[5]
8/68	F	36	Darvon.[6]
1/68	M	43	Overdose of unknown drugs.[7]
2/68	F	49	Barbiturates and Placidyl found.[2]
4/68	F	58	Barbiturates found.[8]
6/68	F	39	Barbiturates and Doriden detected.[9]
9/68	F	23	Overdose of Valium.
7/68	F	35	Barbiturates and Morphine.[10]
6/68	M	25	Overdose of Librium.
1/69	F	33	Alcohol detected.[3]
1/69	M	40	Amobarbitol and Secobarbitol found.[3]
5/69	M	43	Phenothazine and Impramine found.[3]
5/69	M	26	Valium found.
6/69	F	76	Barbiturates found.[11]
6/69	M	26	Darvon found.[12]
6/69	F	51	Barbiturates found.[13]
6/69	M	50	Amobarbital and Secobarbital found.[2]
6/69	F	58	Barbiturates found.[14]
2/69	M	39	Librium and Darvon found.[15]
3/69	F	38	Overdose of Librium, Benedryl and barbiturates.
6/69	M	23	Opiates not detected.[16]

[1] Vials of Librium, Doriden, Tuinal and Placidyl found at scene of death.
[2] Librium found at scene of death.
[3] History of taking Librium.
[4] History of suicidal ingestion of Librium and Seconal.
[5] Librium, Antobuse and Chloral Hydrate found at scene of death.
[6] Two empty boxes of Librium and Darvon found at scene of death.
[7] History of taking Valium, Doriden and Thorazine.
[8] Empty bottle of Valium and barbiturate found at scene of death.
[9] History of using Valium and Doriden.
[10] History of using Valium and Seconal.
[11] Suicide note and empty bottles of Valium, Librium and sleeping pills found at scene of death.
[12] Nine empty vials of Librium, Darvon and other drugs found at scene of death.
[13] Librium, and Tuinal found at scene of death.
[14] Suicide note, Librium, Valium and Seconal found at scene of death.
[15] Empty vials of Valium, Librium and Darvon found at scene of death.
[16] History of using marihuana and Thorazine. Found dead with Valium and Mellaril nearby.

REGION 3.—DELAWARE

nformation obtained from various authorities in the State of Delaware reveal the following incidents of drug abuse indicative of the abuse of Librium:

1. One suicide attributed to Librium.
2. Four adult deaths where Librium, either alone or in conjuction with other drugs, was found in the system.
3. The F.B.I. reported the case of an individual who was found nude outside an apartment building posing as a statue. He was found to under the influence of LSD. In his apartment were found 24 hypodermic needles which were stolen from a VA hospital, and a 10-ounce bag of Librium.

REGION 3.—NEW JERSEY (MIDDLE AND SOUTHERN NEW JERSEY)

Information obtained from various public health officials in southern and middle New Jersey revealed the following incidents involving Librium and Valium which were indicative of abuse:

Drug	Attempted suicides	Adult "accidental ingestions" [1]
Librium alone	22	4
Librium plus other drugs	1	
Valium alone	14	
Totals	37	4

[1] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons.

REGION 3.—PENNSYLVANIA

I. A survey of several public health facilities, poison control centers, and law enforcement agencies within the State of Pennsylvania revealed the following data on incidents indicative of abuse of Librium and Valium:

Drug	Attempted suicide	Adult "accidental ingestions" [1]	Adult deaths, drugs found in system [2]
Librium alone	33	5	8
Librium plus other drugs	5	1	
Valium alone	6	2	2
Valium plus other drugs	1	1	
Total	45	9	10

[1] Includes ingestion by children over 12 years of age and adults under 60 which, though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with Librium and/or Valium or for other reasons.
[2] Information supplied by Philadelphia County medical examiner's office.

REGION 4.—MARYLAND

I. The following information was received from the Baltimore Medical Examiner's Office concerning deaths where Librium was invoived:

Age	Sex	Cause of death
39	F	Intoxication, alcohol, Librium and Placidyl.
24	M	Overdose Librium and Darvon. Known to use narcotics and LSD (ruled suicide).
65	F	Overdose Tuinal, Librium, Mellaril.
35	M	Overdose Dilantin, Librium.
57	M	Overdose Librium and Darvon.
23	F	Overdose Librium and barbiturates (ruled suicide).

II. Information obtained from the Maryland Poison Information Center, Baltimore City Health Department, and several hospitals in Maryland and Virginia revealed 63 cases of adult ingestions of Librium and Valium.

REGION 5.—FLORIDA

I. During 1969, the Florida State Board of Pharmacy conducted accountability audits for Librium and Valium in 10 pharmacies only. The results of the audits follow:

Pharmacy	Period covered	Shortages [1] Librium	Shortages [1] Valium	Action by Board of Pharmacy
Corazon de Jesus	1/68–2/69	34,581	46,310	Pending.
Andres' Pharmacy Inc.	7/68–3/69	37,339	37,669	Fine.
Farmacia Continental.	1/68–3/69	23,298	36,296	Pending.
Williams City Drug	1/68–5/69		2,080	Hearing recommended
San Roque	1/69–8/69	743	1,685	Do.
Drug Center	1/68–5/69		10,885	Hearing scheduled.
Riverside Prescription.	7/68–3/69			None.
Williams Rexall	1/68–5/69		4,091	Probation.
Coral Way	1/69–7/69	4,218	4,367	Hearing scheduled.
Central	1/68–4/69	41,494	47,118	License revoked.
Totals		141,673	190,501	
Total both drugs.		332,174		

[1] By number of capsules. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

REGION 5.—FLORIDA

II. A survey of numerous public health facilities, poison control centers and law enforcement agencies within the State of Florida revealed the following data on incidents indicative of abuse of Librium and Valium.

Drug	Suicide	Attempted suicide	Adult [2] "accidental ingestion"	Illegal sale, possession
Librium alone				3
Librium—no record of other drugs		23	10	
Librium plus other drugs	2	1		1
Valium alone		1	1	
Valium—no record of other drugs		4	7	
Valium plus other drugs				2
Total	2	29	18	6

[2] Does not include persons under 12 or over 60 or persons whose age is unknown. An ingestion is classified "accidental" unless a physician or competent public official has specifically ruled that it was suicidal attempt. Questionable cases classified as accidental.

REGION 5.—GEORGIA

I. A survey of numerous public health facilities, poison control centers and law enforcement agencies within the State of Georgia revealed the following data on incidents indicative of abuse of Librium and Valium.

Drug	Suicide	Attempted suicide	Adult [1] "accidental ingestion"	Illegal sale, possession
Librium alone				
Librium—no record of other drugs		2		20
Librium plus other drugs		2		23
Valium alone				
Valium—no record of other drugs		2		17
Valium plus other drugs				3
Totals		6		63

[1] Does not include persons under 12 or over 60 or persons whose age is unknown. An ingestion is classified "accidental" unless a physician or competent public official has specifically ruled that it was suicidal attempt. Questionable cases classified as accidental.

REGION 5.—SOUTH CAROLINA

A case report was received by the Columbia, South Carolina Office of the Bureau of Narcotics and Dangerous Drugs from the Office of Naval Intelligence concerning the abuse of dangerous drugs by a young Navy WAVE. The subject, a rather immature and highly emotional person, admitted to taking various dangerous drugs off and on over a period of two years. The drugs abused included Librium, Valium, Ritalin and Meprobamate. On two occasions the girl attempted suicide. Once with Librium and Darvon and the second time with Valium alone. The drugs in question were obtained both by prescription and by pilferage. She admitted to giving some of these drugs to her friends on various occasions but denied selling them. The Navy did not institute court-martial action nor was any action initiated against the girl by the Bureau of Narcotics and Dangerous Drugs.

REGION 6.—MICHIGAN

Information obtained from hospitals in Michigan indicated the following suicide attempts involving Librium:

Hospital	Circumstances
Pontiac General	2 cases of attempted suicide with Librium during 1968.
Blodgett	3 cases of attempted suicide with Librium during 1967–68.
St. Joseph (Ann Arbor).	23-year-old female attempted suicide with Librium in 1968.
	52-year-old female attempted suicide with Librium in 1968.
	30-year-old female attempted suicide with Librium and Donnatal in 1968.

REGION 6.—OHIO

I. The Cuyahoga, Ohio County Coroner's Office provided the following information relating to deaths involving Librium and Valium:

Age	Sex	Date	Circumstances
51	F	6/67	Suicide—Valium in combination with other drugs.
47	F	8/67	Suicide—Librium, barbiturates and other drugs.
49	M	8/67	Librium and Doriden.
58	M	11/68	Probable suicide—Valium and Elavil.

II. Information obtained from the Good Samaritan Hospital for the year 1967 revealed the following: One case of attempted suicide involving Librium and Darvon. One case of attempted suicide involving Librium, Valium, alcohol and Darvon.

REGION 7.—ILLINOIS

I. The Chicago Police Department reported 18 cases involving illegal sale and/or possession of Librium for the period Jan. 1, 1967, to Aug. 31, 1969. In 4 of the cases the persons were sentenced by the court. The remaining cases either are pending or have been discharged, usually because the evidence was obtained by a faulty warrant.

II. The Illinois Department of Public Health reported the following deaths involving Librium and Valium for the years 1967–69.

Drug	Age	Sex	Date	Circumstances
Librium	63	M	8/66	Suicide.
Do	60	F	4/66	Accident.
Librium, Teldrin	58	M	5/66	Undetermined.
Librium, Darvon, Opiate	25	M	5/67	Do.
Librium	45	M	8/67	Do.
Valium	60	F	9/67	Do.
Chloral hydrate	42	F	10/67	Suicide.
Valium, Aspirin, Thorazine, Stelazine, Potassium Chloride, Diazide, Nardel, Dexedrine.	47	F	12/67	Do.
Librium	46	F	7/68	Undetermined.
Do	72	F	8/68	Suicide.
Librium, Meprobamate	38	M	7/68	Do.
Valium, Chlorpromazine	55	M	5/58	Accident.
Valium, Triavil	56	F	9/68	Undetermined.

III. The Illinois Department of Public Safety, Division of Narcotic Control, reported the following cases of illegal activities involving Librium and Valium during the period July 1967 to July 1969.

Case No.	Date	Circumstances
S–316–D	8/67	Large number of 25 mg. Librium and 55 cigarettes impregnated with Librium purchased by State narcotic agent.
S–333–D	1/67	Valium, illegal possession.
C–220–D	12/67	Librium, illegal possession.
S–559	12/67	Librium and Valium, illegal possession.
S–353–D	2/68	Librium, illegal possession.
S–612	5/68	Do.
S–426–D	3/69	Librium purchased by State narcotic agent from nonpharmacist in drugstore.
S–451D	7/69	Librium and Valium, illegal possession.
S–452–D	7/69	Librium, illegal possession.
S–399–D	11/68	Valium, illegal possession.
S–287–D	1/69	Librium, illegal possession.
S–426–D	3/69	Do.
S–441–D	6/69	Valium, illegal possession.
S–445–D	7/69	Librium, illegal possession.
S–451–D	7/69	Librium and Valium, illegal possession.
S–462–D	8/69	Librium, illegal possession.

IV. Police officials in Rockford, Ill., reported the following illegal activities involving Librium:

Sex	Age	Date	Circumstances
M	30	11/68	Librium—illegal possession.
M	22	3/69	Do.
M	22	6/69	Do.
M	18	10/68	Do.

The Rockford Coroner's Office also reported that a 23-year-old woman committed suicide with Librium.

V. The Northern Illinois Crime Laboratory reported the following:

1. A 37-year-old man was involved in an automobile accident while driving under the influence of Librium.
2. A 39-year-old woman was involved in a three-car accident while driving under the influence of Valium.

REGION 7.—INDIANA

I. The Hammond, Indiana Poison Control Center and the Hammond Police reported the following attempted suicides involving Librium and Valium:

Drug	1965	1966	1967	1968	1969
Librium	5	6	9	4	7
Librium plus other drugs					2
Valium		1	1	1	2
Valium plus other drugs					1
Total	5	7	10	5	12
Total all drugs			39		

II. Police and public health officials in Lake County, Indiana reported the following:

Drug	Attempted suicide	Suicide	Deaths due to overdose
Librium alone	1		2
Librium plus other drugs		1	
Total	1	1	2

III Police and public health officials in Indianapolis reported the following:

Drug	Attempted suicide	Suicide
Librium alone	3	
Librium plus other drugs	2	1
Valium plus other drugs	2	
Total	7	1

REGION 8.—LOUISIANA

Inquiries made of various police and public health officials in Orleans Parish, La., with respect to incidents involving Librium during the year 1968, revealed the following:

Drug	Attempted suicide	Suicide	Illegal possession
Librium	12	1	1
Librium and Darvon	1		
Valium	1		
Total	14	1	

REGION 8.—TENNESSEE

Inquiries made of various police and public health officials in Davidson County, Tennessee, with respect to incidents involving Librium and Valium, for the year 1968, revealed the following:

Drug	Attempted suicides
Librium	16
Valium	4
Total	20

REGION 9.—WISCONSIN

A survey of public health and police officials in the greater Milwaukee metropolitan area revealed the following incidents indicative of abuse of Librium and Valium:

Drug	Adult[1] "Accidental ingestion"	Deaths	Illegal possession
Librium	44	3	5
Librium plus other drugs	1		
Valium	19		
Valium plus other drugs	1		
Total	65	3	5

[1] Includes ingestion by persons over 12 years of age but less than 60. No figures were available as to which of these constituted attempted suicides. Figures do not include 50 cases of ingestion of Librium and 33 cases of ingestion of Valium which required hospitalization but for whom the age of the patient was not reported.

REGION 10.—IOWA

I. The following information was obtained from various police officials in the State of Iowa relative to the abuse of Librium and Valium:

Sex	Age	Date	Circumstances
M	?	12/68	Defendant arrested for unlawful possession of dangerous drugs. Also found to be in illegal possession of Librium.
F	22	11/68	Defendant arrested for unlawful possession of dangerous drugs. Also found to be in illegal possession of Librium.
M	21	11/68	Defendant arrested for unlawful possession of dangerous drugs Also found to be in illegal possession of Librium.
M	21	11/68	Defendant arrested for unlawful possession of dangerous drugs Also found to be in illegal possession of Librium.
F	32	7/68	Defendant arrested for unlawfu possession of dangerous drugs. Also found to be in illegal possession of Librium.
M	22	3/68	Defendant arrested by Des Moines Police Department for unlawful possession of dangerous drugs. Also found to be in unlawful possession of Librium. Defendant was subsequently arrested by agents of the Bureau of Narcotics and Dangerous Drugs for illegal sale of LSD.
M	17	2/68	Defendant arrested for unlawful possession of dangerous drugs. Also found to be in illegal possession of Librium and Valium.

II. The Iowa Poison Information Center and the Polk County Medical Examiner furnished the following information relative to the abuse of Librium and/or Valium.

1. A 45-year-old woman attempted suicide by ingesting 107 capsules of Valium—strength unknown.
2. A 50-year-old woman committed suicide with Valium.
3. A 44-year-old male died in jail following a drinking spree during which large quantities of Librium were ingested. The subject known to have obtained 100 Librium capsules on a falsified prescription the day before his death occurred.

REGION 10.—MISSOURI

I. The St. Louis County Coroner's Office provided the following information relative to adult deaths in which Librium and/or Valium were involved:

Age	Sex	Date	Circumstances
55	F	6/68	Valium and Carbrital—ruled suicide.
46	M	7/68	Librium—open verdict but probable suicide—subject very despondent
30	F	8/68	Valium and whiskey—accidental fatal overdose.
39	M	7/68	Librium and Boctin—open verdict—no witnesses.
40	F	1/67	Librium, Placidyl, Sodium Butisol—suicide.
?	M	3/67	Librium, Noludar, and whiskey.
36	F	3/67	Librium, Darvon and Preludin—suicide.
38	F	3/67	Librium, Doriden, Seconal, alcohol—suicide.
64	M	3/67	Librium, Tuinal, alcohol.
46	F	5/67	Librium, Elavil—suicide.
58	M	9/67	Librium, Tuinal, Amytal, Seconal—suicide.
77	F	9/67	Librium, Methyprylon—suicide
64	M	10/67	Librium—suicide.

II. Information obtained from various police and public health officials in Kansas City, Missouri, revealed the following incidents involving Librium and Valium:

Drug	Attempted suicide	Suicide
Librium	39	
Librium plus other drugs	19	1
Valium	6	1
Valium plus other drugs	4	
Totals	68	2

REGION 11.—OKLAHOMA

I. The following information was obtained from the Oklahoma City Police Department relative to abuse of Librium and Valium for 1967–1969

Drug	Attempted suicide	Adult "Accidental ingestion" [1]
Librium	6	14
Librium plus other drugs	1	----
Valium	4	2
Valium plus other drugs	1	2
Total	12	18

[1] Includes ingestion by persons over 12 and less than 60 years old which were not officially designated as attempted suicides.

II. The Bureau of Narcotics and Dangerous Drugs received a communication from an adult male who claimed to be dependent on Librium. The habituation evolved out of P.R.N. prescription for the drug which was given to the patient by his physician many months previously. Although the patient indicated he was under the care of a physician in his attempt to break the habituation, he was experiencing considerable difficulty in doing so.

REGION 11.—TEXAS

. The following information relative to Librium and Valium was received from authorities at Parkland Hospital, Dallas, Tex., and police officials:

Drug	Attempted suicide	Adult "accidental ingestions" [1]	Illegal possession
Librium	3	----	----
Librium plus other drugs	2	1	1
Valium	2	----	----
Valium plus other drugs	2	----	1
Total	9	1	2

[1] Includes overdoses by persons over 12 and under 60 years of age which were not officially designated as attempted suicides, but which could possibly have been suicidal.

II. The Texas State Board of Pharmacy reported that it completed a violation hearing on 20 pharmacies during September 1969. Of these cases, 12 involved the refilling of prescriptions by pharmacists, and 5 involved the refilling of prescriptions by unlicensed persons, without authorization by the prescribing physician.

REGION 11.—TEXAS

III. Accountability audit investigations of pharmacies were conducted jointly by the Bureau of Narcotics and Dangerous Drugs and the Texas Board of Pharmacy. A summary of the findings of these audits follows:

Pharmacy	Period covered	Shortages [2] Librium	Valium
Drive-In Prescription Shop	1/69–10/69	17,136	1,266
Lorrine Pharmacy	5/69–10/69	4,836	10,023
Rexall Super	1/69–10/69	29,166	1,067
St. Anthony Hotel	1/69–10/69	----	80
Ford-Painter	1/69–10/69	7,091	434
Dorchester	1/69–10/69	9,942	4,660
Total		68,171	17,530
Total both drugs		85,701	

[2] By number of capsules. Audit covered only Librium 10 mg. and Valium 10 mg.

REGION 12.—ARIZONA

I. The following information was obtained from the Arizona State Narcotics Enforcement Division and other Arizona law enforcement agencies:

Date of arrest	Drug	Summary
11/68	Valium	Defendant charged with possession of marihuana and dangerous drugs.
3/69	Librium	Defendant, a practitioner of naturopathy, was charged with possession of dangerous drugs including Meprobamate and Librium. Though not licensed to practice medicine, he was allegedly dispensing various drugs to his patients.
1/69	Librium	Defendant charged with sale of dangerous drugs—Librium.

REGION 12.—ARIZONA—Continued

Date of arrest	Drug	Summary
3/69	Valium	Defendant charged with possession of marihuana. He also had possession of Valium and prescriptions for Valium.
11/68	Valium	Defendant charged with possess on of marihuana, Valium and numerous other dangerous drugs He received $150 fine on dangerous drugs charges. The marihuana charge is pending.
3/69	Valium	Subject died as a result of a self-administered Valium poisoning.

II. Records obtained from the Arizona Poison Control Center University of Arizona, for the years 1967–1969. indicate numerous incidents involving Librium and Valium. A summary of the data found in those records follows:

Drug	Attempted Suicides	Adu t "Acci-dental in-gest ons" [1]	Deaths
Librium alone	43	12	----
Librium plus other drugs	47	2	1
Valium alone	30	7	----
Valium plus other drugs	20	3	----
Totals	140	24	1

[1] Does not include persons under 12 years of age or over 60 or persons whose age was unknown. An ingest on is classified "accidental" unless a physician or competent public official has specifically ruled that it was a suicidal attempt. Questionable cases classified as accidental.

REGION 12.—COLORADO

I. Data on Colorado incidents involving Librium and Valium were obtained from several hospitals in Colorado including the Denver General Hospital, Saint Luke's, Colorado General, General Rose Memorial, Va'ley View, Saint Mary Corwin, and Fitzsimons Army Hospital. A summary of the data, which covers the years 1967 through September 1969, follows:

Drug	Attempted suicides	Adult [1] "accidental ingestions"	Suicides	Drugs taken for "kicks"	Drug dependency
Librium alone	31	2	----	----	----
Librium plus other drugs	70	9	2	1	2
Valium alone	21	6	----	----	----
Valium plus other drugs	32	3	----	----	----
Total	154	20	2	1	2

[1] Includes ingestion by children over 12 years of age and adults under 60 which though not classified as suicide attempts by responsible medical or public authorities, indicate suicidal situations because of other drugs ingested simultaneously with the Librium and/or Valium or for other reasons

II. Data obtained from the Denver and El Paso County Coroners revealed the following deaths:

Date of occurrence	Sex	Age	Drugs involved
12/66	F	61	Valium, Percodan, Sodium Amytal.
8/67	F	25	Librium, Barbiturates, and Alcohol.
2/67	F	44	Librium, Darvon.
3/69	M	61	Librium, Alcohol.

REGION 12.—NEW MEXICO

A review was made of the records of the Albuquerque Police Department for the period July 1967, to the present for incidents involving Librium and Valium. A summary of the findings follows:

Drug	Attempted suicide	Adult [1] overdose
Librium [2]	23	4
Valium	1	----
Total	24	4

[1] No determination as to whether overdose constituted attempt at suicide.

[2] In addition, there were 43 attempted suicides attributed to unnamed tranquilizers.

REGION 12.—UTAH

On Jan. 15, 1969, a 57-year-old woman died from a self-administered overdose of Librium and Meprobamate. The decedent had a history of excessive use of meprobamate, aggravated depression and prior suicide attempts.

REGION 13.—OREGON

The Oregon Poison Control Registry provided the following information relative to reported cases of poisoning involving Librium and Valium during the years 1967–68. The figures include all age groups.

Drug	1967	1968	Total
Librium	23	24	47
Valium	19	40	59
Meprobamate	9	18	27

REGION 13.—WASHINGTON

The following information concerning incidents which occurred during 1967–68 relating to abuse of Librium and Valium was received from various police and public health officials:

Drug	Suicide	Illegal possession
Librium	2	8
Valium	2	1
Total	4	9

REGION 14.—CALIFORNIA

I. Accountability audit investigations were conducted for 13 pharmacies by the California Board of Pharmacy. A summary of the findings of these audits follows:

Pharmacy	Period Covered	Shortages [1] Librium	Valium
Hidalgo Drugs	1/69–10/69	----	893
Million Dollar	1/69–10/69	16,216	7,956
Commerce	1/69–10/69	455	7,564
West 11th	1/69–10/69	----	----
Walker	1/69–10/69	200	75
Serv-U, Midwest Medical	[2] 1/69–10/69	1,216	----
Hillside	1/69–10/69	148	----
Ames Drug	1/69–10/69	----	97
Carella	1/69–10/69	----	----
Frank's	1/69–10/69	51	1,362
Millard	1/69–10/69	----	----
Eddy-Taylor	1/69–10/69	2,514	696
Total		20,800	18,643
Total both drugs		39,443	

[1] By number of capsules or pills. Various dosage units for each drug are combined in totals. Not all dosage units or both drugs audited in every store.

[2] Composite audit.

REGION 14.—CALIFORNIA

II. The following is a summary of information relative to the abuse of Librium and Valium during the period 1967–69 as reported by the Poison Information Center, Los Angeles, and the Community Hospital of San Diego County.

Drug	Suicide	Attempted suicide	Adult "accidental ingestion" [1]
Librium	----	146	2
Librium plus other drugs	----	75	2
Valium	----	313	15
Valium plus other drugs	3	30	5
Total	3	564	24

[1] Includes overdoses by adults which were not classified as suicides.

III. The Orange County Coroner's Office reported the following deaths associated with Librium and Valium:

Date of death	Age	Sex	Drug
1/68	56	M	Librium, Darvon, alcohol.
2/69	39	M	Librium.
7/69	72	M	Librium and Secobarbital.
3/69	62	F	Valium and Meprobamate.

IV. The California Board of Pharmacy reported the following deaths associated with Librium and Valium:

Year	Drug	Number of deaths
1965-66	Librium and combination	17
	Valium and alcohol	2
	Valium	2
1966-67	Librium and combination	17
	Valium and alcohol	2
	Valium	1
	Valium and barbiturates	8
1967-68	Librium and combination	11
	Valium	4
	Valium and alcohol	2
	Valium and barbiturates	2
	Total	68

V. The following information concerning deaths associated with Librium and/or Valium during 1967-1969, was obtained from the San Francisco and Oakland County Coroner's Offices:

Age	Sex	Circumstances
41	M	Librium and alcohol—ruled accidental.
40	F	Valium, Thorazine, Librium, Darvon, and Seconal.
51	F	Barbiturates, Valium and alcohol.
57	F	Barbiturates and Librium—suicide.
50	M	Valium and Darvon—suicide.
27	F	Valium and alcohol.
57	M	Librium and Doriden.
46	M	Barbiturates, Valium, Meprobamate—suicide.
26	M	Valium, alcohol—suicide.
Adult	F	Alcohol, barbiturates, Librium—ruled accidental.

VI. The following information concerning incidents involving Librium and/or Valium for the years 1967-1969 was obtained from the San Francisco General Hospital and the San Francisco County Department of Public Health:

Drug	Attempted suicide	Suicide	Adult [1] "accidental ingestion"
Librium	8		27
Librium plus other drugs	6	1	7
Valium	2		13
Valium plus other drugs	2		
Total	18	1	47

[1] Includes adult overdoses which were not officially designated as suicidal.

Mr. DODD. Mr. President, it is deeply gratifying to see that the Senate has come to a final vote on S. 3246, the Controlled Dangerous Substances Act of 1969.

The use of drugs, the development of the "freaked-out" generation, is one of the most dangerous, terrifying, and puzzling social problems the United States faces today.

It is dangerous because it turns us into a drugged, medicated, confused society.

It is terrifying because more and more of our young people have fallen to its prey in recent years.

It is puzzling because at a time of unprecedented prosperity in our Nation, young people want to withdraw from society through the avenue of chemistry.

The drug problem is building up at a frightening and feverish pitch.

Young people under 21 are arrested by police at the rate of one every 5 minutes, for one drug law violation or another.

Hard narcotics such as heroin and abuse of stimulants and tranquilizers cause 100,000 deaths per year. In New York City alone, there are 900 deaths caused by these drugs each year.

Increasing numbers of high school, junior high school, and even grade school children are involved in drug abuse, particularly marihuana.

Some 50 percent of high school students in certain areas have experimented with marihuana. Altogether an estimated 12 million people in this country have tried marihuana; most of them are youngsters.

But the marihuana syndrome is not the only aspect of the explosive drug picture in the United States.

There are depressants, stimulants, and tranquilizers; known at various times as goof balls, pep pills, and happy pills.

And because the pharmaceutical advertisers have over the years undertaken such a successful campaign to make these stimulants and depressants attractive to our young people, 9 billion of these pills are diverted into illegal and nonmedical channels every year. The majority of them go straight to your youngsters who pop them into their mouths much as earlier generations popped lollipops into their mouths.

It is particularly noteworthy that the proposed bill has been substantially left intact, and that it has not been encumbered by amendments which might very well have weakened what is basically a law enforcement measure.

In the years to come, I firmly believe, the measure on which we are about to vote will have the impact which we all expect. It will, I am convinced, reduce the dreadful drug epidemic in this country, return our young people to sanity and a proper respect for drugs, and drastically reduce the unconscionable profits made from drugs by the professional criminal element.

One of the great merits of this legislation is the realinement of the penalties applied to the abuse of various drugs with their potential for serious emotional and physical harm.

This is particularly so in the case of marihuana, where the Federal mandatory penalties and local or State penal provisions were often in sharp contrast which led to a bewildering jungle of judicial possibilities. As the direct result of all this confusion, our young people have, with increasing frequency expressed their contempt of the law.

The bill before us removes all of these uncertainties. It will duly punish the youngster who experiments with a marihuana cigarette; but it will not ruin him for life.

On the other hand, it imposes severe punishment for the professional criminal who makes his living by selling marihuana and other drugs to our young people.

And that is as it should be.

As the chairman of the subcommittee authoring the bill before us, I want to express my gratitude to those many Members of the Senate who have given substantial help in the formulation of this bill.

Senator HRUSKA, the ranking minority member, made major and invaluable contributions to this legislation, gave unstintingly of his time, and thoroughly researched its legal and social ramifications.

The majority whip, Senator KENNEDY, consistently supported us with his help, gave us his help, and was enthusiastic about our aims.

Senator EASTLAND was concerned about the urgency of this legislation, and as an expression of his concern, held full Judiciary Committee meetings even on Saturday.

Senator ERVIN gave us invaluable support when the constitutional implications of the proposed bill came into question.

I should like to express particular gratitude to Senator HUGHES. His decision not to ask for a vote to have the bill referred to Labor and Public Welfare avoided the possibility that a final vote on the proposed legislation might have been postponed. In foreseeing this possibility, Senator HUGHES clearly recognized the urgency of this legislation.

As Senator HRUSKA has pointed out, many of the bills before us cross the responsibilities of other committees; certainly this legislation does. The fact that Senator HUGHES did not insist on a referral of the proposed legislation to the Labor and Public Welfare Committee is a sign of his statesmanship.

This legislation before us is of extreme importance and of extreme urgency to the Nation. It is for these reasons that I hope that the bill will come up quickly for a vote in the House, and that an early House-Senate conference will be scheduled to iron out such differences as there may be.

Mr. THURMOND. Mr. President, I wish to congratulate the able and distinguished Senator from Connecticut for the outstanding leadership he has provided during the hearings and during the discussion of the controlled dangerous substances bill, known as the narcotics legislation.

The Senator from Connecticut put forth an extraordinary effort in this matter. I consider this to be one of the most important pieces of legislation that has been passed by the Senate since I have been a Member of this body. The Senator from Connecticut provided outstanding leadership in the matter of juvenile delinquency. I feel that in these two fields the Senate owes him a great debt of gratitude, and I wish to commend him for his efforts in these matters which should mean so much to the young people of this Nation and all the people of this country.

Mr. DODD. I thank the Senator.

Mr. THURMOND. I also commend the able and distinguished ranking minority member of the Committee on the Judiciary, the Senator from Nebraska (Mr. HRUSKA). He is one of the most able lawyers I have had the pleasure to know. He has been extremely helpful and active in connection with this bill as well as in connection with the organized crime bill and other matters coming before the Committee on the Judiciary. The Senate is fortunate to have such able and dedicated Members as the Senator from Nebraska and the Senator from Connecticut, who have given wholeheartedly in these efforts that are so important to the public.

Mr. DODD. Many Senators have assisted us.

Mr. MANSFIELD. Mr. President, the passage of this bill marks another step toward the completion of the Senate's fine work in the field of crime legislation.

The President mentioned in his state of the Union address 13 crime bills upon which he wishes action. Although he did not mention what these bills were, I requested my staff to inquire from the White House and get a listing of the administration proposals.

Of the President's 13 proposals, the Senate has already passed seven and the remaining six deal with four subjects only.

First. Obscene mail and prurient advertising.

Second. Bail reform.

Third. Criminal appeals.

Fourth. Increasing penalties for antitrust violations.

The administration includes three separate bills under the obscenity category; this matter will be considered within the next month by the Senate committee. I have my own proposal in this area and am prepared to offer that proposal—requiring the labeling of all envelopes that contain matter of a potentially offensive nature and providing the opportunity for addressees to return the labeled envelope to the sender at the sender's cost.

The bail reform measure of the administration—one of the remaining crime bills—is a bill upon which the administration is not yet prepared to testify. The administration has not yet completed its study and thus has requested that the Senate Committee withhold action.

The third of the administration's crime bills, S. 3132, dealing with criminal appeal procedure will be the subject of hearings within the next month.

Thus, of the administration's proposals and requests on crime, there are but three areas awaiting Senate action. The Senate committees are prepared to move ahead on all of these measures. The last of the administration's crime bills is the measure S. 3036 to increase the penalties for violations of the Sherman antitrust laws. The chairman of that subcommittee has informed me that he anticipates passage of this measure early this session.

It is obvious therefore that the most significant and far-reaching measures dealing with the administration's 13 crime proposals have already passed the Senate.

Upon inquiring to the administration on this matter, it was learned that the administration strongly supported other measures initiated in the Congress dealing with crime. These proposals were enumerated by administration spokesmen to include the following measures: S. 2122, Federal immunity of witnesses; S. 1861, Corrupt Organizations Act; S. 2292, sources of evidence; S. 30, organized crime.

S. 2122, S. 1861, S. 2299 were all needed and incorporated into S. 30 which passed the Senate last Friday. In addition, the administration has supported and wishes to be identified with the following measures: S. 952, omnibus judgeship bill; S. 1624, wagering tax amendments; S. 1461, Criminal Justice Act amendments.

The Senate has already passed S. 952. Hearings are scheduled on S. 1624 and S. 1461 in the near future.

Thus, of the 20 measures in the broad areas of crime and obscenity, almost all the major bills have passed the Senate.

Only five areas remain for action and all of these will be considered in the Senate this session. Thus, in the field of proposals for additional laws in the battle against crime, the Senate has completed the lion's share of its work and tidying up of relatively minor proposals remain.

After the passage of these bills, we may then direct ourselves to the more difficult tasks of identifying and addressing ourselves to the task of eradicating the causes of criminal behavior.

I ask unanimous consent that a chart of these administration proposals appear at this point in the RECORD.

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

Bill number and title	*Status*
(1) S. 2022—Illegal gambling control	Passed Senate (S. 30), January 23, 1970.
(2) S. 2637—Drug bill (S. 3246)	Passed Senate, January 28, 1970.
(3) S. 2657—Included in drug bill	Included in S. 3246—Passed Senate January 28, 1970.
(4) S. 2601—District of Columbia court reorganization.	Passed Senate, September 19, 1969.
(5) S. 2602—Public defender, District of Columbia.	Passed Senate, November 21, 1969.
(6) S. 2869—Criminal law revision, District of Columbia.	Passed Senate, December 5, 1969.
(7) S. 2981—Juvenile Code, revision, District of Columbia.	Passed Senate, December 22, 1969.
(8) S. 3036—Increase penalties, Sherman Antitrust Act.	Definite passage this session.
(9) Obscenity:	
(9) (a) (9) S. 2073—Obscene mail to minors	Hearings next month.
(9) (b) (10) S. 2074—Prurient advertising	Hearings next month.
(9) (c) (11) H.R. 10877—Obscene mail—Title II of postal rates bill.	
(12) S. 2600—Bail reform	Hearings continuing; administration has requested postponement until it completes it study.
(13) S. 3132—Criminal appeals	Hearings scheduled; February.
CRIME BILLS SUPPORTED BY ADMINISTRATION, ORIGINATED IN SENATE	
(14) S. 952—Omnibus judgeship bill	Passed Senate June 23, 1969.
(15) S. 2122—Federal immunity of witnesses.	Passed Senate, January 23, 1970.
(16) S. 2292—Sources of evidence	Passed Senate, January 23, 1970.
(17) S. 1861—Corrupt Organizations Act	Passed Senate, January 23, 1970.
(18) S. 30—Organized Crime Control Act of 1969.	Passed January 23, 1970.
(19) S. 1624—Wagering tax amendments	Hearings next month.
(20) S. 1461—Criminal Justice Act amendments.	Report in few days from subcommittee.

Mr. MANSFIELD. So I think the Senate's record in this respect is an excellent one; and with the cooperation of the committees, the remaining will be reported and if meritorious will be passed in the Senate before too long

I want to take this means to add my thanks to those of other Members of this body to the distinguished and able Senator from Connecticut (Mr. DODD) for the outstanding skill and managerial ability he has shown in carrying out his duties in connection with the measure just passed; to the able Senator from Nebraska for his many contributions, his integrity, his knowledge, his devotion, and his dedication; to the distinguished Senator from Iowa (Mr. HUGHES), who has made a weighty contribution to the discussions of this most important subject of the last 3 days; to the distinguished Senator from New Hampshire (Mr. MCINTYRE); to the distinguished Senators from Michigan (Mr. HART) and from Maryland (Mr. TYDINGS); to the distinguished Senator from North Carolina (Mr. ERVIN), who did so much in the beginning of the consideration of this bill to try to put it into proper focus; and to all those who contributed their time, their energy, and their ability in order to bring into being this long overdue and highly important drug control measure.

Mr. TOWER. Mr. President, I want to take this opportunity to commend the senior Senator from Connecticut on his fine work in connection with Senate consideration and passage of the Controlled Dangerous Substances Act.

This legislation was supported by President Nixon and I believe that it represents a significant improvement in the Federal law regulating narcotics and dangerous drugs. I believe that this bill represents a reasonable and intelligent approach to the serious problem of drug abuse.

The problem of drug abuse must be attacked first at its source—the illegal producer and the smuggler. There is also substantial evidence to indicate that a considerable amount of drugs legally produced in this country are diverted through illicit channels to nonmedical use. This bill, I think, will add significantly to the effectiveness of enforcement in this area, and reduce the volume of drugs illegally produced, diverted, and smuggled. We must place primary emphasis on our efforts to cut off the supply of illicit drugs. Considerable concern has been expressed by some

to the effect that the restrictions imposed in this bill will be unnecessarily harsh upon the legal distribution of narcotics and dangerous drugs. I hope that these fears will prove to be unfounded.

The bill we have just approved classifies drugs into schedules according to chemical properties, psychological and physical effects, and abuse potential, with these schedules corresponding to the penalties applicable to violations. This is a reasonable approach and is perhaps the main thrust of the bill. Here again we have an emphasis on the source—the professional pusher of hard narcotics. It seems unreasonable to impose the same stiff penalties on the pusher of heroin as on the young first offender who has made a mistake. It is entirely possible that the more reasonable sentences contained in this bill will result in increased enforcement and more convictions. I hope that this will be the case.

The no-knock provision created considerable controversy. Like many of my colleagues, I felt that such a provision was needed; but I was also concerned over the possibility that the constitutional rights of an individual might be restricted. I was pleased with the modified provision that was offered by the junior Senator from Michigan, the distinguished minority whip. It will prevent a police officer from acting on his own unsubstantiated suspicion; and yet, at the same time, it will enable him to obtain the evidence necessary for conviction.

In general, I was quite pleased with this bill as reported by the Juvenile Delinquency Subcommittee, and I again applaud the Senator from Connecticut on his expert handling of this complex situation.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, there come times when the leadership is faced with an excruciating decision. Tonight is one of those times because of the various conflicts which affect various Senators and various groups of Senators. As a matter of fact, there are only four items on the calendar which are available for consideration at this time. One of them has been postponed for a week at the request of a Senator, and for a very good reason; another is being held up because the Senator who has an amendment to it is not yet ready to present that amendment; another is held up because the manager of the bill is not in a position to take up that bill at the present time; and still another bill is being held up because it may well take some time in its consideration, and that is H.R. 514, an act having to do with elementary and secondary education.

So I hope Senators who will be embarrassed, perhaps, or inconvenienced, perhaps, will understand that when the leadership makes a decision of this kind it does so not from personal preference but from circumstances over which it has no control.

NEWSPAPER PRESERVATION ACT

Mr. MANSFIELD. So, Mr. President, at this time I ask unanimous consent that the Senate turn to the consideration of Calendar No. 527, S. 1520. I do this so that it may become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 3, at the beginning of line 10, insert "(i) is in probable danger of failure, or (ii)"; on page 3, after line 18, strike out:

SEC. 4. (a) It shall not be unlawful under any antitrust law for any person to propose, enter into, perform, enforce, renew, or amend any joint newspapers operating arrangement if, at the time at which such arrangement is or was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper.

And; in lieu thereof, insert:

SEC. 4. (a) It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to the effective date of this Act, if at the time such arrangement was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper.

(b) It shall be unlawful for any person to propose, enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the performance of such an arrangement was a publication other than a failing newspaper: *Provided, however,* That any publication may at any time propose, enter into, perform, or enforce an agreement with any person if such agreement was not prohibited by law prior to the effective date of this Act.

On page 4, at the beginning of line 21, strike out "(b)" and insert "(c)"; on page 5, line 20 after the word "any", where it appears the first time, strike out "civil or"; and after line 23, insert:

(c) The provisions of section 4 shall have no application to any action for the recovery of damages brought before the date of enactment of this Act by any party other than the United States upon a cause of action arising under any of the antitrust laws which accrued before the date of enactment of this Act.

So as to make the bill read:

S. 1520

A bill to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Newspaper Preservation Act".

DECLARATION OF POLICY

SEC. 2. In the public interest of maintaining the historic independence of the newspaper press in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been or may be entered into because of economic distress.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "antitrust law" means the Federal Trade Commission Act and each statute defined by section 4 thereof (15 U.S.C. 44) as "Antitrust Acts" and all amendments to such Act and such statutes and any other Acts in pari materia.

(2) The term "joint newspaper operating arrangement" means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution.

(3) The term "newspaper owner" means any person who owns or controls directly, or indirectly through separate or subsidiary corporations, one or more newspaper publications.

(4) The term "newspaper publication" means a publication produced on newsprint paper which is published in one or more issues weekly, and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

(5) The term "failing newspaper" means a newspaper publication which, regardless of its ownership or affiliations, (i) is in probable danger of failure, or (ii) appears unlikely to remain or become a financially sound publication.

(6) The term "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

ANTITRUST EXEMPTION

SEC. 4. (a) It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to the effective date of this Act, if at the time such arrangement was first entered into, not more than one of the newspaper publications involved in the performance of such arrangement was a publication other than a failing newspaper.

(b) It shall be unlawful for any person to propose, enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the performance of such an arrangement was a publication other than a failing newspaper: *Provided, however,* That any publication may at any time propose, enter into, perform, or enforce an agreement with any person if such agreement was not

prohibited by law prior to the effective date of this Act.

(c) Nothing contained in this Act shall be construed to exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise lawful operations of a joint newspaper operating arrangement which would be unlawful under any antitrust law if engaged in by a single entity. Except as provided in this Act, no joint newspaper operating arrangement or any party thereto shall be exempt from any antitrust law.

PREVIOUS TRANSACTIONS

SEC. 5. (a) Any civil action in any district court of the United States in which a final judgment or decree has been entered, under which a joint newspaper operating agreement has been held to be unlawful under any antitrust laws shall be reopened and reconsidered upon application made to such court within ninety days after the date of enactment of this Act by any party to the contract, agreement, or arrangement by which such joint operating agreement was placed in effect, whether or not such party was a party to such action. Upon the filing of any such application with respect to any such action, any final judgment or decree theretofore entered therein shall be vacated by the court. The provisions of section 4 shall apply to the determination of such action by such court upon such reconsideration.

(b) The provisions of section 4 shall apply to the determination of any civil or criminal action pending in any district court of the United States on the date of enactment of this Act in which it is alleged that any such joint operating agreement is unlawful under any antitrust law.

(c) The provisions of section 4 shall have no application to any action for the recovery of damages brought before the date of enactment of this Act by any party other than the United States upon a cause of action arising under any of the antitrust laws which accrued before the date of enactment of this Act.

SEPARABILITY PROVISION

SEC. 6. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstance, shall not be affected thereby.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Would it be the intention of the distinguished majority leader that the Senate will stay with that bill until it completes its deliberations and comes to a vote on it? I think some of us who have an interest in it would like to know what they can do with respect to schedules and would like to be given some assurance, because conference reports——

Mr. MANSFIELD. Well, we have no more conference reports that I know of. The schedule is clear in that respect. It is my intention, with the approval of the distinguished minority leader, to come in at 11 o'clock and continue until about 4 o'clock tomorrow; to come in early the next morning, if possible—I do not want to interfere too much with the hearings of the Judiciary Committee, because they are important, too—and to stay as long as possible that day; to come in early on Saturday, if need be, and to stay that day until we finish, unless an extraordinary circumstance arises, which I do not foresee at the present time, but which, if it did, I would not undertake to do anything about until I had consulted with the leadership on the other side.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. I merely wanted to ask an opinion of the majority leader as to whether we might not be able to finish the newspaper bill tomorrow. I am one of those who, unfortunately, am put in a little embarrassing situation because I have an annual meeting, to which 45 people have been invited from all over the United States, tomorrow evening. I am perfectly willing to forgo it, and I certainly will if necessary; but if I felt reasonably sure at this hour that we could finish sometime tomorrow afternoon or evening, there would be no embarrassment to me or anyone else.

Mr. MANSFIELD. May I say that the Senator is one of those I had in mind, because, to the best of my knowledge, he has never made a request that he be given personal consideration in all our years in the Senate. It was with that in mind that I made the statement I did—may I emphasize that the Senator did not make the request—to try to point out the difficulties which confront the leadership and which might force us to make unpopular decisions at a given moment, because of circumstances which exist. But it is my understanding that the bill will be considered until about 4 o'clock tomorrow afternoon, at which time I understand some Senators have to leave for engagements that evening, and among those Senators happens to be one who would be managing the bill, I assume, and another would be a Senator who, I understand, has five or six amendments ready to propose and who thinks he should have a reasonable amount of time to discuss them. I think he should have at least a reasonable amount of time.

My guess is that consideration of the bill will take 2 days, and possibly 3 days. If it takes 3 days, I would try to put off a final vote until Monday, but I would not foreclose votes on any of the amendments on any of those days, including Saturday.

That is how I view the situation at the present time.

Mr. SCOTT. Mr. President, if the Senator will yield, that is not inconsistent with the possibility that we can have a final vote before that time.

Mr. MANSFIELD. Oh, no. If we could have a vote; but if it came on Saturday, and it was late, then I think we should take care of our absent brothers who, because of official business or other business, might not be here.

Mr. SCOTT. The Senator does not foresee a vote before 4 o'clock tomorrow. Is that correct?

Mr. MANSFIELD. I do not see how we can get a vote by then, unless things speed up in such a way that it would be a miracle.

Mr. GOLDWATER. Mr. President, may I suggest that the leadership give consideration, in view of the fact that there will be some absenteeism tomorrow afternoon, to the possibility that at the termination of discussion tomorrow, we might go over until Monday? We Westerners have a little different problem. We are looking at 5,000 miles. We are not looking at it from the standpoint of New York or Michigan and back; we are looking at a whole day and back. If we have to do that, it gets a little wearing and tearing on the old bones.

Mr. MANSFIELD. I would not be in a position to make a commitment at this time. I do not think it would be good procedure or good policy to create such a precedent. All I can emphasize is that there is no other business which is in a position to be taken up at this time because of a situation which I have attempted to describe. I wish I could be more cheerful.

Mr. GOLDWATER. May I suggest that there could be a resolution eulogizing Harry Truman and we could spend the next 2 days discussing it.

Mr. MANSFIELD. Oh, yes. If a Senator wanted to do that, or even eulogizing the present President. There is nothing the leadership could do to stop that. That is a policy or procedure which I have never favored, but I recognize the right of any Senator to indulge in it if he so desires. Anything a Senator wanted to do would be all right.

Mr. GOLDWATER. May I suggest that later tomorrow, prior to 4 o'clock, we might have the possibility of having a procedure followed whereby at that time we might be in a position to know about the amendments, the seriousness of them, the intent of the offerers, and so forth, so that we might know whether we might pass it Friday or Saturday, or pass it on Monday?

Mr. MANSFIELD. I will always be glad to discuss that situation with the Senator from Arizona. We both came to the Senate the same year. I have a high regard and affection for him. But I wish the Senator would leave it flexible so that we would see how things develop and be aware that, while we have four, five, or six pieces of legislation, they are difficult to call up, and if a break appears in the armament, I will be glad to consider it, because I appreciate the importance of this matter to both Senators from Arizona.

Mr. GOLDWATER. I might facetiously suggest that we might run out of legislation for next week.

Mr. MANSFIELD. Six items will be ready. If we did run out of legislation, there would be nothing to stop us from standing in recess until the committees came forth with legislation. The committees are working diligently and they are doing the best they can. We are waiting for the budget and economic messages from the President, which I

understand will come down on Monday. I understand President Nixon will send down his messages and subsequent proposals a little more readily this year, because he is not confronted with the situation that faced a new administration last year.

Mr. GOLDWATER. I thank the Senator.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FANNIN. For clarification, when the Senator from Montana said there would not be a vote before 4 o'clock tomorrow, was he talking about final passage? There are chances of votes on amendments before that?

Mr. MANSFIELD. I hope so. I do not intend to hold up any votes on amendments, or on final passage, except in the unlikely circumstance that something might develop over the weekend that called for renewed consideration.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I want to make it clear that the minority leader is not asking for any delays or any special arrangements with regard to laying a bill before the Senate. We are here to get work done. We are aware that excruciating conditions arise and that Senators get "excruciated" in that kind of situation, which is regrettable but unavoidable.

This session, it may be said, is running, and it has been running ever since it started, and that is a good thing. We have had about 20 votes already. I rejoice that in this session we have disposed of a number of crime bills in this body. It is my understanding that the other body, with all due respect, has not acted on a single item of crime legislation. Therefore, we cannot take credit as a Congress for having responded to the President's messages of last April and May in that regard.

I am sure the President will send up, as is traditional, the economic message and the budget message this month, or Monday, or Tuesday, and that any messages he has will be expedited.

There is, of course, legislation pending before the committees, which I am sure the distinguished majority leader and I will both welcome being further expedited, so that we could have more things on the plate, and then perhaps a better choice to accommodate Senators wherever we can.

But I intend to support the distinguished majority leader, in order to get the work done, and I would ask only that sufficient opportunity be provided for certain important committees, such as the Committee on the Judiciary to meet whenever it is possible to do so.

Mr. MANSFIELD. I appreciate what the distinguished minority leader has said, and I agree with him. We will see what the prospects are tomorrow.

There is one bill on the calendar which will take some time, in my opinion, because of amendments which have been offered to it on the floor ahead of time, and that is the bill having to do with elementary and secondary education.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

THE PRESIDENTIAL VETO SUSTAINED

Mr. ALLOTT. Mr. President, this afternoon a very important event occurred in the other body, which I believe should be commented upon briefly this evening. I know that if the circumstances had been different, this matter would have been discussed at great length this afternoon, and that this body would still be considering the Narcotics Act far into the night. I do not intend to speak at length, but I do wish to comment on the vote in the House of Representatives today, sustaining by a vote of 191 to 226 the veto by President Nixon of the HEW bill.

We all probably have mixed emotions, because all of us have things in that bill which concern our constituents, and concern them greatly. However, I must say that the telegrams which have come to my office since the President's veto message the other evening have been predominately in favor of supporting the President.

I am assured, and I am sure, that there will be no schools closed in the United States because of that veto. But to those who inflated and blew up the HEW Appropriations Act, as it was inflated and blown up, this ought to be a clear signal of how the people of the United States are thinking, because the Members of the House of Representatives do all run for office this year, and I am sure that their fingers are very much upon the pulse of the people of this country.

There is now no question, or there should be no question, of the President's intention to stop the galloping inflation which has been increasing for the last 10 years. I have spoken about this two or three times in the last few days. Part of the inflation, of course, can be attributed to many things, but we cannot underestimate the inflationary spirit that we have had, the psychology of inflation that has pervaded the American people for 10 years; and you cannot shut off this psychology and this thinking in 2 minutes.

Then, of course, we cannot forget either that for the period of the 1960's this Government ran a deficit of approximately $50 billion, which, in terms of its inflationary impact upon the economy, has to be multiplied by at least 3. In a meeting at the White House 2 years ago, with Gardner Ackley and Secretary Fowler present and with President Johnson there, those two gentlemen, Gardner Ackley and Secretary Fowler, stated that the inflationary impact of a dollar deficit was in the neighborhood of $3 or $4 to $1. In other words, if you have a $50 billion deficit, then the impact on the economy is somewhere between $150 and $200 billion.

The present economic adviser to the President is much more conservative. I think he would use a figure of 2 to 1. But whatever it is, Mr. President, nothing is going to stop this until we start looking at our budget and balancing it. Only then can we convince the speculators, only then can we convince business, and only then can we convince the public that we really mean what we say when we say we intend to stabilize the value of the dollar.

We talk often, and I have talked often, about the impact of inflation upon those people who can afford it least, the people on old-age pensions, the people on social security, the people on welfare, the people in the low-income brackets, the people who have retired on private pensions. These are the people, because their incomes do not increase in dollars, who are hit hardest by an inflationary policy; and if we pursue an intentional inflationary policy, we are being dishonest with those people. I use "dishonest" in just exactly the same sense that it is written in the dictionary. It is dishonest.

But worse than that, we see the effects of this inflationary policy on our Government. In the last few days I have had conferences with schools, I have had conferences with municipalities in my State, I have had conferences with members of county governments, and heaven knows there have been plenty with the administrative officials of this Government, relating to things that they needed to do in their communities, and which they cannot do because the inflation is keeping this Government from doing many things that it ought to be doing every day. I recall, for example, that last year, under a leasing power passed out of the Committee on Public Works of the U.S. Senate, there was a leasing program of $465 million, over a 20-year period, for post offices and postal buildings in this country. Mr. President, those buildings could have been built, and the Government would own them, for one-third of that amount; and I am grateful to the distinguished junior Senator from Delaware who, last year, gave me those figures, and they were used on the floor here during the passage of the Treasury-Post Office bill.

All in all, I say that this is a very significant thing which has occurred today. It is significant because it is an expression of the confidence of the people in the President. It is significant, I think, because it is an expression whereby the people have said, at least, that they do want to stop inflation, and they realize the essential dishonesty of an inflationary policy, and how it unfairly taxes those who are least able to protect themselves against it.

This thing that has happened today is also very important because, I hope, we will now enter a new era of monetary

sanity. I hope the Members of this body and the Members of the other body, who have been prone to go to extremes at times, will remember this day, and will remember that the House of Representatives has spoken loudly and clearly that they support the President, and they do it upon the basis that they are going to stop inflation.

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly?

Mr. ALLOTT. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. I compliment the Senator upon his timely statement, focusing upon what will surely be a historically significant vote in the other body. I think it is particularly appropriate that he alluded to the importance of the psychological impact of today's event, because, in the battle against inflation, it is not just what the President does or does not do, it is not just what Congress does or does not do, but it is what the people think the Government is going to do, that is important.

I think that perhaps among many of those who have investment decisions to make and other decisions to make so far as money and finance are concerned there has been some question as to whether or not this Government really intended to draw the line and to do something about the rise in the cost of living. Today, I believe there was a dramatic demonstration not only that this administration is serious—which I think was believed—but also that there is support in Congress for the President's policies to be effective.

It is important that the vote was not a narrow victory, was not a vote by a slim margin. It was not by an overwhelming margin, but it was a substantial vote, which was a resounding victory in terms of a vote to override a Presidential veto. It should not be unnoticed that it was not strictly a party-line vote. While a large majority of those votes were by Republicans, I think it is noteworthy and very important that there was significant support from the other side.

I again commend the distinguished Senator from Colorado for calling the Senate's attention to this event and emphasizing its importance.

Mr. ALLOTT. I thank the Senator very much for his contribution.

Mr. President, I sincerely hope that the real effect of this and the thing that the country talks about and shows its concern about is not the political considerations which are involved, but that it will take to heart the complete sincerity of the President in stabilizing the value of the dollar and thus stabilizing the income and the purchasing power of the American people.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Thursday, January 29, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 1970:

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Price, James F., xxx-xx-xxxx.

To be second lieutenants

Moore, Peter A., xxx-xx-xxxx
Murrell, John H., xxx-xx-xxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be majors

Bergeson, Del R., xxx-xx-xxxx.
Di Nardo Nicola, xxx-xx-xxxx.
Flint Robert W., xxx-xx-xxxx.
Jordan, Horace R., xxx-xx-xxxx.
Jorns, Russell L., xxx-xx-xxxx.
Kendall, Mark C., xxx-xx-xxxx.
Lawton, Willie O., xxx-xx-xxxx.
Olson, Gloria, A. S., xxx-xx-xxxx.
Pearce, Donnie D., xxx-xx-xxxx.
Reid, Alton B., xxx-xx-xxxx.
Schmidt, Harlan R., xxx-xx-xxxx.
Simmons, Jerry A., xxx-xx-xxxx.
Walrath, Burton J., Jr., xxx-xx-xxxx.

To be captains

Abolins, Ints, xxx-xx-xxxx.
Bailey, Glenn A., Jr., xxx-xx-xxxx.
Bond, Nelson B., xxx-xx-xxxx.
Brokaw, William C., xxx-xx-xxxx.
Chew, Moylan S., II, xxx-xx-xxxx.
Clanzy, Rufus F., xxx-xx-xxxx.
Coleman, James G., xxx-xx-xxxx.
Crisp, Richard A., xxx-xx-xxxx.
Di Benedetto, Anthony, xxx-xx-xxxx.
Duron, Manuel C., xxx-xx-xxxx.
French, George E., Jr., xxx-xx-xxxx.
Gay, Homer G., Jr., xxx-xx-xxxx.
Hodge, Ashley R., xxx-xx-xxxx.
Holman, Philip E., xxx-xx-xxxx.
Husnian, Azad, xxx-xx-xxxx.
Ingleright, George A., xxx-xx-xxxx.
Johnson, Robert L., Jr., xxx-xx-xxxx.
Krause, Maurice H., xxx-xx-xxxx.
Lalley, Patrick J., xxx-xx-xxxx.
McClendon, Earl H., xxx-xx-xxxx.
McNutt, Wesley A., xxx-xx-xxxx.
Murphy, Michael H., xxx-xx-xxxx.
O'Dea, Lawrence P., xxx-xx-xxxx.
Olsen, Ivan D., xxx-xx-xxxx.
Paar, Anthony R., xxx-xx-xxxx.
Rosher, Galen D., xxx-xx-xxxx.
Ross, Joseph A., Jr., xxx-xx-xxxx.
Rourke, John E., xxx-xx-xxxx.
Shulski, Fred P., xxx-xx-xxxx.
Shultz, Rudane E., xxx-xx-xxxx.
Snihurowych, Wiroslaw, xxx-xx-xxxx.
Stewart, Asa E., xxx-xx-xxxx.
Teller, Albert A., III, xxx-xx-xxxx.
Walker, John A., Jr., xxx-xx-xxxx.

To be first lieutenant

Allen, Andrew L., xxx-xx-xxxx.
Ballard, Stephen D., xxx-xx-xxxx.
Beach, John W., xxx-xx-xxxx.
Behnke, Arthur, xxx-xx-xxxx.
Bondioli, John E., xxx-xx-xxxx.
Broadhurst, Carl R., xxx-xx-xxxx.
Broome, William C., xxx-xx-xxxx.
Camia, Dante A., xxx-xx-xxxx.
Cayere, Jacques, xxx-xx-xxxx.
Chapman, William J., xxx-xx-xxxx.
Clarke, John E., III, xxx-xx-xxxx.
Conrad, Thomas F., xxx-xx-xxxx.
Couch, Deck F., xxx-xx-xxxx.
Covey, James D., xxx-xx-xxxx.
Criss, Marshall W., xxx-xx-xxxx.
Ehlinger, William N., xxx-xx-xxxx.
Faherty, Thomas S., xxx-xx-xxxx.
Getty, Kenneth W., Jr., xxx-xx-xxxx.
Gilbert, Richard H., Jr., xxx-xx-xxxx.
Goddard, Paul D., Jr., xxx-xx-xxxx.
Godfrey, Thomas J., xxx-xx-xxxx.
Goff, Lawrence E., xxx-xx-xxxx.
Guy, James M., xxx-xx-xxxx.
Haas, James F., xxx-xx-xxxx.
Harvey, Noel M., xxx-xx-xxxx.
Heath, Frederick G., xxx-xx-xxxx.
Hedrick, John A., xxx-xx-xxxx.
Hicks, Larry E., xxx-xx-xxxx.
Hieb, Roger D., xxx-xx-xxxx.
Jensen, Jerold L., xxx-xx-xxxx.
Jernigan, David S., xxx-xx-xxxx.
Jessup, Terry M., xxx-xx-xxxx.
Johnson, Joseph V., xxx-xx-xxxx.
Jones, James E., xxx-xx-xxxx.
Keown, Michael G., xxx-xx-xxxx.
Knisley, James E., Jr., xxx-xx-xxxx.
Lemieux, Elizabeth B., xxx-xx-xxxx.
Marcinkowski, Garrett, xxx-xx-xxxx.
Marsh, Clayton E., xxx-xx-xxxx.
Martine, Victor C., xxx-xx-xxxx.
McKeever, Peter J., xxx-xx-xxxx.
McMenamy, Charles W., xxx-xx-xxxx.
Miller, Arthur E., xxx-xx-xxxx.
O'Brien, Dennis E., xxx-xx-xxxx.
O'Leary, Bartholomew, xxx-xx-xxxx.
Oxford, Robert L., xxx-xx-xxxx.
Paquin, Peter L., xxx-xx-xxxx.
Proctor, Stephen M., Jr., xxx-xx-xxxx.
Puffer, Walter P., xxx-xx-xxxx.
Redwine, Philip W., xxx-xx-xxxx.
Reed, Charles L., xxx-xx-xxxx.
Renne, Roger Alan, xxx-xx-xxxx.
Richardson, John W., xxx-xx-xxxx.
Riden, Glen L., Jr., xxx-xx-xxxx.
Roberts, James A., xxx-xx-xxxx.
Scott, David D., xxx-xx-xxxx.
Smith, Carl T., xxx-xx-xxxx.
Smith, John W., xxx-xx-xxxx.
Sprout, David I., xxx-xx-xxxx.
Stewart, Thomas J., Jr., xxx-xx-xxxx.
Stonefield, Andrew J., xxx-xx-xxxx.
Swan, Robert C., xxx-xx-xxxx.
Taylor, Morris M., Jr., xxx-xx-xxxx.
Vose, Leonard C., xxx-xx-xxxx.
Wren, Charles C., xxx-xx-xxxx.
Wunsch, Rulof G., Jr., xxx-xx-xxxx.

To be second lieutenants

Alexander, Daniel E., xxx-xx-xxxx.
Brady, William H., Jr., xxx-xx-xxxx.
Conrardy, Peter R., xxx-xx-xxxx.
Cross, Zalph T., Jr., xxx-xx-xxxx.
Flanagan, Michael H., xxx-xx-xxxx.
Forsyth, Forrest P., xxx-xx-xxxx.
Harper, Ronald P., xxx-xx-xxxx.
Honsa, George L. A., xxx-xx-xxxx.
Hudson, William J., xxx-xx-xxxx.
Hulse, Melvin A., xxx-xx-xxxx.
Hutchings, Charles W., xxx-xx-xxxx.
Johnson, John F., xxx-xx-xxxx.
Jones, Malcolm W., Jr., xxx-xx-xxxx.
Kelly, Thomas J., xxx-xx-xxxx.
Knotts, Ralph D., xxx-xx-xxxx.
McManus, Philip J., Jr., xxx-xx-xxxx.
Montgomery, Daniel L., xxx-xx-xxxx.
Newkirk, William W., xxx-xx-xxxx.
Schoch, Bruce P., xxx-xx-xxxx.
Wood, Morris W., xxx-xx-xxxx.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Chaffin, John S., xxx-xx-xxxx.
Engebretson, Dennis, xxx-xx-xxxx.
Green, William C., xxx-xx-xxxx.
Liebmann, Robert E., xxx-xx-xxxx.
Roley, Allyn D., xxx-xx-xxxx.
Saltness, Gerald D., xxx-xx-xxxx.