NO EXCUSE TO DELAY WELFARE REFORM

(*Issue.*—Now that Mr. Nixon has shown a disposition to compromise, is there any excuse for further inaction on welfare reform?)

President Nixon has wisely decided to accept a Democratic-sponsored compromise to get his welfare reform proposal unstuck from the Senate Finance Committee, where it has been languishing for more than four months.

It is now up to Senate liberals to display a corresponding sense of urgency and responsibility so the measure can be enacted before Congress adjourns for the year.

Practically everybody agrees that the existing welfare system is a mess. It is expensive. It contributes to the breaking up of homes. And it does precious little to encourage recipients to get off welfare and into jobs.

Under the reform program proposed by Mr. Nixon a year ago, every family with children would, in effect, be guaranteed a minimum annual income based on the size of the family—provided the head of the family is willing to work or take job training.

Since the proposed program would include the working poor, the initial cost would be somewhat higher than that of the existing system. But if it succeeded in breaking the welfare dependency cycle, it would save the taxpayers money in the long run.

President Nixon has squelched Democratic charges that he was not serious about the proposal by waging an intensive lobbying campaign among conservative Republicans on the committee.

Now he has announced that he is willing to accept an amendment proposed by Sen. Abraham Ribicoff (D-Conn.), providing for a one-year trial in three areas before the new system would go into effect in the country as a whole.

Senate Majority Leader Mike Mansfield predicts, as a result, that the committee will report out the bill in October and it will be voted upon by the Senate this year.

We hope Long and other obstructionists on the committee feel likewise. This is too important a bill to die because of either conservative opposition—or a seeming reluctance among some Democrats to see a Republican President get credit for a landmark piece of social legislation.

SENATE—*Thursday, October 8, 1970*

The Senate met at 10 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

Give unto us, O Lord, that quietness of mind in which we can hear Thee speaking to us, illuminating our minds, directing our actions, controlling our emotions, for Thy name's sake.

Gracious Father, who willest us to cast our care on Thee, who carest for us, preserve us from all faithless fears and selfish anxieties, and grant that no clouds of this mortal life may hide from us the light of the love which is immortal and which Thou hast manifested to us in Jesus Christ our Lord, but that we may this day walk in the light of Thy countenance, be guided by Thine eye, be sanctified by Thy spirit, and be enabled to live to Thy glory. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 8, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 7, 1970, be dispensed with.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADORS

The assistant legislative clerk read the following nominations:

Artemus E. Weatherbee, of Maine, who was confirmed by the Senate September 1, 1970, as U.S. Director of the Asian Development Bank, to serve on the Bank with the rank indicated, to be an ambassador.

Christopher H. Phillips, of New York, to be the deputy representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary.

G. Edward Clark, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations has favorably reported the nomination of Mr. Artemus E. Weatherbee to be given the rank of Ambassador. Mr. Weatherbee was confirmed by the Senate as U.S. Director of the Asian Development Bank on September 1, 1970. The present action is taken strictly to give him additional status; it has no bearing on his duties or his remuneration.

In recommending that the Senate approve this nomination I would like to make a few points quite clear to the Senate. These have nothing to do with Mr. Weatherbee himself, but relate to the circumstances surrounding this particular administration request. Indeed, since we approved Mr. Weatherbee's nomination to be U.S. Director on the Asian Bank, a vote of confidence has already been given to him as a person.

The case for granting ambassadorial rank to our permanent representative at the Asian Development Bank rests entirely on the circumstance that the headquarters of the Bank are in Manila in the Philippines. Other comparable international financial institutions, such as the World Bank and the Inter-American Bank, have their headquarters here in Washington, D.C., and it is presumed that the tasks and the living and working conditions of the U.S. executive directors in these institutions are made easier by this fact.

When the Asian Development Bank was established in 1966, Public Law 89-369 provided that the U.S. Director of the Asian Bank could be given the status of a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended. Although not provided for in the law, our first representative was also given the personal rank of Ambassador on the grounds that it would heighten his prestige and influence in Asian Bank circles in Manila. Leaving the question of justification to one side, the Committee on Foreign Relations has been concerned that the general practice of according a personal rank in such fashion bypassed the Senate's constitutional right and duty to confirm ambassadorial nominees.

In response to the committee's expression of concern about this and numerous other cases the administration has not unilaterally given Mr. Weatherbee the personal rank of ambassador. Rather, the President has submitted his nomination to be ambassador in the regular way. The committee welcomes this straightforward method of doing business.

However, it should be emphasized that in approving this nomination, the Foreign Relations Committee has made no judgment about the comparative merits of the various international financial institutions. And, most importantly, it does not believe that this action should be regarded in any way as a precedent either in terms of future U.S. Directors of the Asian Bank or in terms of the rank of U.S. representatives to other international organizations and institutions.

With this understanding clearly stated the committee has asked the Senate to approve this nomination.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the nominations be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

U.S. CIRCUIT COURTS

The assistant legislative clerk proceeded to read sundry nominations in U.S. circuit courts.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. DISTRICT COURTS

The assistant legislative clerk proceeded to read sundry nominations in U.S. district courts.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

The assistant legislative clerk read the nomination of Roger C. Cramton, of Michigan, to be Chairman of the Administrative Conference of the United States.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. PATENT OFFICE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Patent Office.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK — IN THE DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, and the Subcommittee on Internal Security of the Committee on the Judiciary, both be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1293.

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

AUTHORIZATION FOR PAYMENT OF CERTAIN EXPENSES INCIDENT TO DEATH OF MEMBERS OF THE ARMED FORCES WHERE NO REMAINS ARE RECOVERED

The bill (H.R. 11876) to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1275), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of H.R. 11876 is to provide for the furnishing of a flag and for a reimbursement allowance for memorial services to be paid to next of kin in cases where the remains of deceased members of the Armed Forces are not recovered.

The bill if enacted would be limited in its application to cases where death has occurred subsequent to January 1, 1961, and would place a time limit of 2 years for filing of claims for reimbursement.

BACKGROUND OF THE BILL

Section 1482 of title 10 of the United States Code provides for the payment by the Secretary concerned of the necessary expenses connected with the recovery care, and final disposition of the remains of members of the Armed Forces.

It is under this law that the Armed Forces provide for a cash allowance to be paid as reimbursement for interment costs at destination when remains have been recovered. If interment is made in a civilian cemetery, the maximum amount allowable is $500; for remains delivered to a funeral home for subsequent burial in a Government cemetery, the maximum is $250; and for expenses incident to interment when the remains are delivered directly to a Government cemetery, the maximum is $75.

These maximum allowances are based upon the average costs of the essential services usually performed in connection with interment, and they are reviewed for equity and adequacy on an annual basis.

The provisions of 10 U.S.C. 1482 are limited to cases where remains have been recovered and do not provide for any services incident to honoring those servicemen whose remains have not been recovered. On the other hand, pursuant to other legislation, memorial markers and memorial plots in national cemeteries are provided for nonrecoverable (24 U.S.C. 279a and 279d). The small cost of memorial services for nonrecoverable cases has not been previously authorized.

The bill would authorize an amount not to exceed the maximum allowable for interments when the Government provides the gravesite, currently $250. Such memorial service reimbursement could be used to cover the costs of the services if desired or may be used to cover any of the normally appropriate costs incident to such services.

Further, it is proposed to limit applicability of the legislation to cases where the death has occurred subsequent to January 1, 1961, and would place a time limit of 2 years for filing claims for reimbursement.

From January 1, 1961, until the present time there have been 630 cases where remains have not been recovered. In normal times the annual incidents of nonrecovery of remains is minimal.

FISCAL DATA

It is estimated that the maximum cost in the first 2-year period after enactment of this legislation as amended, would be $157,500 and that annually thereafter the cost would be minimal. While these costs have not been included in any estimate for appropriations submitted through budgetary channels by the Department of Defense, they could be absorbed within current amounts appropriated.

REPEAL OF OBSOLETE SECTIONS OF TITLE 10, UNITED STATES CODE, AND SECTION 208 OF TITLE 37, UNITED STATES CODE

The bill (H.R. 15112) to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code as considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1276), explaining the purposes of the measure.

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

PURPOSE

The purpose of this proposal is to repeal sections 4539, 4623, 5981, 6159, and 6406 of title 10, and section 208 of title 37, United States Code all of which are now considered as obsolete provisions of law.

BACKGROUND

The bill repeals certain obsolete sections of the United States Code which are no longer required by the military departments.

Specifically, this legislation would repeal sections 4539, 4623, 5981, 6159, and 6406 of title 10, and section 208 of title 37, United States Code.

Section 4539 of title 10 requires horses and mules to be brought in the open market at Army posts within maximum prices prescribed by the Secretary of the Army. To the extent horses and mules may be required by the Army, they can be procured under the general authority for procurement of property for the Department of Defense (ch. 137 of title 10).

Section 4623 of title 10 requires the Quartermaster General to sell not more than 16 ounces of tobacco a month to any enlisted member of the Army on active duty who requests it.

Section 5981 of title 10 authorizes the President to select any officer on the active list of the Navy not below the grade of commander and to assign him to command a squadron, with the rank and title of a flag officer. This section may be repealed as obsolete, since it is not used.

Section 6159 of title 10 provides for the payment of a pension to a person who has served as an enlisted member or petty officer in the Navy or Marine Corps for at least 20 years and who, because of age or infirmity is disabled from sea service. There is no comparable provision of law applicable to members of the Army or the Air Force. Section 6159 may be repealed as unnecessary in view of the comprehensive provisions for physical disability retirement in chapter 61 of title 10 and the provisions for transfer to the Retired Reserve, Fleet Reserve, and Fleet Marine Corps Reserve in sections 6327 and 6330 of title 10.

Section 6406 of title 10 authorizes the Secretary of the Navy to furlough any officer of the Regular Navy or the Regular Marine Corps. Section 208 of title 37 provides that an officer who is furloughed under section 6406 of title 10 is entitled to pay at the rate of one-half of his basic pay to which he was entitled at the time of being furloughed. These provisions originated in the days of sail when, in time of peace, the limited number of ships and the very few shore billets necessitated the placing of seagoing officers in a half-pay "retainer" status to keep them available for wartime expansion.

PAY AND ALLOWANCES FOR ENLISTED MEMBERS ACCEPTING APPOINTMENT AS OFFICERS COMMENSURATE WITH ENLISTED STATUS

The bill (H.R. 16732) to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1277), explaining the purposes of the measure.

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

PURPOSE

The purpose of this proposal is to provide that enlisted members of a uniformed service who accept appointments as officers or warrant officers shall not receive less than the pay and allowances to which they were previously entitled in their enlisted status.

BACKGROUND

This is a Department of Defense legislative proposal which is designed to eliminate a factor which deters officer procurement from the senior enlisted ranks.

In many instances, the consequence of a senior noncommissioned officer accepting a commission or warrant results in a reduction in his gross pay and allowances. Thus, in accordance with a study conducted by the Department of the Army, one reason senior enlisted members in the pay grades of E-7 through E-9 reject tendered warrants or commissions is that the total compensation of a second lieutenant or a warrant officer (W-1), is lower than the gross pay and allowances received by some enlisted members.

It is a logical assumption that the current law has, to some degree acted as a deterrent to the procurement of some highly qualified officers from the enlisted grades, particularly the senior enlisted grades. The current table listing comparative salaries between enlisted men, warrant officers, and commissioned officers supports this assumption. For example, an E-7, with 12 years of service, receiving in addition to his base pay, proficiency pay, quarters, clothing, and subservice, receiving in addition to his base pay, would receive a pay reduction of approximately $65 a month, or about $780 a year, if he accepted appointment as a warrant officer, W-1. This pay reduction becomes more severe as time in service for pay purposes increases and the enlisted grades get higher. They must also consider the discontinuance of eligibility for a reenlistment bonus which they may be eligible to receive as NCO's but will not receive as officers. In other words, there is a forced reduction in pay for some individuals, particularly those in the senior NCO category, when they "advance" from enlisted to warrant or commissioned officer status.

This discrepancy is due in large part to the proficiency and incentive pays for special duty received by enlisted members which are not transferable to an officer's status.

It appears that the Navy and Marine Corps now have authority to protect enlisted members who accept temporary warrants from a reduction in pay (secs. 5596 and 5597 of title 10, United States Code). However, neither the Army nor the Air Force has this authority.

Enactment of this legislation would provide general authority to all the uniformed services to remedy this problem.

This bill will apply to all the various pays and allowances which are regularly payable to military personnel. It is important to point out, however, that proficiency pay, incentive pay, or special pay would not be included in this savings provision unless the enlisted member who accepts a commissioned or warrants status continues to perform the duty which would otherwise entitle him to such extraordinary pay if he remained in an enlisted status.

MICRONESIAN CLAIMS ACT OF 1970

The joint resolution (S.J. Res. 211) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 211

Whereas certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, formerly under League of Nations Mandate to Japan, suffered from the hostilities of the Second World War;

Whereas the United States, while not liable for wartime damages suffered by the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority of the Trust Territory of the Pacific Islands;

Whereas the Governments of Japan and the United States entered into an agreement on April 18, 1969, to contribute ex gratia the equivalent of $10,000,000 to the Micronesian inhabitants of the Trust Territory of the Pacific Islands in view of the suffering caused by the hostilities of the Second World War, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services;

Whereas payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands will meet a long-standing Micronesian grievance and will promote the welfare of the Micronesian people;

Whereas certain Micronesian inhabitants of the Trust Territory of the Pacific Islands claim to have suffered damage to or loss or destruction of property, personal injury, or death caused by military and civilian employees of the United States Government and arising out of accidents or incidents between the dates of the securing of the various islands of Micronesia by the United States Armed Forces and July 1, 1951, and within an area under the control of the United States at the time of the accident or incident;

Whereas the United States is desirous of making an equitable settlement of these claims by way of a monetary contribution: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this resolution may be cited as the "Micronesian Claims Act of 1970".

TITLE I

SECTION 1. (a) It is the purpose of this title that, with respect to war claims, the United States should make an ex gratia contribution of $5,000,000 matching an equivalent contribution of the Government of Japan, to Micronesian inhabitants of the Trust Territory of the Pacific Islands who are determined by the Micronesian Claims Commission to be meritorious claimants, in particular amounts to be awarded by the Micronesian Claims Commission, and that the High Commissioner of the Trust Territory of the Pacific Islands, hereinafter referred to as High Commissioner, or his designee, shall pay to said Micronesian claimants as soon as possible following his receipt of the final report of the Micronesian Claims Commission on the claims allowed, such amounts as are finally certified pursuant to section 4 hereof:

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this joint resolution as a person who—

(1) became a citizen of the Trust Territory

of the Pacific Islands on July 18 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assign of a person eligible under subsection (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

SEC. 2. (a) There is hereby authorized to be appropriated to the Trust Territory of the Pacific Islands $5,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, to be paid into a Micronesian Claims Fund. The High Commissioner is hereby authorized to create and manage said Micronesian Claims Fund.

(b) Funds approximating $5,000,000 appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with the Act of June 30, 1954, as amended, shall be paid into a Micronesian Claims Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds, together with the sum authorized to be appropriated by subsection (a) of this section, shall constitute the whole of the Micronesian Claims Fund.

SEC. 3. (a) There is hereby established a Micronesian Claims Commission, hereinafter referred to as the Commission, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No Commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for winding up the affairs of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize, with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided,* That the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business: *Provided, however,* That an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(e) The Commission shall wind up its affairs as expeditiously as possible and in any event not later than three years after the expiration of the time filing claims under this Act.

SEC. 4. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, the dates of the securing of the various islands of Micronesia by United States Armed Forces and those claims arising as post war claims on or before July 1, 1951. When all claims have been adjudicated, the Commission shall certify them to the High Commissioner for payment, the claims covered by title I of this Act shall be paid from the Micronesian Claims Fund, except that as to claims based on death, up to $1,000 shall be paid immediately upon adjudication, and the claims covered by title II of this Act shall be paid by the High Commissioner from the funds appropriated for such purpose.

(b) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Congress of the United States concerning its operations under this Act. The Commission shall, upon winding up its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amounts of each claim and the amount awarded thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(c) In the event that funds remain in the Micronesian Claims Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Claims Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that the allowable and adjudicated claims covered by title I of the Act exceed a total of $10,000,000, the High Commissioner shall make pro rata payments.

(d) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

SEC. 5. There is authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Foreign Claims Settlement Commission, to the extent needed to cover activity connected with this Act, and of the Commission in order to carry out the purposes of this Act.

SEC. 6. The agreement for the payment of the Micronesian claims covered by title I of this Act having been reached by negotiators of the Governments of the United States and Japan, and since personnel to be appointed by the High Commissioner or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands insofar as may be necessary in filing all claims covered by this Act, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims shall exceed, in total, 1 per centum of the amount paid on such claim or claims, pursuant to the provisions of this Act. Fees already paid for such services shall be deducted from the amounts authorized by this Act. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

TITLE III

SECTION 1. It is the purpose of this title that, for the purpose of promoting and maintaining friendly relations by the settlement of meritorious postwar claims, the Micronesian Claims Commission is authorized to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of all claims by Micronesian inhabitants against the United States on account of damage to or loss or destruction of private property both real and personal, or personal injury or death of Micronesian inhabitants of the former Japanese Mandated Islands, now the Trust Territory of the Pacific Islands administered by the United States under a trusteeship agreement with the United Nations, including claims for damage to or loss or destruction of personal property bailed to the United States Government or the Government of the Trust Territory of the Pacific Islands, and claims for damages incident to the use and occupancy of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, destruction or injury was caused by the United States Army, Navy, Marine Corps or Coast Guard, or individual members thereof, including military per-

sonnel and United States Government civilian employees, and including employees of the Trust Territory Government acting within the scope of their employment: *Provided*, That only those claims shall be considered by the Commission which are presented in writing as provided for in section 3(d) of title I of this Act and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under the control of the United States at the time of the accident or incident: *Provided further*, That any such settlements made by such Commission and any such payments made by the High Commissioner under the authority of this title shall be final and conclusive for all purposes notwithstanding any other provision of law to the contrary and not subject to review.

SEC. 2. There is hereby authorized to be appropriated, the amount of $20,000,000 to be expended by the High Commissioner for the purposes of making payments to the extent authorized by this title of this Act.

SEC. 3. Any funds appropriated for the purposes of this title which remain after the settlement of claims under the provisions of this title shall be covered into the Treasury of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1278), explaining the purposes of the measure.

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

PURPOSE

The purpose of Senate Joint Resolution 211, introduced by Senator Jackson, is to provide necessary authorization to accomplish the following four objectives:

(1) Implement an Executive Agreement, dated April 18, 1969; between Japan and the United States providing compensation equivalent to $10 million to inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the second World War.

(2) Authorize the adjudication of claims of Micronesians arising during the war and those arising during the post secure period from actions of members of the armed services or employees of the U.S. Government.

(3) Establish a Micronesian Claims Commission responsible for determining the validity of the claims that may be filed.

(4) Authorize the appropriation of $25 million over and above funds regularly appropriated for the trust territory to make payments on claims adjudicated by the Commission.

BACKGROUND

The islands which form the trust territory lie in three major archipelagoes to the north of the Equator in the western Pacific. The land area totals less than 700 square miles, but it is scattered over almost 3 million square miles of open ocean. About 97 of the more than 2,000 islands are inhabited; they range from low-lying coral atolls to high islands of volcanic origin.

These islands were governed between World War I and World War II by the Japanese as a League of Nations mandate. Converted into military bases by the Japanese they were captured by allied forces during World War II and placed under Navy military government. Japanese colonists and military personnel were returned to their homeland after the war and in July 1947 the United States placed the former mandate under the newly established United Nations trusteeship system. In recognition of the defense value of these islands, the provisions of the United Nations Charter relating to strategic areas were brought into play, and the trusteeship agreement was concluded between the United States and the Security Council. Under the trusteeship agreement, the United States has undertaken to promote the educational, social, political, and economic development of the people of the territory.

Extensive damage to private property resulted from actions of U.S. and Japanese military forces, and for more than 25 years the Micronesians have been seeking a forum before which to submit their claims.

The Treaty of Peace with Japan provided that claims of the inhabitants of Micronesia against Japan and claims of Japan and its nationals against the administering authority shall be the subject of special arrangements. On April 18, 1969, the United States and Japan entered into an agreement providing that the two Governments will make equal ex gratia contributions for the welfare of the Micronesians. A copy of the agreement is included in the communication from the Department of the Interior which accompanies this report.

In addition to wartime damages, the people of Micronesia sustained certain damages and takings resulting from securing the various islands captured from the Japanese, and these claims for damages likewise have not been settled.

EXPLANATION OF THE RESOLUTION

Senate Joint Resolution 211 contains two titles. Under title I there is established a five-member Micronesian Claims Commission to adjudicate claims of Micronesian inhabitants of the trust territory resulting from the hostilities of the Governments of the United States and Japan during World War II. It will establish also a Micronesian Claims Fund, the whole of which Fund will be $10 million, and authorize the appropriation of $5 million to be paid into this Fund by the United States as its share of the Fund. The High Commissioner of the trust territory shall pay such meritorious claims as are adjudicated by the Micronesian Claims Commission to the defined Micronesian inhabitants of the Trust Territory of the Pacific Islands.

Section 2 of title I authorizes the appropriation of $5 million to be paid into a "Micronesian Claims Fund," which sum is separate from funds appropriated and subject to the limitation of appropriations contained in section 2 of the act of June 30, 1954, as amended. As the products of Japan and the services of the Japanese people, having an aggregate value of 1.8 billion yen, are made available to the government of the trust territory, the cash equivalent of such products and services to the extent of approximately $5 million shall be transferred by the High Commissioner from the funds regularly appropriated to the trust territory for supplies or capital improvements to the Micronesian Claims Fund. These funds, together with the funds authorized to be appropriated, shall constitute the whole of the Micronesian Claims Fund.

Section 3 establishes a Micronesian Claims Commission to be composed of five members such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The five members shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, who shall designate one member as chairman. Two of the members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. The other three members will be selected from the staff of the Foreign Claims Settlement Commission. Other subsections of section 3 provide for the fixing of compensation and allowances of the members and for the appointment, compensation, and allowances of such staff personnel as the Commission may reasonably require for its proper functioning, and authorize the promulgation of necessary rules and regulations and set final dates of filing claims (not more than 1 year after the appointment of the Commisison). The Commission shall proceed as expeditiously as possible and shall conclude its affairs no later than 3 years after the expiration of the time for filing claims.

Section 4 gives the Commission authority to receive and adjudicate claims of the Micronesian inhabitants of the trust territory who suffered loss of life, physical injury, and loss of or damage to personal property directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the Armed Forces of the United States.

Six months after its organization, and annually thereafter, the Commission shall report to the Congress concerning its operations, and that upon completion of its work it shall certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and the Congress a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; a list of all claims disallowed; and a copy of the decision rendered in each case.

In the event funds remain in the claims fund after all claims are paid, such balance shall be paid into the treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the trust territory. If all adjudicated claims exceed $10 million, the High Commissioner shall determine the necessary proration and make payments accordingly. Settlement of the claims shall be by a full release to the United States and Japan in respect to the liability of either or both.

Section 5 authorizes the appropriation of such sums as may be necessary for the operation and administrative expenditures of the Foreign Claims Settlement Commission and the Micronesian Claims Commission.

Section 6 imposes a limitation upon attorney's fees which is applicable to both wartime and postwar claims.

Title II of the resolution authorizes the Micronesian Claims Commission to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction of final settlement of all the claims of Micronesian inhabitants against the United States arising as a result of damage to or loss or destruction of private property, both real and personal, or personal injury or death of the inhabitants of the Trust Territory of the Pacific Islands as a result of acts by members of the U.S. armed services, employees of the U.S. Government including employees of the trust territory, who were acting in their official capacities. The claims to be considered by the Micronesian Claims Commission must be presented in writing within 1 year after the effective date of the act. Only those claims that arose prior to July 1, 1951, will be considered by the Commission.

Any settlements made by the Commission and any payments made by the High Commissioner as a result of those settlements shall be final and conclusive and not subject to review.

Section 2 of title II authorizes the appropriation of $20 million for use by the High Commissioner for the purpose of making payments on claims adjudicated by the Micronesian Claims Commission.

Section 3 of title II provides that any funds appropriated for the purposes of title II which remain unexpended after settlement of all claims provided for under title II shall be returned to the Treasury of the United States.

COMMITTEE COMMENT

The committee has been advised by the Interior Department that the amounts set forth in the resolution are believed adequate to adjust known claims outstanding. Further, the committee wishes to make clear that the Claims Commission shall only consider the valuation placed on these claims as the value of the property at the time of its loss or destruction. The payment of interest on awards is not authorized.

INCREASING AUTHORIZATION FOR INTERNATIONAL PEACE GARDEN, N. DAK.

The Senate proceeded to consider the bill (S. 233) to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak., which had been reported from the Committee on Interior and Insular Affairs with an amendment in line 7, after the word "thereof", strike out "$1,325,000." and insert "$1,454,000'."; so as to make the bill read:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize an appropriation to complete the International Peace Garden, North Dakota", approved October 25, 1949 (63 Stat. 888), as amended, is amended by striking out "$400,000" and by inserting in lieu thereof "$1,454,000".

Mr. BURDICK. Mr. President, a source of enduring pride to citizens of the United States and of Canada is the existence of the world's longest unfortified boundary which separates the two nations. In 1928 a visionary citizen of Canada, Henry J. Moore of Islington, Ontario, conceived the idea of establishing on that border a garden dedicated to the many years of peace that have existed between these two North American nations.

Soon the "International Peace Garden, Inc." was formed under the laws of New York. Two Americans and one Canadian were appointed to find a suitable site. The committee eventually selected a site in the Turtle Mountains of North Dakota and Manitoba midway between the Atlantic and Pacific Oceans, only 35 miles from the spot that was then the geographic center of the North American continent.

The garden was formally dedicated in 1932. At this ceremony, a stone table bearing the following inscription was unveiled: "To God in His Glory . . . we two nations dedicate this garden and pledge ourselves that as long as men shall live, we will not take up arms against one another."

The International Peace Garden consists of 2,330.3 acres comprising a small—80 acres in each country—formal garden and a surrounding informal woodland park. The formal garden is bisected by the international boundary. The informal area is developed on each side with picnic areas, group camps, an amphitheater, and administrative complexes. The area is developed and administered by International Peace Garden, Inc., which acts for the State of North Dakota and the Province of Manitoba in carrying out the development of the area. This organization consists of a board of directors whose membership is divided equally between United States and Canadian citizens. Title to the portion of the area in the United States—about 888 acres—is held by the State of North Dakota in trust for the benefit of International Peace Garden, Inc.

A general design for the formal garden and the informal area on the American side was approved by International Peace Garden, Inc., in 1938. Since then, the United States, pursuant to the 1949 act, as amended, has contributed $400,000 for the garden. A sum approximating this amount has been provided by Canadian sources for the development of the Canadian side.

The formal garden is now about half complete. Yet to be constructed is the crowning feature of the area—the peace tower—which was included in the original design plans. It is contemplated that the tower will be chosen on the basis of an international competition. A master plan for the completion of the formal and informal parts of the garden has been completed and approved by the representatives of the National Park Service of the Department of the Interior, the State Historical Board of North Dakota, the Parks and Recreation Branch of the Province of Manitoba, the Department of Northern Affairs and Cultural Resources of Canada, and International Peace Garden, Inc.

The Department of the Interior has conducted certain discussions regarding the negotiation of a supplementary cooperative agreement with the State of North Dakota under which the agreed master plan for completing the garden can be carried out.

This is the world's only garden dedicated to peace. Of the many purposes to which public projects are dedicated, none can be more worthy than this. It stands as a continual reminder that nations can live in peace.

The bill which I have introduced, with the cosponsorship of the Senator from North Dakota (Mr. YOUNG), and which is under consideration today, S. 233, would authorize appropriation of funds to complete the garden. The Department of the Interior has estimated that the U.S. share of the cost of the peace tower will be approximately $500,000; and that of the remainder of the formal area, approximately $554,000. The total cost of the U.S. share of the formal area will be approximately $1,054,000.

Mr. President, I urge the enactment of S. 233, as amended by the Committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1279), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 233 is to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota.

The increase in authorization, amounting to $1,454,000, would be in fulfillment of the Federal Government's responsibility with respect to the cost of completion of the garden. This cost is being shared by the State of North Dakota and the Government of Canada.

BACKGROUND

The International Peace Garden commemorates what has now been more than 150 years of peace and friendship between the United States and Canada. The overall area is approximately 2,340 acres. Eighty acres in each country are part of the formal garden which is bisected by the international boundary line; the remaining acreage makes up the surrounding informal woodland park. This informal park includes picnic areas, campgrounds, administrative buildings and an amphitheater. The entire area is administered by International Peace Garden, Inc., for the State of North Dakota and the Province of Manitoba.

This development has been financed by the U.S. Government, by the State of North Dakota, the Province of Monitoba, Canada, and the Government of the Dominion of Canada. In addition to the joint efforts of these governments, many private groups have also contributed both money and monuments to the International Peace Garden. It is one of the most beautiful areas in the United States. The fine relationship and cooperation which exists on the Board of Directors of the International Peace Garden is indicative of the relationships which exist between the citizens of our two countries.

INCREASED USE BY PUBLIC

As with all of our parks and recreation areas, public use and enjoyment of the International Peace Garden is increasing annually. In 1969, during the period of May to September, when the garden is open and has tour guides available 66,000 motor vehicles entered the garden. During the same period this year, some 90,000 vehicles, including 140 buses, entered the garden. The National Park Service advises the committee that a factor of 3.5 persons per car could be applied to these figures to obtain an estimate of the number of visitors to the garden. This would be 231,000 in 1969 and 315 000 in 1970. Without question, the number of visitors to this beautiful spot will continue to increase in future years.

COST AND AMENDMENT

Under the approved plan Federal funds will be used to defray one-half of the cost to complete the formal area, with the remainder of the cost of the formal area and the entire cost of the informal area to be borne by other non-Federal sources.

At the hearing on S. 233 the Department of the Interior testified that the U.S. share of the cost of the peace tower, which is a central feature of the project, was estimated to be approximately $500,000. The cost to the United States for the remainder of the formal area is estimated to be approximately $554,000, which would increase the appropriation limitation by $1,054,000. This additional amount will be all that is necessary to complete the project. The bill as introduced provided for an increase of $925,000, but in view of the Department's recommendation the committee has adopted the figure of $1,054,000, thus substituting in the bill the amount of $1,454,000 for the figure $1,325,000.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the conduct of routine morning business with a time limitation of 3 minutes therein.

PRESIDENT NIXON'S FIVE-POINT PROPOSAL ON VIETNAM

Mr. MANSFIELD. Mr. President, I commend President Nixon for his five-point proposal because it is a proposal of substance; it is not a matter of take it or leave it; it does offer a set of definite proposals; and it is worthy of united support of both political parties and the people of this Nation.

Everyone, I am sure, is aware of my position on Vietnam, my opposition to our becoming involved in the first place, my continuing opposition since. Vietnam is the most tragic mistake in the history of this Republic and since our involvement, it has been nothing but a continuing tragedy. I have differed with three Presidents on Vietnam, in private and in public as well, but every move they have made toward a diminution of hostilities I have approved, and every endeavor they have proposed seeking to bring about a responsible settlement I have endorsed. I endorse President Nixon's definitive proposals wholeheartedly and without any reservations. I hope the members of my party and the people of the Nation will present a united front at this time to the end that North Vietnam will be made cognizant that, as a people, we support the President's proposals; that this offer is being made in good faith; and that we think it should be accepted at face value.

We must bring this tragic war to a close. It has cost us too much already in casualties, which number almost 53,000 dead and almost 290,000 wounded, for a total casualty list in excess of 341,000. We have paid too high a price in the blood of our sons—which is the most important; we have paid too high a price in the expenditure of our treasure in carrying on this war and bolstering regimes connected with it and, as a result, we have too many problems at home unsolved, too many questions unanswered, too much yet to be done.

As a Senator from the State of Montana, as the majority leader of the U.S. Senate, I urge my colleagues to give the President every possible support in his latest endeavors. I do so because it is the well-being of this Nation—it is the future of this Republic that counts.

Mr. PROXMIRE. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I join the distinguished majority leader in commending President Nixon on his speech last night. It was an excellent speech. The proposals he made are sound. I certainly support them—as does the majority leader—without reservation.

Let me add to what the majority leader has said, however, and recall that many, many times over the past several years, as early as 1967—perhaps earlier—the distinguished majority leader called for precisely the very same action that President Nixon called for last night—namely, the distinguished majority leader has repeatedly called for a cease-fire and stand fast.

The distinguished majority leader in his prescience and his judgment has been vindicated again by the fact that the President of the United States has concurred in the majority leader's decision.

I congratulate both the majority leader and the President of the United States.

Mr. MANSFIELD. I thank the Senator from Wisconsin.

Mr. SCOTT. Mr. President, the distinguished majority leader, as always, has demonstrated his patriotism and his firm support of our foreign policy initiatives, including this important peace proposal by the President.

No one knows, of course, that we may not now, indeed, be standing at the threshold of peace. We hope that we are.

The killing is at least diminishing. Casualties last week—all casualties are tragic—amounted to 38 killed, the lowest in 4½ years of war. Last week's casualties, running at the rate of four or five a day among Americans, reflects the increase in Vietnamization of the war.

Mr. President, I would like to say that I also attended the briefing given the joint leadership by the President, the Secretary of State, the Secretary of Defense, and General Westmoreland last night. What impressed me particularly was the unanimity with which all congressional leaders supported the President's peace efforts, their strong desire to see that American public opinion rallies solidly behind him, and their good wishes and responsible support.

I am delighted. I hope that this effort will succeed. If it does, it will mark the first time since the Second World War that no organized forces will be facing each other in combat. That, of course, would be the first step toward the fullness of peace which has been known in this century.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the speech of the President and certain remarks I made following that speech last night.

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

RADIO AND TELEVISION ADDRESS BY THE PRESIDENT: NEW INITIATIVE FOR PEACE IN SOUTHEAST ASIA

Tonight I would like to talk to you about a major new initiative for peace.

When I authorized operations against the enemy sanctuaries in Cambodia last April, I also directed that an intensive effort be launched to develop new approaches for peace in Indochina.

In Ireland on Sunday, I met with the chiefs of our delegation to the Paris talks. This meeting marked the culmination of the Government-wide effort begun last spring on the negotiation front. After considering the recommendations of all my principal advisors, I am tonight announcing new proposals for peace in Indochina.

This new peace initiative has been discussed with the governments of South Vietnam, Laos, and Cambodia. It has their full support. It has been made possible in large part by the remarkable success of the Vietnamization policy over the last 18 months. Tonight I want to tell you what these new proposals are and what they mean.

First, I propose that all armed forces throughout Indochina cease firing their weapons and remain in the positions they now hold. This would be a "cease-fire-in-place." It would not in itself be an end to the conflict, but it would accomplish one goal all of us have been working toward: an end to the killing.

I do not minimize the difficulty of maintaining a ceasefire in a guerrilla war where there are no front lines. But an unconventional war may require an unconventional truce; our side is ready to stand still and cease firing.

I ask that this proposal for a ceasefire-in-place be the subject for immediate negotiation. My hope is that it will break the logjam in all the negotiations.

This ceasefire proposal is put forth without preconditions. The general principles that should apply are these:

A ceasefire must be effectively supervised by international observers, as well as by the parties themselves. Without effective supervision a ceasefire runs the constant risk of breaking down. All concerned must be confident that the ceasefire will be maintained and any local breaches of it quickly and fairly repaired.

A ceasefire should not be the means by which either side builds up its strength by an increase in outside combat forces in any of the nations of Indochina.

A ceasefire should cause all kinds of warfare to stop. This covers the full range of actions that have typified this war, including bombing and acts of terror.

A ceasefire should encompass not only the fighting in Vietnam but in all of Indochina. Conflicts in this region are closely related. The United States has never sought to widen the war. What we seek is to widen the peace.

Finally, a ceasefire should be part of a general move to end the war in Indochina.

A ceasefire-in-place would undoubtedly create a host of problems in its maintenance. But it has always been easier to make war than to make a truce. To build an honorable peace, we must accept the challenge of long and difficult negotiations.

By agreeing to stop the shooting, we can set the stage for agreements on other matters.

I propose an Indochina Peace Conference. At the Paris talks today, we are talking about Vietnam. But North Vietnamese troops are not only infiltrating crossing borders and establishing bases in South Vietnam—they are carrying on their aggression in Laos and Cambodia as well.

An international conference is needed to deal with the conflict in all three states of Indochina. This war in Indochina has been proved to be of one piece; it cannot be cured by treating only one of its areas of outbreak.

The essential elements of the Geneva Accords of 1954 and 1962 remain valid as a basis for settlement of problems between states in the Indochina area. We shall accept the results of agreements reached between those states.

While we pursue the convening of an Indochina Peace Conference, we will continue negotiations in Paris. Our proposal for a larger conference can be discussed there as well as through other diplomatic channels. The Paris talks will remain our primary forum for reaching a negotiated settlement, until such time as a broader international conference produces serious negotiations.

The third part of our peace initiative has to do with United States forces in South Vietnam.

In the past twenty months, I have reduced our troop ceilings in South Vietnam by 165,000 men. During the spring of next year these withdrawals will total more than 260,000 men—about one-half the number in South Vietnam when I took office.

As the American combat role and presence have decreased, so have American casualties. Their level since the completion of the Cambodian operations was the lowest for a comparable period in the last four and one half years.

We are ready to negotiate an agreed timetable for complete withdrawals as part of an overall settlement. We are prepared to withdraw all our forces as part of a settlement based on the principles I spelled out previously and the proposals I am making tonight.

Fourth, I ask the other side to join in a search for a political settlement that truly meets the aspirations of all South Vietnamese.

Three principles govern our approach:

We seek a political solution that reflects the will of the South Vietnamese people.

A fair political solution should reflect the existing relationship of political forces.

We will abide by the outcome of the political process agreed upon.

Let there be no mistake about one essential point: The other side is not merely objecting to a few personalities. They want to dismantle the organized non-communist forces and insure the takeover by one party, and they demand the right to exclude whomever they wish from government.

This patently unreasonable demand is totally unacceptable.

As my proposals today indicate, we are prepared to be flexible on many matters. But we stand firm for the right of all the South Vietnamese people to determine for themselves the kind of government they want.

We have no intention of seeking any settlement at the conference table other than one which fairly meets the reasonable concerns of both sides. We know that when the conflict ends, the other side will still be there. The only kind of settlement that will endure is one both sides have an interest in preserving.

Finally, I propose the immediate and unconditional release of all prisoners of war held by both sides.

War and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

I propose that all prisoners of war, without exception and without condition, be released now to return to the place of their choice.

I suppose that all journalists and other innocent civilian victims of the conflict be released immediately as well.

The immediate release of all prisoners of war would be a simple act of humanity.

But it could even be more. It could serve to establish good faith, the intent to make progress, and thus improve the prospects for negotiation.

We are prepared to discuss specific procedures to complete the speedy release of all prisoners.

The five proposals which I have made tonight can open the door to an enduring peace in Indochina.

Ambassador Bruce will present these proposals formally to the other side in Paris tomorrow. He will be joined in that presentation by Ambassador Lam representing South Vietnam.

Let us consider for a moment what the acceptance of these proposals would mean.

Since the end of World War II, there has always been a war going on somewhere in the world. The guns have never stopped firing. By achieving a ceasefire in Indochina, and holding firmly to the ceasefire in the Middle East, we could hear the welcome sound of peace throughout the world for the first time in a generation.

We would have some reason to hope that we had reached the beginning of the end of war in this century. We might then be on the threshold of a generation of peace.

The proposals I have made tonight are designed to end the fighting throughout Indochina and to end the impasse in negotiations in Paris. Nobody has anything to gain by delay and only lives to lose.

There are many nations involved in the fighting in Indochina. Tonight, all those nations but one announce their readiness to agree to a ceasefire. The time has come for the government of North Vietnam to join its neighbors in a proposal to quit making war and to start making peace.

As you know, I have just returned from a trip which took me to Italy, Spain, Yugoslavia, England and Ireland.

Hundreds of thousands of people cheered as I drove through the major cities in these countries.

They were not cheering for me as an individual. They were cheering for the country that I was proud to represent—the United States of America. For millions of people in the free world, the non-aligned world and the communist world, America is a land of freedom, of opportunity, of progress.

I believe there is another reason they welcomed me so warmly in every country I visited despite their wide differences in political systems and national backgrounds.

In my talks with leaders all over the world I find that there those who may not agree with all of our policies. But no world leader to whom I have talked fears that the United States will use its power to dominate another country or destroy its independence. We can be proud that this is the cornerstone of America's foreign policy.

There is no goal to which this nation is more dedicated, and to which I am more dedicated than to build a new structure of peace in the world where every nation including North Vietnam as well as South Vietnam can be free and independent with no fear of foreign aggression or domination.

I believe every American deeply believes in his heart that the proudest legacy the United States can leave during this period when we are the strongest nation in the world is that our power was used to defend freedom, not to destroy it; to preserve the peace, not to break the peace.

It is in that spirit that I make this proposal for a just peace in Vietnam and in Indochina.

I ask that the leaders in Hanoi respond to this proposal in the same spirit.

Let us give our children what we have not had during this century, a chance to enjoy a generation of peace.

STATEMENT BY SENATOR HUGH SCOTT, REPUBLICAN LEADER, OCTOBER 7, 1970

President Nixon has written a new chapter in the diplomatic history of the United States with his bold move to end this unpopular war, to establish peace in Southeast Asia and to reach a political settlement which would permit all men to live in security under governments of their choice.

I am proud that the President has adopted and incorporated in this major peace initiative the cease-fire which I and 13 of my colleagues proposed in a letter to President Nixon on September 1.

Should the Nixon peace plan be accepted, this would mark the first time since the Second World War that no organized forces will be facing each other in combat.

The President's proposals should—and, hopefully, will—be as attractive to the North Vietnamese and Vietcong as they are to Americans. The plan also has the approval of all the Nations of Indo-China.

If these suggestions are turned down at Paris, the burden of the continuing war clearly, unmistakably and inexcusably must be borne by the other side.

To achieve any one of the President's objectives would be a loud success indeed. Should he succeed in all of them, such a turn of events truly would signal a new era of peace on earth.

I am delighted that the President has included the release of all prisoners of war by both sides, and that he has suggested the Vietnam peace conference be broadened to include all of Indo-China.

This is a great plan, and a great moment for Americans. Hopefully, we stand on the threshold of peace in the world.

Mr. MANSFIELD. Mr. President, I think I should state for the record that on September 17, the North Vietnamese, for the first time, presented a set of definitive proposals which did not call for the immediate withdrawal of all American troops and which, for the first time, called for discussion relative to the prisoners of war.

I do not know what reaction our Government had to that suggestion by North Vietnam in private, if any. But I think it is significant to note that they became definitive for the first time, and the President became more definitive on yesterday, though not for the first time.

There may well be no connection between the two sets of proposals. But it does create the possibility that there is a certain amount of flexibility, a certain amount, perhaps, of give and take in the offing.

I am encouraged by the President's initiative and not discouraged by the reports from Paris this morning that the North Vietnamese, the chiefs of the mission, reacted negatively. That was to be expected.

I do think, on the basis of what both sides have suggested, that there is a good possibility, perhaps a probability, that at long last negotiations will be undertaken and will replace the talks around the conference table which have been so fruitless in Paris for so many months.

So, with the hope and the prayer that the President has, perhaps, broken the impasse, I devoutly wish that the two sides would get together and that an Indochinese settlement would be achieved. The time for such a settlement is long overdue.

Mr. President, I ask unanimous consent to have printed at an appropriate place in the RECORD a comparison of the positions on peace over the past several months, covering the different parties, covering the areas of cease-fire, withdrawal of troops, prisoners of war, interim provisional government, elections, reunification, and foreign policy contained in the New York Times edition of today and also the very brief article in the Los Angeles Times of today.

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

[From the New York Times, Oct. 8, 1970]

COMPARISON OF THE POSITIONS ON PEACE

WASHINGTON, October 7.—Following, for comparison with the proposals made by President Nixon tonight, is a summary of the latest proposals by the Vietcong, issued Sept. 17, plus proposals made by Mr. Nixon, in June, 1969, and by the Vietcong in May, 1969:

CEASE-FIRE

Nixon today—Immediate negotiations for cease-fire in place throughout Indochina to be internationally supervised.

Latest Vietcong—To be carried out after an agreement on all other points to end the war.

Nixon 1969—International body acceptable to both sides to supervise cease-fires (presumably local), plus a cessation of combat after a year of troop withdrawals.

Vietcong 1969—Not specifically mentioned.

WITHDRAWAL OF TROOPS

Nixon today—Agreed timetable for complete withdrawals as part of an over-all settlement, based on principles previously defined.

Latest Vietcong—Total withdrawal of U.S. and allied troops by June 30, 1971; no attacks by Vietcong during withdrawal.

Nixon 1969—Gradual withdrawal of most United States, allied and North Vietnamese forces over 12 months following agreement on mutual withdrawals; remaining forces not to engage in combat; remaining United States and allied troops to be withdrawn completely as North Vietnamese forces leave South Vietnam, Cambodia and Laos.

Vietcong 1969—Unconditional withdrawal of all foreign troops, with no date set.

PRISONERS OF WAR

Nixon today—Immediate and unconditional release of all prisoners on both sides.

Latest Vietcong—Ready now to discuss release if United States agrees to withdrawal by June 30, 1971.

Nixon 1969—Earliest possible release on both sides.

Vietcong 1969—Release to be negotiated after war is over.

INTERIM PROVISIONAL GOVERNMENT

Nixon today—Standing firm for right of South Vietnamese self-determination; no exclusion of specific personalities.

Latest Vietcong—Thieu, Ky and Khiem out, Vietcong to negotiate with new Saigon government.

Nixon 1969—Full participation of all political elements not using force; no coercion to impose any form of government.

Vietcong 1969—Coalition of all political tendencies that stand for peace, independence, neutrality; no names mentioned.

ELECTIONS

Nixon today—Fair political solution that reflects will of South Vietnamese and existing relationship of political forces.

Latest Vietcong—All citizens to participate under supervision of provisional government.

Nixon 1969—Elections open to all who renounce use of force, under international supervision.

Vietcong 1969—South Vietnamese to decide for themselves without foreign interference.

REUNIFICATION

Nixon today—Not mentioned; presumably previous principle stands.

Latest Vietcong—To be achieved step by step, through peaceful means, without foreign interference.

Nixon 1969—No objection if decision reflects free choice of South Vietnamese.

Vietcong 1969—Same as September, 1970.

FOREIGN POLICY

Nixon today—Not mentioned; presumably previous principle stands.

Latest Vietcong—Neutrality, respect for Cambodian and Laotian sovereignty, diplomatic relations with all nations.

Nixon 1969—Neutrality acceptable if South Vietnamese choose it.

Vietcong 1969—Same as September, 1970.

[From the Los Angeles Times, Oct. 8, 1970]

PRINCIPAL POINTS OF REDS' CONDITIONS

PARIS.—Principal points on which the Viet Cong and North Vietnam are insisting in the Paris peace talks:

Total unconditional withdrawal from South Vietnam of all U.S. military personnel and war materiel, and those of other foreign countries in the U.S. camp.

Formation of a provisional coalition government in Saigon that does not include President Nguyen Van Thieu, Vice President Nguyen Cao Ky or Premier Than Thien Khiem.

In presenting an eight-point program for solution of the war Sept. 17, Mrs. Nguyen Thi Binh, the Viet Cong's chief Paris negotiator, said if the U.S. government would pledge to withdraw all U.S. and foreign allied troops by June 30, 1971, the Communist-led forces would:

Refrain from attacking troops of the United States and its foreign allies.

Join immediately in discussions on the questions of assuring safety for total withdrawal from South Vietnam of U.S. and foreign allied troops and of releasing prisoners of war.

SOME HOPE FOR NEGOTIATING PRISONER ISSUE APPEARS

Mr. SCOTT. Mr. President, last night President Nixon made a very strong and substantial appeal to North Vietnam for negotiations on the problem of prisoners of war.

The President's proposal—namely that all prisoners be freed and allowed to return to their homes of any other place of their choice—provides a solid and useful basis for discussion.

Last month, the North Vietnamese took a first small step in the direction of prisoner of war negotiation. They suggested the issue could be resolved after a military and political settlement had been reached. This was the first time they had even mentioned prisoners of war.

Although the President's proposals of last night and the earlier Communist mention of prisoners are both hopeful signs, the problem is far from a happy conclusion. It is now obvious the Communists would like to use American prisoners as a piece of blackmail at the peace negotiations. This, as the President said this spring, we cannot allow. We will not permit our prisoners to become hostages.

The fact is, though, that the matter is now open for discussion and thus open for negotiation. This is a move in the right direction. It is a sign of hope for the families of those American men being held and a sign of hope for the men themselves.

EXPLANATION OF POSITIONS ON THE EAGLETON AMENDMENT AND PASSAGE OF H.R. 18583

Mr. HOLLAND. Mr. President, during my necessary absence from the Senate last night which I had to leave sometime after 7:30 p.m., I note there were two rollcall votes taken on neither of which was my position shown; whereas I was backing the position taken by the committee handling the legislation, H.R. 18583, as represented by the floor leader, the senior Senator from Connecticut (Mr. DODD). I ask unanimous consent, therefore, that my positions on the two votes which were taken after my necessary departure from the Senate be shown for the record as follows:

On vote No. 366 legislative, the Eagleton amendment, I would have voted "yea" had I been present.

On the final passage of the legislation, vote No. 367 legislative, I would have voted "yea" if present.

I simply want the printed RECORD to reflect my position on these two votes which were taken during my necessary absence.

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

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be recognized for 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 1041

SUBMISSION OF PROXMIRE-MATHIAS AMENDMENT TO CUT HOUSE PROPOSED MILITARY APPROPRIATIONS BILL TO $65 BILLION FOR FISCAL YEAR 1971

Mr. PROXMIRE. Mr. President, on behalf of myself and the Senator from Maryland (Mr. MATHIAS), and the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. GOODELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Wisconsin (Mr. NELSON), I submit an amendment intended to be proposed by us, jointly, to H.R. 19590, the military appropriations bill, and ask that it be appropriately referred.

PROPOSED HOUSE CUTS

The military appropriations bill as proposed by the President and the Pentagon of some $68,745,666,000. The House committee proposed that only $66,656,561,000 of this amount be appropriated. This was a most welcome cut of $2,089,105,000.

CUT TO $65 BILLION

The Proxmire-Mathias amendment would cut even below this amount. It states that—

From the amounts appropriated in this Act, the total available for expenditures shall not exceed $65 billion.

We want to commend the House committee for their action. While the $2.1 billion cut in the military budget by the House committee is the best news the American taxpayers have had this year, the Pentagon is determined to restore these cuts in the Senate.

CONGRESSMAN MAHON, UNSUNG HERO

The Congressman from Texas, Mr. MAHON, is one of the unsung heroes in the Congress. Year after year he and his committee have done a superb job in defending both the security of the country and the interests of the American people. I hope that more people will give attention to what he and his committee have done in their quiet way.

Mr. President, the report of the House Appropriations Committee is an excellent report. It certainly merits attention by all Members of the Senate.

The Proxmire-Mathias amendment

demonstrates our confidence that there is strong sentiment in the Senate not only to support the House cuts, but to cut below their figures.

STRENGTHEN HAND OF SENATE COMMITTEE

It is designed to strengthen the hand of the Senate Appropriations Committee in its battle of the budget bulge so that we can approach or reach a $65 billion level this year.

The Pentagon has already stated that it will ask for more money next year than it has asked for this year. Our amendment will let them know that we will continue to fight to cut fat and waste, to reduce the duplication of weapons, to reform procurement practices, and to strike a much better bargain for the American people in defense contracting and buying of supplies.

EXCESSIVE REPROGRAMINGS

By cutting out waste, we can actually strengthen the military might of this country. One of the major constructive acts of the House committee was to indicate the extensive volume of reprogramings by the Pentagon. These clearly show that there is poor planning in the obligation and spending of billions of dollars. By opening that issue and by concentrating on it, the House committee has laid the groundwork for further cuts in the military budget of funds which are now poorly used.

VAST CARRYOVER OF FUNDS

In addition, as the House report so clearly points out, there are billions of dollars in carryover funds—unobligated and unexpended balances—which must be brought under control. Bringing an end to the "no-year" appropriations policy could reduce the military budget by billions in a relatively short period of time. And these acts would make us stronger, not weaker.

DEFENSE, YES; WASTE, NO

The basic principle of the Proxmire-Mathias amendment is simply stated. We are for defense. We are against waste. Several cuts by the House committee carry out that principle in a clear and uncompromising fashion. Here are some examples.

CUT IN PUBLIC RELATIONS FUNDS

The committee cut the funds for public affairs, public information, and public relations—or for Pentagon Propaganda—by over $7 million.

TRAINING HIGH BRASS TO FLY HELICOPTERS

The committee investigations found that the Army had implemented plans to train colonels and generals to fly helicopters. It costs $24,210 to train a senior officer to fly one. It takes 32 weeks of training. There are added costs for the maintenance of helicopters for proficiency flying. Flight pay adds $1,980 a year for generals and $2,940 a year for colonels.

The committee wrote that—

Flying helicopters would not appear to be the most efficient use of executive time and talent and directed the Army to ". . . cease training generals and colonels to fly rotary wing aircraft."

EXCESSIVE HEADQUARTERS STAFF

The House committee found that there was an excessive number of jobs at headquarters. In 1970 alone, the number of headquarters staff had gone up by 492 personnel. The committee wisely cut $59.5 million in the funds for headquarters staff.

ROOM FOR CUTS

They prove that these are examples of military waste. There is plenty of room for budget cuts without weakening our military security.

For all of these reasons, but primarily to strengthen the hand of the Senate Appropriations Committee in its action on the 1971 bill—and I assume the Appropriations Committee will be acting on that in the next few days—we are offering this amendment today. We want to support the committee position and we are hopeful that its decisions will give us sound ground to do so.

The ACTING PRESIDENT pro tempore. The amendment will be received and appropriately referred.

The amendment (No. 1041) was referred to the Committee on Appropriations.

COMMITTEE MEETING DURING SENATE SESSION

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate today.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 7, 1970, the President had approved and signed the act (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HOLLINGS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on management improvements needed at the United States Armed Forces Institute, dated October 8, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF LOAN APPLICATION FROM TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT OF TEHACHAPI, CALIFORNIA

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, the receipt of a loan application in the amount of $6,500,000 from the Tehachapi-Cummings County Water District of Tehachapi, California; to the Committee on Interior and Insular Affairs.

REPORT OF COMMISSION ON CIVIL RIGHTS

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report of the Commission for release on October 12, 1970 (with an accompanying report); to the Committee on the Judiciary.

MEMORIAL

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate a letter, in the nature of a memorial, from Elizabeth Hoseck, of Kalamazoo, Mich., remonstrating against House bill 18776, the Sleeping Bear Dunes bill, which was ordered to lie on the table.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) announced that on today, October 8, 1970, the President pro tempore signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 378. An act for the relief of Peter Rudolf Cross;

S. 583. An act to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941;

S. 732. An act for the relief of Mrs. Nimet Weiss;

S. 1123. An act for the relief of Ah Mee Locke;

S. 1628. An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes;

S. 2176. An act to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes;

S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age;

S. 2661. An act for the relief of Kathryn Talbot;

S. 3138. An act for the relief of Ruth E. Calvert;

S. 3154. An act to provide long term financing for expanded urban mass transportation programs, and for other purposes;

S. 3167. An act for the relief of Kimoko Ann Duke;

S. 3212. An act for the relief of Curtis Nolan Reed;

S. 3263. An act for the relief of Maria Pierotti Lenci;

S. 3265. An act for the relief of Mrs. Anita Ordillas;

S. 3600. An act for the relief of Kyung Ae Oh;

S. 3675. An act for the relief of Ming Chang;

S. 3813. An act for the relief of Kim Julia and Park Tong Op;

S. 3822. An act to provide insurance for member accounts in State and federally chartered credit unions and for other purposes;

S.4073. An act for the relief of Hyun Joo Lee and Myung Joo Lee;

S. 4235. An act to continue the jurisdiction of the United States District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970; and

S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for spec-

ified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia (Rept. No. 91–1294).

By Mr. HATFIELD from the Committee on Interior and Insular Affairs, without amendment:

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg. (Rept. No. 91–1293); and

H.R. 15405. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject (Rept. No. 91—1290).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 2175. An act to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released (Rept. No. 91–1292).

By Mr. MATHIAS, from the Committee on the Judiciary, without amendment:

S. 3940. A bill for the relief of certain employees of the Department of Defense (Rept. No. 91–1307).

By Mr. SCOTT, from the Committee on the Judiciary, without amendment:

S. Res. 19. Resolution to refer the bill (S. 263) entitled "A bill for the relief of the H. and H. Manufacturing Company, Incorporated" to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 91–1308); and

S. Res. 20. Resolution to refer the bill (S. 266) entitled "A bill for the relief of the O'Brien Dieselectric Corporation" to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 91–1309).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 3132. A bill to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases (Rept. No. 91–1296).

By Mr. COOK, from the Committee on the Judiciary, with amendments:

H.R. 6114. An act for the relief of Elmer M. Grade (Rept. No. 91–1295).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States (Rept. No. 91–1291).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 17146. An act supplemental to the Act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia and the acts amendatory or supplementary thereof (Rept. No. 91–1298).

By Mr. SPONG, from the Committee on the District of Columbia, without amendment:

S. 3944. A bill to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel (Rept. No. 91–1300); and

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age (Rept. No. 91–1301).

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits (Rept. No. 91–1299).

By Mr. SPONG, from the Committee on the District of Columbia, with an amendment:

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act (Rept. No. 91–1302).

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

S. 2695. A bill to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the White House Police force, and of certain officers and members of the U.S. Secret Service, and for other purposes (Rept. No. 91–1297).

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

S. 3010. A bill to authorize the District of Columbia a program of public day-care services; and to amend the District of Columbia Public Assistance Act of 1962 so as to relieve certain adult children of the requirement of support and to provide public assistance in the form of foster home care to certain dependent children (Rept. No. 91–1303);

H.R. 670. An act to amend section 19(a) of the District of Columbia Public Assistance Act of 1962 (Rept. No. 91–1304);

H.R. 12671. An act to amend the Act of May 29, 1928, to facilitate and encourage the employment of minors in the District of Columbia between the ages of fourteen and sixteen during the summer and other school vacation periods, and for other purposes (Rept. No. 91–1305); and

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va. (Rept. No. 91–1306).

BILLS INTRODUCED

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

By Mr. STEVENS:

S. 4449. A bill to provide for grants and loans to communities for construction, maintenance and operation of Marine Ways facilities; to the Committee on Commerce.

(The remarks of Mr. STEVENS when he introduced the bill appear below under the appropriate heading.)

By Mr. MATHIAS:

S. 4450. A bill for the relief of Charles Henry Michel; to the Committee on the Judiciary.

S. 4449—INTRODUCTION OF A BILL RELATING TO FEDERAL MARINE WAYS GRANT AND LOAN PROGRAM

Mr. STEVENS. Mr. President, the fishing industry in Alaska is the large private employer in my State. More Alaskans are directly or indirectly dependent on fishing than on any other industry. It is second only to oil in the amount of revenue it brings into the State.

Fishing in Alaska involves thousands of independent fishermen living in dozens of small towns scattered over thousands of miles of Alaskan coastline. Should one of these fishermen have trouble with his boat, he is immediately in serious financial trouble, because his boat is likely to be out for the entire fishing season.

The reason for the seriousness of the consequences of so ordinary a problem as having a boat in need of repair is that there are too few places where the repairs can be effected. The owner will often have to take his boat to the "South 48" to have it repaired and the journey to and from a point so distant from Alaska will consume almost the entire fishing season.

The solution to this problem is simple. Facilities for the repair and maintenance of vessels should be built at several of the fishing communities where the boats are moored. But, as is so often the case in these small communities, there simply is not enough capital available to finance the large investment required to provide adequate marine ways facilities.

I am introducing a bill today which will provide for Federal grants covering up to 50 percent of the cost of such facilities with Federal loans for the remainder. The Bureau of Commercial Fisheries already provides for loans for fishing vessels from the fisheries loan fund, the life of which Congress has just extended. The loan portion of the marine ways facilities would be made from the same fund. Additional capital would be added to the fund to compensate for the additional demand the marine ways program would generate.

The grant portion of the program would be financed by a $5 million appropriation and would be operated by the Bureau of Commercial Fisheries. Grants would be made only to communities which were located at least 100 statute miles by sea from the nearest existing marine ways facilities adequate to their needs. This requirement would limit the program to those areas which have great need, but have thus far been unable to find the required capital.

Mr. President, the present lack of marine ways facilities in my State makes a malfunction in a vessel that would normally be an annoyance into a financial disaster bringing hardship to the fisherman, his family, and the State. The program I am proposing will generate the capital necessary to allow these fishermen to help themselves by collective action in their local communities.

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

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

The bill (S. 4449) to provide for grants and loans to communities for construction, maintenance, and operation of marine ways facilities, introduced by Mr. STEVENS, was received, read twice by its

title and referred to the Committee on Commerce.

ADDITIONAL COSPONSORS OF BILLS

S. 3939

At the request of the Senator from Kentucky (Mr. COOK), on behalf of the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3939, to amend the Federal Aviation Act of 1958 in order to provide for an Air Travel Protection Agency.

S. 4307

At the request of the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY) was added as a cosponsor of S. 4307, to amend the Environmental Quality Improvement Act of 1970 in order to establish a Corps of Engineers Environmental Advisory Board.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 1041

Mr. PROXMIRE (for himself, Mr. MATHIAS, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. MCGOVERN, and Mr. NELSON) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

(The remarks of Mr. PROXMIRE when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENT NO. 1042

Mr. ALLEN proposed an amendment to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which were ordered to be printed.

(The remarks of Mr. ALLEN when he proposed the amendment appear later in the RECORD under the appropriate heading.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 8, 1970, he presented to the President of the United States the following enrolled bills:

S. 378. An act for the relief of Peter Rudolf Gross;

S. 583. An act to provide for the flying of the American Flag over the remains of the U.S.S. ship *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941;

S. 732. An act for the relief of Mrs. Nimet Weiss;

S. 1123. An act for the relief of Ah Mee Locke;

S. 1628. An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes;

S. 2176. An act to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes;

S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age;

S. 2661. An act for the relief of Kathryn Talbot;

S. 3138. An act for the relief of Ruth E. Calvert;

S. 3154. An act to provide long-term financing for expanded urban mass transportation, and for other purposes;

S. 3167. An act for the relief of Kimoko Ann Duke;

S. 3212. An act for the relief of Curtis Nolan Reed;

S. 3263. An act for the relief of Maria Pierotti Lenci;

S. 3265. An act for the relief of Mrs. Anita Ordillas;

S. 3600. An act for the relief of Kyung Ae Oh;

S. 3675. An act for the relief of Ming Chang;

S. 3813. An act for the relief of Kim Julia and Park Tong Op;

S. 3822. An act to provide insurance for member accounts in State and federally chartered credit unions and for other purposes;

S. 4073. An act for the relief of Hyun Joo Lee and Myung Joo Lee;

S. 4235. An act to continue the jurisdiction of the U.S. district court for the district of Puerto Rico over certain cases pending in that court on June 2, 1970; and

S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

George J. Long, Jr., of Kentucky, to be U.S. attorney for the western district of Kentucky for the term of 4 years, vice Ernest W. Rivers, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, October 13, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, October 13, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

C. Rhodes Bratcher, of Kentucky, to be a U.S. district judge for the western district of Kentucky, vice a new position created by Public Law 91–272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, October 13, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Charles A. Moye, Jr., of Georgia, to be U.S. district judge for the northern district of Georgia, vice a new position created by Public Law 91–272, approved June 2, 1970.

William C. O'Kelley, of Georgia, to be U.S. district judge for the northern district of Georgia, vice a new position created by Public Law 91–272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS OF SENATORS

PRAISE FOR THE PRESIDENT'S NEW PROGRAM FOR PEACE

Mr. BAKER. Mr. President, I join other Members of the Senate in their praise of the new program for peace announced last night by the President of the United States. He means it when he says that he is working toward a goal of an entire generation of peace. He needs and deserves the support of the Congress.

I suppose that some will find fault with the President's new proposals. Others will graciously note that the President is finally doing what they have been counseling him to do all along.

What is important is that the President is moving toward peace in Indochina. American battle deaths are at a 4½-year low, a most encouraging sign in spite of the fact that even one casualty is too many. The President's policy of Vietnamization and his firm action in the Cambodian sanctuaries have made possible this new initiative for peace.

The initial reaction of the other side has been as negative as was expected. However, there has been a history of public intransigence on all sides during the course of the formal Paris talks. If face can be saved and honor protected by such belligerent public statements they serve

a useful purpose. What goes on in private discussions is what matters most in the long run.

The tragic cost of this interminable war is well known. The desire of all of the people to end the war is well known. Last night the President took a most significant step toward a realistic political settlement of what is and has always been a political war. The prospect of an end to the firing of weapons and thus to casualties on all sides must have some appeal to the leaders of the other side, who must bear the responsibility of brave men dying young. The prospect of a prompt exchange of prisoners—we have more of their men than they do of ours—must elicit in the other side the same prayerful expectancy that it does in the American people. The prospect of participation in the political process of the South must encourage the NLF and the generals in Hanoi.

Surely it is in the interest of all concerned that the proposals of the President should be given the most prompt and sympathetic attention. We have so many other things to do.

CONTROL OF BEARS IN YELLOWSTONE NATIONAL PARK

Mr. HANSEN. Mr. President, recently a very timely and interesting story concerning the control of bears in Yellowstone National Park, Wyo., was published in my hometown newspaper, the "Jackson Hole News."

The author of the article is Frank C. Craighead, Jr. Dr. Craighead and his brother John are noted scientists in the Jackson area. Their probing work into the natural and esthetic aspects of our environment has won them recognition and acceptance as leaders in this important field.

Many of the questions which we are now raising about the effect various programs and projects have on our environment were first raised quite some time ago by the Craighead brothers. They have been true pioneers in this area of endeavor.

In the article, Dr. Craighead challenges the National Park Service's bear control program in Yellowstone Park. As he points out, bears which become dependent on domestic food do not readily adapt back to natural sources of food.

In some cases, it has been the National Park Service's policy to eliminate bears which persist in seeking domestic food sources. During the last year it has become evident to many of the frequent travelers through Yellowstone Park that there are not as many bears visible as in previous years. In view of this, I sent a letter to the Superintendent of Yellowstone National Park requesting information on the number of bears that have been eliminated during the past year. According to a letter which I received only yesterday, between May and September of this year 20 grizzly and eight black bears were killed or sent to zoos as a part of the bear management program in Yellowstone.

In view of the concern that has been expressed over the bear management program in Yellowstone, I ask unanimous consent that the complete text of the article be printed in the RECORD.

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

CRAIGHEAD CHALLENGES YELLOWSTONE BEAR POLICY

(By Frank C. Craighead, Jr.)

The National Park Service with the aid of special appropriated funds has been making an all out effort to maintain naturalness in Yellowstone Park by eliminating the earth-filled garbage dumps (some have existed for over 80 years) while simultaneously developing a management plan for the grizzly bear consistent with the changed conditions. As commendable as these efforts are, the present bear control policy is not "working beautifully" as stated by Park officials in the August 20, 1970, issue of the Jackson Hole News, perhaps because it is based on several false assumptions.

To begin with there are two separate populations of grizzlies; wild ones, and semi-domesticated ones "hooked" on garbage that come to dumps and enter campgrounds. Practically all of the Yellowstone grizzlies feed at open-pit garbage dumps sometime during their lives. Thus, a "wild population" cannot be made by killing the so-called semi-domesticated grizzlies until only wild bears remain.

It has also been erroneously assumed that the earth-filled dumps can be abruptly closed before Park campgrounds and garbage disposal sites outside the Park are sanitized. The assumption is that grizzlies suddenly deprived of garbage will turn immediately to natural food rather than to easily available food in campgrounds within the Park and to garbage disposal areas outside.

The recommendations of Dr. John J. Craighead and myself in 1967 after eight years of studying the grizzly in Yellowstone (1967—Management of Bears in Yellowstone National Park) were that, though it would be desirable to eliminate these dumps, they should be phased out very slowly. Otherwise, with the abrupt removal of this food supply and consequent altering of foraging habits developed over the years, grizzlies would move into campgrounds. Here they would cause trouble with resulting injuries to humans and consequent stepped-up "control."

This is exactly what has been occurring over the last three years with the change in grizzly bear management. The grizzly is generally considered troublesome or dangerous if it enters a campground and is trapped and released two or more times. Such a bear is then a candidate for a death sentence or sent to a zoo.

The present Park management of grizzlies is encouraging more and more of them to enter campgrounds. According to Park Service figures, the grizzly bear control kill averaged about three per year for about forty years. Since the instigation of new Park Service management practices, the average number of grizzlies dispatched each year by control methods (killing, or removing to zoos) have averaged 12 animals per year.

In 1970 with the abrupt closing of the Rabbit Creek dump 20 grizzlies or approximately 1/10 of the Yellowstone grizzly bear population has been eliminated through control measures. This management program has been in effect for three years in spite of research evidence from marked and radio-instrumented bears showing that all or most grizzlies within and from far beyond the Park sooner or later visit the earth-filled dumps for varying periods of time. It is obvious that if a policy of abruptly closing dumps thus forcing grizzlies into campgrounds and then eliminating the two-time offenders is continued the Yellowstone grizzly population will be reduced to a point of near extermination in a short time.

How low the population can be reduced and still maintain itself is not known. However only about 15 mature sows out of a population of 200 grizzlies give birth to cubs each year. If the present management is continued, survival of the species in Yellowstone and adjacent areas could be seriously threatened. We might just be around after the grizzly is gone.

Now might be the time to listen to "Some people's good intention . . ."

PRESIDENT NIXON SEEKS TO ENCOURAGE ACTION TOWARD PEACE

Mr. RANDOLPH. Mr. President, I am encouraged by the President's statement on a standstill cease-fire in Indochina. It seems to me to be a forthright proposal and a basis for a settlement that could enhance not only the withdrawal of American troops but an end to the fighting in that area of the world. I do not believe it is politically motivated but part of a continuing reevaluation of our involvement.

In July 1969, I stated:

I am firmly convinced the United States should propose an in-place cease-fire in Vietnam. A cease-fire could be accompanied by the formulation of an international peacekeeping force to oversee the cease-fire, political settlement, and withdrawal of all outside military forces.

We must continuously explore every avenue to encourage movements for peace in Southeast Asia and in the Middle East, as well. By so doing we exercise leadership as a people on paths to peace to benefit all mankind.

It is my hope the North Vietnamese and the Vietcong will accept the proposal which can set in motion the machinery for peace in Indochina. I commend the President's initiative.

REDUCED CASUALTIES—AS PREDICTED

Mr. SCOTT. Mr. President, among the most significant statements made by President Nixon last night was, in my opinion, his reference to the reduced casualty rates in Vietnam following the successful conclusion of the Cambodian operation.

The President said:

As the American combat role and presence have decreased, American casualties have also decreased. Our casualties since the completion of the Cambodian operation are at the lowest level for a comparable period in the last four-and-a-half years.

The significance of this statement lies with the words "completion of the Cambodian operation." I would like to emphasize these words.

The fact that the American presence has decreased in Vietnam for the past 3 months is due wholly to the successful operation in Cambodia. The fact that our forces are involved less and less in combat is due to the success of the Cambodian operation. The fact that our casualties are lower than they have been in any comparable period for 4½ years is thus due to the successful conclusion of the Cambodian operation.

Last spring when the President announced the opening of the brief Cambodian campaign he told the Nation its purpose was to reduce the chances of

American casualties and by that means enable Americans to pull out of Vietnam in greater numbers and with adequate security for those remaining.

There were those who doubted the President at that time. I do not question the sincerity of their doubts. I do, however, suggest that the facts since Cambodia bear out completely the President's assurances of last April and May.

Throughout his discussions of the war in Vietnam, there has been one continuous thread, and that is the total candor with which the President has spoken. There have been no allusions to light at the end of the tunnel, nor glib promises of all the boys home by the end of the year. President Nixon has been blunt; he has been forthright; and his predictions of what will happen have inevitably been borne out.

He has been careful in what he said so as not to raise hopes too high. He has promised no instant solutions to the complex Vietnam problem.

He has, however, delivered on what he has promised.

TELL WHAT IS RIGHT WITH AMERICA—PROJECT OF MONTGOMERY, ALA., CIVITAN CLUB

Mr. ALLEN. Mr. President, the Montgomery, Ala., Civitan Club has a distinguished record of achievement over the years by reason of its adoption of innumerable worthy projects not the least of which are projects to promote good citizenship. The club is currently promoting a project known as "Tell What's Right With America." The fact that this project was commenced by the Montgomery, Ala., Civitan Club gives me great pride. The project reflects favorably upon the membership of the club, the city of Montgomery, and the people of Alabama. So that Senators and the public may become better acquainted with the nature of this project, I ask unanimous consent that a recent resolution on this subject adopted by the club board of directors be printed in the RECORD.

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

RESOLUTION

Whereas, in the year Sixteen Hundred A.D., the Colony of Jamestown was established on the Continent of America and thereafter in the year 1625 A.D. the Pilgrims landed to commence the establishment of the greatest nation ever to exist, and

Whereas, from that humble beginning a Nation of 13 original Colonies with less than 250,000 people declared its independence on July 4, 1776, and from those 13 tiny outposts, the United States of America finally evolved, and

Whereas, throughout its short existence this great Nation has been the World leader in obtaining freedom for men, advancements for the benefit of all mankind and has accomplished more than any other Nation ever to exist and has been a world leader in discoveries of all types which have benefited not only its own Citizens but people over the face of the Globe. This Nation carved out of a wilderness a Country of 200,000,000 people who enjoy the greatest standard of living and reside in the greatest cities ever known to mankind. This same Nation which has increased the span of life for its citizens from 47 years average in the year 1900 to over 70 years average today. A Nation which has reduced the industrial workers hours per week to an average of 38 hours per week and has provided more leisure time and recreational facilities for its Citizens than have ever been known to mankind heretofore.

With its industrial giants the United States has led the World in its discoveries and accomplishments in the field of medicine, communications, transportation, agricultural, spiritual and educational. In each field the United States has been a leader in providing advancement. This Country having twice defeated axis powers in World conflicts in an effort to preserve freedom for all mankind. The United States, among its many medical achievements having removed from the face of the earth, the dread polio, yellow fever, having performed the first open heart surgery, provided the first iron lung and the first heart lung machine.

Its many industrial giants and world renown scientists having provided for the World the first telephone, the first transistor, the first airplane, the first tractor, the light bulb, and atomic energy just to name a few. It having placed the first man on the moon and made other discoveries in the field of space which have resulted in medical benefits, scientific and industrial benefits to all of its Citizens and those of the entire World. The United States having brought its people through one of the worst World depressions ever known to man only to achieve the greatest economic strength and heights than ever before envisioned.

Now therefore, Be it Resolved, that this Great Nation, The United States of America, stronghold of freedom for the entire World and the Nation that has given man its highest standard of living ever known, should be given credit and praise for these accomplishments and every Citizen owes a duty to publicly acknowledge the accomplishments of this great Nation and to continually bring forth the news of its accomplishments by actively engaging in that project adopted and commenced by the Montgomery Civitan Club known as "Tell What's Right With America".

Be it further Resolved, that this project "Tell What's Right With America" be proclaimed as a continuing project of the Montgomery Civitan Club and that every member wholeheartedly endorse and work towards the successful accomplishment of this project.

Be it further Resolved, that a copy of this Resolution be spread upon the minutes of the Montgomery Civitan Club, and that a copy be sent to each member of the Congress of the United States from the State of Alabama.

Dated this the 1st day of September, 1970.

Adopted by Montgomery Civitan Club Board of Directors Sept. 1, 1970.

Adopted by Montgomery Civitan Club Members Sept. 4, 1970.

SENATOR HOLLINGS: A CALL FOR RESTRAINT

Mr. MUSKIE. Mr. President, restraint and reason are two qualities sadly lacking in much of the political rhetoric of 1970. Two weeks ago the junior Senator from South Carolina (Mr. HOLLINGS) delivered an important speech which combined these two qualities with a plea for mutual tolerance and understanding.

Speaking at the Blue Key annual banquet at the University of Georgia, Senator HOLLINGS warned:

I say, in all solemnity, there is a disturbing similarity between our America of 1970 and the America of 1860. A hundred years ago we lost patience with one another—we ran out of tolerance. We lost the spirit of compromise. We came apart at the seams. The nation disintegrated and it took the bloodiest war in our nation's history to put this country together again. It seems that everyone would realize that America did not grow to maturity on a one-way street of non-negotiable demands. It progressed instead on a broad avenue of give and take—of reasonable argument and of taking what was best from the many diverse groups who settled in this land.

Mr. President, those of us in the Senate have long been aware of Senator HOLLINGS' political courage and willingness to speak out on the tough issues. His speech at the University of Georgia enhances that reputation. And by his reasoned and clear call for mutual understanding and a willingness to work for change within our political framework, Senator HOLLINGS has performed a service to us all.

Mr. President, I commend Senator HOLLINGS for his excellent speech, and I recommend it to Senators on both sides of the aisle. I ask that it be printed in the RECORD.

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

ADDRESS BY SENATOR ERNEST F. HOLLINGS

My temptation today is to give a rip roaring speech, because we in Georgia and South Carolina live hard, we work hard, and we are proud of our progress. But, somehow it strikes me that we have had enough rips and roars in our society today and that what is needed most is a talking of sense to our people. For truly America is fed up—America is in turmoil. Everyone is shouting and no one is listening. And, rather than bring us together, the mood at this moment is—leave us alone. Gone is the old sense of community that united us for the challenges of the past. We don't face problems together anymore. We meet them at special interest groups, as members of impatient minority blocs and organizations. We identify not as Americans, but as hard hats or students or militants or women liberators or as members of the silent majority.

As little groups and cliques we shout our non-negotiable demands, attempting to drown out all differing points of view. We fight for a spot in front of the television camera in the street, on the misguided assumption that emotional outbursts will somehow bring needed change. Our own group is always right. Our own group, if given its way, could usher in the millennium. The radical demands thorough change by sun-up tomorrow. "I have seen the vision," he says. "Follow me to Utopia." The arch-conservative sits, stubborn as a mule, refusing to concede that any change is desirable. Each group must have things its own way. Each would construct an America in its own straight jacket image. And the creed is—do things my way or get out. "America, love it or leave it"—but always with the stipulation that "I will decide what America means." The hard hat wants no dialogue with the student—he wants the student to shut up. The student seeks no compromise with the hard hat—he hopes for an America without hard hats. The clamour of rhetoric increases decibel by decibel until the voices of reason are now effectively silenced. Meanwhile, everyone is in flight—fleeing from the city to the suburb, fleeing from the disorder of crime and violence, fleeing from government. And, more important, fleeing from responsibility to one another. A country once excited by the challenge of change is now beset by fear. And so, the challenge tonight is the same as 100 years ago—"shall we

meanly lose or nobly save the last best hope on earth."

I say, in all solemnity, there is a disturbing similarity between our America of 1970 and the America of 1860. A hundred years ago we lost patience with one another—we ran out of tolerance. We lost the spirit of compromise. We came apart at the seams. The nation disintegrated and it took the bloodiest war in our nation's history to put this country together again. It seems that everyone would realize that America did not grow to maturity on a one-way street of nonnegotiable demands. It progressed instead on a broad avenue of give and take—of reasonable argument and of taking what was best from the many diverse groups who settled in this land. It seems that everyone would remember the day when we depended on each other—when Franklin set the mood of this country with his cry, "We must all hang together, or assuredly we shall all hang separately." It seems that we would realize that a society wherein each group sees itself infallible will choke on its pride—a society in which each insists on doing his own thing is a society wherein nothing gets done. And, it seems that we would remember our 100 years of trying it alone without national government.

South Carolina is presently celebrating its 300th birthday. But the nation is only 200 years old. We are just now refreshing our memory of that hundred years without a representative national government. Just above the name of John Hancock is written the founding spirit of this Republic, "We mutually pledge each other our lives, our fortunes, and our sacred honor." We cannot be reminded too forcefully that in the Declaration of Independence, there was also a declaration of dependence. "United we stand, divided we fall." That was the challenge of the 1770's. That is challenge of the 1970's.

No one can visit a college campus and discuss the nation's problems without giving attention to the role of youth today. Many of my friends are annoyed by the attention public officials now accord the students. Twenty years ago, the only attention the student received from a Senator was a commencement talk on graduation day. It was a one-time appearance. We spoke and the students listened. Today, the average campus will be visited by four or five Senators or Congressmen. Some students won't listen to anything. But, the overwhelming majority are listening. They are more concerned about the future of this country and what it stands for than my generation. They approach their vision of what America should be with a religious zeal. They ask questions—they want results.

The student will want to know why people still go hungry in this land of plenty. Why do we want to start another Vietnam in Cambodia? And, why do we in America want to emulate the sayings of Mao that all power is derived from the barrel of a gun? There will be dialogue—there will be questions that you can't answer—and there will be questions that you can't leave unanswered. Students will have an effect. The Senator takes his homework back to Washington and the legislative mill begins to grind.

We can credit the students with consumer protection, automobile safety, meat inspection and the fairness doctrine. The test for each Senator now is—is it fair? The draft law—is it fair? The tax law—is it fair? And, many times while the best brains of industry are telling us it can't be done, the students prove otherwise.

I have just left Washington with America's automotive industry up in arms. Not just because of a strike, but because of a requirement under consideration for the production of an emission free automobile engine. The House bill required a 90 percent emission free standard by 1980 and the Senate is prepared to require this by 1975. Impossible say the Detroit industrialists. Yet, this past Labor Day a group of some 50 students under the sponsorship of MIT drove their self-designed automobiles across the country and two of the winners actually exceeded the standards envisioned for 1980. What the industrial establishment says can't be done, the students have done. So, society learns from its students.

Of course, the students must learn from society. For one thing, once the students decide a matter, they believe it is right for America. Students must learn that they are not a majority. Even if all America's students agreed upon a point, there are nearly 200 million other citizens and 75 million other voters. In fact, they are a minority of the young. The Bureau of the Census reports that there are 10½ million 18, 19 and 20 year olds. Only a quarter of these are students. Fifty percent—or five million—of this age group are breadwinners, workers and hard hats. One million are new mothers. So, when we discuss finding out what the young people want, we go not just to the campus, but to those other vital groups too.

Many times, the students seem to know the cost of everything and the value of nothing. They come into your office and, in expert fashion, describe and psychoanalyze the Viet Cong. They can give you his height and weight, how he lives, and how he thinks, and give you his reaction. But, the student has not the remotest idea of how the hard hat lives, what he thinks, and why he reacts the way he does. Yes, the student knows all there is to know about an Asian peasant 10,000 miles away, but often shows no understanding whatever for the guy next door who, in his way, is working and building this country.

Impatience is the mark of the student. Born and bred on instant food, raised and schooled on instant credit, they expect instant government. The student movement that followed Gene McCarthy was motivated by the hope for peace and new leadership. The students made their mark in over a dozen primaries. But, when they failed in Chicago, they immediately cried fraud and quit. Our generation would have savored the progress made, come back and tried again. But, not today's generation—they fail to appreciate that America and the road to freedom is not the 100 yard dash, but the endurance contest.

We in the establishment must understand that we are responsible for the contest; that we need self-discipline just as much as the students—that we need to listen. And, we must be responsive.

I don't speak politically. I don't speak as a member of one political party, for I realize as DeTocqueville said over 130 years ago, "There are many men of principle in both parties in America, but there is no party of principle." That has not changed. Lyndon Johnson is just as much responsible for today's inflation as is Richard Nixon. Lyndon Johnson stumbled and fumbled on the war just as much as Richard Nixon and, unfortunately, both lead from concensus rather than concern. Both attacked the politics of the problem rather than the problems themselves. If we can outlive the age of demonstrations—if we can outlive government by political polls, we shall be a blessed nation indeed.

On the other hand, how many of you really feel that government is responsive to the needs and desires of the average American? How many really find credible the words and actions of our government? Who knows what the policy is? Who can truthfully say they feel a sense of trust in the nation's leadership? Who feels that the idea of America persists—"All government shall derive its just powers from the consent of the governed"? If I sense the tempo of America today, people feel that government is deriving its just powers from dissent rather than consent. People just don't feel themselves a part of government anymore.

Part of the fault lies with a government too quick to politick. We never have come clean with a position on this war. The policy is retreat, but the rhetoric is attack. You ask why would anyone politick with war. We know that President Nixon would like to end it all in the next hour. But each President has feared the reaction of the home front when it learned he had failed at the battle front. No one has wanted to be in the chicken coop when the chickens come home to roost. Kenneth O'Donnell writes that President Kennedy's decision to get us out of Vietnam was delayed by his not wanting to face the reaction of the people on the heels of withdrawal. President Johnson thought he could politick it. It would be a painless war—there would be no threat of World War III because there would be no threat to annihilate the enemy. We would come with men and machines, bluff and gusto—but we wouldn't let the military really fight. We would minimize casualties so as to minimize complaints from home. No one would stay over a year. We wouldn't call up the National Guard or Reserve. We would have guns and butter both—business as usual. If the people at home didn't suffer—if they didn't feel any real impact of war, then his mandate for a Great Society in 1964 could be repeated in 1968.

At first, it appeared that Mr. Nixon and the Congress would stop trying to out-politick each other on the war and get in step with a clear policy. Mr. Nixon stated that he no longer sought military victory and announced in June of last year a policy of withdrawal. In the same month the United States Senate approved Senator Fulbright's commitment resolution, stating that hereafter no foreign commitment of the United States would be considered valid unless approved by the Congress as well as the Executive. President Nixon approved this policy. When debate ensued on Laos and Thailand, 81 Senators joined together and approved the first Cooper-Church Amendment prohibiting U.S. ground combat troop activity in Laos and Thailand. Cambodia was not specifically included because of Administration statements that it was a sanctuary and no action was contemplated there. The President stated that he was pleased with the amendment and signed it into law on December 29th.

However, when the Cambodian fiasco occurred and the United States Senate with the second Cooper-Church Amendment tried to get back in step with the President so that we could present a united front to the people of this land, the President chose the political route of his predecessor. At no time did Mr. Nixon object to the substance of this measure. He did not object to the restriction on combat activity. In fact, he said no American troops would be used in Cambodia after July 1st. And he denied any commitment to the Lon Nol government. But, instead of working with Congress, which after six years of bloody warfare was trying desperately to set a policy as to our Far Eastern commitments, the President filibustered. Cooper-Church advocates were pictured as less than 100 percent Americans. They were accused of undercutting his authority as Commander-in-Chief. They were even said to be encouraging the first military defeat the United States had ever suffered. The President's floor leader stated that the introduction of the amendment was an affront to him as an American. But, later, he voted "aye" and so did 75 percent of the people's representatives in the United States Senate.

Relishing the popularity shown in political polls on this score, Mr. Nixon supplanted his Southern strategy with a "Support the Commander-in-Chief Strategy." It is somehow

un-American to criticize the President. The strategy is applied now not just to the South, but to the entire land by sending the Vice President to the attack. And, for an Administration dedicated to "Bring us Together" the Vice President in ranting rhetoric rips us apart.

The office of Vice President over the years has been built to one of responsibility. The Vice President could bring us together as Chairman of the President's Council on Youth Opportunity. But, in his first 16 months in office, Mr. Agnew has not once convened a council meeting. Quite a record for the self-styled expert on youth. And, while I have been trying desperately for an oceans program, Mr. Agnew refused for ten months to meet with the Marine Science Council—yet he is its chairman. In February, the President created a new Office of Intergovernmental Relations. The Vice President is its head, charged with improving federal relations with state and local governments. But, when the governors met in Missouri this summer, the Vice President was absent. Last Spring, the President named Mr. Agnew to chair a cabinet committee on school desegregation. But, the Vice President missed its last seven meetings in the critical weeks before the schools opened this Fall. The Vice President is Chairman of the National Aeronautics and Space Council; the President's Council on Indian Opportunity; and the President's Council on Physical Fitness. But, he has ignored all three. Most importantly, he has ignored his primary constitutional duty—President of the United States Senate. As campaigner-in-chief for the "Support the Commander-in-Chief Strategy," he has been absent 98 percent of the time roaming the land, tearing down the Senate as an institution.

The "Support the Commader-in-Chief" or else "you are un-American" jag is supposed to carry until November 3. Come 1971, dramatic Vietnamization will occur. The news of large numbers of returning troops will be laid on for the 1972 election. For whatever reason, we will welcome it.

But when the day arrives when it will no longer be unpatriotic to ask the question why, the exacerbation of disappointment and disillusionment fostered by Mr. Agnew will certainly make a chaotic country for our boys to come home to.

Leadership by political bamboozle is equally rampant when it comes to the issues of domestic life. We have heard much about the hunger issue in the past couple of years. The President held a top-level White House Conference on Hunger and told it, "that hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable." Yet, he has given no leadership on the problem of eradicating hunger.

On another front, the school board member sacrifices good name and good will in his community when he agrees to implement controversial guidelines to bring progress on the racial front. What happens? He is quickly cut down by another department of government. The assistant secretary of commerce who tells it like it is, is promptly fired. The leader dedicated to a program is turned away by being told that his first allegiance must be politics. And, the Cabinet member who opens his eyes is swiftly blindfolded with a White House rebuff. And just last week a top Justice Department official warned federal employees that those who publicly differ with the Nixon Administration can expect to possibly lose their jobs.

What confidence can there be in an Administration whose announced creed is "judge us by what we do, not by what we say?" Why must there be any difference between what government says and what it does? We have been practicing the art of self-government for nearly 200 years. I believe we are mature enough to face the truth. We won't be practicing self-government very much longer if that government tells us to ignore what it says. That is not the way Andrew Jackson or Woodrow Wilson or Harry Truman ran the Presidency. Perhaps they made mistakes, but at least the people knew where their government stood. The great Presidents used rhetoric to implement action, not to obscure it. Courthouse politics is not good enough for the courthouse, leave alone the White House. By no means can we afford courthouse politics at the highest level. We can't say "no more Vietnams" and then start another one in Cambodia under the guise of self-defense. We cannot have a Nixon plan for the East and a Marshall plan for the West. We can't go to New Orleans saying we don't like Northerners pointing their fingers at the South and then when we try to get equal treatment for the South with the Stennis Amendment have the President order his congressional lieutenants to kill the amendment. We can't, in the name of eliminating the separate but equal doctrine, establish a separate but unequal policy by calling segregation in the South de jure and the same segregation in the North de facto. We can't jawbone against inflation by publicly vetoing education and hospital bills while refusing to jawbone the labor and business leaders to stop the spiral of wages and prices. We cannot signal the creed of this Administration as "Bring us Together" and then legislate us apart with a take over of the electoral college and by direct elections, write into the law status for every divisive group in America.

I cannot honestly tell you what the President's intention was when he invaded Cambodia. If I told you that I knew what the President's plan to end the war is, what his terms are, I would be less than candid. I don't know what the President really thinks about civil rights, and neither does anybody I talk to in Washington. I don't know where he stands on stopping inflation, eradicating poverty, on school busing, on textile imports, or on anything else.

We must quit playing politics and lead. The country stands in need of a clarion call, a summons to greatness. It was Paul in his first epistle to the Corinthians who said, "If the trumpet give an uncertain sound, who shall prepare himself for battle." We are not preparing and the reason is the uncertain trumpet of our national leadership. The road ahead is by no means clear. Shall we continue down this clamorous road of drift and division, insuring the collapse of all that has been built by patient toil and sweat? Or, can we get back on the road of a forgotten America?

The first thing we must do is go to work. We have given up on politics too soon. John Gardner recently said, "Out of thousands of years of experience in domesticating the savagery of human conflicts, man has distilled law and government and politics. As citizens we honor law—or we have until recently. We neglect government and we scorn politics. No wonder we are in trouble." Gardner went on to say, "It is precisely in the political forum that free citizens can have their say, trade out their differences and identify their shared goals. Where else, how else can a free people orchestrate their conflicting purposes?"

There is no other way. Only through rational government and politics can we find the road to meaningful change. The hard hat will not find a pot of gold at the end of the rainbow simply by ridding America of the student. Nor will the young find a brave new world simply by insistence on everyone doing his own thing.

Like 100 years ago, the politics of hope have given way to the politics of despair. Too many of us are seeking change outside the political realm, outside all the institutions which can make productive change possible. Our problems cannot be solved in the streets. A just society cannot be built on the ashes of burned buildings or the beaten bodies of those with whom we disagree. A just society cannot be built when so many of us sit home in front of the TV, cheering for our side as our adversaries receive their comeuppance.

No problem confronts this country that cannot be solved within the system. We must all do our part. The citizen must rededicate himself to the spirit of tolerance and compromise that makes meaningful change possible. This demands self-discipline. A just society must be an orderly society. We must discipline to fulfill our responsibilities as citizens. The blessing of civilization is to have open exchange and open expression and a pursuing of one's talent to its ultimate development. This open-ended pursual and free expression can only be done within an ordered system. From the Supreme Court on down to the average citizen, we must act on the belief that while the First Amendment says you can think as you please and speak as you please, you cannot do as you please. The law of the jungle cannot co-exist with the rule of law.

This movement must be led. We in the Congress, those in city hall and statehouse, all in government must realize that our function is to make headway and not headlines. Government must be responsive. The Congress cannot legislate truth-in-lending and practice secrecy in voting. Most importantly, the President must summon the American people to renewed greatness. We stand in need of Presidential leadership that will move decisively to tackle the many issues which currently plague us. Action must supplant rhetoric, and government must come clean with the people. In an era of grave dissension, we can ill afford leadership that feeds on the disunity of the nation.

Finally, a just society must have compassion. It was a wise doctor who prayed that he would never lose the sense of pain felt by his patients. One cannot heal wounds that he cannot feel. The Negro is edgy that his newly-won gains of the past decade might be lost. His fear is deeply felt. All the while he is being pressured by the black militant. Unless we feel this sense of pain and fear, the militant will gain influence in the black community. The housewife is disillusioned at the grocery bill, and there must be compassion for her when we contemplate costly new welfare programs. The mother wonders when drugs will hit her child. The workingman wonders how long he can hold his job. The head of the house worries for the safety of his family as the crime statistics soar ever higher. In the meantime, our sons continue to die without knowing the reason why. Unless we realize that every man has hopes and dreams, grievances and fears, we will lack the spirit of community necessary to a united fight against our many problems. We need not only confidence in government, but confidence in each other. Wise leadership can encourage that dedication, but first we must find it in our will to make a national declaration of dependence.

Whatever decision we make, there is a new America around the corner. What kind of America will it be? It is up to you and me to decide.

WHAT IS THE SPIRIT OF 1776 AND WILL IT STILL HAVE VALUE IN 1976?: HIGH SCHOOL STUDENTS GIVE OPINIONS IN ESSAY CONTEST

Mr. SCOTT. Mr. President, high school students across the country participated in a national eassy contest sponsored

last year by the Washington Crossing Foundation, Washington Crossing, Pa.

Mrs. Ann Hawkes Hutton, a member of the American Revolution Bicentennial Commission, and the widely quoted author of a number of books, including "Portrait of Patriotism," "George Washington Crossed Here," and "House of Decision," is chairman of the nonprofit corporation which conducted the contest. In addition to being a historian, Mrs. Hutton also is a member of the bar. She has extracted a few excerpts from the essays written last year by these young men and women and they should make interesting reading as our Nation enters the bicentennial era.

I ask unanimous consent that these excerpts be printed in the RECORD.

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

WHAT WAS THE "SPIRIT OF 1776" AND WILL IT STILL HAVE VALUE IN 1976?

Wayne Micheletti, No. 1 Award Winner from Texas LaMarque High School, LaMarque, Texas: "The Spirit of 1776 is as difficult to define as it is to hold in one's hand. It is a living heritage which serves as the intangible foundation of American Patriotism. It is not merely a group of words which is pleasing to the ear. It is more a feeling; a mood, an electrifying atmosphere."

"A nation is only as strong as the faith of its citizens. The immeasurable Spirit of 1776 is an undying flame in the hearts of all Americans and will eternally radiate devotion to the cause of freedom and equality."

Joe H. Hill, Shawnee High School, Shawnee, Oklahoma: "There is no need to repeat the names of those who appear in history books. They knew they would be well remembered, as they are. It was the vast number of others to whom we are truly thankful, those whose names are recorded simply as the 'spirit', who did so much anonymously. To them we should dedicate ourselves to preserve their dream, and to be certain that the 'Spirit of 1976' stands for 200 years' progress, not recession."

Peggie Copple, Pateros High School, Pateros, Washington: "The Spirit of 1776 is a deep-rooted love for all things which make man truly free."

Sherri Riddle, Italy High School, Italy, Texas: "The 'Spirit of 1776' just might lose all value. If enough true Americans stand up and make people hear, the Spirit could survive and have value; but . . . this is your responsibility and mine. If we remain the 'silent majority' much longer, we will find ourselves the 'silent minority'."

Susan Benke, San Marcos, Texas: "If more movements were organized to spread national spirit, then many more individuals might realize the value of Americanism."

Harry Solomon, Memorial High School, Haddonfield, New Jersey: "The Spirit of 1776 is not indigenous to any one time, . . . nor to the United States alone . . . This is the universal aspect of our heritage."

Nancy Martin, Portville Center, Portville, New York: "It was their courage, their determination and their loyalty to what they believed in that was called the spirit of '76'."

Karen Stuckman, Greater Latrobe High School, Latrobe, Pennsylvania: "The blood of patriots is necessary to nourish the seed of Freedom's tree."

Mary Lou Pausewang, Patchogue Sr. High School, Patchogue, New York: "This Spirit of '76 was more than mere embryonic enthusiasm . . . The Spirit of '76 was men fighting to make a dream a reality."

Pamela Berlin, Hampton High School, Hampton, Virginia: "The 'Spirit of 1776' was a complete metabolic process of breaking down and then planned, systematic building up. The present youth revolution would do well to look at both integral parts. Any revolution needs a goal; 1776 had a monumental one."

Patricia Maiorino, Bishop Conwell High School, Levittown, Pennsylvania: "The Spirit of 1776 is . . . saluting our flag and remembering how it all came about."

Jane Shargel, Union High School, Union, New Jersey: "The Spirit of 1776 was the enthusiasm of the men who really loved America."

Gaile Steele, Angleton High School, Angleton, Texas: ". . . it was the Spirit of 1776 that served as clothes to keep men warm when they had only rags."

"The Spirit of 1776 . . . shaped the history of the future years."

Jesse Garza, Santa Rosa High School, Santa Rosa, Texas: "The spirit will always be in the hearts of the people of the United States. It will become the pride of the past. If history continues to be written, the 'Spirit of 1776' will be remembered for as long as people in the U.S. exist."

Jeffrey Gibbs, Union High School, Union, New Jersey: "Back in 1776 it looked like a fledgling nation was about to fall before Great Britain. We were successful then. It is no less imperative that we triumph now. How? By using the Spirit of 1776, the spirit where the people believed in something and gave their all for that cause. Nothing less than total dedication by the people can save us now. We did it before. Shall we waste the lesson of 200 years ago? The choice is ours. We'd better make the right one."

Rosanne Devins, Union High School, Union, New Jersey: "A faith as strong as Washington's in his fight for freedom must always reign in the hearts of some, in order that life in America as we know it exists . . . perhaps in 1976 we will have won an even greater battle than that of Washington's. One for peace."

Clyde Click, San Marcos High School, San Marcos, Texas: "Will there be cause for national spirit in 1976? Yes. Communist aggression and the possibilities of World War III will . . . cause an uprising of national spirit such as the world has never seen. The spirit of 1776 will have more value to the people of the future than anything else, as it will set a standard for them to follow in their defense of democracy."

Georgia Shinker, Ainsworth Sr. High School, Ainsworth, Nebraska: "A dedicated few of yesterday eliminated the sourness of oppression so that the fortunate masses of today could taste the sweetness of Independence."

Anne Horowitz, Maury High School, Norfolk, Virginia: "Patriotism rings out like a golden bell, with a tone so sweet that one cannot ignore it . . . Enthusiasm and inspiration make possible this glorious thing called liberty."

Betsy Miller, Maury High School, Norfolk, Virginia: "Young people who abide by high moral standards despite communist and radical sources, strengthen the fiber of their country. These modern patriots are the backbone of America."

Michael Bowen, Chester High School, Chester, Pennsylvania: "Liberty is a quality to be passed on, it also must be cherished! It can neither be bought nor sold!"

Eileen Conroy, Haddonfield Memorial High School, Haddonfield, New Jersey: "Liberty demands constant vigilance. Now, more than ever, this spirit of concern and participation, 'the spirit of 1776', is of value to America."

Johanna Zuroski, Johnsonburg Area High School, Johnsonburg, Pennsylvania: "Is the spirit of 1776 alive today? Men with the courage to fight for what they believe in regardless of great personal sacrifice will always have this 'spirit'."

William Hine, Southern Columbia, Catawissa, Pennsylvania: "Patriotism is indeed alive and well and living in the hearts of millions of Americans."

Eric Lerner, Pequannock Township High School, Pompton Plains, New Jersey: "Whether it be a nation, or people, trying to win their independence or an effort to keep, preserve and expand it, there will always be a Spirit of 1776."

WATER RESOURCE PROJECTS APPROVED BY THE COMMITTEE ON PUBLIC WORKS

Mr. RANDOLPH. Mr. President, in order that the Senators and other interested parties may be advised of various projects approved by the Senate Committee on Public Works, I ask unanimous consent to have printed in the RECORD information on this matter.

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

Projects approved by the Senate Committee on Public Works on Oct. 7, 1970, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Cong., as amended

[Project and estimated Federal cost]	
Upper Ouachita River, Ark.	$1,417,000
Crooked Arroyo, Colo.	1,169,000
Clear Creek, Ill.	1,014,000
Fish Stream, Maine	572,000
West Branch, Westfield River, Mass.	3,564,000
East Upper Maple River, Mich.	4,989,000
Bahala Creek, Miss.	1,402,000
Newlan Creek, Mont.	1,356,000
McKay-Rock Creek, Oreg.	4,790,000

RENAISSANCE IN EDUCATION

Mr. MATHIAS. Mr. President, I hardly need to remind Senators of the degree to which the campuses of this country have been the focus of attention in recent years. The attention they have received in many cases has not been favorable, in fact, the universities have been identified by some as the breeding grounds of many of the problems in our society. This is perhaps predictable when we consider not the incidents of violence or even of confrontation which so easily capture our attention, but the degree to which a renaissance is occurring within our educational institutions.

Let me digress for a moment to the subject of renaissance as it is most commonly applied, that is, to the period of intense and relatively rapid change in European history. May I suggest that the Renaissance was a period which was itself characterised by foment and which led to dynamic changes within the institutions of Europe for centuries thereafter.

It would seem perhaps that a similar situation exists today in our universities. Moreover, as a whole, the universities seem to be responding to the multifaceted crises of renaissance with great wisdom and insight. Perhaps exemplary of the enlightened educators of today is Dr. Elizabeth Geen, the recently elected president of Mount Saint Agnes College in Baltimore. Dr. Geen is among those leading the way to greater relevance in our university curriculums, relevance

which is demanded of our universities not so much by our youth as by our times.

May I suggest that the challenges facing our universities, that is, the burden of educating the generation which must inherit this world, are truly awesome.

Mr. President, I ask unanimous consent to have printed in the RECORD a feature article published in the Baltimore Sun of August 19, 1970. It focuses on the reforms that Dr. Geen hopes to achieve at Mount Saint Agnes but goes further to provide some keys to the nature of the quiet, momentous events that never reach the headlines.

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

TRUE CATHOLICITY: MOUNT SAINT AGNES NAMES DR. GEEN PRESIDENT

(By Jane Howard)

The fact that Dr. Elizabeth Geen, a Protestant, was recently elected president of the Catholic-sponsored Mount Saint Agnes College is itself a notable educational achievement; but the acquisition of the position has an even deeper meaning for the intense, dedicated Dr. Geen.

"The presidency means to me," Dr. Geen explained, "the liberality that one expects, hopes for—the openings of the true catholicity—small c—of the trustess of Mount Saint Agnes."

"Mount Saint Agnes," she continued, "is under (sponsored by) those who are both Catholic and catholic." The trustees of the college are both Catholic and Protestant, "an example of what might be called 'ecumenism,'" she said, smiling warmly as her thoughts took form.

"One of the best proofs is that they chose someone who does not subscribe to certain precepts," the president explained. She also feels that the catholicity encourages a creative atmosphere within the college.

Dr. Geen, who succeeds John H. Ford as the college's president, comes to Mount Saint Agnes from a two-year involvement with the Commission on Higher Education of the Middle States Association, which studies and accredits colleges throughout the middle Atlantic states.

She was previously dean of Goucher College and professor of English there for 18 years, retiring in 1968 to her Middle States Association consultantship and to the administrative assistantship to the dean and president of Mount Saint Agnes.

In her studies and examinations of many junior colleges and community colleges during the past two years, Dr. Geen found what she believes to be "an extremely new phenomenon of higher education in the United States"—meaning the impact that the smaller colleges are having and are expecting to continue to have on the four-year college throughout the country.

ADDED DEPTH

The main point, Dr. Geen explained, is that there are many factors causing larger colleges to subject themselves to review and revision today.

One is the call of the student for relevance in his college experience. As Dr. Geen expressed this situation, "it is more and more a cry for added depth."

The most practical and valuable method for adding "depth" to the student's college life, which is being utilized to a larger extent each year in our colleges, is the laboratory-type experience—what Dr. Geen calls "the intellectual experience seen in the flesh."

The lab work may be in the form of student teaching, projects, actual job experience, work in a science laboratory or other forms which "relate the theories to the pragmatic experience," as Dr. Geen explained it.

It is here, as she has learned through her experience and studies, that the junior colleges and community colleges are playing an increasingly major role in higher education by providing the pragmatic experience and by causing four-year colleges and universities to re-examine their curricula and programs in order to provide the student with the same relevant experiences.

"Training in career, professional and paraprofessional programs is begun much earlier in community or junior colleges," Dr. Geen said. "The four-year college will be influenced by this preparedness or just by educational thinking. The smaller college, in turn, tends to follow the pattern of the four-year college; it needs to free itself."

Dr. Geen emphasized the fact that the community and junior college input is only one factor contributing to the self-examination of the senior college. Another is the increasing number of transfer students into the larger college, which will be forced to adopt a greater flexibility in order to grow and flourish.

TRANSFER STUDENTS

The four-year college will also have to adjust to two and three-year tracts, the president continued, because of the increasing number of transfer students from different areas.

(The lower tuitions of the community college afford many students who would not be able otherwise to attend college the opportunity to begin an education, therefore increasing the number of transfer students.)

Also, as Dr. Geen pointed out, in the community college situation, one often finds the student who really wants to go on to a four-year college, but may have to work first and save the money. This student, who becomes a product of his own drives, will also have his influence, as far as curriculum and programs are concerned, on the senior college.

Still another effect on the senior college comes as a result of the location of the junior and/or community colleges. "Many of them become feeders into local senior colleges," explained Dr. Geen, "therefore building up the student registration in a particular city."

Dr. Geen, so completely engrossed in her subject that she leaned forward in her chair with an apparent eagerness to enlighten, explained yet another factor which will have its effect on the senior college's self-review.

The master of arts program in the senior college will increase, "as far as being part of an up-to-this-point undergraduate college," the president continued. "There will be more interest in staying for graduate school if the student has been in a large college only two years, instead of four." Therefore, graduate programs will increase in number and in size.

A situation within the realm of college patterns which is undergoing a change in character, as Dr. Geen pointed out, is the college calendar. This phenomenon relates quite strongly to the previously mentioned idea of the laboratory experience in the college life.

INTO COMMUNITY

"The four-one-four calendar," said Dr. Geen, "encourages projects which go out into the community where the student can relate theories to pragmatic experience. The short term in the middle of the school year accommodates itself to this lab-type work—the corollaries to the classroom."

The practical use of this middle term probably came with the awareness of a "lame duck" session after the Christmas holiday seen in the semester system, widely used in the senior college.

"Of course, there is a danger to allocating to one term 'a term for having pragmatic experience,'" the whitehaired president commented, "but it does solve the problem of the split terms and answers the student's desire for the intellectual experience seen in the flesh."

The four-one-four system is seen most often in the community college.

The question of meaning and relevance in the college experience, which is such a popular theme today among student liberals, is a very important issue to Dr. Geen.

"After all, the object of education is to develop in students, ultimately, a self-knowledge—not only knowledge that is unified, but also integrated—integrated with life. The lab part—that's life."

Mount Saint Agnes College itself is experiencing a kind of lab work, explained Dr. Geen, in the fact that nuns and priests are taking themselves out and becoming involved in social work and teaching within the community, as well as in the college. "Actually it is happening to all those who are teaching today," the president continued. "And it seems to me all to the good."

"One of the wonderful things happening is that the colleges are responding to the student's wants and needs," the educator said, very sure of her convictions and ideals. "They are becoming communities of learning, not only for the students, but for the faculty, as well. The period of isolation of the college is past."

Looking intently out her office window at a leaf and beyond, Dr. Geen discussed the future of the college in America, and truly in all parts of the world.

"The dangers of extremism are manifest. If a college has anything to offer, it must encourage a close examination of all facts, be tolerant of all points of view. Socrates said to doubt wisely."

Dr. Geen, who is well-known in the field of higher education and found in Who's Who In America, received bachelor's and master's degrees form the University of California at Berkeley. She did postgraduate work at Radcliffe, the University of Hamburg, Germany, and the University of Iowa, where she received her Ph.D. in 1940.

In 1942, taking a leave from the position of chairman of freshman English and chairman of tutors at Mills College, Calif., Dr. Geen became one of the first women to join the United States Navy, Women's Reserve.

INTEREST IN FORM

"This was at the outbreak of the war," Dr. Geen said. "My interest, as I have always loved peace, was not in the war but in the consistency of the form with the thing contained."

This interest may be compared with her feeling for her role as administrator—"to find the form consistent with the educational program and the object of the institution."

Dr. Geen found herself "very happy to be caught in the orbit of higher education," when the Middle States job was offered. Now she is a central figure in a different position of the same orbit—the interweaving of the educational processes of the colleges of Notre Dame of Maryland, Mount Saint Agnes and Loyola.

"Loyola and Mount Saint Agnes have done more so far, but we are trying to make that tie stronger—to make a union joining strengths in an effort to reduce our weaknesses," she explained, adding "it is not a consortium, but an actual merger."

A NEW INITIATIVE

Mr. DOLE. Mr. President, last night President Nixon offered a "bold new initiative for peace" to the world. The

President's offer placed the responsibility for the continuation of the war in Indochina squarely upon the shoulders of the Communist leaders in Hanoi.

This administration has made every reasonable effort to bring about a state of peace among the peoples of Indochina. And this new proposal must be recognized as a great step toward the realization of that goal.

I spoke with President Nixon at length after his televised address, and he assured me that the United States under this administration would continue to work on every level for peace, a lasting peace, a peace that can be enjoyed not for the moment and not for just a part of the world's people but a peace for all and a peace that will endure.

There is no more pressing need, no more vital cause. All of us must support this effort, regardless of personal ambition or prejudice. This is the great call we must all hear, the great cause of our time.

I believe President Nixon evidenced his dedication to the successful fruition of this goal. If any did not realize it before, they should now; they need only listen to the President's message.

ATLANTIC TREATY ASSOCIATION REPORT

Mr. JACKSON. Mr. President, the 16th General Assembly of the Atlantic Treaty Association, of which the Atlantic Council of the United States is the U.S. member, was held in The Hague from September 21 to 25. The assembly of about 350 delegates from the 15 NATO countries and Malta devoted its debates to "Peace in the 1970's."

At the end of the week of sessions a final report was adopted dealing with urgent concerns of the Atlantic Alliance. I believe this report will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

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

ATLANTIC TREATY ASSOCIATION XVITH GENERAL ASSEMBLY, THE HAGUE, SEPTEMBER 21–25, 1970

FINAL RESOLUTION

The Atlantic Treaty Association meeting in The Hague for its Sixteenth Annual Assembly, discussed the role of the Alliance in the light of the present world situation. The theme of the conference being the maintenance of "Peace in the 70's," not only political and defense problems, but also problems of environment which are the results of the extremely rapid scientific industrial development of our modern society, as well as information problems linked to defense and to the spreading in the world of the ideals of freedom and genuine democracy, were examined. The discussions in the Assembly were conducted with the help of introductory statements by the Netherlands Prime Minister, Mr. Piet de Jong; the Secretary General of NATO, Mr. Manlio Brosio; the Chairman of the Military Committee, Admiral Henderson; and the Supreme Commander Europe, General Goodpaster, and of reports from Sir Evelyn Shuckburgh (political), General Combaux (defense), Professor Randers (environment) and Mr. Green (information).

POLITICAL AND DEFENSE COOPERATION

1. As regards the political and military situation, the Assembly, while recognizing that due to the existence of the North Atlantic Treaty Organization the citizens of the Member States in the Atlantic area have been able to live and can still live in security, views for the following reasons the present situation with great concern:

(a) The expansionist character of Soviet policy in the Middle-East—an area of vital importance to the members of the Alliance—combined with a rapid build-up of the naval capabilities of the Soviet Union into an instrument for political pressure and coercion to be exerted in areas all over the world where conflicts have arisen or might arise. Although the Soviet Union now seems anxious to avoid a direct confrontation, this type of indirect and circumventing strategy might in the long run have the gravest consequences for the future of NATO countries and of the European member countries in particular.

(b) an increasing complacency and apathy, and in some cases, a growing negative attitude towards NATO;

(c) the lack of willingness among most of the European countries to take their proper share of responsibility for collective security.

2. In view of these tendencies, the Assembly stresses the continuing need for the Atlantic Alliance, for strengthening NATO and for effecting a broader political harmonization between all the members of the Alliance and the complete coordinaion of their defense measures. Wherever necessary, adequate measures must be taken to correct qualitative imbalances of NATO forces. Further unilateral reductions of forces must not take place. NATO should maintain the determination and the capability for an integrated and immediate defense of all the territories of the Alliance.

However, in the opinion of the Assembly, no real and lasting solution for present problems will be found if NATO policy is to be restrictive to reacting to events. To meet the Soviet grand strategy which combines military and revolutionary methods, the policies of the Atlantic Alliance, which must be based on the deepest convictions of its populations, must not only be fully understood by them, but cover spiritual, political and economic as well as defense issues.

3. In this respect the present tendency in many countries to criticize NATO, especially among the younger generations, should be weighed seriously. Because of this the problem of information—on which subject some specific recommendations will be given at the end of this resolution—is not only a problem of greater knowledge but requires a genuine dialogue between the responsible authorities and the constructive critics in our society. In this sense the recommendations of the Information Committee should be the basis for a positive general information policy for NATO, the Member States and for the ATA national assocations.

4. The continued presence in Western Europe of substantial North American military forces is indispensable to the security of Member States of the Atlantic Alliance. Any unilateral reductions of NATO's forces would undermine NATO's call for mutual and balanced force reductions. As part of an integrated defense force in NATO, there is need for organizing more effective West Europe's defense force, so that greater sharing of the responsibility for common defense by West European states may reflect more adequately the increased economic capacity of Western Europe.

5. The Assembly discussed how far the European peoples are willing to go to shape their own future and their readiness to create not only economic but also political and military unity within the framework of the Atlantic Alliance. The Assembly is convinced that a United Europe—the Six enlarged by the four applicant States and open to any other European States with the same democratic values—is in the interest not only of Europe but of all the member countries of the Alliance.

6. The Assembly recognizes that political stability on the European continent and peaceful and orderly change in East-West relations are objectives common to the peoples of all States which seek to resolve the central issues of European security. The Assembly reiterates that NATO must continue to explore with the Soviet Union and the other countries of Eastern Europe the possibilities for a relaxation of tensions and the strengthening of peaceful political, economic and cultural relations. Agreements with the East must include, however, progress toward resolving the German problem and satisfactory arrangements on Berlin. The Assembly calls attention to the fact that it is meaningless to discuss or pledge mutual renunciations of force unless these discussions also include realistic consideration of mutual reductions of the instruments of force.

7. Soviet diplomatic initiatives should be countered by a policy of initiative, of courage and of self-confidence. For the success of conferences on European security close consultation and careful preparation among the Allies is essential. The Allies should have enough confidence to take the initiative, more especially since their case is sound in comparison with Soviet Policy. It should not be forgotten that the Brezhnev doctrine is completely in contradiction with the fundamental principles of the United Nations Charter. Nor should we forget the obvious reluctance in the Soviet Union to admit a free flow of information and of people between East and West.

ENVIRONMENT

8. The Assembly welcomes the creation of NATO's Committee on the Challenges of Modern Society for furthering the aims of Article 2 of the North Atlantic Treaty by promoting conditions of stability as well as the physical and social wellbeing of man. The urgency to solve problems of modern society has been recognized and highlighted throughout the world, and as a consequence many organizations, private and public in many countries, are currently initiating programs to improve the quality of life. NATO has rightly taken its place in this massive effort because among other things it has demonstrated the ability to command attention at the highest levels of government, which is so vital to solving problems of environment.

9. The Assembly therefore recommends that CCMS continue and expand its scientific investigations to include data collection projects; that it encourages member countries to seek common programs and work towards multinational solutions to problems, in so far as practicable, in order to minimize discriminatory consequences in domestic and international trade and to achieve improved environmental quality goals; and further that CCMS coordinates and cooperates with other international organizations to minimize duplication of effort and to maximize the initiation of action programs in the shortest possible time.

INFORMATION

10. The Assembly stresses the necessity for a more effective presentation of all aspects of the Atlantic Alliance. Its peaceful and defensive purposes should be emphasized. Its military aspects should be presented as a means to an end and not as an end in itself—as means to preserve the freedom and the prosperity of the member nations of the Alliance. The information activities should

stress also the physical, economic and social wellbeing of our peoples.

11. The Assembly considers that an appropriate information policy, in which the Atlantic Treaty Association and its national associations play an essential role, requires:

That the international and national authorities realize the vital importance of information and accept their responsibilities in this field.

That the information budgets, which are now ridiculously modest, be considerably increased.

Furthermore special attention should be paid to the following improvements:

(a) Frequent and regular surveys on a scientific basis to determine public attitudes, financed as part of the NATO international budget.

(b) The encouragement of an uninterrupted interchange of information as well as a better coordination of the activities between NATO, the member governments (including the national information offices) and the national ATA associations.

12. The Assembly recommends that the Council explore the feasibility of establishing a committee to study further the problem of effective information and to make recommendations at the next annual Assembly in London. This Committee should be asked to pay special attention to the attitudes of the younger generation to NATO.

PRESIDENT NIXON'S PEACE PROPOSAL

Mr. PEARSON. Mr. President, the peace proposal advanced by President Nixon in his statement last night represents a bold and historic step by this administration to end the war in Vietnam.

The Communist representatives in Paris have already rejected this proposal. But this initial rejection was to be expected. We all hope that it will not prove to be an absolute and final rejection. We hope the North Vietnamese and the Vietcong will give the President's proposal the serious attention it deserves and that as a result the logjam in Paris will be broken.

The proposed standstill cease-fire linked with the President's offer to negotiate a precise timetable for withdrawing American forces clearly demonstrates, not only to the Communists but to the world at large, our commitment to an early and reasonable settlement. The Vietcong and North Vietnamese have been put on the spot by this new American peace position.

Mr. President, all Americans, of course, are especially prayerful that the Communists will accept President Nixon's proposal that all prisoners of war be released immediately and unconditionally.

Mr. President, under this administration's leadership we have taken great steps toward achieving a satisfactory settlement in Vietnam. Under President Nixon's leadership we have stopped escalating the war and have significantly reduced our involvement. All of us are grateful for the resulting decline in American casualties.

President Nixon's leadership has given Americans reason to believe that the end of our involvement in that tragic conflict is in sight. His peace proposal announced last night serves to renew the Nation's confidence in his bold and imaginative leadership. It is a good proposal. It is a sound proposal. It represents the basis for an equitable settlement to this tragic conflict.

REPORT OF COMMISSION ON OBSCENITY AND PORNOGRAPHY ADVOCATES LIBERALIZATION OF PORNOGRAPHY LAWS

Mr. ALLOTT. Mr. President, it is now well-known that the President's Commission on Obscenity and Pornography has issued a report advocating liberalization of pornography laws.

This recommendation is repellant to me. But I am also disturbed by the behavior of the Commission which produced it. In fact, when one examines this behavior, one comes to understand how it could be expected to arrive at such a disagreeable conclusion, and why it is not necessary to take this conclusion seriously.

Mr. President, I very much fear that a new division of the social sciences is emerging. This new division will be called "commissionology" and will pertain to the study of the waywardness of Government commissions.

Recently, speaking of the President's Commission on Campus Unrest, I listed several weaknesses inherent in commissions. At that time I said that commissions are technically irresponsible because they have no continuing responsibility for implementing—or facing the consequences of—the policies they advocate.

Now the President's Commission on Obscenity and Pornography has reported and has called attention to yet another major weakness inherent in commissions. This weakness is that there is virtually no way to require commissions to be faithful to their mandate.

The opening statement of Public Law 90–100 creating the Commission said this:

> The Congress finds that the traffic in obscenity and pornography is a matter of national concern.

The report of the Commission majority boils down to the assertion that the Nation is wrong to be concerned about pornography. But all the majority report indicates is that whoever assembled this Commission was mistaken in his selection of personnel.

This Commission was given a four-part mandate. The four parts were as follows:

First. With the aid of leading constitutional law authorities, to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography;

Second. To ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials;

Third. To study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior; and

Fourth. To recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interferring with constitutional rights.

Mr. President, the Commission on Obscenity and Pornography has chosen to distort this mandate. It has been responsive only to point three. In doing so, it has ignored the obvious relationship between the four parts of the mandate.

It is clear that the four points are listed in ascending order of importance. The first three are subordinate to the fourth point. That is, the Congress funded the Commission because we believe that there should not be a free market in filth. Congress did not fund this Commission in order to have the Commission tell us that what commonsense and clear moral axioms tell us to be true is, in fact, false.

The fourth and culminating mandate for the Commission enjoined it to focus on the problem of regulation—effective regulation.

As happens with such depressing regularity when technically irresponsible people are given generous subsidies and controversial topics with which to play, the Commission majority decided that its mandate was not really binding. A sense of self-importance seized the Commission majority and it decided that it had no obligation to do the work asked for by those who were funding it.

Rather, the Commission decided to rebut the premises on which the mandate rested. That is, the Commission decided to "demonstrate" that there is no need to find effective and constitutional means of regulating pornography.

I do not think I need to dwell on the inadequacies of this putative "demonstration." The nexus between the cause and effect in social life is never as simple as the programs to which social scientists are willing to reduce their experiments. Suffice it to say two things. First, the "demonstration" which satisfied the Commission majority as to the innocuousness of pornography would only satisfy those who were possessed by an overwhelming desire to be satisfied. It would seem that the Commission majority suspended its critical faculties and rushed to embrace a conclusion in which they had a well-developed ideological investment.

Second, it should be noted that the flimsy "demonstration" was arrived at by means of some "experiments" which in fact only demonstrate the arrogant refusal of the Commission majority to abide by the stated will of Congress.

This ludicrous attempt at "demonstrating" the innocuousness of pornography involved paying young people to expose themselves to pornography. I shall not elaborate here on the exact nature of this "experiment," but it is a matter of record. This, despite the fact that the Chairman of the Commission had previously told Congress that such experiments would not take place. See page 1052 of testimony given June 10, 1969, before the Senate Appropriations Committee—Senate Hearings: Treasury, Post Office and Executive Office Appropriations; H.R. 11582, 91st Congress, first session, fiscal year 1970. He subsequently

gave his personal authorization to the experiments. Not to put too fine a point on it, the Chairman's statements to Congress did not match his subsequent behavior.

So what do we now have before us in this majority report? We have a document based on a primitive understanding of social complexities; involving trival and debasing examples of sand-box science; and the whole report reflects proceedings which were chaired by a man who mislead Congress. All in all, this has been a deplorable, shocking waste of the taxpayers' money.

Mr. President, there is only one aspect of this fiasco that gives me pleasure.

This ill-starred Commission was not assembled by the current administration.

I must say, however, that the minority on this Commission, surrounded by examples of irresponsibility and duplicity, waged an energetic fight to keep the Commission true to its mandate, and to advance the cause of common decency. The majority report which has enjoyed so much publicity indicates that even a determined and skillful minority can only achieve so much. But while the report bears the unmistakable and depressing imprint of the majority, the minority has won the war while losing the battle.

They have presented their views in a cogent dissenting report which will be guiding public policy long after the majority report has sunk from memory. In addition, they have demonstrated an important, timeless truth.

By their behavior they have demonstrated that fidelity to a public trust will not go unrewarded. In contrast, consider the sorry spectacle of the majority of the Commission. They set out to improve our moral understanding. Yet their own behavior involved disenginuousness. They make unconvincing moral savants.

THE PRESIDENT'S PEACE PROPOSAL—TIME FOR FULL SUPPORT

Mr. ALLOTT. Mr. President, this is a day of pride for all Americans, and especially for the Senate.

Last night President Nixon made a generous, statesmanlike proposal which, if accepted by the enemy in the spirit in which it was offered, will bring peace to the tragic Indochina region. All Americans can take pride from the fact that our Chief Executive now stands forth as the world's most articulate spokesman for peace.

In addition, Mr. President, the Senate can take pride from the fact that it helped make this high statesmanship possible.

In last evening's address, the President proposed a standstill cease-fire and a widened peace conference which would more accurately reflect the wide nature of the Indochina conflict.

As the President indicated, the central purpose of the cease-fire would be to facilitate the effective functioning of the widened peace conference, and the central concern of the peace conference would be to negotiate timetables for reciprocal troop withdrawals. We should all pause to remember that, not very long ago, there was a move here in the Senate to require the President to give away unilaterally what should be negotiated and reciprocal.

Throughout the summer there were those who thought the time had come for the Senate to usurp the traditional and constitutional powers of the President in his role as Commander in Chief. At that time I, and many others of similar persuasion, argued that if peace is to come to that tortured area, it will come as a result of delicate, prudent Presidential initiative.

During the prolonged debate on the question of Presidential latitude in foreign affairs, I pointed out that the United States has compiled a remarkable record of conciliatory moves—all of which were a result of Presidential initiative.

I stated that there was a time when we were told that meaningful negotiations would begin if only we would make some gesture of willingness to negotiate. We made numerous such gestures, in public and private, through regular and irregular channels, and the Communists still showed no inclination to enter into meaningful negotiations.

We were told that meaningful negotiations would begin if only we limited the bombing of North Vietnam. We did so, but the meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we stopped all bombing of the North. We did so, and still meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we could get the South Vietnamese to participate. We did get them to participate, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we would agree to the inclusion of representatives of the Vietcong in the negotiations, thereby tolerating the fiction that the Vietcong are truly independent of North Vietnam. We did agree to include the Vietcong in the negotiations, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we began to withdraw some troops from South Vietnam. We began withdrawing troops, and still no meaningful negotiations began.

Mr. President, we have agreed to no less than 14 holiday cease-fire. The enemy has violated every one of them, and even launched the infamous Tet offensive of 1968 during such a cease-fire.

In addition, we worked for the neutralization of Laos. But the enemy kept 67,000 troops in the country.

Most recently—and most implausibly—we were told that meaningful negotiations would begin if only we would send a "top level" personage to head our negotiating team in Paris. We sent Ambassador Averell Harriman and then Ambassador Henry Cabot Lodge and now Ambassador David Bruce to lead our Paris delegation, and still there have been no meaningful negotiations.

This record makes two things clear. First, the United States has shown generosity and good faith in the pursuit of peace. Second, this pursuit of peace has been made possible by deft and judicious uses of Presidential latitude in subtle foreign dealings.

President Nixon's bold address last evening is another distinguished example of peacemaking at the highest levels, and it is a rebuke to those who have labored so long—and, fortunately, so unsuccessfully—to place unprecedented and unconstitutional restraints on the President.

Now is the time to put aside our past differences and to recognize that the burden of waging the peace is a burden that must be carried by the man in the White House.

It is time to call a halt to partisan sniping and institutional jealousies. It is time to give the President full support as he begins the final, difficult tasks of completing the honorable disengagement from this conflict.

THE OCCUPATIONAL HEALTH AND SAFETY BILL

Mr. SAXBE. Mr. President, the occupational health and safety bill will come before the Senate for consideration on Monday next. A substitute bill will be offered.

I invite Senators to study the two bills, and for that purpose I ask unanimous consent to have printed in the RECORD a statement of the major differences between the two measures.

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

MAJOR DIFFERENCES BETWEEN THE OCCUPATIONAL SAFETY AND HEALTH BILL REPORTED BY THE SENATE LABOR AND PUBLIC WELFARE COMMITTEE AND THE SUBSTITUTE BILL (S. 4404)

I. GENERAL

Before discussing the important differences between these bills, we should first put things in perspective by pointing out that both measures have much in common; they both share the same purpose and, in fact, have a number of comparable provisions.

The shared objective of the bills is to reduce the number and severity of work-related injuries and illnesses which, in spite of current efforts, continue at high levels, and which cause human misfortune and economic waste.

Both measures recognize that, while private initiative and State efforts to make the workplace safe and healthful have been excellent in certain cases, these efforts are uneven, unbalanced, and incomplete. For example, the average injury frequency rate for employers who are members of the privately sponsored National Safety Council is 4.6 disabling injuries per million employee-hours worked; but for non-member employers that rate is 15.6. We see a similar lopsided situation in the States. One State spends as much as $2.70 per worker per year on safety; others spend less than one cent.

Existing Federal legislation in the area of job safety and health is also uneven in its application. Some Federal laws apply only to certain industries such as the maritime industry or coal mining. Other safety legislation is applicable only in limited circumstances, e.g., the safety requirements of the Walsh-Hanley Public Contracts Act apply only to work involving certain Government contracts.

Both bills reflect the fundamental judgment that what is needed is comprehensive Federal legislation which would apply to all industries, and in a single national effort would (1) establish adequate occupational safety and health standards; (2) provide for greater coordination of existing Federal safety and health responsibilities; (3) bolster State programs not only by furnishing Federal grants, but by providing a floor of Federal standards which the States can build upon; and (4) take advantage of, and encourage further private initiative to assure safe and healthful employment.

Briefly, both bills would attack the problem of work hazards on three fronts: research, education, and regulation.

One more point before discussing the differences between the bills. This point concerns the regulatory aspect; the research and education provisions of both bills are not controversial. Neither bill contains, as one might reasonably imagine, a list of specific "do's and don'ts" for keeping workplaces safe and healthful. Industrial safety and health problems are as complex and changing as American industry itself. They cannot be solved by a lengthy list of prohibitions spelled out in a statute.

Instead, the bills would set up a legal structure; that is, they would empower an administrative agency to issue detailed safety and health regulations, called standards, which will have the force and effect of law. They also provide the legal procedures for investigating cases of alleged violations of standards; for conducting hearings to determine whether the standards have been violated, and, if the standards have been violated, for imposing sanctions on violators.

In each bill the structure includes authority to issue citations to employers, authority to issue orders to correct violations, and where necessary, authority to enforce those orders in the Federal courts.

II. GENERAL DIFFERENCES

The difference between the bills lies not in their purpose but in the type of structure each sets up for achieving that purpose. The reported bill's manner of achieving its purpose can only be self-defeating.

The true goal of any occupational safety and health bill can be stated simply: to foster improved standards of health and safety for American workers and do it in a way that is reasonable and fair. The reported bill is, in a word, unfair.

If legislation is going to be genuinely effective in promoting safe and healthful working conditions, it must be based on the clear recognition that its success ultimately depends upon the cooperation and day-to-day concern of employers regarding the many faceted problems of job safety and health. This does not in any way imply a naive faith in voluntarism. But it does mean that all the good that could be achieved through a bill's education, research and enforcement provisions should not be rendered ineffective by inevitable disillusionment with its unfair regulatory procedures. Unfair regulatory procedures will only alienate employers from State and Federal officials who ought to be guiding employers toward compliance.

The reported bill follows the simplistic approach of placing all functions in the Secretary of Labor. He would set the safety and health standards, conduct the inspections, prosecute violations before Labor Department hearing examiners; and he again, would be the one to issue citations and corrective orders, and to assess the monetary penalties. The reported bill's regulatory procedures have been compared to having the Chief of Police, in addition to his regular duties of conducting inspections, also write the criminal laws and then act as judge and jury.

The substitute bill, on the other hand, refocuses responsibility for job safety and health by distributing the regulatory functions. In an effort to insure the fairest and most efficient procedures for administering and enforcing the new law, the substitute bill would set up an independent Occupational Safety and Health Board whose five members would be appointed by the President. The Board would perform the sole function of issuing occupational safety and health standards.

Under both bills, the Secretary of Labor would be authorized to conduct inspections and investigations. But under the substitute bill, the Secretary would not hear the case and pass judgment on the offender. Instead, the substitute proposal would create an independent Presidentially appointed Occupational Safety and Health Appeals Commission whose only function would be to conduct hearings on alleged violations discovered by the Secretary; and the Commission would, on the basis of its decision, issue any necessary corrective orders, as well as assess civil penalties.

Establishing separate governmental agencies not only for the purpose of insuring fair procedures, but also for emphasizing the importance of new programs, is neither new nor out-of-date. There are any number of agencies which are independent of the Labor Department although they have responsibilities in the labor field; for example, the Federal Mediation and Conciliation Service, the National Labor Relations Board, and the National Mediation Board. Recently, a body of private citizens appointed by former President Johnson to make an extensive investigation of consumer-safety matters recommended the establishment of a separate independent National Commission on Product Safety to set safety standards for household products.

The five members of the standards-setting Board, which would be set up under the substitute bill, would be appointed by the President solely because they are high-calibre professionals in the field of safety and health. The members would serve at the pleasure of the President so that they could not become the servant of any special interest and would remain responsible to the President.

Lastly, the Administration's desire to create an independent standards-setting Board has been in response to the recommendations of a number of prestigious and respected organizations which have been successfully working over the years in the field of occupational safety and health. The following organizations have all recommended the creation of a special governmental body to work in the development of occupational safety and health standards: The National Safety Council, The American Industrial Hygiene Association, The Industrial Medical Association, The American Academy of Occupational Medicine, The American Society of Safety Engineers, and a number of State health or industrial safety agencies.

III. SPECIFIC DIFFERENCES

1. *Standards*

The substitute proposal provides for setting permanent standards through the formal procedures of the Administrative Procedure Act (APA). This means that the type of hearing to be held would be one where a great variety of views could be heard. The substitute would provide the kind of forum which permits the greatest degree of participation and involvement of those who will be affected by the standards which the Board seeks to issue. These formal procedures also provide that the Board's standards would be based on the substantial evidence in the record which is developed in connection with the hearings.

In contrast, the reported bill provides for setting permanent standards using only the informal procedures of the APA. This means that interested persons may send in their written views on proposed standards to the Labor Department. If the Secretary wishes, he may hold a hearing; but in this optional hearing no formal record would be made, so the standards could not be based on the substantial evidence of record.

The reported bill, however, does require a hearing in one instance, i.e., where an objection to a proposed standard is made by an affected person. But the reported bill's language is unclear about the nature of the hearing in this particular situation. It is possible that even this hearing would be like the one just discussed; that is, it would be informal and have no record for developing substantial evidence. In short, the reported bill provides for the minimum amount of participation in the standard-setting process by those who business, and health and lives would be affected by the standards.

2. Procedures in imminent danger situations

The reported bill would permit an inspector to order the closing of a plant where there is an imminent danger to the lives of employees. It is true that the reported bill requires that the Secretary be assured that in such circumstances there is no time to obtain a court order. It is also true that if the Secretary delegates his power to an inspector, the inspector must check with his superiors in the Labor Department in connection with exercising this power. Nevertheless, the fact remains that the reported bill clearly places the power to close down an employer's business in the sole hands of Labor Department personnel; and the power can be used.

The substitute bill also provides for closing down a plant operation where workers lives are at stake, but, here again, there is a difference in the manner in which this would be done. The substitute bill, with its emphasis on fair procedures, would not give this power to an inspector. Instead, the substitute proposal would authorize the Secretary of Labor to seek quickly obtainable injunctive relief from the appropriate Federal district court.

Under the reported bill's imminent-harm provisions, Labor Department personnel would play the roles of prosecutor, judge, and jury. On the other hand, by providing that relief in these situations come exclusively from the district court, the substitute bill would again provide the needed element of fairness.

3. General safety and health requirement

The substitute bill recognizes that specific standards could not be fashioned to cover every conceivable situation, and that lives should not be put in jeopardy merely because some specific standard has not been promulgated to cover a situation which from all appearances is dangerous. Therefore, the substitute proposal includes a general safety and health requirement to cover such circumstances. So, in addition to requiring employers to comply with specific standards promulgated by the Board, the substitute bill would require employers to furnish employment and places of employment which are free from any hazards which are readily *apparent* and are likely to result in death or serious harm to employees.

The reported bill also has a general requirement. But it provides that an employer maintain working places "free from recognized hazards." The reported bill's language of this requirement is clearly less precise than its counterpart in the substitute bill. The word "hazard" is vague; and standing alone without explanation it may be subject to many interpretations. This deficiency in the reported bill's general requirement would be overcome by the substitute bill which provides, both clearly and fairly that an em-

ployer shall furnish working conditions "which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees."

4. Penalties

Both the reported bill and the substitute bills are similar in the sense that for the most part they rely on civil monetary penalties rather than criminal sanctions as the means of assuring compliance with the Act's requirements. Both measures, however, would make it a crime to forcibly impede enforcement activities.

However, there is one important difference with respect to criminal penalties; that is, the reported bill would make it a crime to give advance notice of an impending inspection. This provision of the reported bill is probably the clearest example of the police-oriented approach which permeates that bill. The reported bill obviously does not consider the occupational safety and health proposal as remedial social legislation. Rather than guiding employers by showing them how best to improve working conditions, the reported bill assumes that many employers are furtive wrongdoers who must be caught in the act. A criminal provision of this type has no place in legislation which primarily seeks to enlist the necessary goodwill and cooperation of employers. Strong enforcement tools and sanctions should, indeed, be included in this legislation. They are included in the substitute bill.

5. Demand for inspections

The reported bill would permit employees or their representatives to request the Secretary in writing to make an inspection where they believe (1) that a violation of a safety and health standard exists that threatens physical harm, or (2) that an imminent danger exists.

Under this provision, if the Secretary determines that there are reasonable grounds that the alleged violation or danger exists, then he is required to conduct a special inspection.

While no such provision is expressly included in the substitute bill, it is contemplated that the Secretary would, of course, give full consideration to employee complaints of safety and health violations, and he would conduct necessary inspections. The Secretary now does exactly this under existing safety and health laws he administers, such as the Maritime Safety Act. In fact, complaints from employees are often the chief means through which the Secretary learns about safety violations and initiates inspections.

However, under existing safety laws the Secretary is not *required* to respond to every complaint. And rightly so, because of the limited resources at his disposal.

On the other hand, the reported bill would require the Secretary to make an inspection in every instance where a written employee-complaint has any reasonable basis. The reported bill contains no language to help the Secretary perform the obviously overwhelming task of carrying out the responsibility of responding to what could be literally thousands of such complaints.

Given the Secretary's limited resources, the reported bill's harsh provisions on this point could easily be criticized as nothing more than heroics which will only serve to lessen the Secretary's prestige because of the impossibility of his task; and consequently, to frustrate employees' expectations raised by false promises of a massive response to their request for help.

THE FEDERAL CITY BICENTENNIAL CORPORATION

Mr. ALLOTT. Mr. President, on August 8, I introduced S. 4196 to establish the Federal City Bicentennial Corporation.

In the words of the President, this proposal will "fulfill in this city a magnificent vison of the men who founded our Nation and at the same time create a standard for the rest of the Nation by which to measure their own urban achievement, and on which to build visions of their own."

I ask unanimous consent to have printed in the RECORD an editorial entitled "The Avenue, Too," pertaining to S. 4196, published in yesterday's Evening Star.

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

THE AVENUE, TOO

Urban reclamation in Washington has a multitude of meanings. The term is not restricted solely to the rebuilding of riot-torn 7th and 14th Streets, to unmet public housing needs, to the rebirth of dismal, deserted Southeast neighborhoods, or to a modern, balanced circulatory system of transit and roads. It means all those things. It means, too, realizing the vast potentials of the Pennsylvania Avenue improvement plan.

Yet, that essential point was missed entirely by a least a couple of witnesses at this week's Senate hearings on the bill to create a Bicentennial Development Corporation to deal with the dilapidated downtown blocks north of the avenue. To one, the plan was a program for "monuments"—not people. Another saw it as a diversion of money that otherwise would automatically flow somewhere else. They were both dead wrong.

As Mayor Washington noted in his own testimony, the Pennsylvania Avenue legislation does not suggest a competitive alternative to any other form of District renewal.

What it emphatically does propose is a determination to vest new life and new human vitality in an area which, it is perfectly evident, has become a social and an economic drag upon the community. In the process, the opportunity exists to reclaim a thoroughfare of great historic importance to the whole nation. Most pertinent of all, perhaps, the basic thrust of the new corporation would be to achieve these aims not by spending enormous numbers of tax dollars, but by creating a framework in which private investment would, for the first time, become possible at minimal public expense.

Any social scientist can recite, at the drop of a hat, his own generalized explanations for the faltering pace of urban renewal in this country over the past two decades. But if we have learned one thing, it is that there are no pat answers—that within every city there are a good many unique situations which require different approaches. The administration's Pennsylvania Avenue proposal recognizes that fact, and suggests a promising solution for one part of the city which Congress should endorse this year.

A SIGN OF HOPE IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, the turmoil in the Middle East heightened by recent events in Jordan and the tragic, untimely death of President Nasser has greatly frustrated peace initiatives being made by many of the parties concerned. Perhaps of equal importance to the continuing diplomatic efforts are activities such as those recently reported by Jame Feron in the New York Times of October 7, 1970. Mr. Feron reports that Israel in conjunction with Arabs living on the West Bank are considering building, through their joint effort, an Arab university on the West Bank. This proposal and the type of dialog between the two parties which this proposal has elicited is an example of the much needed ingredient to help foster understanding and contribute to a mutually desired resolution of their conflict—direct contact between those involved and their working together to fulfill common needs.

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:

ISRAEL HELPS PLAN ARAB UNIVERSITY—ALLON SAYS INITIATIVE CAME FROM WEST BANK

(By James Feron)

JERUSALEM, October 6.—Israeli authorities disclosed today that they were coordinating plans for the establishment of an Arab university on the occupied west-bank area of Jordan.

Yigal Allon, the Minister of Education and Deputy Premier, confirmed reports that Arab and Israeli experts were about to draw up a detailed plan.

Mr. Allon said in an official statement that he had been asked by "leading personalties" on the west bank "to help in the establishment of a university," and that he had agreed in principle.

He said "there are good prospects of international funds contributing to the establishment and maintenance of such a university."

Sources close to the project indicated tonight that the school might be situated in Ramallah, a relatively quiet and prosperous town, just north of Jerusalem, containing several training schools and junior colleges.

MANY STUDY ABROAD

There are approximately 1,500 university students in the west-bank area who attend institutes in the Arab world and abroad, especially in the United States, according to Arab experts.

A "home-town" school of acceptable standards would attract many of them and help form the basis of a cohesive social and political west-bank structure.

This would appeal to west-bank Arab leaders and to Israelis who consider stability in the region a tremendous asset whether it becomes an independent state or is returned to Jordan.

There are also Arab and Israeli leaders who believe the area's future is tied closely to the establishment of a moderate Palestinian leadership that could serve as an alternative to the radical Arab guerrilla organizations.

Although Israeli leaders have sought to emphasize that the idea for a west-bank university was from the Arab side, the momentum toward its establishment is in the hands of moderate Israelis.

KOLLEK ASKED FOR PROPOSAL

According to one version, Aziz Shehadi, a prominent Ramallah lawyer, and Nadim al-Zaru, the former Mayor of Ramallah, who was deported to Jordan last October for alleged subversive activities, presented the idea to Defense Minister Moshe Dayan in 1968.

Later developments are somewhat obscure, but it is known that Jerusalem's mayor, Teddy Kollek, asked a five-member committee to draft a proposal for such a university, and the report was recently turned over to the Minister of Education.

The committee recommended establishment of a school of about 2,000 students, with courses taught in English, Arabic or both. It suggested that the school be affiliated with a well-known university abroad, perhaps one in Britain, and proposed that it be open to non-Arabs.

It also recommended that the institution

begin on a limited scale, perhaps preparing students for college-entrance examinations at first. The emphasis, the committee said, should be on social sciences rather than natural sciences. It was first thought that the school should be in Jerusalem, but the political difficulties stemming from Israel's controversial annexation of the former Jordanian sector after the 1967 Arab-Israeli war made this proposal unfeasible.

Sources in Ramallah said facilities for a university exist in and around the town at Bir Zeit College, a two-year institution, and a number of teachers' training colleges. Most of the money for Bir Zeit and the other institutions come from United States sources, including foundations, Christian organizations, oil companies and private individuals.

ADDRESS BY SECRETARY OF COMMERCE MAURICE H. STANS BEFORE AMERICAN MINING CONGRESS CONVENTION

Mr. ALLOTT. Mr. President, the American Mining Congress Convention meeting in Denver on September 28 was fortunate to hear a most interesting address by Secretary of Commerce Maurice H. Stans.

Secretary Stans spoke on a topic concerning which he is eloquent and expert—the social responsibilities of business, with special reference to problems of the environment and energy policy.

So that all Senators may profit from the Secretary's enlightened address, 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:

ADDRESS BY THE HONORABLE MAURICE H. STANS

On many occasions in the past several months, I have discussed the responsibilities of corporate citizenship with American businessmen throughout the country.

Briefly, I would like to do the same with you here today, and then turn to another matter of equal concern—both to you in private enterprise and to those of us in government. For we have a common interest in a basic reality of 1970, a reality involving ecology, energy, raw materials and natural resources. Together they need urgent attention, in the national interest, and in your own interest.

ENVIRONMENTAL PROBLEMS

Perhaps no industry in America is more immediately involved with the environmental troubles of business today than is the American mining industry. Your own production and the use of the resources you provide are directly involved in the problems of air, land and water which have become matters of such great national concern.

The mining industry, by its very nature, is a contributor to certain pollution problems. Whether you engage in strip mining, open pit mining, or underground mining, inevitably you are engaged in operations which disturb the environment.

The ore you produce, for the great benefit of America, almost always will be moved and handled several times before it is processed, and inevitably this creates dust and noise, and often other forms of air pollution as well. Mining wastes and drainage, and the removal of unnecessary materials, contribute to the pollution of our streams. The smelting and processing of ore almost always add to air deterioration.

But the American mining industry is to be commended for working long and hard to minimize the environmental impact of its operations. Many in the industry understandably take pride in the responsible manner in which they have sought to conduct their operations.

Only recently have you had to begin to take into account the cost of clean air, clean water, and an attractive and quiet environment. These have been the so-called free resources on which all of our country, and all of our industry, have drawn in the past. Today they are no longer free. They have been used and often abused, and we must all pay for that.

Laws and regulations at local, state, and Federal levels have sometimes served as constraints, but only in the last year or two have these begun to play a major part in the planning and management of mining enterprises. All of you are aware of this complex array of new environmental regulations appearing at every governmental level.

LEGAL SOLUTIONS

Undoubtedly most of these are well intentioned. But many fail to take into account the amount of time and investment needed for their achievement. Just as you are having to control pollution practices the hard and slow way, Congress and the regulatory agencies are having to learn the hard way that not every pollution problem lends itself to instant solution.

Ultimately reason seems to prevail in most cases. But this does not mean that you are free to continue without change. The most that you can hope for is that you will be given sufficient time to carry out firm environmental quality improvement programs which are technically feasible and economically tolerable. And, of course, that you will be able to recover the added costs in your prices.

ADMINISTRATION EFFORTS

The Administration is taking a number of steps aimed at protecting the environment and at the same time providing a more tolerable economic framework within which to conduct essential industrial activity.

Early next month we expect the President's Reorganization Plan will come into effect creating the Environmental Protection Agency. This will bring together in one enforcement agency the Federal regulatory authority relating to water, air, radiation, and agricultural chemicals. When this agency is fully operable around the end of this year, it should be possible to achieve better coordination of Federal regulations in these crucial areas.

The Administration also has made major recommendations to strengthen and clarify the regulations to achieve clean air, and we are hopeful that a reasonably satisfactory bill will come out of Congress as a result.

We are also seeking improvements in the Federal water quality legislation.

RESPONSIBILITIES

Now let us assume for a moment that we solve the environmental problems which presently concern the country. What other impact remains ahead for you and your industries?

First, you will have to maintain continuing attention throughout your organizations to concerns for the environment.

Second, you will have to reassess your cost structure and your competitive position as a result of environmental requirements—and you will either have to pass on your added costs to your customers, or absorb them.

Third, you will face additional competitive problems in world markets, for many other countries do not yet share our regard and concern for the environment.

Finally and perhaps most important, you will have to spend more of your top management time working with the community in which you live—because your community and your country will tolerate nothing less than activities which accommodate the new environmental values demanded by our society.

PROFIT SYSTEM

Having said all of this about the environment, I would like to turn now to the other concern which I wish to share with you here today.

In our desire to achieve the short-term gains of corporate citizenship and to reach the long-term goal of a better society, we must never lose sight of the fact that the first responsibility of American business is to maintain a vigorous, dynamic, strong, competitive economy.

Business must operate at a profit, and have a pride in the profit-making system.

Business must be profitable if it is to carry the many new burdens it is expected to bear for the benefits of its community and country. American business and industry are looked upon more and more as the principal sources of jobs and job training, of research and development, investment capital, support for common causes, and various other public benefits.

But they can fulfill these expectations only to the extent that their earnings permit.

As profit making industries, you in the extractive fields are confronted with some very real problems and concerns.

Largely because of the problems of pollution of American air and water—but not completely because of them—the Nation is on the verge of more concern over its minerals, raw materials and other natural resources than at any time in the past. This concern centers not only around our use of the resources you develop, but around their supply and distribution as well.

In the months and years ahead a Nation which has always boasted of its abundance is going to feel hampered at times by tight supplies of some resources. Because of this the demands on you and your associates may become more severe than any you have ever known.

Let me look ahead with you for a moment to discuss these problems which we will have to cope with together.

FUEL PROBLEMS

First, our supply of natural gas is critically low in some areas of the Nation, and because shortages will probably develop in the months ahead, some curtailment of industry this winter may be likely, if not inevitable.

Second, our supply of coal is uncertain, not so much from the standpoint of overall supply, as you know, but because of problems of distribution.

We now permit rail shipment of export coal to ports only in those cases where merchant shipping actually is available to take it abroad. In this way, it does not sit in cars on a dock waiting for a ship. Coal cars which are critically needed to keep the domestic supply flowing have been put under close controls by the Interstate Commerce Commission to insure their maximum use.

Third, the critical political condition of the Middle East—complicated by production cutbacks and interruption of pipeline movements in that part of the world—has led to tighter supplies and higher prices of Middle Eastern oil. As a result, we face the threat of residual fuel oil shortages this winter, possibly followed by some shortage of asphalt next summer during the height of the home and highway construction.

Because of the uncertainties of overseas oil supplies, Secretary Hickel and I, joined by the Chairman of the Federal Power Commission, expressed our feelings in a report to the President eight months ago that it would be foolhardy for the United States to adopt a tariff-based oil import policy dependent on supplies of oil from insecure foreign sources. We held out for a well-administered quota system.

As you know, tanker rates are at a premi-

um today, raising the price of Middle Eastern oil in the United States to the point where a significant portion of such imports is roughly at the same price as domestic oil. The net result is that new efforts are being made to increase the production of oil in Texas and Louisiana and other areas, action which underlines the essential need for a viable domestic oil industry.

ENERGY PROBLEMS

Each of these problems will be aggravated by the continuing growing demands for electric power. We know, for example, that the power reserves are very limited along much of the Eastern Seaboard, and the demands facing the Tennessee Valley Authority are the heaviest in its history.

On top of all that, the Weather Bureau, which is an agency of the Department of Commerce, has informed the Congress that we may expect a severe winter this year in the Eastern half of the Nation. But despite all these difficulties, we can still assure Americans that they will not have cold homes this winter.

TIGHT SUPPLY

Now all of these problems revolve around energy resources. They do not touch upon the quality or availability of other raw materials which many of you produce.

But problems involving the energy resources are intensely dramatic and can affect our daily lives. They tend to dwarf concerns over other resources. If energy problems become severe to the point of slowing down production, or closing plants, or causing unemployment, then very quickly the Nation's interests in the environment will be overshadowed by an immediate interest in the status of all of our natural resources.

On a short-range basis, we do face many problems, as some of you know. Tight supply conditions exist with such items as nickel, copper, and bituminous coal; and, of course, we are dependent on imports of tin, chromite, and manganese, to name only a few basic materials.

As you know so well, the United States today is facing an unprecedented competition for raw materials throughout the world.

At a time when we are preoccupied with dramatic, short-range energy needs for the winter ahead, some countries are searching the world very vigorously for mineral deposits for future use, and they are entering into contracts around the globe and even in the United States for long-run exploitation of raw materials.

LONG-RANGE VIEW

There can be no question that we need to do the same. The supply of resources available to us will have many implications on our future.

If we are preempted from the use of key resources for any reason, our society can be jeopardized in many ways.

Discounting our needs for national defense, discounting even the energy needs which confront us now, shortages of key raw materials inevitably will lead at least to higher prices for consumers. Beyond that, shortages will jeopardize our capacity to produce goods for export, or they can put us at a severe disadvantage in our own domestic markets and in third countries. Above all, shortages can lead to weakening our national security.

None of this is meant to imply that the American well of natural resources has suddenly run dry. But the fact is that we have a serious lack of knowledge on what we have, what we need, and even what we use in connection with some of our materials.

We need to study the outlook and the demand for raw materials, including our energy resources, at the earliest possible time.

Many of you will remember the President's Materials Policy Commission, known as the Paley Commission, established by President Truman almost 20 years ago to study our need for resources up to 1975. The inventory of supply and demand which resulted from the work of that Commission helped this Nation to do something about its material requirements throughout the great economic growth periods of the 1950s and 1960s.

NEW COMMISSION

Today that inventory needs to be brought up to date.

Recognizing this need—recognizing conditions that exist in the world today—I am pleased to announce this morning that President Nixon has authorized the creation of a new National Industrial Materials Commission to be managed jointly by the Department of Commerce and the Department of the Interior.

This Commission will analyze the Nation's requirements, its sources and its available supplies of mineral resources—other than energy materials, which already are being studied by another Committee—between now and the end of the 20th Century.

It will define our needs and our competition, at a time when the world's rapid growth in population places an unprecedented premium on the limited resources of this planet.

It will review our potential use and our commitment of those resources in the face of increased affluence and growing demand by many other countries which will seek raw materials just as eagerly and just as voraciously as the United States.

The creation of this Commission is another act of forward-looking statesmanship by President Nixon—another effort to serve the Nation's needs far into the future.

FUTURE COURSE

We do not know precisely where this review will lead, either in government efforts or in the course of private development.

But we do know that in the use of resources it is no longer enough to look ahead just one year, two years or five. Corporate responsibility, which begins in the mining industry with increased efforts to contain and reduce the effects of environmental pollution, can be evidenced by joining us in a long-range look to the future needs of our country, thirty years or more from today.

CONCLUSION

More than ever these are times that call for a close bond between business and government. The new minerals study is one example.

Through the National Industrial Pollution Control Council, many of your members already have helped us in guiding industry to more effective voluntary action in the preservation of the Nation's environment.

We look forward to continued progress in that effort, and to your added help in the new effort we are about to begin. It can succeed only with your cooperation.

In return we will do everything possible to help you to achieve the Nation's environmental goals in an economically tolerable manner—and we hope to chart a future course for the Nation's resources which will keep this great country materially strong, economically competitive, and forever free.

HUMAN RIGHTS BEST ACHIEVED BY NONVIOLENT MEANS

Mr. PROXMIRE. Mr. President, I invite attention to an excellent article entitled, "Dolci, Poverty, and Nonviolence," published in today's Washington Post.

Recently, many people have stated that they believe nonviolence is no longer a viable alternative for effecting change. Danilo Dolci, who has worked successfully with the poverty stricken people of Sicily, would heartily disagree Mr. Dolci, who has also been nominated for the Nobel Peace Prize on more than one occasion, completely denounces violence as a means for effecting change. He said:

> In a world weary of murders, betrayals and useless death, a more direct relationship can be established between the human conscience and the movement for change, provided this movement is as forceful as it is nonviolent.

All of us are aware of the need to correct the injustices that cause many people in this country to go hungry. Danilo Dolci beliefs and concepts should be studied as a nonviolent means to bring an end to these injustices.

Likewise, the human rights conventions of the U.N. are nonviolent means of assuring basic human rights of all men. In this regard, Mr. Dolci's philosophy is both apt and timely.

Mr. President, I ask unanimous consent that this excellent article, written by Colman McCarthy, be printed in the RECORD.

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

THE INGENIOUS ONE—THE DREAMER: DOLCI, POVERTY AND NONVIOLENCE

(By Colman McCarthy)

The Work of Danilo Dolci, begun 18 years ago in the no-hope country of Sicily, is well known in Europe but only lately has it attracted wide attention in America. Nominated for the Nobel peace prize several times, Dolci, now 46, has succeeded in organizing the illiterate peasants of western Sicily—*gli-ultima*, the lowest—into informal communities of progress. On stony, good-for-nothing land, his followers have built houses, sewers, roads, dams and health centers. As sure proof that his work is producing change, over the years Dolci has been jailed by the government, denounced by the church and shot at by the rich. In common with Gandhi, Camus, Schweitzer and other complex men who simplified life by making it sacred, Dolci is unintelligible to many of the intelligent.

Thanks to the Fellowship of Reconciliation, Dolci was in town this week, speaking Tuesday night at Georgetown University. His philosophy is needed in this country because he insists that peaceful change is possible from within and from below. In the early days of the Peace Corps, when still planned by President Kennedy, a Dolci book, "To Feed the Hungry," was a prime source of inspiration.

The early years of Dolci, son of a stationmaster, were spent in northern Italy. "After I turned 16," he has written, "the need to read, to acquaint myself through the printed word with the experience and thought of men who had lived before me, became so strong that if I had not found books in my immediate surroundings . . . I would have stolen them." Dolci read so much that his family nickname was "let-me-finish-the-chapter."

His values were formed by the Bible, the Upanishads, the dialogues of Buddha, by writers from Dante to Tolstoli. Dolci refused to fight in World War II, a choice that led to prison but also to a stronger belief in nonviolence. On release, he went to Nomadelfia, a community where the orphans of war were cared for. His education from books was now reinforced by direct experience. "Hoeing weeds," he recalled in 1967 in Saturday Review's "What I Have Learned" series, "building latrines in the camps, living with orphans, former petty thieves, many of them sick, I discovered what it means to grow together; after several months of common endeavor, even abysmally stupid faces become more human and sometimes beautiful."

A few years later, with affectionate farewells, Dolci left northern Italy "for the most wretched piece of country I have ever seen"—Sicily. The indirect violence caused by poverty and ignorance was matched only by the direct violence of the Mafia, the criminal substate whose ambassadors are so well received in America.

Dolci settled in and became part of the misery. In time, he bought a piece of land, and with volunteers built a home for impoverished children and old people. In the style of reformers who quickly move beyond the romance of "saving people," Dolci bore down hard on reachable social objectives. Build a house, fix a road, clear a field, put up a dam; soon, you are not only tampering with physical structures but also social structures.

Dolci's writing, backed by years of his own sweat and frustration, constantly explores the importance of immediate objectives and the individual's self-awareness as a true source of power.

"There can be no development unless men have an opportunity to work for it and take part according to their own needs and convictions."

"It was essential to broaden contacts among individuals, to organize these largely isolated men and families into research and action groups increasingly aware of the need to develop resources by developing themselves."

"To build a dam was important because the water would bring to the parched land, along with bread, the green shoots of experience, the proof that it is possible to change the face of the earth; but it was important also because the building of the dam meant a worker's union, a democratic management of the irrigation system, grape growers' and other agricultural cooperatives. In other words, it meant the organization of chaos; it meant the beginnings of true democratic planning."

Dolci's ideas, though applied in Sicily, have a familiar sound. By coincidence, they are the basis for much of what has worked in the hundreds of community action programs across this country. Somebody woke up the poor, convinced them they were important and said that self-help was better than self-pity. This rarely led to neat and tidy social change, neither in Sicily nor here. Predictably, politicians in both places preferred it the old way when the poor were silent and colonial.

Dolci, who knows the world too well to have illusions, has often been jailed or beaten for his work. He wrote: "Those who want things to remain as they are, to preserve the present 'order,' will try to put out of the running anyone who promotes change. That is how things are; and those of us who have been thrown into prison, labeled as criminals, denounced over and over again, know it well, as do all those who are striving toward a new life anywhere in the world. It is naive to be surprised or shocked by it."

At many American colleges and universities, and places where people still hope without embarrassment, Dolci's philosophy is intensely studied. In his current lecture tour the crowds have been large, and far into the night has Dolci talked privately with students. Part of his popularity comes from his passion for non-violence. With Martin Luther King and Thomas Merton dead, the Berrigans put away and Dorthy Day now worn out, Dolci's voice is one of the few that totally renounces arms and violence. "In a world weary of murders, betrayals and useless death, a more direct relationship can be established between the human conscience and the movement for change, provided this movement is as forceful as it is non-violent."

How is this done? "The powerful, the exploiters, the real outlaws can hardly maintain themselves in their positions unless they are supported and defended by those who have sold out to them. But there is as yet no clean and widespread understanding of the need not to collaborate with, and to boycott, insane initiatives."

Over and over, Dolci insists that violence is not needed for a true revolution. First, the public must be told the precise reasons why poverty is not an accidental condition. It is caused by a few who keep the world's wealth to themselves and their backers and who hire either soldiers or lawyers to ward off the people. "It is not enough to know, to document, to denounce. We must not only deflate these monsters by not feeding them and not allowing them to feed on us. We must clearly realize, we must know in every fiber of our being, that we have built these monsters and that we can destroy them."

Through his study and action centers in Sicily, Dolci has brought change to a feudal-minded and lost people. Personal awareness and personal assertion work. The houses and dams are there as proof—not happy-ending proof, perhaps, but enough to face tomorrow. Because he believes that institutions, corporations and party politicians have failed the world, Dolci has been called ingenous and a dreamer. He answers: "I'd say that he who hasn't yet understood that the discovery of truth is the strongest force of all, he's the ingenious one, he's the dreamer."

JAPAN'S RED HERRING

Mr. THURMOND. Mr. President, the Greenville News of October 4, 1970, contained a very fine editorial entitled "Japan's Red Herring." I commend the Greenville News, one of the outstanding newspapers in this country, and its dedicated and responsible editorial staff. I recommend to all Members of Congress the reading of the editorial.

The editorial brushes away a smokescreen that has been created around the foreign textile import quota issue and succinctly presents the facts in their true light.

Mr. President, almost every week for the past 2 months, I have read statements of various politicians claiming that President Nixon, by the stroke of the pen, could solve the textile problem. These statements are irresponsible and untrue. In my judgment, the editorial will be helpful in letting the people know the truth, for it correctly states that the only real hope for relief for the textile industry is "through legislation."

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

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

JAPAN'S RED HERRING

The Japanese government at the insistence of the Japanese textile industry has been absolutely inflexible on American textile imports. During many months of negotiations, Japan refused to give one inch.

Japanese intransigence has thwarted President Nixon's pledge to obtain relief for the hard-pressed American textile industry, which is suffering badly from Japanese and other foreign imports. There is little or no hope now of voluntary agreements.

The only real hope for relief is through legislation imposing reasonable limits on foreign textile imports, because present law does not give the President sufficient authority to limit imports by executive order.

Imports legislation in the pending trade bill is in trouble in Congress because of political considerations, including the view of many American politicians and economists that this country should sacrifice American jobs in order to help other countries.

The legislative situation is fluid, since the trade bill has been stalled until after the November elections. Its fate then is uncertain.

Now comes the Japanese government with a hint that there has been a slight change in the attitude of the Japanese textile industry. Japan's economic minister smilingly suggested the other day that American and Japanese industrialists should work out an industry-level agreement.

The American industry is less than enthusiastic about that idea—and rightly so. It has the smell of a red herring thrown out to defeat the trade bill's textile provisions. Who would enforce an industry-level agreement, if one were negotiated?

The textile issue has been negotiated long enough. If the Japanese have a concrete offer on textiles, let them state it clearly for the consideration of the United States government. Otherwise, American textile industrialists should say "no" to any suggestion about industry-level negotiations.

THE PRESIDENT'S FIVE-POINT PEACE PROPOSAL

Mr. MILLER. Mr. President, it is my prayerful hope that the entire Nation, indeed the world, will rally behind the President in his efforts to end the conflict in South Vietnam and Southeast Asia.

The President's five-point proposal, set forth in his address to the Nation last night, is timely and balanced. It offers a way out of the stalemate which has bogged down the negotiations at the peace table in Paris. It demonstrates clearly that the United States intends to be flexible and it calls upon Hanoi to respond in a like manner. As the New York Times declared in its lead editorial this morning:

> Mr. Nixon has made a valid offer to the adversary, one deserving of serious and profound exploration in extended private negotiations. It is an offer that will reveal whether the Communists really want to achieve a compromise. Hanoi can ask no more as an American opening bid.

The proposal is timely, because we know that the strategy of the North Vietnamese has been to "win the war in Washington" because of continued high levels of American casualties, and that strategy has been going down the drain as Vietnamization moves rapidly ahead. American combat troops are pulled out, and—especially since Cambodia—our casualties have dropped to the lowest point in four and a half years. Until this happened, it was generally doubted that the North Vietnamese would become seriously interested in negotiations. The action of their representatives in Paris on September 17 in advancing some proposals, while unacceptable, was a sign that they could be facing up to the failure of their strategy and might become genuinely interested in negotiations. As the President pointed out last evening, the casualties for last week were the lowest in four and a half years.

The President's proposal is balanced. Those of us who have been over there know that peace in Southeast Asia will

not come unless all of the affected countries are left alone by North Vietnam, and we know that North Vietnam has all of them in her target sights. By calling for an Indochina nations peace conference, the President has, to a marked degree, echoed my own call for a Far East Asian peace conference—one which I sounded early in 1966 following my return from my first visit to that area.

I ask unanimous consent that the editorial entitled, "A Plan To End the War," be printed in the RECORD.

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

A PLAN TO END THE WAR

President Nixon's far-reaching five-point proposal for the Paris talks, including a cease-fire in place, fully warrants its advance description as a "major new initiative" for peace. Along with the recent eight-point Vietcong plan, it provides for the first time a realistic agenda both sides can accept for the serious private negotiations needed to achieve a compromise solution.

The offer of a cease-fire in place, as part of a general move to end the war, implies a willingness to accept the status quo—political, military and territorial—as the basis of a provisional settlement. This impression is reinforced by Mr. Nixon's emphasis on his April 20 "principles," proposing a "fair political solution" that would reflect "the existing relationship of political forces" within South Vietnam and fairly "apportion" political power.

The wider Indochina conference Mr. Nixon proposes presumably would initiate negotiations on Laos and Cambodia and, once Paris agreements on Vietnam are in sight, incorporate all into a general settlement for the area. Mr. Nixon also offers to negotiate an agreed timetable for the complete American withdrawal Hanoi demands. His final proposal, immediate release of prisoners of war, is well justified by the rest of his plan.

Earlier American insistence on winner-take-all elections does not appear in the new Nixon plan. In fact, the word elections does not appear as such. The emphasis on a negotiated settlement is proof of a flexible and realistic approach.

Mr. Nixon rejects the Communist proposal that the three top leaders of the Saigon Government be removed before negotiation of a political settlement. But his formula does not exclude some Communist participation in the Saigon Government as well as in the National Assembly.

Negotiation of a standstill cease-fire, however, would put initial emphasis on defining the status quo. It would presumably mean a regional division of power at the start rather than an effort, after three decades of bitter conflict, to try to share power at the center immediately through the provisional coalition government the Communists propose.

There appear to be no preconditions in the Nixon plan. The Communists are not asked to accept all five points, although they are interlocking, or any single point, entirely or in principle, before opening negotiations. It would appear that parts of the package—such as the standstill cease-fire, the prisoner release, the political settlement and the wider Indochina conference—could be implemented as they are agreed. A timetable for complete American withdrawal could even be fixed, but its terminal date would have to depend on the over-all settlement.

All these matters will presumably become more clear as the proposals are discussed in Paris. What seems evident is a desire to be flexible, to discuss anything in any order, if the Communists will withdraw their earlier preconditions that, before negotiations start, the United States agree to dismantle the Saigon leadership and fix a date for unilateral withdrawal.

Mr. Nixon has made a valid offer to the adversary, one deserving of serious and profound exploration in extended private negotiations. It is an offer that will reveal whether the Communists really want to achieve a compromise. Hanoi can ask no more as an American opening bid.

THE PRESIDENT'S POLITICAL MANEUVERS HOODWINK SOUTH CAROLINA TEXTILE WORKERS

Mr. HOLLINGS. Mr. President, as a Senator from South Carolina, my policy toward the President is that when the President is right I support him, and when he is wrong I oppose him. We have only one President, and it is in the interest of both South Carolina and the Nation that we get along. Recently I was commended by the administration for my leadership in establishing an oceans program. The President had given leadership, and I praised him for it. We had tried for an oceans program under Presidents Eisenhower, Kennedy, and Johnson—all to no avail. Now, under President Nixon, we have finally taken the first step toward the safe and sane development of our ocean resources.

Now for the other side of the ledger. When the President said he was for freedom of choice and then reneged, I joined the Senator from South Carolina (Mr. THURMOND) in criticizing Mr. Nixon. Today I must strongly condemn the President's political maneuvers to hoodwink the textile workers of South Carolina.

As most Senators know, there has recently been a newspaper wrangle about the President's executive authority to take action on textiles. I stated the following in an April newsletter:

Under Paragraph 3, section 204 of the Agriculture Act, the President can enter into an agreement with a friendly nation on woolens and manmade fibers and then, under the provisions of GATT, extend this agreement to a textile-exporting nation—Japan.

This was just one of four courses open to the President under present law which I outlined. For 2 years the administration did nothing, and Nixon spokesmen actually argued against taking such action.

Candidate Nixon had made rosy pledges in 1968—

I will promptly take steps necessary to extend the concept of international trade agreements to all other textile articles involving wool, man-made fibers and blends.

But nothing came of them. Candidate Nixon promised:

We're going to do something about it, and I know the men who can do it.

But when he became President, he showed his true colors by appointing Carl Gilbert, a well-known enemy of the textile industry, as his special representative for trade negotiations. The President's long-time friend, Donald Kendall of Pepsi-Cola, is presently chairman of the Emergency Committee on American Trade—a group of businessmen interested in international trade profits rather than American jobs. Kendall is Mr. Nixon's former law client. He provides much of the money going into the newspaper advertisements against American textiles. Pepsi is not worried about imports—it does not import water to bottle its soft drinks. It is interested in expanding foreign markets. When the Assistant Secretary of Commerce, Kenneth Davis, Jr., pointed this out last June, he quickly found himself without a job. And when we passed a textile amendment last December, the White House actually opposed us. Recently his congressional lieutenants were busy trying to keep the Mills trade bill, which provides a long-term solution to the textile problem, from reaching a vote on the floor of the House.

Election time is here again, and the President finds himself in hot water again. People are wondering whatever became of all those rosy 1968 campaign promises. Mr. Nixon is looking for a way out—a way that will, first, kill the Mills bill, which he has threatened to veto, and second, still keep him in the good graces of the southern voter. Nixon's solution: Adopt his friend Kendall's sensitive article approach which was rejected earlier this spring as subterfuge by the entire textile industry. Although spokesmen for the President, including Senator THURMOND, have denied that he could take executive action, the President has suddenly decided that he can after all. Last month the administration entered into an agreement with Malaysia on woolens and manmade fibers, and now it is in a position to extend that agreement to Japan. The Japanese are, for the first time, listening. They are afraid of the Mills bill. And to avoid the quotas contained in the Mills bill, they might agree to reopen discussions. They might even agree to a temporary arrangement on textiles. The Japanese believe they can have their cake and eat it too—by agreeing to a weak, temporary deal, they can remove the threat of long-term textile quotas. So there is the possibility that they will accept the Kendall plan and, in so doing, get home free. The Japanese have much to gain. So does President Nixon. Such a deal would kill the Mills bill, and it would also give the Republican political leaders in the South something to crow about until after the election. But then we will be back in the same old mess again. What the President refuses to do is to deal from strength. He has never been willing to use maximum pressure on the Japanese. If he was really interested in textiles, he would press for passage of the Mills bill and then use the Mills bill, along with his other executive authority, to force the Japanese into meaningful concessions. Instead he chooses the partisan political route. When he meets with textile leaders he excludes Democrats such as Representative DORN and myself. He ignores the one weapon Congress could give him which would bring results. And he plays grandstand politics by waiting until election eve to take action and by playing fast and loose with thousands of American textile jobs. He is taking us all for suckers.

ED JORGENSON FIGHTS BACK

Mr. MILLER. Mr. President, the Washington Daily News today relates the

heartwarming story of a young Iowan who stared death in the face but, after overcoming his initial desire to die, willed himself to live.

It also is the story of this young man's parents who refused to let their son give up when it would have been much easier to have done so.

Ed Jorgenson, who worked in my Washington office on several occasions, was felled by a creeping paralysis known as Guillain-Barre syndrome last fall. As the News noted in quoting one physician:

If he had not had the facilities of a modern medical center and a rapid diagnosis, he would have been dead.

But because he refused to die, Ed Jorgensen is today visiting other patients who have been paralyzed "to show them I made it." He is serving as an inspiration to others who also, in moments of despair, may feel death would be welcome. He also is advising doctors, as the News points out, "on how to improve the respirator machine that saved his life."

I ask unanimous consent that the article telling the story of this young law student be printed in the RECORD.

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

GW STUDENT FIGHTS BACK: "I FELT MY MIND WAS IMPRISONED"

Ed Jorgensen, 24, skipped his law school classes at George Washington University one Monday last October and staggered four blocks to the university hospital. His arms and legs, he complained, felt like jelly.

He was admitted, but the paralysis continued, each day, to spread, creeping up his legs thru his chest. By Friday he was moved to intensive care and tied to a hissing respirator which pumped air to his lungs thru a plastic tube stuck into a three-quarter inch hole in his throat.

His parents, both in their 60s, flew from Clinton, Iowa, to be with him.

"He begged us to let him die," said his mother, Mrs. Winifred Jorgensen. "We talked to him to make him want to live. It would have been so much easier to give up."

MYSTIFIED DIAGNOSIS

Hospital doctors called in Dr. Harold Stevens, a District neurologist. He diagnosed the case as Guillain-Barre syndrome which is often mistaken for polio.

Specialists theorize it's an allergic reaction to an infection, said Dr. Stevens. There is no cure; it usually corrects itself.

"I see half a dozen cases a year," said Dr. Stevens. He said 10 to 20 per cent of the people who contract the disease dies. If the paralysis spreads above the waist the mortality rate is higher. If he had not had the facilities of a modern medical center and a rapid diagnosis, he would have been dead," said Dr. Stevens.

Mr. Jorgensen, of 2115 F-st nw., is back in law school today. Leg braces that can be discarded in another few months are the only reminders of his sickness.

MYSTERY

He does not know why he caught the disease.

"I was in the best condition I'd ever been in my life. I'd been lifting weights for a year. Then the headaches started. The loss of coordination. It comes thru the hands and feet and moves thru the body until every muscle is paralyzed.

"I felt like my mind was imprisoned in a non-functional but extremely excruciating body."

Hearing was the only sense unimpaired. He kept the radio going constantly to relieve "the hellishness of it all."

By clicking his tongue, he talked to his parents. They'd run thru the alphabet and he'd click at a certain letter. The process was repeated until words were spelled.

Through this method he could alert them to any malfunction in the machine.

CLOSE CALL

He had a terrible scare one evening when a private duty nurse relieved his parents. After she suctioned the mucous from his lungs, she forgot to replace the air tube, said Mr. Jorgensen.

"I thrashed my head back and forth. It was the only thing I could move. Then when she came I pointed out as best I could to the air tube with my tongue."

After that his parents never left his side.

"I was aware of every little sound, hiss and creak in the respirator," Mr. Jorgensen said. "My biggest worry was that I couldn't attract someone's attention. I'd just lay there and suffocate."

Mrs. Jorgensen slept in two chairs pulled together in the waiting room while her husband stood guard.

"It was horrible . . . I can't even talk about it without crying," she said. "I was just numb I was so frightened. Several times the air tube popped out and I panicked."

Gradually, the paralysis subsided as strangely as it came. On Dec. 13, Mr. Jorgensen swallowed. "It was the most dramatic day of my life . . . the beginning of recovery."

Now he's visiting other paralyzed patients "to show them I made it," and advising doctors on how to improve the respirator machine that saved his life.

THE BEAR CONTROL PROBLEM

Mr. HANSEN. Mr. President, earlier in the day I placed in the RECORD an article concerning the bear control program in Yellowstone National Park, published in the Jackson Hole News.

My colleague from Wyoming (Mr. MCGEE) has asked that I place in the RECORD a news report on this article which was written by Naturalist Frank Craighead and published in the Casper Star Tribune.

Mr. President, my colleague has asked that I point out that this is no small matter, in that millions of Americans use and appreciate our national parks every year. Their safety and, indeed, their right to enjoy the wonders of nature, including the bears and other animals, are important matters.

I ask unanimous consent to have printed in the RECORD a report on Frank Craighead's objections to present grizzly bear management practices as published in the Casper Star-Tribune of October 7, 1970.

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

CRAIGHEAD CHALLENGES PARK GRIZZLY POLICY

JACKSON.—Frank Craighead Jr., one of the well-known Naturalist Craighead brothers, has challenged the policy of the National Park Service concerning the grizzly bears of Yellowstone National Park.

Craighead, in an article written for last week's Jackson Hole News, said the current policy toward the grizzlies is not "Working beautifully" as reported by park officials in the same newspaper Aug. 20.

The policy he was referring to is to eliminate the earth-filled garbage dumps in the park and simultaneously develop a management plan for the grizzlies who often feed from these dumps.

In finding fault with the officials' statement, Craighead said in his article that there are two separate grizzly populations in the park. One is wild, and the other is semi-domesticated and "hooked" on garbage from the dumps.

"Practically all of the Yellowstone grizzlies feed at open-pit garbage dumps sometime during their lives. Thus, a 'wild population' cannot be made by killing the so-called semi-domesticated grizzlies until only wild bears remain," the naturalist said.

"It has also been erroneously assumed that the earth-filled dumps can be abruptly closed before Park campgrounds and garbage sites outside the Park are sanitized. The assumption is that grizzlies suddenly deprived of garbage will turn immediately to natural food rather than to easily available food in campgrounds within the Park and to garbage disposal areas outside," he continued.

He cited recommendations made by his twin brother, John J. Craighead and himself in 1967 after an eight-year study of the Yellowstone grizzly in which they said the garbage dumps should be phased out very slowly.

"The brothers warner then that with the abrupt removal of this food supply and consequent altering of foraging habits developed over the years, grizzlies would move into campgrounds where they would cause trouble with resulting injuries to humans and consequent stepped-up 'control.'

"This is exactly what has been occurring over the last three years with the change in grizzly bear management," Craighead said.

He said that if a grizzly enters a campground and is trapped or released two or more times the bear then is a candidate for a death sentence or is sent to a zoo.

"The present park management of the grizzlies is encouraging more and more of them to enter campgrounds," he said.

He then cited figures provided by the Park Service which showed grizzly bear control kill averaged about three per year for about 40 years. Since the instigation of the new Park practices the average number of grizzlies dispatched each year by control methods, either by killing or sending them to zoos, has been 12 per year.

He continued by saying that in 1970, 20 grizzlies, or 10 of the Yellowstone grizzly population, has been eliminated through control measures since the closing of the Rabbit Creek Dump. Craighead then said studies of instrumented bears show that sooner or later all in the park visit the earth-filled dumps for varying periods of time. He said the policy of closing the dumps will subsequently force the grizzlies into campgrounds and in the long run endanger the Yellowstone grizzly population through enforcement of the elimination of two-time offenders.

BOSTON SEEKS FUNDS FOR LEAD POISON TESTS

Mr. KENNEDY. Mr. President, one of the hazards that faces children who live in slum housing is lead-based paint poisoning. Boston, like so many of our large cities is known to have a "lead belt" where as many as 5 to 10 percent of all preschool age children may be lead poisoned.

Last year, I introduced a bill, S. 3216, that is designed to combat the hazards of lead-based paint poisoning. One of the provisions of my bill would authorize communities like Boston to develop screening programs to seek out victims who may be lead sick. Health officials believe that too many youngsters are afflicted with this insidious malady be-

cause too little has been done to treat victims and even less effort has been made to make communities aware of the hazards of lead-based paint poisoning.

Today, however, Boston announced plans to develop a program that will identify all preschool children who may be lead sick. That program has been spurred on by the recent development of machinery that makes easy and accurate analyses of high lead levels in young victims.

The Boston Globe, in articles by staff writer Herbert Black, describes the machinery as well as the city's plans to implement a screening program.

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

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

[From the Boston Globe, Oct. 8, 1970]

BOSTON PLANS TO TEST ALL PRESCHOOL CHILDREN FOR LEAD POISONING

(By Herbert Black)

Preschool children of Boston may be mass screened for lead poisoning in the near future as a result of a report in The Globe about a new testing device and quick action last night by Mayor White.

The device is a highly sensitive fluorimeter developed in Waltham by Space Sciences division of Whittaker Corp. It measures light waves to detect the presence in the blood of protoporphyrin, a respiratory piament that increases when lead is present.

Dr. Rowland Mindlin director of Maternal and Child Health, Department of Health and Hospitals, tested the device recently and asked for a machine and four people to operate it in neighborhood screenings.

Mayor White asked Dr. Andrew P. Sackett commissioner of Health and Hospitals, to report on the effectiveness of the machine and instructed city hall aides to try to find funds to buy a machine. Each unit costs $5000.

A city hall spokesman said the reason for trying to speed the matter, and not let the request of Dr. Mindlin go through routine channels, which would require waiting for the next annual budget, is the danger to children from lead poisoning.

In a test conducted with the new machine in Roxbury it was found that 31 children of 280 screened had elevated protoporphyrin levels, with the levels high enough in 21 instances to be considered serious.

Lead poisoning, when it persists, enters the tissues and the bones in addition to the blood. It may cause retardation and can result in permanent brain damage.

The poisoning occurs when children eat peeling paint. It is estimated that 225,000 children are affected in the U.S. annually. Since World War II, most interior paints have not contained lead.

The new machine is called LK-598. It is housed in a suitcase weighing less than 30 pounds. It operates on house current and requires only a few drops of blood to make measurements. The whole process takes just a couple of minutes.

The diagnosis in 1500 cases in four cities, Boston, Philadelphia, New York and Baltimore have shown no false positives.

Sometimes a positive testing indicates liver dysfunction or iron deficiency anemia. But this does not deflate the value of the tests as these conditions require medical attention, as does the lead poisoning.

It is estimated the five to 10 percent of all children who live in substandard housing now suffer from lead poisoning.

BOSTON SEEKS FUNDS FOR LEAD POISON TESTS

(By Herbert Black)

City of Boston health officials have tried out a new machine to test preschool children on a mass basis for lead poisoning and are seeking funds to institute a city-wide screening program.

Dr. Rowland Mindlin, director of Maternal and Child Health, Boston Department of Health and Hospitals, said today he is asking authority to purchase a machine and to hire four people to conduct programs in various neighborhoods.

The equipment was developed in Waltham by Space Sciences, Inc., a subsidiary of Whittaker Corp. At present, each unit costs $5000.

Lead poisoning, often called the "silent epidemic," afflicts perhaps 225,000 children annually in the United States. It leaves these children dull, disinterested or mentally retarded. Brain damage can be permanent if lead content rises in the blood and bones and collects over a period of time.

The children most often affected are those who live in the 10 million homes of the nation built before World War II, when lead was a common ingredient of interior paint. Ninety-three percent of all poisonings occur among children aged one to four, who eat peeling paint.

It is estimated that lead poisoning occurs in five to 10 percent of all children living in dilapidated dwellings.

One of the problems in preventing accumulation of lead in children is that symptoms are similar to such common ailments as cold or flu—irritability, abdominal pains and a feeling of lassitude. A goal of public health officials has been to obtain equipment with which mass screening could be done quickly and efficiently to detect elevated lead levels before brain damage is irreversible.

The system up to now considered most reliable for lead poison detection is atomic absorption spectroscopy, a laboratory technique that requires a fairly large amount of blood. Analysis in a laboratory plus interpretation of results by skilled personnel takes time, so this method has not been considered ideal for mass testing.

For the past four months, however, the Space Sciences device has been given field trials in Boston, New York, Philadelphia, and Baltimore, which have indicated its adaptability for large scale screenings. The new device, called LK-598, is a highly sensitive fluorimeter which measures light waves to detect quickly the presence in the blood of a substance called protoporphyrin. This is a respiratory pigment and the presence of lead raises its level in blood.

Dr. Mindlin tested the equipment recently at Roxbury Community School. A total of 280 preschoolers were tested and 31 were found to have high protoporphyrin levels.

Of the 31 children, 21 were found on backup tests to have lead blood levels high enough to be considered serious.

These children have been referred for medical treatment. Dr. Mindlin said that high protoporphyrin levels can in some instances indicate iron deficiency anemia or liver dysfunction. But since these require medical attention, nothing is lost if the positive test does not turn out to be lead poisoning.

Needless to say, brain damage resulting from lead poison causes great personal and social problems for a family. It has been estimated that one brain-damaged person can cost the government up to $200,000 to sustain over a lifetime.

The results of testing 1500 children in the four cities produced no false negatives.

Spokesman for Space Sciences said the new equipment appears superior to other methods because it will reveal lead's presence even after it has left the blood stream and entered tissues and bones. The protoporphyrin level remains high in the blood as long as six months after setting of lead in tissue and bones.

He said this suggests that protoporphyrin screening every six months would be a fail safe method of detecting lead poisoning.

The LK-598 is housed in a small suitcase weighing less than 30 pounds. It operates on house current and requires only a few drops of blood. The blood is blown into a test tube containing acetone and then placed in the machine two tubes at a time. The reading of the protoporphyrin level is provided a digital meter.

THE PRESIDENT'S PEACE PROPOSALS

Mr. COOPER. Mr. President, the proposal of President Nixon is the most comprehensive and the fairest that has yet been submitted as a basis for the ending of the war in Southeast Asia.

His call for a ceasefire, the end of all forms of warfare, terror, and killing, and for the immediate exchange of prisoners of war is humane, and should not be refused by North Vietnam and the Vietcong.

It provides a means for a political settlement and for representation of all parties in the Government of South Vietnam. While maintaining negotiations in Paris, he has proposed an Indochina Peace Conference, "to deal with the conflict in all three states of Indochina." For, if a lasting peace is to be secured, I believe such a conference and settlement is necessary.

There are no preconditions to his proposals. The New York Times stated correctly in its leading editorial today:

> Mr. Nixon has made a valid offer to the adversary, one deserving of serious and profound exploration in extended private negotiations. It is an offer that will reveal whether the Communists really want to achieve a compromise. Hanoi can ask no more as an American opening bid.

The President's offer is moral and just. It will have the support of our country and I believe of world opinion.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1970—A LANDMARK MEASURE

Mr. HART. Mr. President, on Tuesday we completed congressional action on a bill which will certainly be of great benefit to our cities in their efforts to satisfy their growing transportation needs. I refer to the Urban Mass Transportation Assistance Act of 1970, a landmark measure which would authorize significant sums for the development of new mass transit systems throughout the country.

Of some note in the measure are the strong environmental safeguards which are included in its language. Attention should be called particularly to section 6 of the bill. Here the Secretary of Transportation may approve no mass transit project under the program unless he first finds either that no adverse environmental effect is likely to result from such project or there exists no feasible and prudent alternative to such effect.

While this is no doubt a stringent requirement, the environmental degradation we have suffered and the fears that such degradation may continue if unchecked clearly dictate such stringency. Especially in an area where Federal money is involved, it seems only sensible to insist that environmental damage be kept to an absolute minimum.

The language would supplement existing pollution control laws in several important respects. First of all, it would require that as between reasonable alternative locations for new transit systems, only the least damaging to the environment could be chosen. Moreover, Federal spending would be prohibited for buses or other facilities unless they incorporated the latest feasible developments in pollution-control technology. Thus to the extent that future HEW standards for buses under the Clean Air Act do not require such technology across the board, it will nonetheless be required for buses purchased with Federal money. Also to the extent that such standards do not extend to certain pollutants—as is now the case with oxides of nitrogen—these nonetheless will have to be minimized in buses purchased under the program. Even more significant, pollution from used buses—for which HEW is presently without authority to set standards—will also have to be minimized to the extent feasible.

The approach taken here is similar in many respects to that of the environmental safeguards of the recently passed Airport/Airways Act of 1970. There, as here, the distinguished Senator from Virginia (Mr. SPONG) joined me in urging that only minimal environmental damage should be tolerated in the development of our national transportation system. It is my hope that in the future that principle will be incorporated into all authorizing legislation for transportation expansion. Whether our subject be planes, trains, highway, or what have you, the principle seems equally applicable. In all these cases, it could serve as a valuable reminder that our demand for increased transportation, while basic, must be balanced against and coordinated both our equally significant demand for healthful and esthetically pleasing surroundings.

ECONOMIC ANALYSIS OF ALASKA LAND SETTLEMENT

Mr. KENNEDY. Mr. President, an analysis of the Senate-passed Alaska claims bill has recently been published by the Association on American Indian Affairs. This analysis examines the economic consequences of the bill on Alaska Natives, and concludes that the provision for allowing Natives to retain only 10 million acres of their land is "obviously inadequate."

The Natives, of course, have always held this view. As Mrs. Margaret Nick Cooke, secretary of the Alaska Federation of Natives observed:

If we lose the land, we will lose our people.

Speaking of the cultural loss to the Native people, Mrs. Cooke continued:

Our culture is tied to the land, and if the land is taken from us our culture will be killed and we will be forced to live like all others, dependent on a cash economy.

Speaking of the economic loss to the Natives, State Representative William Hensley said:

If there is no settlement or a poor one, we will have a generation of leaders who fought for years to protect their land and lost. This may start a chain of events in which it is seen by future generations of Natives as a disaster for us—an injustice that will mar the relations between Natives and whites for many years. It may bring defeatism to the people and prevent us from becoming an integral part of Alaska's social and economic development.

Mr. President, I ask unanimous consent that the analysis of the claims bill prepared for AIA be printed in the RECORD.

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

THE SENATE VERSION OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT: AN ECONOMIC ANALYSIS OF THE LAND-TITLE PROVISION

The proposed settlement in S. 1830 is economically unsound, for the Alaska Native people and for the nation. It will impoverish many Alaska Natives by substituting an unlivable annual cash income supplement ($53 per person in the first year, rising to $418 in 20 years) for their present right to make a subsistence living (and some cash income) by hunting, fishing, berrying, trapping on the lands that this bill strips from them. (See Table 1.) It does this without offering these Natives the means of transition from a subsistence style of life to a full cash/job economy.

Yet the policy guiding the proposed legislation is to require this transition by the very terms of the settlement: the Senate report on the bill notes that "the historic way of life" of the natives should not be "perpetuated" by Congressional action, because "civilization" has and must come to the Native people. Certainly the processes of change from the historic ways of life cannot be held off, but just as certainly the settlement should provide for a dignified, humane, and economically sound transition.

The proposed settlement attempts to cushion the transition by two major provisions: First, it gives the individual Alaska Native in the initial year about $201 worth of social services, decreasing to $27 worth of services in the 20th year. Whatever the worth of these services, they are not a substitute for a subsistence or a cash income.

Second, it provides the Natives with title to a mere fraction of the land they are now using to get food, clothing, and shelter from. Of the 60 million acres now in use by the Natives, the Act allows clear title to only 10 million. Yet, as the Senate report rightly states, "Without title to the lands they use and occupy, Alaska Natives are defenseless against commercial development which changes the character of and sometimes depletes subsistence resources . . .".

Let us take a close look at the current situation: Typically, villages with populations of around 200 Natives (the most usual village size) regularly use an area with a radius of 40–50 miles for hunting, fishing, and so forth—the Federal Field Committee reports. Thus, for their livelihood they rely directly on an area of 5,000–7,500 square miles. This area is scoured intensively, because the wildlife resources—like moose, caribou, and salmon—must often be harvested to their fullest extent simply to meet subsistence requirements. Among the reasons why such large areas are necessary are the limited yield of lands in that part of the world, the migratory habits of the wildlife, and the fact that different forms of essential wildlife often are not to be found on the same kind of land.

Under the Act, instead of a minimum 5,000 square miles they have been using, villages like these would each have title to only 36 square miles at one location—together with scattered 5-acre campsites. (Even that title might become worthless as changes in the environment from competing uses—commercial and sports fishing, hydroelectric plants, pulp industry, etc.—in surrounding areas threaten the wildlife and its migratory patterns.) There is simply no source of livelihood for such villages that would replace the subsistence and cash income from the use of their wide ranges.

The Federal Field Committee states that the annual cash value of the subsistence activities of a family of five village Natives lies between $1,000 and $3,000. The proposed settlement would provide that family with about $265 cash per year for five years, with increasing amounts later that would not rise to $1,000 per year before 1982, or $3,000 before 1996. Clearly, that is no substitute for the land rights lost to these families—who comprise about 30,000 of the 53,000 total Native population (1968 figures). The cash settlement is meaningful only to those who already live in towns and cities and have little or no subsistence activities.

Because proposed benefits are distributed equally without regard to dependence upon the land, some 20,000 villagers who are most dependent on the land will lose heavily in the first 10–15 years of the settlement. Of these, some 7,000 who live in Native villages in the Interior will never recoup their losses (even in dollar mathematics) over the whole time period of the settlement; they will simply suffer confiscation.

In short, the incomes of the village Natives (which are, after all, already at poverty levels) will be severely reduced to an intolerable point and, under the additional pressure of population increase, many Natives will be forced to migrate to the non-Native urban centers. There, without skills and education, facing outright discrimination, they will join the present 11,500 urban Natives, most of whom are poor themselves. Such a migration can only have the most destructive effects upon the migrants and upon the cities to which they flee. The transition required in this legislation is in effect a transition to greater poverty and to greater urban problems.

The economic fallacy of the settlement clearly lies in the swift deprivation of the traditional livelihood lands. A settlement that will not end up making the Natives welfare wards of the Federal government (or of the State of Alaska) must provide them title to a sufficient number of acres so that each Native can continue to feed, clothe, and shelter himself.

The title to the land must be definite, since the privilege of hunting on someone else's land cannot be guaranteed, even though the settlement seems to assume that somehow the Natives will indefinitely be allowed to use other people's land. Moreover, the acreage and rights must suffice to offer a chance for an improvement in the currently low standard of living—through proposed economic development activities—especially in view of projected population increases.

Since any Native economic development program will be a long-term proposition, there must be enough land to offer subsistence in the meantime. Job and income opportunities will not increase fast enough to nullify the need for subsistence lands for a generation in many areas of Alaska. In addition, to the extent that the growth of Alaska will not be in Native hands, they will not be able to insist upon access to the

jobs that such growth will create. (The experience of blacks in economic growth throughout U.S. metropolitan areas, including the inner cities, provides ample evidence for this, as does the recent experience of urban Alaska Natives themselves.)

What actually should be the number of acres that will support the livelihood of the Native population while offering the opportunity for development from the subsistence culture? A computation on sheer economic grounds is complex and must vary not merely with population counts but also ecology and present and future land use.

Given the present unchallenged figure of a minimum of 60 million acres now in use by the Natives, the 10 million acre settlement is obviously inadequate. The recommendation of the Alaska Federation of Natives of 40 million acres would appear to be reasonable as a figure that permits an orderly transition in a growing Alaska in which the economic rights of the Natives will be protected.

TABEL I.—PROPOSED CASH SETTLEMENT COMPARED TO INCOME DEPENDENT UPON CURRENT LAND USE BY NATIVES

Location	For a family of 5			
	Number of Natives [1]	Cash value of land use [2]	Annual projected cash settlement [3] 1971–75	1990
Non-Native cities and towns	15,000	$100	$265	$2,090
Large Native towns	8,000	500	265	2,090
Native villages mainly dependent on sea	10,000	1,000	265	2,090
Native villages, some dependence on sea	13,000	2,000	265	2,090
Native villages, totally dependent on land	7,000	3,000	265	2,090

[1] Cited in the Federal Field Committee report as estimates made by them in 1967 (see "Alaska Natives and The Land," U.S. Government Printing Office, 1968).
[2] Rough estimates developed from materials presented in the Federal Field Committee report.
[3] Adapted from table 8, report of the Senate Committee on Interior and Insular Affairs (S. Rept. No. 91-925). Note that by 1990, only about 1/6 of the Native population will be eligible for these cash settlements—due to population increase.

PRESIDENT NIXON'S PROPOSALS

Mr. THURMOND. Mr. President, I congratulate the President for his clear analysis of the problems in Vietnam and his fine proposals calculated to bring about peace not only to Vietnam, but to the whole region.

I believe that his report will find a good acceptance with the American people because they will recognize that he is honestly trying to deal with the situation and is presenting reasonable proposals which put the burden upon the Communists.

His proposal for a standstill cease-fire is a fine proposal, although it will be difficult to make it work and will require close supervision to see that it is not violated. We have just had experience in the Middle East with the way in which a cease-fire is easily violated, when we merely depend upon good intentions for enforcement. On the other hand, I believe that we should avoid United Nations supervision of a cease-fire in Indochina because the United Nations has clearly shown in the past that it does not have the capability for impartial and practical action in such cases.

I agree that the proposed peace conference should cover the entire area in Indochina. Those who view the Vietnam war in isolation are making a great mistake. This is obviously one war in which North Vietnam, with the military and technical support of the Soviet Union, is coordinating the entire offensive both in Vietnam, Laos, and Cambodia. The Communists have extended the war to the entire peninsula and peace will never come unless this extension of the war by the Communists is considered as part of the whole action.

The present proposal for withdrawal is a sound proposal providing that South Vietnam is in a position to protect itself. We certainly cannot withdraw from Vietnam until we have completed the Vietnamization procedure so that the South Vietnamese are in a position to resist aggression as violations occur. The withdrawal can work only if the North Vietnamese observe the ceasefire and require the Vietcong to do likewise. Withdrawal, in my judgment, should also be dependent upon agreement with the Soviet Union to stop sending supplies and advisers into North Vietnam. The Soviets have been in a position all along to wind down this war if they wish to do so simply by turning off the supply lines which have kept the North Vietnamese prepared for offensives against the south.

Finally, the President's proposal for prisoner of war exchange will be greeted with heart-felt joy not only by the relatives of these prisoners, but also by our entire Nation. This is the first time a really constructive step has been proposed to bring about the much sought after release of these men.

I think that in judging the President's proposal we have to put it along side of the proposals made by the Communists on September 17 in Paris. It is only when we look coldly at the Paris proposals that we can see by contrast the reasonableness of President Nixon's plan.

In the first place, the press does not point out the fact that we are not negotiating in Paris directly with the Vietcong or Hanoi. The leader of the Communist side in Paris is Madame Binh, a Communist terrorist from South Vietnam who styles herself "Minister for Foreign Affairs and Chief of the Delegation of the Provisional Revolutionary Government of the Republic of South Vietnam." This is not solely the Vietcong group, but a Communist front movement which includes the Vietcong and many other leftist forces in South Vietnam. This group brings together the guerrilla operation directed by Hanoi in the south as well as all of the leftist revolutionary forces, including the National Front for Liberation and the Vietnam Alliance of National Democratic and Peace Forces. Needless to say, this group is Soviet Communist controlled. Madame Binh is a guerrilla fighter herself, who boasts of nearly a dozen murders which she has personally committed for the cause. She has been in charge of the Paris negotiations since June 10, 1969.

The significance of Madame Binh's so-called provisional revolutionary government—PRG—is that it claims to be the legitimate government of South Vietnam, and charges that the Thieu government is a puppet supported by the imperialist aggressors. The PRG was formed at a conference on May 23, 1969, held in South Vietnamese territory adjacent to the now famous Parrot's Beak area, which at that time was totally under Vietcong control.

The formation of a provisional revolutionary government is a standard procedure of the Communist technique in a takeover of a country. Such a provisional government is then put in a position of negotiating with the legitimate government and thereby acquires a kind of de facto recognition of its claims. Thus a self-appointed group suddenly begins demanding concessions and acting as though it had some real claim to rule the people.

It is also significant that the Soviet Union regards this so-called provisional revolutionary government as the official government of South Vietnam. The PRG was given diplomatic recognition by Hanoi on June 11, 1969, by North Korea on June 12, 1969, and by the Soviet Union on June 13, 1969. Thus, there is no doubt whatsoever that the negotiations in Paris are being supervised directly by the Kremlin.

I have in my hand a memorandum on the formation of the provisional revolutionary government which was prepared for me by the Institute of International Studies of the University of Plano, in Plano, Tex., which admirably sets forth the history of the formation of this Communist maneuver.

Mr. President, I ask unanimous consent that this material be printed in the RECORD at the conclusion of my remarks.

Let us now look at some of the proposals which Madame Binh gave to the Paris Conference on September 17.

It is not my intention to go into all of them in detail, but I do have the complete text of her so-called proposals. Mr. President, I ask unanimous consent that this so-called peace initiative by Madame Binh be also printed in the RECORD at the conclusion of my remarks.

The first point which Madame Binh makes is that the United States must withdraw immediately and unconditionally. This means not only that we withdraw our troops, but that we stop Vietnamization, that we withdraw all the war material and weapons and dismantle all the bases without any conditions whatsoever. In other words, we would be compelled to leave South Vietnam completely at the mercy of the Communists before this Moscow mouthpiece will even consider discussing anything else. If we should surrender South Vietnam utterly and completely, then Madame Binh will consider discussing ques-

tions for the safety of U.S. troops during withdrawal and the question of releasing captured prisoners of war. Thus there is no real proposal here for withdrawal or for releasing the prisoners of war. The Communists merely ask that we give up completely and utterly, and then they may consider discussing these problems. There is no promise that they will come to an agreement or offer a proposal, but that they will merely consider the question.

The next key point in Madame Binh's proposal is that the Thieu government be completely eliminated. Madame Binh demands a coalition government, which will consist of persons from the Communist PRG, persons in the present administration who are sympathetic to the Communists, and third persons from "various political forces and tendencies standing for peace", which is obviously another synonym for pro-Communist elements. Thus she is demanding a coalition government, in which the three kinds of participants are all pro-Communist. It is significant that this coalition of Communists, Communists, and Communists, would implement all agreements.

Madame Binh does call for elections, but she says that the "South Vietnam people" will supervise the elections, and it is plain that by such a phrase she is referring to the same coalition which we have been discussing. She even insists that among those participating in these elections will be so-called political exiles, which again will be largely Communist or leftist sympathizers.

It is plain, therefore, that Madame Binh is proposing nothing more than abject surrender on the part of South Vietnam and the United States. It is highly remarkable that a party which is on the defensive, which has continually lost ground over the past 18 months, should make such outrageous proposals. The defeated party, or the party which is under the most pressure on the battlefield, is not in a position to sue for terms. The only hope which this Communist front has is to attempt to win the war on the battlefields of the United States, where again a broad front has been set up, which includes various kinds of revolutionaries and Communists and, unfortunately, has the sympathy of some well-meaning people.

I think when we contrast the President's peace proposals with the so-called proposals of Madame Binh, that we can see immediately which is the most reasonable, and which is the greatest step forward to peace.

The President is to be commended for his 5-point peace proposals. He has taken the initiative. A cease-fire is desirable if the Communists truly observe it and do not use such a condition to build up their military strength as they have in Egypt.

Unfortunately, it is probable that the North Vietnamese and their chief sponsor, the Soviets, will reject the President's proposals. The Communists are not likely to abandon their tactics in Indochina for the following reasons: First, they still have tied down, in a no-win war, several hundred thousand American military personnel; second, they are causing the United States to spend billions of dollars, thereby, continuing to weaken our economy and defense structure; third, they are prolonging a war which has split this country wide open with division and dissent. I strongly favor Vietnamization as, in reality, it remains the main lever left to bring peace and victory in Indochina. If by pretending to talk peace, the Communists can weaken or delay Vietnamization, they might accept some of the Nixon proposals. I urge the President to press forward with Vietnamization to the maximum extent possible.

The American people should be reminded that the reasonably stable situation of the war in Vietnam is a direct result of the President's courageous and wise decision to go into Cambodia. Communist forces in Vietnam and Cambodia have been greatly weakened by this military thrust which has already indirectly saved thousands of lives. Communist sympathizers in America tried to bring the President to his knees when he took this necessary action. Unfortunately the reaction in America will certainly weaken the resolve of future leaders who truly recognize the insidious nature of the enemy we face.

This very day, the Soviets are violating the Monroe Doctrine by building a submarine base in Cuba for handling their missile launching subs. They are in the process of placing in bondage the cities of America. Further, the Soviets have boldly violated the cease-fire in the Middle East, by constructing missile bases in Egypt. It is disheartening to see these aggressive steps accepted by so many apparently responsible people in this country.

Unless the people of the United States have the vision to recognize the true nature of the Soviet threat as it exists today, and the courage to take firm steps concerning it, then our children and grandchildren will surely pay a high price for the lack of resolve this country has shown in these years of trial.

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

MEMORANDUM ON THE FORMATION OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT

One of the most significant developments in the Vietnam situation is the formation of the so-called Provisional Revolutionary Government of South Vietnam. The significance of this Government can best be seen by comparing its chronology with the preparations for the International Conference of Workers and Peoples Parties held in Moscow in June, 1969.

The Provisional Government idea first emerged in public at a so-called consultative conference on May 23, 1969, between a delegation of the Federal Committee of the South Vietnamese National Front for Liberation (NLF) and the Delegation of the Federal Committee of the Vietnam Alliance of National Democratic and Peace Forces (VANDPF). The NLF was formed in 1961 contemporaneous with the advent of the Kennedy Administration, and following a treaty of friendship and trade relations between Moscow and Hanoi. The VANDPF was formed in April 1968 following the Tet Offensive which the Communist forces claimed as a victory.

Thus the coming together of the NLF and the VANDPF represents a coalition of Hanoi's military guerrilla operations and revolutionary Peoples' Committees. At the conference of May 23, the two groups spontaneously decided to convene a Congress of Peoples' Representatives for June 6, 7 and 8. This coincided with the opening of the International Conference in Moscow.

The Congress of National Delegates of South Vietnam opened on June 6 "in a locality in the liberated areas." The purpose of this meeting was to appoint a Provisional Revolutionary Government (PRG) and an Advisory Council to the Government. Eighty-eight delegates and 72 guests were present, and if we may judge by the official communique, they were chosen to symbolize a broad spectrum of the South Vietnamese society. This Congress claimed that it manifested "the will and desires of 14 million people of valiant South Vietnam." The Chairman of the Congress said that the purpose was "to consider the establishment of a Provisional Revolutionary Government, a body of centralized power which is trusted, which comprises the most representative elements of different strata of the people, religions, and nationality, and which is full of virtues and talents to mobilize the greatest efforts of our South Vietnam armed forces and people. It will develop into a high degree the amalgamated strength of the peoples' war and of all phases and all patriotic and peace and democracy loving individuals in the urban and rural areas delta and jungles."

The President of the NLF said that the "victory in early Mau Than Spring (1968) has moved our peoples' struggle to a new stage, the stage of general offensive and uprising, the highest stage of our peoples revolutionary war, the stage whose main content is that we develop the strategy of general offensive to its peak." He described the Revolutionary Government in the so-called liberated zones as "a government which actually represents the rights and just expectations of our people, has made its appearance." This claim is important because it is first of all a claim to legitimacy as well as a claim to *de facto* operation.

The Congress later described the Provisional Revolutionary Government as a "resistance government" fighting against U.S. aggression. In typical Marxist fashion, a list of candidates was submitted to the Congress and unanimously approved.

The so-called "basic resolution" by the Congress stated its goals as "independence, sovereignty, unification and territorial integrity." Commenting upon the 1968 Tet Offensive, which gave birth to the VANDPF, the resolution said: "The U.S. aggressors are obviously defeated, but they remain very stubborn, continuing to oppose the legitimate demands of our people, Americans and the peace loving people world-wide. These demands are: End the aggressive war and withdraw all U.S. troops."

According to the "basic resolution", the PRG was given the mandate to organize free general elections and to seek neutrality proceeding toward national re-unification. The PRG was given "full power to direct and solve all domestic and foreign problems of the country."

Thus, in the Communist mind, the Provisional Revolutionary Government is the legitimate government of South Vietnam and the Saigon Government is an illegitimate puppet.

The first act of the PRG was to take charge of the Paris negotiations and it did so at Paris on June 10. Madame Nguyen Thi Binh, Minister of Foreign Affairs for the PRG was named head of the Paris Conference Delegation. On June 11 the PRG was vividly hailed by Hanoi radio in terms which left no doubt that the PRG was Hanoi's alter ego. Ho Chi Minh immediately extended his warmest regards.

On June 12 Kim Il Sung Premier of North

Korea sent a cable of recognition to the PRG. The same day Radio Moscow Broadcast the message which was sent from the International Conference in Moscow to the PRG in South Vietnam.

On June 11 Kosygin received the Moscow Representative of the NLF at the Kremlin and listened to a plea for the recognition of the PRG. Kosygin stressed that the Soviet Union has always given aid and support to peoples fighting for their freedom and national independence. On June 13 Kosygin sent a telegram to the PRG granting full recognition.

PEACE INITIATIVE

(Statement made by Minister Mme. Nguyen Thi Binh at the Paris Conference on Vietnam on September 17, 1970)

FOREWORD

On May 8, 1969, the Delegation of the South Vietnam National Front for Liberation put forward at the Paris Conference on Vietnam the principles and main content of a 10-point Overall Solution to the South Vietnam problem to help restore peace in Vietnam.

But since then, the Nixon administration persists in pursuing its policy of a colonialist aggressor. It tries its best to implement the Vietnamization of the war, i.e. the scheme of prolonging it as well as U.S. military occupation, while unwilling to withdraw rapidly and totally American troops from South Vietnam and maintaining the Saigon puppet army and administration to use them as an instrument for the U.S. neo-colonialist policy in South Vietnam and the partition of Vietnam. At the same time, the Nixon administration further widens the war to the whole of Indo-China, piling up more crimes against the peoples of Vietnam, Laos, and Cambodia.

At the Paris Conference on Vietnam, the Nixon administration strives to oppose the South Vietnam people's legitimate demands as enunciated in the 10-point Overall Solution, and to compel the South Vietnam people to accept the puppet Thieu-Ky-Khiem administration the U.S. has set up. The above situation has caused the stalemate of the Paris Conference on Vietnam.

Broad sectors of public opinion in the world, the United States included, have severely condemned the Nixon administration's warlike policy. The South Vietnam people resolutely oppose the U.S. Vietnamization of the war and have inflicted upon it heavy failures. The South Vietnam urban population of all walks of life is waging ever stronger resistance to the Thieu-Ky-Khiem administration and wants to overthrow it, at the same time calling for peace, independence, democracy and neutrality, and demanding that the U.S. put an end to its war of aggression, withdraw from South Vietnam all its troops together with those of the other foreign countries in the American camp.

With a view to making the Paris Conference on Vietnam move forward and settling rapidly the Viet Nam problem peacefully, Minister Mme Nguyen Thi Binh, Chief of the Delegation of the Provisional Revolutionary Government of the Republic of South Viet Nam, made on September 17, 1970, a Statement which further elaborates on certain points of the 10-point Overall Solution.

The September 17, 1970, Statement is an important peace initiative and a further proof of the goodwill and serious attitude of the Provisional Revolutionary Government of the Republic of South Viet Nam in the settlement of the South Viet Nam problem.

This pamphlet includes the aforesaid important Statement as well as the 10-point Overall Solution.

PEACE INITIATIVE

(Statement by Mme Nguyen Thi Binh, Minister for Foreign Affairs and Chief of the Delegation of the Provisional Revolutionary Government of the Republic of South Viet Nam, at the 84th Plenary Session of the Paris Conference on Viet Nam, September 17, 1970).

To respond to the deep desire for peace of broad sectors of the people in South Viet Nam, in the United States and in the world, on the instructions of the Provisional Revolutionary Government of the Republic of South Viet Nam, I would like to further elaborate on a number of points in the 10-point Overall Solution as follows:

1. The U.S. Government must put an end to its war of aggression in Viet Nam, stop the policy of Vietnamization of the war, totally withdraw from South Viet Nam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Viet Nam.

In case the U.S. Government declares it will withdraw from South Viet Nam all its troops and those of the other foreign countries in the U.S. camp by June 30, 1971, the People's Liberation Armed Forces will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the U.S. camp; and the parties will engage at once in discussions on:

The question of ensuring safety for the total withdrawal from South Viet Nam of U.S. troops and those of the other foreign countries in the U.S. camp.

The question of releasing captured militarymen.

2. The question of Vetnamese armed forces in South Viet Nam shall be resolved by the Vietnamese parties among themselves.

3. The warlike and fascist Thieu-Ky-Khiem administration, an instrument of the U.S. policy of aggression, are frantically opposing peace, striving to call for the intensification and expansion of the war, and for the prolongation of the U.S. military occupation of South Viet Nam, and are enriching themselves with the blood of the people. They are serving the U.S. imperialist aggressors who massacre their compatriots and devastate their country. They have stepped up the pacification campaigns to terrorize the people and hold them in the vice of their regime, set up a barbarous system of jails of the type of tiger cages in Con Dao and established a police regime of the utmost cruelty in South Viet Nam. They carry out ferocious repression against those who stand for peace, independence, neutrality and democracy, regardless of their social stock, political tendencies and religions; they repress those who are not of their clan. They increase forcible pressganging and endeavour to plunder the property of the South Viet Nam people so as to serve the U.S. policy of Vietnamization of the war.

The restoration of genuine peace in South Viet Nam necessitates the formation in Saigon of an administration without Thieu Ky, and Khiem, an administration which stands for peace, independence, neutrality, which improves the people's living conditions, which ensures democratic liberties such as freedom of speech, freedom of press, freedom of assembly, freedom of belief, etc., and releases those who have been jailed for political reasons, and dissolves concentration camps so that the inmates therein may return to and live in their native places. The Provisional Revolutionary Government of the Republic of South Viet Nam is prepared to enter into talks with such an administration on a political settlement of the South Viet Nam problem so as to put an end to the war and restore peace in Viet Nam.

4. The South Viet Nam people will decide themselves the political regime of South Viet Nam through really free and democratic general elections, elect a national assembly, work out a Constitution of a national and democratic character, and set up a government reflecting the entire people's aspirations and will for peace, independence, neutrality, democracy, and national concord.

The general elections must be held in a really free and democratic way. The modalities of the elections must guarantee genuine freedom and equality during the electoral campaigns and vote proceedings to all citizens, irrespective of their political tendencies, including those who are living abroad. No party shall usurp for itself the right to organize general elections and lay down their modalities. The general elections organized by the U.S. puppet administration in Saigon at the bayonets of the U.S. occupying troops cannot be free and democratic.

A provisional government of broad coalition is indispensable for the organization of really free and democratic general elections and also for ensuring the right to self-determination of the South Viet Nam people during the transistory period between the restoration of peace and the holding of general elections.

5. The provisional coalition government will include three components:

Persons of the Provisional Revolutionary Government of the Republic of South Viet Nam.

Persons of the Saigon Administration, really standing for peace, independence, neutrality, and democracy.

Persons of various political and religious forces and tendencies standing for peace, independence, neutrality and democracy including those who, for political reasons, have to live abroad.

The provisional coalition government will implement the agreements reached by the parties.

The provisional coalition government will carry out a policy of national concord, ensure the democratic freedoms of the people, prohibit all acts of terror, reprisal, and discrimination against those who have collaborated with either side, stabilize and improve the living conditions of the people and organize general elections to form a coalition government.

The provisional coalition government will pursue a foreign policy of peace and neutrality, practise a policy of good neighbourhood with the Kingdom of Laos and the Kingdom of Cambodia, respect the sovereignty, independence, neutrality and territorial integrity of these two countries; it will establish diplomatic relations with all countries regardless of their political regime, including the United States, in accordance with the five principles of peaceful coexistence.

6. Viet Nam is one, the Vietnamese people is one. The reunification of Viet Nam will be achieved step by step, by peaceful means, on the basis of discussions and agreements between the two zones, without coercion or annexion from either side, without foreign interference. The time for reunification as well as all questions relating to the reunification will be discussed and agreed upon by both zones. Pending the peaceful reunification of the country, the two zones will reestablish normal relations in all fields on the basis of equality and mutual respect, and will respect each other's political regime, internal and external policies.

7. The parties will decide together measures aimed at ensuring the respect and the correct implementation of the provisions agreed upon.

8. After the agreement on and signing of accords aimed at putting an end to the war and restoring peace in Viet Nam, the parties will implement the modalities that will have been laid down for a cease-fire in South Viet Nam.

To attain a peaceful settlement of the Viet Nam problem, the Provisional Revolutionary

Government of the Republic of South Viet Nam declares its readiness to get henceforth in touch with the forces or persons of various political tendencies and religions in the country and abroad, including members of the present Saigon Administration, except Thieu, Ky and Khiem.

DEMOCRACY IS DEAD IN GREECE

Mr. CRANSTON. Mr. President, in a viable democracy there is one class of citizens on whom the rest of the Nation must rely for truthful and unbiased information. The role of the press in the functioning of the democratic process is vital to the survival of the democratic tenet of widespread citizen participation in the workings of the State.

Democracy died in Greece when the Colonels overthrew the constitutional government 3 years ago. At that time 25 journalists left their native country because they were denied freedom of expression. These men represent all shades of the political spectrum. I may not agree with everything they stand for. I do not know all that each stands for. But I support their view of the present regime in Greece.

On October 3, these journalists wrote President Nixon to inform him that reports that Greece was turning toward democratic parliamentarism were incorrect. This letter was delivered to the State Department by Mr. Elias P. Demetracopoulos.

Senators on both sides of the aisle should read this letter because it explains how the constitutional veneer of the regime in Athens in no way means that there is democracy once again in the country which gave birth to this concept.

I ask unanimous consent that the open letter of Greek publishers and journalists be printed in the RECORD.

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

OCTOBER 3, 1970.

Mr. RICHARD M. NIXON,
The President of the United States.

MR. PRESIDENT: On the 22d of September 1970, on the occasion of the decision to resume the shipment of heavy arms to Greece, the State Department's official spokesman, Mr. Robert J. McCloskey, added to the announcement the following statement: "In Greece—the trend toward a constitutional order is established. Major sections of the Constitution have been implemented, and partial restoration of civil rights has been accomplished. The government of Greece has stated that it intends to establish parliamentary democracy . . ."

As Greek journalists living out of Greece because in our country we have been denied the freedom of expression, speaking for ourselves and also in the name of colleagues still working in Greece, we feel obliged to bring to your attention, that this decision, of such importance to our country, is based upon lies.

The truth, which every well informed person of good faith already knows about the present situation in Greece, is as follows:

1. Greece is still under Martial Law, with all that implies in respect of the deprivation of basic individual liberties and human rights.

2. The military courts continue to take their daily toll of the liberty of any who happen to believe differently from those in power, handing out life sentences for the printing of "illegal literature."

3. Hundreds of political prisoners, holding views ranging from the extreme left to the extreme right, are still in prisons, concentration camps or in exile. They are useful hostages, available for release in periodic acts of "clemency" to impress public opinion.

4. A few "freedoms" sporadically accorded in response to international pressure—the freedom to travel, to express mild criticism, to hold a meeting—are available in Greece today not by the rule of law, but at the whim of the dictators. They are given to some as a favor; as a punishment, they are denied to others who have no legal redress.

5. The Press is strangled by a draconian Press Law by which any expression of disagreement can be interpreted as a "national crime". One recent example: Our colleague Ioannis Kapsis, was sentenced to five years imprisonment because as editor of the newspaper "Ethnos" he allowed the publication of an interview in which a former politician called for the formation of a coalition government.

6. The whole fabric of the State—the judiciary, the Civil Service, the Trades Unions, the schools, the universities and all the agencies of cultural life—continue to be permeated by the retrograde ideas of the rulers, and administered by a personnel harassed and demoralized by constant, thorough-going purges.

7. The so-called "Constitution" the implementation of which appears to be Washington's ultimate test of the Greek regime's claim to respectability is in reality a formula for the perpetuation of military power in the government of Greece. It comes as a shock to the free democratic world that Washington in 1970 can apply the term "constitutional" to its authoritarian and illiberal provisions.

8. The Greek regime has not, to this day, after three and a half years in power, given the slightest proof that it ever intends to return to parliamentary democracy. On the contrary, it has repeatedly refused to name a date for the holding of elections, an event which one of its leaders has recently declared, would be "catastrophic".

Mr. President, we do not protest only for the act of support and encouragement to the present Greek regime, a protest already expressed by political leaders and responsible people all over the world.

As publishers, editors and journalists, members of a profession whose duty it is to inform public opinion, we can not allow this blatant distortion of the truth about the situation in Greece to go unchallenged.

And in sending you this letter we are convinced that we are contributing to the survival of the democratic values which are under threat throughout the world.

Respectfully yours,

Signatories: Andreas Arnakis (Frankfurt), Paul Bakoyannis (Munich), Nikos Delipetros (Paris), Elias Demetracopoulos (Washington), Antonis Drossopoulos (Vienna), Aris Fakinos (Paris), and Spyros Giannatos (London).

Sypros Granitsas (New York), Costas Hadjiandreou (Frankfurt), George Katiforis (London), Ioannis Katris (Minneapolis), Michael Kostopoulos (London), Panayotis Lambrias (London), and Ioannis Lampsas (Geneva).

Anghelos Maropoulos (Bonn), Basil Mathiopoulos (Bonn), Basil Mavridis (Cologne), Costas Nikolaou (Cologne), Marios Ploritis (Paris), Evangelos Panteleskos (Rome), Asteris Stangos (Rome), Richard Someritis (Paris), George Yannopoulos (London), Helen Vlachos (London), and George Voukelatos (Bonn).

ROSE McCONNELL LONG

Mr. LONG. Mr. President, my senior colleague (Mr. ELLENDER) made a speech about the passing of my mother, former Senator Rose McConnell Long, earlier this year. It might be well for me to add a few words for historical purposes.

After the death of her husband, the late Huey P. Long, his widow was appointed to succeed him in the U.S. Senate. She served in this body from January 31, 1936 for the remainder of that year. Thereafter, she devoted her life primarily to her children and her family.

It always seemed to me that she was the strong person of her family—always available to go where she was needed and to do whatever needed doing to assist her brothers, sisters, children, and grandchildren.

While my sister and I were in college at Louisiana State University, she maintained a home at Baton Rouge. During World War II, when her sons and son-in-law were in the service, she chose to sell her home at Baton Rouge and consolidate the women of our family at our family home in Shreveport, La. During the remainder of her life, Shreveport was her home. Whenever I was privileged to visit that city, I stayed at her residence, as did my sister and our families. My brother, Palmer Reid Long, established his home at Shreveport and my brother-in-law and sister, Dr. and Mrs. O. W. McFarland, moved to Boulder, Colo. She made it a point to visit each of her children at least for a while each year. She spent much of her time with my sister in Boulder, Colo., and she would usually spend the Easter holidays with me and my family. She never forgot a birthday or anniversary—never failing to send us a greeting and a present on such occasions.

While she declined to actively participate in governmental affairs after her retirement from the Senate of the United States, she nevertheless continued her interest in matters of State. It was my good fortune that she was usually present when I addressed civic and political groups in Shreveport, La.

When she passed away, the newspapers of the Nation, and those of Louisiana in particular, were most kind in according her a number of well-deserved tributes which I would like to make a part of the RECORD.

I ask unanimous consent that this statement and a number of news articles and editorials about her be printed in the RECORD at an appropriate point:

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

[From the Shreveport (La.) Journal, May 28, 1970]

HUEY LONG'S WIDOW DIES

Mrs. Rose McConnell Long, widow of the late Louisiana Gov. Huey Long and mother of Sen. Russell Long (D-La.), died Wednesday night in Boulder, Colo. She was 78.

"She was the nearest thing I knew to an angel. Now I am sure she is an angel," said Sen. Long, who was at his mother's side when she died about 11 p.m. in Boulder Memorial Hospital apparently of cancer.

Sen. Long and his wife left Washington, D.C., Tuesday afternoon and flew to Boulder

when they learned his mother was in critical condition. Mrs. Long had undergone surgery for cancer two years ago in Shreveport.

The senator will arrive in Shreveport later today and stay at his mother's home here. The body is being brought to Shreveport this afternoon by plane and will be taken to Osborn Funeral Home.

Funeral services are tentatively scheduled for Friday or Saturday.

Mrs. Long was born in 1893, in Greensburg, Ind., and moved with her parents to Shreveport in 1901.

She met her husband as the 17-year-old winner of a cake-baking contest in Shreveport. The future governor, then the sales representative of a firm which sponsored the contest, presented the prize—a $10 gold piece—and struck up a correspondence that lasted until they were married in 1913 in Memphis, Tenn. Mrs. Long was a secretary for a Shreveport hardware store prior to her marriage to Huey Long, who was to serve the state as governor and later as a U.S. Senator.

Long served in the Senate from March 4, 1931, until his assassination on Sept. 10, 1935, in the state capital in Baton Rouge. Mrs. Long was appointed to serve out the remainder of his term in the 74th Congress, and was sworn in on Jan. 31, 1936. She served until Jan. 2, 1937, after which the seat was assumed by Sen. Allen J. Ellender, political ally of Huey Long.

Russell Long is the only senator whose mother and father both served in the Senate.

Mrs. Long was a member of the First Methodist Church and the Daughters of the American Revolution.

She maintained a home in Shreveport, but had been staying with her daughter, Mrs. Rose McFarland in Boulder.

Mrs. McFarland and her husband, Dr. O. W. McFarland, and their two daughters, Mrs. Charles Mazel and Mrs. Edward Fluke, Sen. and Mrs. Long and their daughter, Mrs. Kay Mosley of Baton Rouge, were at Mrs. Long's bedside when she died.

Survivors include another son, Palmer R. Long of Shreveport; a brother and sister, both of Shreveport; and seven grandchildren and two great-grandchildren.

Dr. Kenneth Snyder, pathologist at the Boulder hospital, said an autopsy had been scheduled for today to determine exact cause of death.

Mrs. Long's daughter said simple graveside services will be held in Shreveport, but the time has not been set.

[From the (Baton Rouge, La.) Advocate, May 29, 1970]

MRS. LONG'S FUNERAL SET FOR SATURDAY

SHREVEPORT.—Funeral services for Mrs. Rose McConnell Long, 77, mother of U.S. Sen. Russell B. Long and widow of Huey P. Long, are tentatively set for 2:30 p.m. Saturday at Osborn Funeral Home, 3631 Southern, Shreveport.

Mrs. Long died at 11 p.m. Wednesday at Boulder Memorial Hospital, Boulder, Colo. She had been staying with her daughter, Mrs. O. W. (Rose) McFarland in Boulder.

The body is being brought from Boulder to the Osborn Funeral Home. It will arrive about 9 a.m. Friday. Visiting at the funeral home will be from noon to 10 p.m. Friday and from 10 a.m. until time of services Saturday. Burial will be in Shreveport.

Mrs. Long, who had been living in Shreveport, was named to the U.S. Senate in 1936 by Gov. James A. Noe to fill the unexpired term of Huey Long after his assassination in 1935. She was the third woman to serve in the U.S. Senate at that time and is the only woman from the State of Louisiana ever to serve in that capacity.

The Long trio—Huey, Mrs. Long and Russell—is the only such family group to have ever served in the Senate.

But the legend of Mrs. Long, her husband and her son, goes further.

Huey Long sat in the chair once occupied by John C. Calhoun, South Carolina.

Russell Long occupied that chair, too, but was challenged to its occupancy when J. Strom Thurmond, South Carolina, wanted the chair as a matter of state pride.

Sen. Long gave the chair to the Carolinians but moved to the seat formerly occupied by his mother.

"She was the nearest thing I knew to an angel," Sen. Long said Thursday morning. "Now I am sure that she is."

Mrs. Long was born in 1893 on a farm south of Greensburg, Ind. Her parents, Mr. and Mrs. Peter McConnell, moved to Shreveport when she was 10 years old.

Mrs. Long attended schools in Shreveport and was graduated from a Shreveport business college after finishing high school.

She first met Huey P. Long when he was 17 and working as a cotton seed oil salesman. The firm he worked for sponsored a cake-baking contest in Shreveport and she won.

It was his duty to deliver the prize, a $10 gold piece, to her at her home and the meeting began a correspondence which led to their marriage three years later, in April, 1913, in Memphis, Tenn.

Mrs. Long worked with her husband as a salesman in their early years.

She was an aid in his early struggles as a lawyer and a politician but after he rose to national prominence, she devoted more time to their three children and took little part in his political and social affairs.

During most of the time Long was governor, she did not live in the executive mansion her husband built but chose to live in their home in Shreveport. Later she lived in New Orleans.

After Huey Long's death, Mrs. Long said, "His part was to go out all over the country and help the people and work for them, and make speeches. My part was to stay at home, take care of my home and the children."

After her time in the Senate, Mrs. Long moved to Baton Rouge but in 1941, sold the house and moved to Shreveport here she lived since.

In addition to Sen. Long and Mrs. McFarland, Mrs. Long is survived by another son, Palmer R. Long, Shreveport, and several grandchildren.

[From the Shreveport (La.) Journal, May 30, 1970]

SERVICES HELD FOR MRS. LONG

Graveside services were held at 11 a.m. today at Forest Park Cemetery for Mrs. Rose McConnell Long, 78, mother of U.S. Senator Russell B. Long, and widow of Huey Long, former Louisiana governor and U.S. senator.

Mrs. Long died Wednesday in Boulder, Colo., after a long illness.

Pallbearers included former governor James A. Noe, Sen. Allen J. Ellender, Chief Justice John B. Fournet of the State Supreme Court, Wilton H. Williams Sr., Calhoun Allen, Glen O. Dunmire, Robert E. Hunter, William H. Wright Jr., George W. D'Artois, Hunter Pierson and James H. Gill.

Dr. D. L. Dykes, pastor of the First Methodist Church, officiated.

Mrs. Long lived at 305 Forrest, but had been staying with her daughter, Mrs. Rose McFarland, in Boulder.

Other survivors include another son, Palmer R. Long of Shreveport; a brother, David B. McConnell; a sister, Mrs. Alan L. Hollenshead, both of Shreveport; seven grandchildren and two great-grandchildren.

[From the Shreveport (La.) Journal, May 28, 1970]

HOUSE PAYS TRIBUTE TO MRS. LONG

BATON ROUGE.—The House Wednesday unanimously passed a tribute to Mrs. Rose McConnell Long of Shreveport, the widow of Huey P. Long and mother of U.S. Sen. Russell B. Long. She died Wednesday at the home of her daughter in Colorado.

The memorial resolution states:

"Whereas, it is with deep regret and great sorrow that the members of the Louisiana Legislature have learned that God in his infinite wisdom has called to his presence Rose McConnell Long, widow of the late honorable Huey P. Long, governor of the state of Louisiana and member of the Senate of the Congress of the United States, and mother of the honorable Russell B. Long, United States senator; and

"Whereas, Rose McConnell Long was a native of Louisiana and a life long resident of Shreveport, Lousiana, where she was constantly active in civic affairs and charitable endeavors; and

"Whereas, Mrs. Long was the epitome of the Southern gentlewoman of poise and great worth, who possessed a sterling character, impeccable taste, seraphic sense of humor and a commendable sense of duty which dictated her meritorious service as a member of the Senate of the Congress of the United States for the remainder of her late husband's term; and

"Whereas, it is fitting and proper that the members of the Louisiana legislature pause in their deliberations on this legislative day to pay tribute to the exemplary life of a fine Louisianian and to express their feeling of great and profound sense of loss at her passing.

"Therefore, be it resolved by the House of Representatives of the legislature of Louisiana, the Senate thereof concurring, that the members of the legislature, for themselves and for the citizens of Louisiana, do hereby express their sincere and heartfelt regrets, condolences, and sympathies in the passing of the honorable Rose McConnell Long.

"Be it further resolved that a copy of this concurrent resolution shall be transmitted to the honorable Russell B. Long, the honorable Palmer Long and Mrs. Rose Long McFarland.

"Be it further resolved that when the House and Senate of the legislature of Louisiana adjourn on their next regular adjournment that they shall do so out of respect to and in memory of the honorable Rose McConnell Long."

[From the Shreveport (La.) Journal, May 29, 1970]

MRS. ROSE MCCONNELL LONG

Louisianians will remember Mrs. Rose McConnell Long not only as a gracious First Lady but also as a great lady. The greatness of the widow of Huey P. Long consisted of integrity, devotion to family and friends, a fine sense of duty, charm, compassion and the ability to keep state and national politics from affecting her personality.

Death came for Mrs. Long in Boulder, Colo., while she was staying with her daughter. Shreveport was the home of Mrs. Long for most of her 78 years. A native of Greensburg, Ind., she moved here with her parents in 1901 when she was nine years old. It was here that she met her late husband at a cake contest sponsored by a manufacturer of shortening for whom he was working. She and Mr. Long were married by a Baptist in the Gayoso Hotel, Memphis, Tenn., April 12, 1913.

Dr. T. Harry Williams, Louisiana State University professor of history, says in his definitive biography of Governor Long: "She brought a needed element of discipline to the way he lived. She brought other gifts as well. She was gentle, tactful, calm—qualities noticeably absent in Huey. She made a quietly attractive background for his brilliance, and remaining by preference in the background, she could manage him, sometimes."

She had a unique part in the advancement of his political career. Only to her did he confide his ambitions. When they were struggling financially she made dollars go far. In Shreveport, at her mother's home, she established headquarters for his race for the State Railroad Commission.

During the tumultuous years when he was governor and U.S. Senator she brought him serenity in periods of upheaval. At social affairs in the Governor's Mansion in Baton Rouge she was a delightful hostess. After the assassination of the senator, she completed his term, carrying out responsibilities in her practical manner.

Mrs. Long has lived unobtrusively here these last years. She was a member of the First Methodist Church and the Daughters of the American Revolution.

The Journal extends sympathy to her sons, Sen. Russell B. Long of Washington, D.C., and Palmer R. Long of Shreveport; her daughter, Mrs. Rose McFarland of Boulder, Colo.; her sister, Mrs. Alan L. Hollenshead of Shreveport; her brother, David B. McConnell of this city; and other survivors.

[From the (Baton Rouge, La.) State Times, May 29, 1970]

MRS. HUEY P. LONG

She was a gentlelady, Rose McConnell Long, whose death at Boulder, Colo., came yesterday.

The century was only a few years old when she became Mrs. Huey P. Long, one who was to leave the brand of his personality and meteoric, dramatic career as governor and United States senator as indelibly a mark on the Louisiana of his times and later as is the Mississippi River on the literal face of the state.

When her husband succumbed of the mortal wound which felled him in the Capitol, Mrs. Long was designated his successor in the Senate.

She saw her son, Russell, elected to the same Louisiana seat in the U.S. Senate and returned to the post again and again by the voters of the state.

The gentleness and devotion of Rose McConnell Long to her family, holding apart from the turbulences which roared around her household from her husband's first venture into politics, were honored in this state. Men who were harsh, angry and bitter foes of her spouse would doff their hats in sincere gentility at her approach on the street, or rise in gentlemanly courtesy to a gracious and quiet lady on her entrance into a room.

In her later years, she made her home with a daughter, Rose, Mrs. Osmyn F. McFarland, in Boulder.

Now she is coming back to the state that was her home, and of which she once was First Lady.

The memory of the goodness and gentleness of Rose McConnell Long will be green as long as there lives one Louisianian who knew her.

[From the Washington (D.C.) Post, May 29, 1970]

EX-SEN. ROSE LONG DIES, WIDOW OF HUEY

(By Martin Weil)

Rose McConnell Long, 78, widow of Louisiana politician Huey Long and his successor in the U.S. Senate after his assassination in 1935, died of cancer Wednesday in Boulder, Colo., where she was staying with a daughter.

Mrs. Long, who served in the Senate from Jan. 31, 1936, to Jan. 3, 1937, was the mother of Sen. Russell B. Long (D-La.), making him the only senator both of whose parents served in the upper house.

The death was announced yesterday on the Senate floor by Sen. Allen J. Ellender (D-La.) who succeeded Mrs. Long at the conclusion of her husband's unexpired term.

Sen. Long had gone Tuesday to Colorado because of his mother's illness.

At the time of her appointment to succeed the slain "Kingfish," Mrs. Long was only the third woman to serve in the Senate.

Born in Greensburg, Ind., she was descended on her mother's side from a distinguished line of planters, physicians and lawyers. She was a member of the Daughters of the American Revolution.

Her husband was a penniless traveling salesman when they met, in Shreveport, La., where she had moved with her parents.

The meeting came when she won a cake-baking contest that he sponsored to promote the lard substitute he was selling.

Long began a correspondence that lasted until their marriage in Memphis in 1913. According to one account, they started married life with only $10 between them.

After sharing in her husband's struggles as a salesman and as a law student, Mrs. Long was an aide to the governor in his early rise in law and politics.

Later, however, she was less closely associated with political affairs. As a hostess during her husband's stormy years as governor, she was known as unobtrusive and self-effacing.

Aides to Gov. Long once identified one of her greatest contributions to his career as her willingness and ability to take the responsibility for raising his family and maintaining his home.

They also cited the constant sympathy and understanding she showed him in victory and defeat. In 1924, when Long lost a try for governorship, they recalled, Mrs. Long smiled and said: "What does it matter whether you're elected this time or next?"

Known for picturesque speech and unconventional ways, Huey Long was elected governor in 1928, introducing sweeping and successful public-works programs and concentrating political power in the executive branch.

Elected senator in 1930, he was shot to death in September, 1935, in the state capitol at Baton Rouge. Gov. O. K. Allen was named to fill his unexpired term.

After Allen died, Gov. James A. Noe appointed Mrs. Long, who later also was elected for the unexpired term.

A corsage of orchids on her shoulder, the 5 feet 4, hazel-eyed widow was sworn in Feb. 10, 1936, telling interviewers she would "work for the cause of the farmer and of labor."

Once, when asked about her tastes in reading, Mrs. Long said they ran to biography, particularly of women.

"The senator was the greatest man who ever lived," she told an interviewer. "After knowing him, who could be thrilled by stories of other men?"

In addition to her son, Russell, and her daughter Mrs. O. W. McFarland, Mrs. Long is survived by another son, Palmer R. Long, of Shreveport; a brother; a sister, seven grandchildren and two great grandchildren.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EQUAL RIGHTS FOR MEN AND WOMEN

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the period for the consideration of the joint resolution which is not to exceed 2 hours, the time be equally divided and controlled by the Senator from North Carolina (Mr. ERVIN) and the Senator from Indiana (Mr. BAYH).

Mr. ERVIN. Mr. President, I am constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Does the Senator wish to control the entire 2 hours himself?

Mr. ERVIN. I do not wish anyone to control the time.

Mr. BYRD of West Virginia. The reason why I formulated the request was that a "rhubarb" developed yesterday over who had so much time or because somebody had 1 minute more than somebody else. I was attempting to avoid that situation today.

Mr. ERVIN. The reason I pose an objection is that I was informed yesterday by the distinguished Senator from Massachusetts (Mr. KENNEDY) that he and the distinguished Senator from Maryland (Mr. MATHIAS) intend to offer an amendment to the resolution today, and I assume they still have that intention. I also have read press statements which indicate that they intend to offer such an amendment today and press for a vote on it. I thought under those circumstances perhaps the Senator from Massachusetts or the Senator from Maryland should have control of the time.

Mr. BYRD of West Virginia. Very well. I understand the able Senator's reasons for objecting. Therefore, I do not renew my request.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALLEN. Mr. President, I send to the desk an amendment to the pending House joint resolution and ask that it be stated and made the pending order of business.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

AMENDMENT NO. 1042

On page 1, line 3, beginning with the word "That" strike out everything down through line 7 and insert in lieu thereof the following: "That the articles set forth in sections 2 and 3 of this joint resolution are proposed as amendments to the Constitution of the United States, and either or both articles shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after being submitted by the Congress to the States for ratification.".

On page 1, lines 7 and 8, insert the following:

SEC. 2. The first article so proposed is the following:

On page 2, after line 7, insert the following:

SEC. 3. The second article so proposed is the following:

"ARTICLE ——

"Each State shall have sole and exclusive jurisdiction of the organization and administration of all public schools and public school systems within the State. The courts of each State shall have exclusive jurisdiction to determine all rights, privileges, and immunities of citizens of the State with respect to public schools and public school systems within the State. No officer or court of the United States shall have power to impair or infringe any right so reserved to the States."

The ACTING PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, I do not plan at this time to discuss at length the merits of the pending amendment. It was the understanding of the junior Senator from Alabama that the distinguished Senator from Massachusetts (Mr. KENNEDY) was, on today, planning to introduce an amendment to House Joint Resolution 264 which would provide, in effect, for statehood for the District of Columbia insofar as representation in the two Houses of Congress is concerned.

I would, of course, be strongly opposed to any such amendment. Now I am advised, however, that the distinguished Senator from Massachusetts will not be present at the proceedings of the Senate before 2 o'clock this afternoon. Feeling that the Senate should have before it a matter to be considered, it occurred to me that by the introduction of this amendment, we might possibly have a discussion of the proposal to return the public schools of this Nation to State and local governments, or to the people of the respective States.

Early in the 91st Congress, during the first session of this Congress, I introduced such a resolution. It was and is Senate Joint Resolution 80, and it does provide for the return of the public schools of the Nation to the respective States, providing for local control of the public school systems of the various States.

That resolution has not made a great deal of progress through the legislative machinery. It lies dormant in the Senate committee. So it occurred to the junior Senator from Alabama that one way to get a vote on that resolution, Senate Joint Resolution 80, is to submit it as an amendment to the pending House joint resolution providing for equal rights for women.

Mr. President, as I understand, it is possible to submit in one resolution any number of proposed constitutional amendments. It is not necessary to have a separate resolution on each proposed amendment to the Constitution. After Congress submits to the States the various proposed amendments to the Constitution, then they are each on their own; but there is nothing to prevent the Senate from considering whether it would like to add this proposed constitutional amendment to the amendment providing for equal rights for women, which I support. So the purpose of the amendment is not to displace the equal rights for women proposed constitutional amendment, but to allow this proposed constitutional amendment also to be submitted, alongside the amendment for equal rights for women.

Mr. President, later in the day it is my purpose to discuss this amendment at some greater length. I do not plan to engage in extended discussion of the proposed additional amendment. But it is not an amendment in lieu of the other amendment; it is an amendment in addition to the other amendment.

Mr. President, the junior Senator from Alabama has been thwarted in his efforts to get Senate Joint Resolution 80 before the Senate for consideration. I would like to have had a vote on that resolution long ago, but I have been unable to get the amendment reported out of the Senate committee. So the Senate will be given an opportunity to express itself with respect to that amendment, and vote it up or down.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield for a question, for clarification?

Mr. ALLEN. I would be delighted.

Mr. GRIFFIN. Is the amendment of the Senator from Alabama a printed amendment, at the desk?

Mr. ALLEN. No. I have a copy, though, which I should be glad to give the distinguished Senator from Michigan.

Mr. GRIFFIN. As I understand it, the language proposed would be in addition to the wording of the equal rights for women amendment?

Mr. ALLEN. I sought to explain that matter.

Mr. GRIFFIN. I am sorry; I was not present in the Chamber during the explanation.

Mr. ALLEN. It is an additional amendment.

Mr. GRIFFIN. Additional.

Mr. ALLEN. As I understand, it is not requisite that there be a separate resolution for each proposed constitutional amendment. It would be possible, theoretically, for 100 proposed amendments to be submitted in the same resolution. But then, when they go out to the States, they are each considered separately, and there is no connection whatsoever between the proposed amendments, after Congress submits the amendments that Congress sees fit to put into the resolution.

It is my purpose to get a vote on my resolution. I might state to the distinguished Senator from Michigan that the exact wording of the present amendment is found in Senate Joint Resolution 80.

Mr. GRIFFIN. Senate Joint Resolution 80.

Mr. ALLEN. Yes, it has been pending before the Senate for more than a year. So this is not a matter that has just been thought up here on the spur of the moment, and put in to occupy time, because it is not my purpose to engage in a lengthy discussion of the amendment. I would like for the Senate to act on the amendment—to vote it up or down, as I hear the expression used so often here in the Senate with respect to other matters.

Mr. GRIFFIN. If the distinguished Senator would be so kind as to yield further, am I correct in my understanding that under his amendment, State courts would have exclusive jurisdiction insofar as the interpretation of laws affecting schools are concerned? Is that the thrust of it?

Mr. ALLEN. Yes. That is correct. In other words, they would be turned over to the States, which the junior Senator from Alabama understands should properly be the law now, so as to afford State control—not control by the courts, but State control—of the school systems.

Mr. GRIFFIN. As I understand it, then, if the Senator's amendment were adopted, this would be the only situation where the Supreme Court of the United States would be the court of last resort in terms of interpreting the Constitution of the United States as it might apply to local schools. Am I correct?

Mr. ALLEN. The schools would be turned over to the States under the amendment, I will state to the distinguished Senator from Michigan.

Mr. GRIFFIN. Then I would interpret the effect of the proposed amendment as saying that the Supreme Court of the United States could interpret and apply the Constitution in all other areas except with regard to schools.

Mr. ALLEN. No; I beg to differ with the distinguished Senator from Michigan, because the amendment itself would put the schools under State control.

So all they would be doing then would be interpreting the Constitution as amended by the amendment that is submitted. If the distinguished Senator from Michigan would care to seek to amend the proposed amendment, I am sure the Senate could consider that amendment.

Mr. GRIFFIN. Since the Senator from Alabama indicates that he may press for a vote on this, I am at this point just trying to better understand the meaning of his amendment.

Mr. ALLEN. The entire amendment is only approximately seven lines long.

Mr. GRIFFIN. The several States also have control over the State government. Yet, the junior Senator from Alabama will have to acknowledge that some provisions of the Constitution of the United States are limitations upon the States. The 14th amendment, as one example, is a limitation upon State government.

So I go back to the point again which seems quite apparent, that the effect of the amendment of the junior Senator from Alabama would be to say that the Supreme Court of the United States, in effect, could interpret the Constitution of the United States, except that it would not be able to interpret and apply the Constitution of the United States if it affected schools.

Mr. ALLEN. The junior Senator from Alabama, in answer to that, would say that the amendment itself would provide that in the area of administration of schools, the State authorities, the State courts, have jurisdiction, rather than the Supreme Court, as regards the management and operation of the school systems of the respective States.

Mr. GRIFFIN. I thank the Senator for responding to my inquiries. I think I better understand his amendment; I now realize the impact of it; and I must say most respectfully that I would have to vote against it.

Mr. ALLEN. Well, I am not surprised to hear the attitude of the distinguished Senator from Michigan. That would be his right and his privilege. It is not going to be the purpose of the junior Senator from Alabama to prevent the distinguished Senator from Michigan from casting his vote against the amendment. The junior Senator from Alabama has expressed the opinion that he would like to see a vote on the proposed amendment.

The amendment he submitted more than a year ago has been languishing in the Senate committee and has not been brought to the floor, and in this way the amendment is brought before the entire Senate. So there will be an opportunity, before many hours have elapsed, to get a vote, in the judgment of the junior Senator from Alabama.

Mr. GRIFFIN. Perhaps I could make one additional comment. The junior Senator from Michigan, like the junior Senator from Alabama, is not always pleased with the decisions of the Supreme Court of the United States. Indeed, I have been deeply disturbed by some of its decisions in recent years. But, as I have indicated during other debates on related matters, I would certainly resist any effort at this time to remedy that situation by eroding or reducing the jurisdiction of the Supreme Court of the United States.

I have been among those who have tried to improve upon the membership of the Supreme Court. But I certainly would be very much opposed to a move to deprive or reduce the jurisdiction of the Supreme Court of its authority to interpret the Constitution of the United States.

Mr. ALLEN. I appreciate the remarks of the distinguished Senator from Michigan. But would the distinguished Senator from Michigan agree with the junior Senator from Alabama that the Supreme Court, after all, is a court of limited jurisdiction; that Congress, without a constitutional amendment, would have authority to withdraw or limit the jurisdiction of the Supreme Court?

Mr. GRIFFIN. Yes. The junior Senator from Alabama makes a valid point. By the terms of the Constitution, Congress does have discretion, to a degree, to affect, or limit the jurisdiction of the Supreme Court. But I think it would be a most unwise policy on the part of Congress, either by statute or by a constitutional amendment, to deal with the Supreme Court by cutting away at its jurisdiction to interpret the Constitution. At least, I feel that way now. I just will not move in that direction.

Mr. ALLEN. In a limited field, though, the junior Senator from Alabama would point out to the distinguished Senator from Michigan. I appreciate his concession that the Supreme Court, under the Constitution, is a court of limited jurisdiction, so that it would not be any great departure from the intent and spirit of the Constitution to do this even by statute. But the junior Senator from Alabama is seeking to do this by a constitutional amendment.

COMMITTEE MEETING DURING SENATE SESSION

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate continued with the consideration of the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. ERVIN. Mr. President, a great attempt is made by the proponents of the pending resolution to picture all those who do not support the resolution as the enemies of women. The Senator from North Carolina opposes the resolution, not because he is an enemy of women but because the women of America have no greater friend in the Senate of the United States than the Senator from North Carolina.

It is absurd to picture any man who opposes this amendment as an enemy of women. I had a mother. My mother was a woman. And I would say this: The good Lord never created a finer woman than my mother. I have a wife. My wife is a woman. And I would say that the good Lord never created a finer woman than my wife. I have two daughters. I have three granddaughters. What I am fighting for in opposing this amendment is to make it as certain as possible that the United States will be just as good a country, with just as sound a Constitution, when I shuffle off this mortal coil, as now.

I am motivated at least by as lofty a motive as my friend Joe Hicks was when he disturbed religious worship in my county around the turn of the century.

We had a bricklayer in my home town named John Watts. He was highly skilled in the laying of bricks and the arts of masonry. But John was about as proficient in theology as is the Senator from North Carolina.

Unfortunately, John took a notion that he was called on to preach as well as to lay bricks. When he could find a rural church whose pulpit was vacant and could secure the consent of the members of the church to occupy that pulpit and exhort them to righteousness according to his views of theology, John would avail himself of the opportunity to preach.

One day John Watts was preaching in a small rural church in my home county of Burke. One of his fellow citizens was Job Hicks, who, as we notice, had the good biblical name of Job, a great character of the Bible. Unfortunately on this particular occasion, Job Hicks had been imbibing Burke County corn whisky, sometimes called white lightning, sometimes called white mule, and sometimes called moonshine.

Job Hicks came staggering by this little church where John Watts was preaching and looked in and saw John in the pulpit. Being a man faithful to the Gospel as he understood it as delivered to the saints, he did not appreciate the brand of theology John Watts was expounding. So Job staggered up the aisle, grabbed John by his coat collar, dragged him down the aisle, and threw him out of the building.

Job was indicted in the superior court of Burke County as a result of this action, under a statute making it a criminal offense willfully to disturb a religious service. Job's case was tried before Judge Robinson of Goldsboro, N.C.—a very rare character and a great judge—and a jury.

The jury convicted Job of the misdemeanor of willfully disturbing a religious worship in violation of the statute.

As a consequence, Job had to be sentenced by Judge Robinson. Judge Robinson never expressed any ideas as to how sound he thought the theology John Watts was expounding on the occasion I have described, but I infer, however, that the judge had some doubt as to its soundness. At least, being a merciful man, he was seeking some way to temper the wind of the shorn lamb who stood before the bar of justice to receive sentence.

The judge said to Job Hicks, "Mr. Hicks, when you were guilty of this unseeming conduct on the Sabbath day, you must have been so intoxicated as not to realize what you were doing."

I suspect the judge may have had some sound basis for his conclusion about the state of intoxication of Job Hicks. This is so because I have heard by rumor that Burke County corn is a very potent beverage. But when the judge intimated by his question that he thought Job Hicks was so intoxicated as not to be able to realize the enormity of his offense, Job Hicks made this response to the judge:

"Judge, it is true that I had several drinks, but I would not want Your Honor to think that I was so drunk I could stand by and hear the word of the Lord being mummicked up like that, without doing something about it."

The reason I oppose the women's rights amendment is that I do not want the Constitution of the United States to be mummicked up as it would be mummicked up by the amendment.

If the amendment should be submitted by the Congress to the States and ratified by the States, the Constitution would suffer serious injury—which could be illustrated by another story.

Jim was walking up the railroad tracks when last seen in life. A train passed and a bystander who had seen Jim walking up the tracks, could see him no more. The bystander walked up the track and found Jim's body lying on and around the tracks, indicating that he had been hit by the train. But no one actually saw the train strike him.

Jim's administrator brought suit for Jim's wrongful death. The bystander was the only witness who was able to give any account of the events which preceded Jim's demise. The witness testified as a witness for the administrator

to the effect that he was standing near the railroad station and he saw Jim walking up the tracks and then he saw the train pass and he did not see Jim any more.

The witness further testified that thereupon he walked up the tracks and he saw Jim's head lying on one side of the tracks and the mangled remains of the rest of him lying on the other side of the tracks.

Thereupon counsel for the administrator put this question to the witness:

"What did you do when you saw these gruesome relics lying along the tracks?"

The witness replied, "I said to myself, 'Something serious must have happened to Jim.' "

Now, Mr. President, something very serious will happen to the Constitution of the United States if the women's rights amendment is submitted by Congress to the States and ratified by the States.

I am not the only one who entertains this view. We hear a great deal of discussion to the effect that business and professional women's organizations demand passage of this resolution, that they demand the Senate not change a single dot over an "i", or a cross-mark over a single "t." In other words, they demand that the Senate abdicate the exercise of its intellectual functions and its legislative powers and approve the resolution in the exact words in which it was passed by the House.

The truth of it is that there are a few—and I contend a relatively few—business and professional women who demand the adoption of this resolution. This resolution would be disastrous in its consequences if it should become a part of the Constitution and should be interpreted according to what some of its proponents say it means.

In that event it would rob the women who elect to be housewives and mothers and the women who, unfortunately, become widows, of hundreds of rights which they now enjoy under the Constitution and laws of the United States and the several States.

There are undoubtedly some laws that ought to be repealed. There are undoubtedly some laws which ought to be passed in order to remove legal discriminations against women. But unfortunately this resolution, if adopted as part of the Constitution, would deprive the Congress of the United States and the legislatures of all the States of the Union of the legislative power to extend any rights or any protections to women which they are now permitted to extend by the fifth and 14th amendments.

I am not the only one who entertains this opinion. I have a statement in my hand which has been endorsed by some of the great leaders of this Nation which I propose to read to the Congress. I also have letters from attorneys general of many States proclaiming the undoubted truth that the submission and approval of this resolution would bring chaos into the laws of the States.

This statement has been endorsed by some of the leaders of great organizations in this country and by some of the most distinguished women of this Nation.

This statement bears out the observation made by one of the smartest lawyers known to me, Justice Susie Sharp, of the Supreme Court of North Carolina, who said in a letter which appears in the RECORD of the hearings conducted by the full Judiciary Committee that the women who advocate the resolution are simply ambushing themselves.

Mr. President, I digress a moment to note that unfortunately the evidence taken at the hearings of the full Senate Judiciary Committee after my friend, the distinguished Senator from Indiana, the chairman of the Subcommittee on Constitutional Amendments, declined to conduct any further hearings, have not yet been printed. They should be printed before the Senate votes on this resolution and thereby be made available to all Senators before they cast their ballots.

The statement I propose to read is entitled, "What Does Equality Mean Under the Equal Rights Amendment?" It asks and answers what it calls "A Few Thoughtful Questions."

Here is question No. 1:

Does the Equal Rights Amendment create new rights for women?

Here is the answer:

No, it does not. In fact, the Amendment—

Does not require equal pay for equal work.

Does not require promotion of women to better or "decision-making" jobs.

Does not provide free 24-hour community-controlled children's day care centers for working mothers.

Does not elect more women to public office.

Does not abolish abortion laws or make available safe birth control devices.

Does not convince men they should help with the housework.

And, furthermore, does not put a woman astronaut into space!

That is the answer to the first of the thoughtful questions set forth and answered in this statement.

The second question is, and it is a question which would give millions of wives and mothers and widows concern if they had an organization here in Washington to lobby for them:

Could the Equal Rights Amendment destroy some important women's rights?

The answer is:

Yes, it could destroy rights and cause new problems . . . by creating new obligations for women to support their husbands and children.

Weakening men's duty to support their wives and children.

Wiping out laws fixing such benefits as minimum wages, maximum hours, and safety standards for women, simply because many of these laws don't apply to men.

Drafting women into military service.

Weakening the legal presumption that a woman should keep custody of her children and should receive financial support in the event of a divorce.

Endangering the tax-exempt status of nonprofit "women only" institutions, such as the YWCA and Girl Scouts.

Destroying laws that require separate rest rooms and dressing rooms for women workers.

Some of the supporters of the resolution say that it is fantastic to say that this resolution will have the effect of making women subject to the draft or the effect of incapacitating Congress to enact a draft law which drafts men for service in combat and does not draft women for like service.

The signers of this statement from which I have read said that it could create new problems for women by drafting women into military service.

That is exactly what the proponents of this resolution asserted in a memorandum which was printed in the CONGRESSIONAL RECORD of March 26, 1970, by request of the distinguished Congresswoman from Michigan, Mrs. GRIFFITHS.

I direct the attention of the Senate to the 13th objection made by the memorandum in respect to distinctions based upon sex of which the advocates of the resolution make complaint.

The 13th objection is this: Exclusion of women from the requirements of the Military Selective Service Act of 1967. The Military Selective Service Act of 1967 expressly provides that men can be drafted to serve in the combat forces of this Nation to defend it against an enemy of the United States; that the draft is restricted to males; and that females are excluded from the draft.

By the memorandum the proponents of this amendment confess that one of the laws they wish to have nullified by their amendment is the law which provides for the drafting of men and the exemption of women from compulsory military service.

The laws that govern voluntary enlistments in the Armed Forces of the United States would also fall under the interpretation placed on the amendment by its proponents. These laws provide for the voluntary enlistment of men for combat service, but they provide, in substance, that no woman shall be voluntarily enlisted for combat service in the Armed Forces of the United States. Women are permitted to enlist for service in nursing, the Wacs, the Waves, and the like. They are permitted to enlist voluntarily for noncombatant service in the Armed Forces. But they are not permitted by existing laws to volunteer for service in combat.

Not only that, Mr. President, but the laws establishing the Military Academy at West Point, the Naval Academy at Annapolis, and the Air Force Academy at Colorado Springs, expressly provide that the only persons who will be admitted as cadets or midshipmen to those institutions are men. According to the interpretation which was placed upon this amendment in the memorandum on the proposed equal rights amendment to the Constitution in the House of Representatives on March 26, 1970, this amendment would have the effect of depriving Congress of any power to pass any laws to draft any man for service in the Armed Forces unless the same law provided for the drafting of women. It would deprive Congress of the power to authorize the voluntary enlistment of men for combat service unless it also authorized the voluntary enlistment of women for like service.

Furthermore, it would require Congress, if we are going to have any service academies like West Point, the Naval Academy, or the Air Force Academy,

after this amendment becomes law, to convert those institutions into coeducational war colleges. I say these things and I base them on what the House memorandum declares.

It is stated in this memorandum:

The purpose of the proposed amendment would be to provide constitutional protection against laws and official practices that treat men and women differently. At the present time, the extent to which women may invoke the protection of the Constitution against laws which discriminate on the basis of sex is unclear. The equal rights amendment would insure equal rights under the law for men and women and would secure the right of all persons to equal treatment under the laws and official practices without differentiation based on sex.

I digress momentarily to observe that women can successfully invoke the Equal Protection Clause to invalidate any State action which arbitrarily or inviduously discriminates against them.

A little further the memorandum states:

The proposed amendment would secure the right of all persons to equal treatment under the law without any distinction as to sex.

Then, it states further:

The equal rights amendment would simply require that men and women be treated the same under the law.

That is what the advocates of the amendment say. That is what they declared in the memorandum which was inserted in the CONGRESSIONAL RECORD on March 26, 1970: Hence, they assert that the proposed amendment would require that every law must apply in exactly the same way to men and women, or otherwise would be unconstitutional.

I have to confess I am not smart enough to know how a legislative body is going to make the same law apply the same way to men and women in respect to such subjects as abortion, carnal knowledge of girls under the age of consent, rape, pregnancy; and the like. Maybe the proponents of this resolution can draft laws like that; but the Senator from North Carolina confesses his incapacity to do so.

Mr. President, I resume my consideration of the statement which as I said, has been endorsed by some of the most distinguished leaders of our Nation and some of the most distinguished women of our Nation.

The third question set out in the statement is this:

Is this constitutional amendment really needed to achieve women's rights?

This is the answer to the question:

No. Because the Constitution already protects the rights of women, particularly under the 5th and 14th Amendments.

Unfair or discriminatory laws can be repealed by legislatures or challenged in the courts under these Amendments. That has already been done successfully in many cases.

New rights and freedoms for women will come from enactment of new laws and the effective enforcement of existing ones—not from a new Constitutional Amendment.

Mr. President, after asking and answering these questions, the statement has a subheading entitled "Some Real Worries."

The subheading reads:

Nobody knows for sure what results the Equal Rights Amendment would bring. But here are some "real worries" you ought to think about:

Many state laws enacted to prevent harsh industrial or commercial exploitation of working women are likely to go out the window—whether women want them to or not. The "equality" arguments can be turned right around by powerful employer interests who don't want *any* of their workers protected by labor laws—either men *or* women. If the courts don't throw out the women's labor laws right away, the legislatures can be pressured into quick repeal.

Divorced, separated, and deserted wives struggling to support themselves and their children through whatever work they can get may find their claims to support from the father even harder to enforce than they do right now.

For many American women, particularly those in the lower income brackets, that's a heavy price to pay for a theory of equality.

Wives and mothers who are not in the labor force—and they are a substantial majority—may find they can no longer choose to stay at home to care for their families.

Under the Equal Rights Amendment, they may become obligated for furnishing half the family support. The right of choice for these women should be protected.

These are some of the worries for the wives, for the mothers, for the widows, and for the working women—of America to think about.

The statement concludes with advice to the women of America—and, incidentally, I might say, to their representatives in the Senate of the United States. This advice is headed by the statement: "Don't Buy a Gold Brick!"

It reads:

America's women are increasingly expert consumers.

They've learned the hard way that you can't always trust the language on the label . . . or extravagant advertising claims.

That's true for legislation, too.

The Equal Rights Amendment to the Constitution, for instance, sounds great . . . like the end of sex discrimination.

Sounds easy . . . But most sex discrimination is a matter of private practice, not of public law, and will not be affected by the Amendment.

And laws that treat women differently are not necessarily "discriminatory" or unfair.

That's why many women's organizations, trade unions and individuals with long experience in human and industrial relations problems, urge rejection of the Equal Rights Amendment.

Let's keep the good laws we've won and see that they're enforced. Let's repeal or amend the bad laws . . . and go on from there to achieve real equality for every American.

That concludes the statement.

I have stated that this statement has been endorsed by some of the leaders of America. It has been endorsed by some of the most intelligent women in America. I want to read a list of those who have endorsed this statement:

1. Chauncey Alexander, Executive Director, National Association of Social Workers.

2. Joseph A. Beirne, President, Communications Workers of America.

3. Margaret Berry, Executive Director, National Federation of Settlements and Neighborhood Centers.

4. Mary F. Callahan, Former Member, President's Commission on the Status of Women, Citizens' Advisory Council on the Status of Women.

5. Cesar Chavez, Director, United Farm Workers Organizing Committee.

6. Patrick E. Gorman, Secretary-Treasurer, Amalgamated Meat Cutters and Butcher Workmen.

7. Dorothy Height, President, National Council of Negro Women.

8. Dolores Huerta, Vice President, United Farm Workers Organizing Committee.

9. Paul Jennings, President, International Union of Electrical, Radio and Machine Workers.

10. Mary Dublin Keyserling, Former Director, Women's Bureau—U.S. Department of Labor.

11. Margaret Mealey, Executive Director, National Council of Catholic Women.

12. Ruth Miller, Former Chairman, California Advisory Commission on the Status of Women.

13. Sarah Newman, Central Secretary, National Consumers League.

14. William Pollock, President, Textile Workers Union of America.

15. Jacob S. Potofsky, President, Amalgamated Clothing Workers of America.

16. Louis Stulberg, President, International Ladies' Garment Workers' Union.

17. Mary E. Switzer, Former Administrator, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare.

18. Dr. Cynthia Wedel, Former Member, President's Commission on the Status of Women.

19. Mrs. Leonard H. Weiner, National President, National Council of Jewish Women.

20. Elizabeth Wickenden, Professor of Urban Studies, City University of New York; Former Member, Citizens' Advisory Council on the Status of Women.

21. Myra Wolfgang, Vice President, Hotel and Restaurant Employees' and Bartenders' International Union.

Mr. President, I have in my hand letters from attorneys general of various States of the Union, which I may present now if the distinguished Senator from Maryland (Mr. MATHIAS) does not desire the floor for the purpose of offering an amendment.

Before I proceed to read these letters from the attorneys general of the various States, which point out in very emphatic fashion the devastating effect which the so-called women's rights amendment could have upon the laws of the States, I would like to refer to the case of *Hoyt* v. *Florida*, 368 U.S., page 57.

This is the case which was mentioned in the letter written by the distinguished Representative from Michigan Mrs. GRIFFITHS, to the distinguished Senate majority leader, and which was read to the Senate yesterday by the majority leader.

That letter contained a very strange statement, namely, that the Supreme Court of the United States had never held that women are persons within the meaning of the 14th amendment.

This very case shows that women are regarded as persons within the meaning of the 14th amendment. This was a case where a Florida woman was charged with the murder of her husband. She was tried before an all-male jury, and was found guilty by the jury of the crime of murder in the second degree. I would say that she was probably lucky to have been tried by a jury of men rather than a jury of women. If she had been tried by a jury of women, she might have been found guilty of murder in the first degree. I do not know about that.

But she appealed, and eventually her case reached the Supreme Court on the allegation that she had been unjustly discriminated against because Florida excluded women from service on the jury.

Yesterday I stated, and I reiterate without fear of successful contradiction, that in this case the Supreme Court recognized that any State law which makes any legal distinction between men and women is unconstitutional under the equal protection clause of the 14th amendment, unless the distinction is based upon rational grounds.

On pages 59 and 60 of the Hoyt case, the Supreme Court said:

We address ourselves first to appellant's challenge to the statute on its face.

Several observations should initially be made. We of course recognize that the Fourteenth Amendment reaches not only arbitrary class exclusions from jury service based on race or color, but also all other exclusions which "single out" any class of persons "for different treatment not based on some reasonable classification."

By this statement, the Supreme Court says that the 14th amendment applies to all persons, and that it protects all persons, whether they be men, whether they be women, whether they be boys, or whether they be girls, from any State action which singles them out for different treatment, not based on some reasonable classification.

The Court then proceeded to pass upon the question raised by this woman from Florida. The law of Florida provided that men and women should both be eligible to serve on juries in the State courts of Florida.

The law did make a distinction between men and women. The law of Florida, which is similar to the laws of some 16, 17, or 18 other States, provided that no woman should be compelled to serve on a jury if jury service was incompatible with her other responsibilities in life, and that no woman should be summoned for jury service unless she notified the clerk of the court that she considered that service upon the jury would not interfere with the performance with the other duties devolving upon her.

The Supreme Court of the United States held that that law was perfectly valid, that it made a reasonable distinction between men and women, taking into consideration the respective responsibilities and the respective functions of men and women.

The Supreme Court said:

In the selection of jurors Florida has differentiated between men and women in two respects. It has given women an absolute exemption from jury duty based solely on their sex, no similar exemption obtaining as to men. And it has provided for its effectuation in a manner less onerous than that governing exemptions exercisable by men: women are not to be put on the jury list unless they have voluntarily registered for such service; men, on the other hand, even if entitled to an exemption, are to be included on the list unless they have filed a written claim of exemption as provided by law. Fla. Stat. 1959, § 40.10.

In neither respect can we conclude that Florida's statute is not "based on some reasonable classification," and that it is thus infected with unconstitutionality. Despite the enlightened emancipation of women from the restrictions and protections of bygone years, and their entry into many parts of community life formerly considered to be reserved to men, woman is still regarded as the center of home and family life. We cannot say that it is constitutionally impermissible for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities.

Florida is not alone in so concluding. Women are now eligible for jury service in all but three States of the Union. Of the forty-seven States where women are eligible, seventeen besides Florida, as well as the District of Columbia, have accorded women an absolute exemption based solely on their sex, exercisable in one form or another. In two of these States, as in Florida, the exemption is automatic, unless a woman volunteers for such service.

The advocates of this resolution condemn this case. Why they do so I cannot comprehend. It does not keep any business or professional woman from serving on a jury. If such a woman resides in Florida and wants to serve on a jury, she can communicate her willingness to serve and be summoned for jury service just as a man can.

The objection to this decision illustrates the attitude of some of the militant women who back this amendment. They want to take rights away from their sisters. They want laws which compel their sisters who have little children to nurture and homes to keep, to leave their children and abandon their work as homemakers and go to court either to serve on a jury or to beg a kindhearted judge, or perhaps a hardhearted judge, to excuse them from jury service so they can perform the duties imposed upon them by God and nature.

Mr. President, I do not know whether the Senator from Maryland wants to present his amendment. If he does, I would be glad to yield the floor so that he could do so.

Mr. COOK. Mr. President, I have tried to communicate with the Senator from Maryland, and he indicated to me that the Senator from Massachusetts would not be available until 2 p.m. I am not quite sure what that does. Perhaps the majority leader might get into this discussion, because I thought the time limitation today was to be until 12:30, that this matter would then be set aside.

Mr. MANSFIELD. That is correct—for not to exceed 2 hours.

The PRESIDING OFFICER. The time is 12:20.

Mr. COOK. So, apparently, this amendment will not be debated at all today, if other matters are taken up by the Senate.

I might say to the Senator from North Carolina that it is my understanding that the pending business is the amendment of the distinguished Senator from Alabama and that if the Senator from Alabama wishes to pursue his amendment, he may well take this opportunity, although obviously he can hold it until a later time.

Mr. ERVIN. Under the circumstances, since the Senator from Maryland and the Senator from Massachusetts cannot be here to present their amendment, I will proceed.

I wrote several attorneys general and asked them for their opinions on this resolution. I have a letter from the office of Helgi Johanneson, attorney general of the State of North Dakota, dated September 10, which reads as follows:

STATE OF NORTH DAKOTA,
September 10, 1970.

Hon. SAM J. ERVIN,
Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: After examining the proposed House passed Equal Rights Amendment, the question is raised whether or not § 34-06-06 of the North Dakota Century Code would be constitutional if the House passed Equal Rights Amendment were to become a part of the United States Constitution.

The aforementioned section provides as follows:

"Hours of labor for females limited—exceptions.—Notwithstanding any other provision of this chapter or any standard, rule, or regulation issued thereunder, it shall be unlawful to employ any female within this state in any manufacturing, mechanical, or mercantile establishment, or in any hotel or restaurant, or in any telephone or telegraph establishment or office, or in any express or transportation company, for more than eight and one-half hours in any one day, or for more than six days, or for more than forty-eight hours in any one week. This section, however, shall not apply to:

"1. Females working in any municipality having a population of less than five hundred inhabitants;

"2. Females working in rural telephone exchanges;

"3. Females working in small telephone exchanges or telegraph offices where the commissioner has determined after a hearing that the condition of the work is so light that it does not justify the application of the provisions of this section;

"4. Females who are required to work in cases of emergency, and in cases arising under this subsection females may be employed for ten hours in any one day and seven days in one week but shall not be employed for more than forty-eight hours in any one week. An emergency is deemed to exist under the provisions of this subsection:

"a. In the case of the sickness of more than one female employee in which case a doctor's certificate must be furnished showing that it will not be dangerous to human life to continue employment in the establishment involved;

"b. When such employment is required in connection with a banquet, convention, or celebration or because a session of the legislative assembly is in progress;

"c. In the case of the employment of a female as a reporter in any of the courts of this state.

"In cases arising under subsection 3 of this section, the commissioner shall make and establish reasonable rules and regulations under which females may be employed."

The North Dakota Supreme Court in State vs. Ehr, 57 ND 310, 221 NW 883, held that the state had the right, under its police powers, to regulate the length of hours females may be employed. It was held that the aforementioned section does not violate the Due Process or Equal Protection clauses of the Federal or State Constitution.

However, if the aforementioned Equal Rights Amendment were to become law, it would be questionable whether a statute regulating the hours of employment for females would be valid.

On the lighter side, the 1969 Legislative Assembly enacted Chapter 315 making it unlawful to discriminate between horse jockeys on the basis of sex and provided that all women jockeys shall be permitted to ride a

horse in any horse race conducted in accordance with the laws of this state. It further provided that anyone violating this provision is guilty of a misdemeanor.

We trust this information will be useful as well as interesting.

Yours very truly,

PAUL M. SAND,
First Assistant Attorney General.

I have a letter from the distinguished attorney general of the State of Wyoming, the Honorable James E. Barrett. This letter is dated September 15, 1970, and reads as follows:

DEAR SENATOR ERVIN: I regret that I have not been able to sooner respond to your very welcome letter of August 28th, wherein you so kindly enclosed to me a copy of House Joint Resolution 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women, and wherein you further enclosed the copy of your Senate speech relative to this subject made Friday, August 21, 1970.

I, too, join with you in the hope that the House-passed Equal Rights Amendment to the Constitution will be referred to the Senate Judiciary Committee for intelligent study and analysis. I am not prepared to submit any constitutional opinion with respect to the meaning and possible implications of the amendment, but I am seriously concerned about the remarks made by Professor Paul Freund of the Harvard Law School which you quoted in your speech to the Senate on August 21.

Wyoming enacted the Fair Employment Practice Act of 1965 which, among other things, prohibits an employer from refusing to hire or promote or to otherwise discriminate in matters of compensation against any person because of race, sex, creed, color, national origin or ancestry. In 1966 the Wyoming Supreme Court in the case of *Longacre v. State of Wyoming*, reported in 488 P.2d 832, held that the above referred to provision of the Fair Employment Practice Act of 1965 repealed by implication, a provision in the Wyoming Liquor Code prohibiting females from being employed as bartenders in a room holding a retail liquor license. The court held that the legislative intent in the enactment of the Fair Employment Practice Act was such as to prohibit discrimination universally throughout the State of Wyoming.

With very best wishes and kindest personal regards, I am.

Sincerely yours,

JAMES E. BARRETT,
Attorney General.

Mr. President, I have a copy of a letter which was originally addressed to the Honorable EMANUEL CELLER, chairman of the Committee on the Judiciary of the House of Representatives, and which was mailed to me by the Attorney General of Louisiana in response to my inquiry.

The letter reads:

MY DEAR REPRESENTATIVE CELLER: Your letter of July 27, 1970 informs me that the following proposed Constitutional Amendment is being studied by your committee:

"SECTION 1. Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation. . . ."

In general, it is my observation that any state law which makes a distinction based on sex might be in jeopardy if the proposal is adopted. For example, laws requiring the sexes to be housed in different prisons might well be subject to being declared invalid unless specifically excepted from operation of the proposal.

More specifically, I attach hereto a list of Louisiana laws which, in my opinion, could be affected by the proposed amendment.

Sincerely yours,

JACK P. F. GREMILLION,
Attorney General.

I want to read the enclosure:

Louisiana Laws that might be affected by proposed Federal Constitutional Amendment as to equality of sexes.

Jurors.—Louisiana Constitution of 1921, Art. 7, Sec. 41, Louisiana Code of Criminal Procedure, Art. 402 and La. Revised Statutes 13:3055, provide that no woman shall be drawn for jury service unless she has previously filed with the Clerk of the District Court a written declaration of her desire to be subject to such service.

Schools.—Some schools in Louisiana are segregated by sexes. Such a practice would be vulnerable to attack under the proposed Constitutional Amendment.

Family Law—Community of Acquets and Gains.—Husband as head and master of the community with the right to administer all property acquired during the marriage without the wife's consent as provided in Art. 2404 of the Louisiana Civil Code, would be affected. The wife's right to damages for personal injuries as her personal property with no reciprocal right to the husband under Art. 2402 of the Louisiana Civil Code, would be affected.

I digress here, Mr. President, from reading, to say to those Senators who represent States which have community property laws, that it would be wise to pay some heed to the suggestion of the attorney general of Louisiana that the pending resolution, if it becomes a part of the Constitution, could invalidate those community property laws.

I now proceed further with reading the statement concerning the Louisiana laws that might be affected by the proposed constitutional amendment as to equality of the sexes:

Alimony.—The right of the wife to claim alimony under Art. 160 of Louisiana Civil Code without a reciprocal right in the husband, would be affected.

Tutorship.—Art. 264 of the Louisiana Civil Code provides that when ascendants of different sexes in the some degree of relationship claim the tutorship of a minor child, preference is given to the male, would be affected.

Labor Laws.—Louisiana Constitution, Art. 4, Sec. 7 and Louisiana Revised Statute, Title 23:291 et seq. provide for minimum wages and the regulation of the hours and working conditions of women, would be affected.

Prisons.—Louisiana Revised Statute, Title 15:854 and 15:1011.1 provide for the separation of prisoners according to sex and Louisiana Revised Statute 15:752 and 753 providing for separate bathing facilities of males and females, would be affected.

Sex Offenses.—The proposed Constitutional Amendment could affect certain sex offenses and offenses against public morals.

Mr. President, I have another copy of a letter addressed to Representative EMANUEL CELLER by the attorney general of the State of Kentucky, dated August 6, 1970. The letter was signed by Attorney General John B. Breckinridge, and reads as follows:

DEAR MR. CELLER: This is in answer to your letter of July 27 in which you as Chairman of the Committee on Judiciary of the House of Representatives wish to be advised as to what major laws if any, of this state will be affected by the adoption of the proposed constitutional amendment declaring that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

In response to your question, Kentucky appears to have numerous minor statutes that would be affected by the referred to constitutional amendment. Among them are KRS 244.320 prohibiting females from being served alcoholic beverages at a bar and KRS 244.100 prohibiting a retail alcoholic beverage licensee that sells alcoholic beverages for consumption on the premises, from employing any female for any duties respecting the sale of alcoholic beverages except to wait upon tables or serve as cashier or usher. These statutes were, however, recently attacked in a suit styled Dixie Sherman Burke v. State Alcoholic Beverage Control Board, in the Franklin Circuit Court and declared unconstitutional. This case will, of course, be appealed to the Kentucky Court of Appeals.

Aside from the above statutes we cite the following: KRS 337.365 (rest periods for females), KRS 337.370 (maximum hours for infant females), KRS 337.380 (maximum hours for any females in specialized industries), KRS 337.390 (bookkeeping for female employees), KRS 337.400 (posting statutes protecting females), KRS 337.410 (Department of Labor's jurisdiction to enforce such statutes), KRS 338.110 (minimum number of seats for females) and KRS 338.120 (toilet and washroom facilities for females). Further, the present minimum wage orders would have to be superseded or modified to cover males as well.

There are other areas in which such a constitutional amendment would require statutory revision such as dower and courtesy laws, divorce and *custody* laws and every statute in which there are distinguishments between males and females.

We trust the above information will be of some help to the Committee, however, if we can be of any further assistance please do not hesitate to advise.

Yours very truly,

JOHN B. BRECKINRIDGE.

Mr. President, I received the following letter from Attorney General Daniel R. McLeod, of the State of South Carolina. The letter is dated September 10, 1970, and it is addressed to me.

It reads as follows:

HON. SAM J. ERVIN, Jr.,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: Thank you for your recent letter questioning the effects of the House-passed Equal Rights Amendment upon the laws of South Carolina.

We have in this State, as in many states, laws which have been enacted, or preserved from the common law, which are designed specifically to protect the interests of women. These laws are founded upon a recognition of the generally inferior physical capabilities of women, their sexuality, and their frequent economic dependence during coverture and thereafter. As a result, these laws embodied in our statutes, and in our case law, are such as could be construed as discriminatory, not so much as to women, but rather as to men. More specifically, I refer you to the following sections of the South Carolina Code of Laws (1962):

§§ 19–101 to 169. *Dower, Curtesy and Jointure*—which sections abolish tenancy by curtesy but retain the right of dower in a wife; §§ 20–112 to 114 and § 20–116. *Alimony*—which sections provide for maintenance and support of a wife under appropriate circumstances during and after a divorce; § 10–803. *Females to be arrested only in certain cases*—which section prohibits the arrest of women for civil offenses except where wilfull injury to persons, property, or character is invalid; and §§ 40–81, 40–256 and 64–5, which provide, respectively,

that women are limited to twelve hour working days and sixty-hour work weeks (in mercantile establishments), and that they must be provided chairs and reasonable opportunities to rest (mercantile establishments), and that women may not work on Sundays (mercantile establishments or factories). Additionally, we require separate and suitable latrine facilities in all establishments employing two or more males and two or more females (§ 40-257).

Of the above statutes, undoubtedly the most widely applied are those dealing with dower and alimony. Our statutes dealing with employment of women have been weakened in certain cases by other wage and hour legislation and by dictates of the federal Equal Employment Opportunity Commission; nevertheless, they are on our books. The validity of these laws could be attacked in the light of the House Amendment, if adopted.

If this office can be of further assistance, please let me know.

Sincerely,

DANIEL R. MCLEOD,
Attorney General.

Mr. President, I received the following letter from the Honorable Robert Morgan, attorney general of the State of North Carolina. The letter is dated September 14, 1970.

It reads as follows:

Senator SAM J. ERVIN, JR.,
U.S. Senate
Washington, D.C.

DEAR SENATOR ERVIN: This is in response to your inquiry regarding possible effects on the laws of the State of North Carolina should the proposed "Equal Rights for Women" Amendment to the Constitution of the United States be ratified.

Perhaps the greatest effect of the Amendment would be the potential invalidation of several sections of the criminal laws of North Carolina. The crimes of rape and kindred offenses (G.S. 14-21 through 14-26), for example, might well violate such an Amendment. The crimes specified in these sections either apply to men only or make distinctions between crimes committed by men and women.

Other criminal statutes which would possibly be unconstitutional to the extent that they distinguish between men and women include G.S. 14-43 Abduction of Married Women, G.S. 14-48 Slandering Innocent Women, G.S. 14-180 Seduction, G.S. 14-198 Lewd Women Within Three Miles of Colleges and Boarding Schools, and G.S. 14-274 Disturbing Students at Schools for Women.

The proposed Amendment would also seem to remove the father's primary duty of support of the family as set forth in *Sanders v. Sanders*, 167 N.C. 319, 83 S.E. 490 (1914). Other laws providing for protection of the family which would be subject to constitutional challenge would include G.S. 14-322 Abandonment by Husband or Parent, G.S. 14-324 Order to Support from Husband's Property or Earnings, G.S. 14-325 Failure of Husband to Provide Adequate Support for Family, and G.S. 14-326 Abandonment of Child by Mother. Any law regarding alimony would be unconstitutional to the extent that it distinguished between men and women.

With certain minor exceptions, the proposed constitutional Amendment granting "equal rights for women" should have very little effect upon the real property law of North Carolina. For the most part, our legislature has already granted men and women equal rights with respect to real property.

Perhaps the most notable effect of the proposed constitutional Amendment in North Carolina will be the elimination of the requirement of a privy examination of the wife when she conveys real property to her husband or enters into a contract with her husband regarding her real property. Under G.S. 39-13.4 (e) and G.S. 52-6, a privy examination of the wife is presently required in such situations. Although the statutory provisions were designed to protect the wife, they may be regarded as discriminatory under the proposed Amendment.

The Amendment may also have an effect upon G.S. 31A-5 dealing with tenancies by the entirety when either husband or wife slays the other. Under the present law, if the wife is the slayer, one-half of the property passes immediately to the husband's estate and the other one-half is held by the wife during her life, subject to pass upon her death to the estate of the husband. On the other hand, when the husband is the slayer, he holds all of the property during his life subject to pass upon his death to the estate of the wife. There may be other minor provisions regarding real property which will be affected by the proposed constitutional Amendment. However, the proposed Amendment should not result in substantial changes in this area of the law.

State income tax laws could possibly be altered by the Amendment. Article V, Section 3 of the State Constitution provides an exemption from income tax "for a married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000 . . ." The Revenue Act, of course, implements those provisions with the result that a man is entitled to a $2,000 exemption while his wife with income receives only a $1,000 exemption.

Although it is not clear that our Constitution would be in conflict with the proposed Amendment to the Constitution of the United States, such a contention would be (in fact, is) made by many taxpayers. If a result were eventually reached which required married women with income to be allowed the same exemption as married men, the revenue loss to the State of North Carolina has been estimated to be $14,000,000 annually.

North Carolina's labor laws regarding women would also be subject to immediate attack. In fact, similar laws in other states have already been attacked as a denial of equal protection of the law.

North Carolina, by statute (G.S. 95-17), prohibits any woman from working more than a forty-eight hour week. Men, however, are permitted to work up to fifty-six hours a week. Further, G.S. 95-29 requires all employers to provide proper and suitable seats for all females during the working day.

North Carolina has taken the position that laws intended to protect women against exploitation and hazards may not be used to discriminate against them in any manner. It is the State's position that employers are required by the Constitution of the United States to give all potential employees equal consideration and, that employers can in no way discriminate against women who are required by State law to work fewer hours per week than men. In other words, when a man and woman are being considered for the same job, the fact that a woman is not permitted to work as many hours as a man may not be held against her.

Finally, G.S. 95-48 through 95-53 require an employer to maintain separate rest rooms for males and females. By applying a blind and mechanical analogy to the Fourteenth Amendment and the Civil Rights Acts, it could be argued that a requirement for separate rest rooms denies equal protection of the laws on the basis of sex. It is possible, however, that the Supreme Court of the United States would not see fit to allow such an argument to prevail.

If this Office can be of further assistance to you with regard to this or any other matter, please do not hesitate to call on us.

With warmest personal regards, I am

Very truly yours,

ROBERT MORGAN,
Attorney General of North Carolina.

COMMITTEE MEETING DURING SENATE SESSION

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Subcommittee on National Penitentiaries of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 12870) to provide for the establishment of the King Range National Conservation Area in the State of California.

The message also announced that the House had passed a joint resolution (H.J. Res. 1396) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 712. Concurrent resolution authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report No. 91-983, 91st Congress, second session;

H. Con. Res. 732. Concurrent resolution providing for the printing as a House document of "The Pledge of Allegiance to the Flag";

H. Con. Res. 740. Concurrent resolution authorizing the printing of additional copies of the hearings accompanying the Legislative Reorganization Act of 1970;

H. Con. Res. 748. Concurrent resolution authorizing the printing of additional copies of hearings entitled "Cuba and the Caribbean" for use of the Committee on Foreign Affairs, House of Representatives;

H. Con. Res. 753. Concurrent resolution authorizing the printing of additional copies of publication entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities, 1955 Through 1968 (Eighty-fourth Through Ninetieth Congresses)"; and

H. Con. Res. 770. Concurrent resolution authorizing the printing of additional copies of "Anatomy of a Revolutionary Movement: 'Students for a Democratic Society'," 91st Congress, second session.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 712. Concurrent resolution authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report Numbered 91-983, 91st Congress, second session;

H. Con. Res. 732. Concurrent resolution providing for the printing as a House document of "The Pledge of Allegiance to the Flag";

H. Con. Res. 740. Concurrent resolution authorizing the printing of additional copies of the hearings accompanying the Legislative Reorganization Act of 1970;

H. Con. Res. 748. Concurrent resolution authorizing the printing of additional copies of

hearings entitled "Cuba and the Caribbean" for use of the Committee on Foreign Affairs, House of Representatives;

H. Con. Res. 753. Concurrent resolution authorizing the printing of additional copies of publication entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities 1955 Through 1968 (84th through 90th Cong."; and

H. Con. Res. 770. Concurrent resolution authorizing the printing of additional copies of "Anatomy of a Revolutionary Movement: 'Students for a Democratic Society'", 91st Congress, second session.

ILLEGAL TRANSPORTATION, USE, OR POSSESSION OF EXPLOSIVES

The PRESIDING OFFICER (Mr. HART). The hour of 12:20 p.m. having arrived, and pursuant to the previous order, the Senate will now proceed to the consideration of S. 3650, which the clerk will state.

The assistant legislative clerk read as follows:

Calendar No. 1233, S. 3650, a bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 19, after the word "explosion," insert "but excluding small arms ammunition and components intended for use therein"; in line 22, after the word "or" where it appears the second time, strike out "attempts" and insert "endeavors"; on page 3, line 6, after the word "shall", insert "also"; in line 12, after the word "an", strike out "attempt" and insert "endeavor"; in line 13, after the word "alleged", strike out "attempt" and insert "endeavor"; at the beginning of line 20, strike out "attempts" and insert "endeavors"; on page 4, at the beginning of line 14, strike out "attempts" and insert "endeavors"; on page 5, after line 20, insert a new section, as follows:

SEC. 2. Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by adding "section 837 (use, transportation, or possession, or threats or false information concerning)," after "section 664 (embezzlement from pension and welfare funds).".

And on page 6, at the beginning of line 1, change the section number from "2" to "3"; so as to make the bill read:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 837 of title 18, United States Code, is amended to read as follows:

"§ 837. Explosives—illegal transportation, use, or possession; threats or false information

"(a) As used in this section—

"'commerce' means commerce between any State, the District of Columbia, or any Commonwealth, territory, or possession of the United States, and any place outside thereof; or between points within the same State, the District of Columbia, or any Commonwealth, territory, or possession of the United States but through any place outside thereof; or within the District of Columbia, or any territory or possession of the United States;

"'explosive' means gunpowder, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion, *but excluding small arms ammunition and components intended for use therein.*

"(b) Whoever transports or receives, or endeavors to transport or receive, in commerce any explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property, shall be imprisoned for not more than ten years, or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(c) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an endeavor or alleged endeavor being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of an explosive shall be imprisoned for not more than five years or fined not more than $5,000, or both.

"(d) Whoever maliciously damages or destroys, or endeavors to damage or destroy, by means of an explosive, any building, vehicle or other personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, shall be imprisoned for not more than ten years or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years, or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(e) Whoever possesses an explosive in any building in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, except with the written consent of the agency, department or other person responsible for the management of such building shall be imprisoned for not more than one year, or fined not more than $1,000, or both.

"(f) Whoever maliciously damages or destroys, or endeavors to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property used for business purposes by a person engaged in commerce or in any activity affecting commerce shall be imprisoned for not more than ten years or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(g) Whoever possesses an explosive with the knowledge or intent that such explosive will be transported or used in violation of this section shall be imprisoned for not more than five years or fined not more than $5,000, or both.

"(h) Nothing in this section should be construed as indicating an intent on the part of Congress to prevent any State, territory, or possession of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for investigating and prosecuting actions that may be violations of this section and that are violations of State and local law.

"(i) No investigation or prosecution of any offense described in this section shall be undertaken by the United States except upon a determination by the Attorney General, or an Assistant Attorney General designated by the Attorney General, that in his judgment an investigation or prosecution by the United States is in the public interest."

SEC. 2. Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by adding "section 837 (use, transportation or possession, or threats or false information concerning)," after "section 664 (embezzlement from pension and welfare funds),".

SEC. 3. The reference to section 837 in the analysis of chapter 39, title 18, United States Code, is amended to read as follows:

"837. Explosives—illegal transportation, use, or possession; threats or false information."

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, I had not finished the speech I was making on House Joint Resolution 264. I yield the floor, but I ask unanimous consent that I be allowed to continue this speech at the first available opportunity, without having these remarks and subsequent remarks in the same speech counted as two speeches.

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

Mr. COOK. 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. YOUNG of North Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF TIME FOR CONDUCTING REFERENDUM WITH RESPECT TO NATIONAL MARKETING QUOTA FOR WHEAT

Mr. YOUNG of North Dakota. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 1396.

The PRESIDING OFFICER (Mr. HART) laid before the Senate House Joint Resolution 1396, to extend the time for conducting the referendum with re-

spect to the National Marketing Quota for Wheat for the marketing year beginning July 1, 1971, which was read twice by its title.

Mr. YOUNG of North Dakota. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. YOUNG of North Dakota. Mr. President, under the law the Secretary of Agriculture is required to hold a referendum among wheat growers as to the approval of a wheat price support program for wheat next year under the act of 1963. This referendum is scheduled for October 15, 1970. The ballots are waiting to be mailed out now and unless this resolution is agreed to by the Senate they will have to be mailed out tomorrow.

The Secretary of Agriculture has only to October 12, which is next Monday, to postpone the election. An election now would be practically meaningless.

Most farmers thought that by now Congress would have passed a new farm bill, but we are not certain when a new farm bill will become law. Certainly, it will not before next Wednesday.

So the resolution, which is requested by Secretary of Agriculture Harden, and approved by the leadership of both the majority and the minority, and by the chairman and members of the Senate Committee on Agriculture and Forestry, is now before the Senate, and I believe it is very important that we approve it.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1396) was read the third time and passed.

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

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

ILLEGAL TRANSPORTATION, USE, OR POSSESSION OF EXPLOSIVES

The Senate resumed the consideration of the bill (S. 3650) to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

Mr. McCLELLAN. I thank the Chair.

Mr. President, at 3:45 a.m., on August 24 of this year Robert Fassnacht lost his life at the University of Wisconsin in Madison when a terrorist bomb, aimed at Army-funded mathematics center on the second and fourth floors of the building, demolished the physics lab below. Lost, too, was the life's work of Prof. Joseph R. Dillinger, who has spent the last 23 years constructing, step by painful step, an intricate assemblage of cryogenic machinery, which was totally wiped out by the blast. Faced with this destruction of his own life's work, Dillinger, according to Life magazine—September 18, 1970, at page 41, column 3—is bewildered and bitter. "Fassnacht is dead and nothing can bring him back," he says. "That's the biggest loss of all. As for my lab, I could rebuild it all for about $150,000. It would take me about 6 years, but I could do it. But by then I'd be 60. And suppose they blew it up again? What's the point?"

Mr. President, it is in this tragic context that we now consider S. 3650, which is proposed by the Attorney General for the purpose of strengthening the existing Federal statute, 18 U.S.C. 837, to expand its scope, improve its effectiveness, and increase its penalties in several significant respects.

Mr. President, we are at a point in the history of this great Nation where we must come to the somber realization that our country faces a very dangerous and critical threat from the forces of subversion and revolution that are now committing repeated acts of bombing, arson, and sabotage. The magnitude and frequency of such acts of terrorism and destruction directed against the sovereignty of Government and the lives and property of our citizens furnish ample warning that we are fighting for the survival of our free society.

Responsible officials in many fields of Government testified before the Permanent Subcommittee on Investigation, which I am privileged to chair, that the stated objectives of the revolutionaries and anarchistic criminals, who are responsible for the atrocities, are the destruction of our traditional institutions and the overthrow of our governmental system.

Documentary evidence in the subcommittee files and record shows clearly that a large proportion of the fanatical and malicious bombings and assaults have been the work of groups which were organized to conduct and proliferate a reign of terror. Their own words, printed in their publications, specify their criminal intentions, exhort others to violence, and give explicit instructions on how to make and use explosive and incendiary devices. They urge warfare in the streets; they call for deadly attacks upon police; they extol murder, arson, and terrorism as weapons of revolution.

None of the witnesses before the subcommittee were optimistic about the future with respect to any anticipated diminution of this campaign of fear and terror. The record established in the subcommittee shows that they believe without exception that the bombings will continue and probably will accelerate, that the challenge to our society will become more severe and intensified, and that the dangers of revolution, anarchy, and chaos are present and real and will not just dissipate and go away. Strong and effective repellent measures are required to combat this growing menace. Almost all of the public officials who testified stated their beliefs that terroristic tactics could be suppressed only by vigorous prosecution and enforcement of the law and by appropriate punishment of those who are guilty of these acts of terrorism.

Summarizing the crisis with which we must deal, we find in the record before the subcommittee the appalling total of more than 5,000 bombings in the United States during the 18 months preceding April 15, 1970. More than 1,200 of them were of the high explosive type; the rest were committed with incendiary devices. According to a U.S. Treasury Department survey there were, from January 1, 1969, through April 15, 1970, more than 40,000 bombings, attempted bombings, and threats of bombings. At least 43 persons have been killed and about 400 others injured. Property damage has exceeded $25 million.

Testimony has established that during 1968, 1969, and the first half of 1970, 23 law enforcement officers have been killed by terroristic attacks, and 326 have been injured. These numbers have increased since our hearings were held in May of this year. As indicators of the magnitude of the crisis we face, those statistics call upon us to act swiftly and forcefully to bring to a halt the savage assaults upon our system of law and order. We must act, or we will fall victims to the mob.

It was in this context, therefore, that the President on March 25, 1970, requested legislation which would substantially revise and strengthen 18 U.S.C. 837. As submitted by the Department of Justice the proposal would:

Amplify the kinds of explosives and incendiary devices to which the statute applies;

Broaden its scope to proscribe the transportation or receipt of explosives or incendiary devices in commerce with the knowledge or intent that they will be used to kill, intimidate or injure persons, or unlawfully damage buldings, vehicles or property, without requiring proof of a specific objective;

Proscribe the malicious damage or destruction of property owned or leased by the Government by means of an explosive, and forbid the unauthorized possession of explosives in Government buildings;

Prohibit malicious damage by means of an explosive to real or personal property used for business purposes by anyone engaged in interstate commerce, or in an activity affecting commerce;

Add a provision covering the possession of explosives with the knowledge or intent that they will be transported or used in violation of the foregoing provisions; and

Revise the penalties upward in several significant respects.

The Committee on the Judiciary agreed that the legislation proposed by the administration would make a significant contribution to the Federal legal framework designed to deal with the unlawful use of explosives. The committee made three amendments to the bill designed to perfect the statute even further.

First, the term "endeavors" has been substituted for the term "attempt" throughout the bill. Unlike the latter term, judicial construction of "endeavors" has developed free of much of the traditional learning in the attempt area,

where prosecutions have been defeated, for example, where it has been possible to intervene before the act of bombing has been consumated or the bomb itself fails to explode.

Second, language has been added to the bill that would exempt from its coverage legitimate sporting activities of some 10,000 of our citizens who legitimately use black powder, smokeless powder and primers, percussion caps, and fuses in connection with muzzle-loaded rifles and other guns for hobbies, sporting events, and other similar endeavors.

Third, language has been added to the proposed legislation to include section 837 in those Federal offenses in the investigation of which electronic surveillance and immunity techniques may be employed. The committee believes that bombings and arsons should obviously be included among the other serious offenses to which these techniques are applicable.

The most significant of the penalty provisions of the bill, as compared with existing law, are found in subsections (b), (d), and (f) of proposed section 837. These subsections cover the transportation or receipt of explosives in commerce with knowledge or intent that they will be used in violation of the statute, the bombing of Federal buildings and other property, and the bombing of buildings or property used for business purposes by persons engaged in commerce. For each of these illegal activities, the bill would authorize maximum penalties of 10 years imprisonment or a fine of $10,000, or both. These penalties would be doubled if personal injury resulted, with additional imprisonment of up to a life term or the death penalty if death resulted.

The existing statute similarly authorizes the death penalty for bombing incidents resulting in fatalities. However, the existing provision requires a jury recommendation for imposition of the death penalty, and is therefore unconstitutional under the 1968 Supreme Court decision in United States against Jackson.

Despite the fact that the bill would merely remove the constitutional defect in the statute, rather than authorize the death penalty in a statute in which it was not previously authorized, the issue of capital punishment is before us today.

In recent years there has been considerable argument on both sides of the issue. I believe that the death penalty, limited to the most heinous of crimes, serves as an effective deterrent to many who could otherwise commit such crimes. Others disagree, and contend that capital punishment is not a deterrent.

The President's Commission on Law Enforcement and Administration of Justice took neither position, for the reason that we just do not know enough to say with certainty which side is correct. Instead, the Commission stated that "whether capital punishment is an appropriate sanction is a policy decision to be made by each State." It went on to recommend that where it is retained, the types of offenses for which it is available should be strictly limited.

Mr. President, I subscribe to the view of the President's Commission. As a result, I urge that the Senate approve without change the provisions of S. 3650 which authorize the death penalties when fatalities occur; for if there is any offense which warrants the imposition of the extreme penalty, it is the wanton killing of innocent persons by the bombs of the terrorists. The revulsion and horror which I felt last month when reading about the tragic death of the research professor in a bombing at the University of Wisconsin was, I am certain, shared by all of my colleagues.

I urge the Senate to approve this important legislation and expedite its passage here today.

AMENDMENT OF TITLE I OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1708.

The PRESIDING OFFICER (Mr. HART) laid before the Senate the amendment of the House of Representatives to the bill (S. 1708) to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes which was to strike out all after the enacting clause, and insert:

That subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.) 4601–5(c)) is amended as follows:

(a) In clause (1), strike out "five fiscal years beginning July 1, 1968, and ending June 30, 1973" and insert "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989."

(b) In clause (2), after "$200,000,000" insert "or $300,000,000" and after "for each of such fiscal years," insert "as provided in clause (1),".

SEC. 2. Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows:

"(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

"(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

"(D) 'States' as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States."

SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking "(k)" and substituting "(k)(1)" in lieu thereof.

SEC. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is amended to read as follows:

"(o) The Secretary of Health, Education, and Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year."

SEC. 5. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is amended by—

(1) striking out the phrase "public park, public recreational area, or" in paragraph (1) thereof; and

(2) striking out the first full sentence of paragraph (2) thereof.

And amend the title so as to read: "An Act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

Mr. JACKSON. Mr. President, on June 26, 1969, the Senate passed S. 1708, the Federal Lands for Parks and Recreation Act. On August 10, 1970, the House of Representatives passed an amended version of the same bill. The House version of S. 1708 is an outgrowth of two bills, H.R. 15913, reported by the House Committee on Interior and Insular Affairs, and H.R. 18275, reported by the House Committee on Government Operations. Though its approach is slightly different, S. 1708 as amended by the House would accomplish all the principal objectives of the Senate-passed bill. In addition, S. 1708 as amended by the House would increase the minimum funding level of the land and water conservation fund from $200 million to $300 million annually.

The principal differences between the House and Senate versions are:

The Senate bill grants authority to the Secretary of the Interior to transfer surplus Federal real property for less than 50 percent of fair market value only through fiscal year 1973. The House amendment grants this authority in per-

petuity. This provision of the House-passed bill is desirable, because it recognizes that the Nation's need for urban park and recreational facilities is a continuing one. This provision will put park and recreational purposes on a par with other purposes for which discounts of up to 100 percent are available, on a permanent basis.

The House amendment modifies the Senate formula for setting prices for properties transferred pursuant to the act by vesting authority in the Secretary of the Interior to establish the prices on the basis of "benefit which has accrued or may accrue to the United States from the use of such property" by the transferee. This authority is identical to that vested in the Secretary of Health, Education, and Welfare with respect to transfers for health and educational purposes. The following exchange of letters indicates the views of the Secretary of the Interior on that provision, as well as on a provision allowing him to lease rather than sell properties to eligible recipients:

AUGUST 27, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

MY DEAR MR. SECRETARY: On August 10, 1970, the House of Representatives passed S. 1708, relating to the disposal of surplus Federal properties for park and recreational purposes, which the Senate had passed on June 26, 1969. The House version directs the Secretary of the Interior, in setting the price to be paid by State and local governments and their agencies for surplus Federal properties transferred pursuant to the Act, to "take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality." The report of the House Committee on Government Operations (Report No. 91-1313) which accompanied the bill containing this language declares that the discount would be "100 per cent in all but the rarest of cases." I have reviewed the criteria established by the Bureau of Outdoor Recreation which, in your June 4, 1970, letter to Chairman Aspinall of the House Interior and Insular Affairs Committee, you propose to use in the determination of discounts if the bill is enacted containing the present House language with respect to price. In preparing for further Senate action on S. 1708, I would appreciate your answers to the following questions:

1. Do you concur that the discount would be "100% in all but the rarest of cases"?

2. In what kinds of cases if any would the transfers not qualify for a 100% discount?

In addition, the version of S. 1708 passed by the House of Representatives would authorize the Secretary of the Interior to lease rather than sell properties eligible for transfer pursuant to the Act. With respect to this provision I would appreciate your answer to the following questions:

1. Would any properties qualifying for transfer under the Act be leased instead of conveyed in fee?

2. If so, in what kinds of instances would they be leased rather than conveyed in fee?

Any amplification you would care to add to your answers to the above questions would of course be appreciated. In order to assure final action on this legislation during the 91st Congress, I would appreciate receiving your reply by Tuesday, September 8, 1970.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 8, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This complies with your request of August 27, 1970, for information regarding the implementation of the House amendment in S. 1708 of Section 203 (k) (2) (B) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), which reads as follows:

"(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality."

You ask for information on circumstances under which 100 percent public benefit allowances would not be available, and for information on when available properties would be leased rather than sold.

I. PUBLIC BENEFIT ALLOWANCE SYSTEM FOR SELLING OR LEASING SURPLUS LANDS FOR PARK AND RECREATION PURPOSES

The Secretary, in fixing the sale or lease value of property to be disposed of for park and recreation purposes, would be required to use a public benefit allowance system with discounts of up to 100 percent of the fair market value of the property.

Three types of public benefit allowances would be available:

1. An applicant would qualify for a basic 50 percent public benefit allowance if he agreed to develop and/or maintain the property for which he was applying in public park and recreation uses in perpetuity. To qualify for this basic allowance, an application, including a proposed land utilization plan would be required which would show:

a. current or future need for the land and planned facilities;

b. ability and authority of the applicant to develop, operate, and maintain the facilities;

c. evidence that the area sought was suitable or adaptable for the proposed use; and

d. evidence that the area sought would not allow discrimination on the basis of race, color, creed or national origin.

The application would have to meet *all four* of the above requirements to qualify for a 50 percent basic public benefit allowance.

2. An applicant would qualify for up to an additional 50 percent public benefit allowance based on the capability of the area sought to meet public recreation needs. This allowance would be determined by analyzing the application and the accompanying utilization plan, taking into account the following factors:

a. need, as identified in the Nationwide Outdoor Recreation Plan and in Statewide Comprehensive Outdoor Recreation Plan;

b. expense of converting the property to suitable, needed recreation uses;

c. accessibility of the property to population centers; and

d. commitment to develop the property in accordance with an approved public park or recreation plan within a specific period of time (5 to 10 years, depending on size of the development).

The Bureau of Outdoor Recreation now operates an evaluation system called COMPARE to assess outdoor recreation programs. Factors 2(a) through 2(d) would be evaluated based on the experience gained in operating the COMPARE system.

3. A special consideration allowance of up to 50% would be given for the following factors:

a. accessibility to the property by public transportation—10 percent;

b. provision of needed urban core recreation areas and facilities—10 percent;

c. preservation of outstanding scenic or historic resources as auxiliary benefits of the recreation project—10 percent; and

d. such other special or unusual factors as the Secretary might determine should be taken into account—20 percent.

We have screened forty properties by the above Public Benefit Allowance System that were transferred to States or local governmental units for park and recreation purposes at a 50 percent discount from 1966 to 1969 and each property would have qualified for a 100 percent discount. Also, based on the information available to us, properties such as Fort Lawton in Seattle, Washington, and Fort Snelling in Minneapolis, Minnesota, would qualify for 100 percent discounts.

II. CONVEYANCES WITH LESS THAN 100 PERCENT PUBLIC BENEFIT ALLOWANCES

In response to your request for our concurrence that the discount would be "100% in all but the rarest of cases," we note that, as reflected in the legislative history, conveyances of surplus Federal property suitable for public recreation would seldom be made except with 100 percent public benefit allowances. We anticipate that exemptions would largely involve areas which primarily serve recreation purposes but which contain facilities or installations not suitable for recreation purposes. A small building housing manufacturing facilities leased to a private operator in the midst of a large recreation tract might be an example of a property for which an applicant might receive less than 100 percent public benefit allowance. This same type of exception could also occur in the case of runways on airports, transmitting towers and other installations which would not be suitable for recreation and park use.

III. LEASING ARRANGEMENTS

A lease arrangement for properties qualifying for transfer under the Act might be necessary and advantageous when the State or local government unit is able to assume operation and maintenance of an area prior to finalizing an approved recreation use and development plan upon which to establish a sale price. A lease arrangement may also be necessary when the State or local governmental unit making application for the land does not have legal authority to purchase or acquire land.

If you would like additional information, please do not hesitate to contact me.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

Mr. President, the House version of S. 1708, unlike the Senate version, affords greater discretion to the Administrator of the General Services Administration in acting upon recommendations of the Secretary of the Interior that particular parcels be transferred for park and recreational purposes. This discretionary authority is presently vested in the Administrator with respect to properties recommended by the Secretary of Health, Education, and Welfare for transfer for health and educational purposes, and would allow the Administrator to make an overall assessment of the merits of respective proposals in view of the public interest in each case. The following exchanges of correspondence set forth the Administrator's views on the language of the House amendment:

SEPTEMBER 22, 1970.

Mr. ROBERT L. KUNZIG,
Administrator, General Services Administration, Washington, D.C.

MY DEAR MR. ADMINISTRATOR: On August 10, 1970, the House of Representatives passed, with amendments, S. 1708, providing in part for the transfer to State and local governmental units of surplus Federal real property for park and recreational purposes, at less than fair market value. The House version unlike the Senate bill, provides for the amendment of the Federal Property and Administrative Services Act of 1949 and vests considerable responsibility in the office of the Administrator of General Services. In preparing for further Senate action on the legislation I would appreciate receiving your views on some of the provisions of the House amendment, in lieu of formal departmental report.

Section 2 of the House amendment provides in part:

Under such regulations as he may prescribe, the Administrator [of the General Services Administration] is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

The same section further provides that the Secretary of the Interior may sell or lease surplus real property,

[s]ubject to the disapproval of the Administrator [of the General Services Administration] within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use. . . .

I would be happy to have the benefit of your comments on the above provisions, particularly with reference to:

(a) procedures to assure that the Secretary of the Interior will be afforded an opportunity to evaluate each parcel of real property that is declared surplus for its potential value for park and recreational purposes;

(b) standards to assure that the recreation needs of the country receive a high priority in the evaluation of the recommendations of the Secretary of the Interior.

The following specific questions are posed to aid you in addressing the matters set forth above:

1. Would the Secretary of the Interior receive notification of the fact that property is surplus at the same time as the Secretary of Health, Education, and Welfare?

2. Would there be any circumstance in which the Secretary of the Interior would not be afforded an opportunity to formulate a recommendation that a parcel of surplus property be transferred for park or recreational use?

3. Do you anticipate formulating any standards by which to assess the suitability of property for park or recreational uses in comparison with other potential uses? If so, what do you anticipate they might be?

4. Would the existence of an alternative proposal for transfer at less than fair market value pursuant to statute be necessary before a recommendation by the Secretary of the Interior for transfer for park or recreational use would be disapproved?

5. Would the probability that the property could be sold by negotiated sale or auction be likely to affect a decision to disapprove a recommendation of the Secretary of the Interior that certain property be transferred for a park or recreational use?

6. Would you be likely to ask the Secretary of the Interior to inform you of the price he intended to set with respect to a recommended transfer? Would the proposed price be likely to affect the decision as to whether to approve his recommendation?

I regard this legislation, which I sponsored in the Senate, as vitally important in our national effort to provide needed facilities for park and recreational purposes, and am anxious to assure that it will be administered in such a way as to assure this objective. It is my understanding through his sponsorship of similar legislation and from his numerous public statements on the subject that President Nixon shares my views on the importance of this legislation. I have asked the Secretary of the Interior for his interpretation of certain provisions of the House amendment and have obtained a gratifying response, a copy of which I am enclosing for your information.

In view of the short time remaining for further Congressional action this year, I would appreciate receiving your reply by September 28, 1970. I trust that your familiarity with the language in the House of Representatives amendment will make it possible for you to meet this deadline.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., September 30, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of September 22 concerning S. 1708.

The provisions of this proposed legislation are similar to those established by section 203(k) of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 484(k)), authorizing the Administrator of General Services to assign to the Secretary of Health, Education, and Welfare (DHEW) surplus real property recommended by the Secretary as being needed by eligible State and local public agencies for health or educational purposes.

Because of our deep concern over the need for open spaces and recreational areas, particularly in urban communities, we will make every effort to see that appropriate unneeded Federal land is similarly made available for park and recreational use if S. 1708, as amended, is enacted. However, the recommendations of the Secretary of the Interior could receive no higher priority than those of the Secretary of Health, Education, and Welfare with respect to health or educational applications. Also, applications from eligible public agencies to acquire surplus real property under the other laws of general application would have to be considered as well as the benefits to be derived from negotiated or competitive sale of the property involved. Our comments follow on your specific questions in the order in which they were asked:

1. Yes, the same procedure and timing would be followed that is now followed to notify the Secretary of Health, Education, and Welfare.

2. Yes, where a property is clearly unsuitable for park use (to cite one example, a contractor-operated Government-owned industrial facility) the Secretary of the Interior would not be afforded such an opportunity. This too is the procedure currently followed in notifications to the Secretary of Health, Education, and Welfare.

3. No, each property has its own characteristics and, therefore, our only criteria can be what will best serve the overall interest of the Federal Government and the community consistent with the nature of the property. In arriving at a determination, we carefully consider the character of the surrounding area, the nature of the Government property, community needs, and proposed use.

4. No, our comments on question number three would apply here. It would not be necessary to have an alternate proposal for transfer at less than fair market value for us to make a decision on a recommendation by the Secretary of the Interior. The decision will be made on the merits of the Secretary's proposal in each case.

5. No, the probability that surplus real property could be sold would not affect a decision on a recommendation by the Secretary of the Interior. As a practical matter, our experience indicates that there is no property that cannot be sold. As previously stated, the benefits to be derived from sale would have to be weighed against other uses such as park and recreation or health and education before we would reach a final decision in a particular case.

6. We would ask the Secretary of the Interior to inform us of the price set for the conveyance of surplus real property for park and recreational use, but such information would not affect our decision on his recommendation. Here again, this is the procedure presently followed in health and educational conveyances.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

SEPTEMBER 23, 1970.

Mr. ROBERT L. KUNZIG,
Administrator, General Services Administration, Washington, D.C.

MY DEAR MR. ADMINISTRATOR: It has come to my attention that the House of Representatives recently passed, with amendments, S. 1708, relating to the transfer of surplus Federal property to State and local governments for park and recreational purposes. It is my understanding that the House amendment, unlike the Senate bill, amends the Federal Property and Administrative Services Act of 1949 and vests considerable discretion in your office.

Because of this Committee's interest in the subject of surplus real property disposal, I would appreciate receiving your views on the criteria you anticipate would be established for the evaluation of recommendations of the Secretary of the Interior that particular parcels be transferred pursuant to the legislation. For example, would you approve recommendations of the Secretary of the Interior that the following properties be transferred to State or local governmental applicants at a public benefit discount?

(1) Camp Atterbury, Indiana;
(2) Camp Parks, California;
(3) Fort Lawton, Washington;
(4) Fort Snelling, Minnesota;
(5) Fort Tilden, New York;
(6) Fort Totten, New York.

A discussion of the criteria relevant to a decision in each of these cases would be appreciated.

As S. 1708 is now awaiting action before the Senate before adjournment, I would appreciate receiving your answer at the earliest possible convenience.

With kindest personal regards, I am.

Sincerely yours,

JOHN L. MCCLELLAN,
Chairman.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., October 1, 1970.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of September 23 concerning transfers of surplus Federal property to State and local governments for park and recreational purposes as contemplated by S. 1708.

Each property has its own special characteristics and each case must be decided on its individual merits. Therefore, it would be difficult to establish across the board criteria for evaluating recommendations submitted by the Secretary of the Interior. The procedure for evaluating a recommendation by Interior would be similar to that now followed with respect to requests for property by the Department of Health, Education, and Welfare. Because of past disposal

activities, we have some familiarity with Camp Atterbury, Indiana; Fort Snelling, Minnesota; and Fort Tilden, New York, and we believe, considering location, value, topography, and known community desires that park and recreational use of these properties would be appropriate. Property at Camp Atterbury has been conveyed for park and recreational purposes in the past and recent studies of Fort Snelling and Fort Tilden indicate that both properties are suitable for such use. Therefore, if S. 1708, as amended, becomes law, and depending upon the substance of recommendations received from the Secretary of the Interior, we would probably approve any proposed park and recreational use of these properties at public benefit allowance.

We are not yet in a position to make a determination with regard to Camp Parks, California; Fort Lawton, Washington; or Fort Totten, New York.

Fort Lawton has not been reported to us as excess to the requirements of the Department of Defense. However, we are conducting a survey of this property pursuant to Executive Order 11508 and it appears that portions of this installation are appropriate for park use.

Although we have portions of Camp Parks and Fort Totten, we have made no preliminary disposal studies due to Federal requirements for both properties. The property at Camp Parks is being held for exchange to acquire other property needed to satisfy existing Federal requirements. With the exception of the old fort itself, the Fort Totten property is under permit to the Department of Labor for use in connection with a Job Corps program. We have advised the State of New York that the old fort area, consisting of approximately 11 acres, is available for historic monument use.

Please let us know if we may be of further assistance.

Sincerely,

ROD KREGER,
Acting Administrator.

Mr. President, the House version, in addition to its surplus property provisions, would establish the minimum level of the land and water conservation fund at $300 million per year for the life of the fund. Present law establishes that minimum at $200 million per year through fiscal year 1973, with no prescribed minimum after that. The House provision would accomplish the same result as S. 3505, which carries the sponsorship of every member of the Senate Committee on Interior and Insular Affairs, and is very much in accord with the long-range recreational needs of this country.

Mr. President, I introduced S. 1708 earlier in this Congress because it is my view that, as a nation, we are not meeting the need of present and future generations of Americans for parks, for open spaces and for recreational opportunity. We are not meeting this need because we have failed to appropriate money to set aside enough land for these purposes.

Those of us who have the honor to serve in the Congress are the trustees of the land and the environment for those who come after us. Our decisions today determine the shape of our country's future environment. Our decisions determine whether our legacy to the future is a quality life in quality surroundings or whether it is a legacy of social unrest bred in conditions of crowding, congestion, ugliness, and lack of recreational opportunity and natural beauty.

It is my judgment that S. 1708 as passed by the Senate and amended by the House will play an important role in insuring that our legacy to future generations is a quality life in a quality environment.

The purpose of this measure is twofold: First, to make surplus Federal property available to State and local governments for park and recreational purposes at prices which reflect the important role recreation and open spaces play in our contemporary life. Second, to increase the minimum funding level of the land and water conservation fund from $200 million to $300 million a year for the life of the fund.

I consider the surplus property provisions of S. 1708 as passed by the Senate to be preferable to the House amendment in several important respects. The Senate passed bill, unlike the House amendment, established: First, congressional criteria concerning the suitability of particular parcels for park and recreational use; second, a congressional priority for park and recreational uses, in keeping with the Nation's urgent need for such facilities, particularly in and near our urban areas; and third, a more definite pricing formula, with particular emphasis on historical equity. Consequently, if time were not of the essence, I would recommend that the Senate disagree to at least some of the House amendments.

However, time is running short for the 91st Congress. Moreover, because of the dual jurisdiction exercised over this legislation in the House of Representatives by the Committee on Interior and Insular Affairs and the Committee on Government Operations, as well as the extensive ramifications of the change in surplus property disposal procedures and priorities that might result from the Senate bill, and further delay in approving the legislation would, in my judgment, jeopardize its enactment this year.

With this in mind, I decided to seek the views of the Secretary of the Interior and the Administrator of the General Services Administration in whom the House version of S. 1708 vests considerable discretion. Their responses, which I have placed in the RECORD, indicate their strong desire to carry out the congressional mandate and the President's declared policy to provide park and recreational facilities where there is a demonstrated need at no cost or at minimal cost to local governments. In view of these assurances and in view of the legislative history in both Houses of Congress of similar purport, and in consideration of the vital importance of this legislation and of the short time remaining in which to act on it, I recommend that the Senate concur in the amendments of the House.

This procedure will establish a means whereby State and local government can immediately begin to acquire surplus Federal property for park and recreational purposes at little or no cost. As the report of the House Committee on Government Operations noted at page 2:

> For all practical purposes that benefit [the public benefit discount] would be 100 percent in all but the rarest of cases since absent such substantial benefit the property would not qualify for transfer under this legislation.

During floor debate on the House amendment, Congressman MEEDS asked the author of the amendment, Congressman BROOKS the following question about the cost of property transfers:

> Mr. MEEDS. Is this committee using this language in the context that the Secretary is, as it says, in all except the rarest cases, to transfer this property for all intents and purposes free of charge to the municipalities and States involved?
>
> Mr. BROOKS. The gentleman is correct . . ." (page 28068, Congressional Record, August 10, 1970).

Accepting the House amendment at this time will also insure that the minimum funding level of the Land and Water Conservation Fund will be increased from $200 million a year to $300 million a year for the life of the fund. The fund is, of course, the backbone of the Federal Government's and the State government's park and recreation land acquisition program.

S. 1708 is in accord with and in furtherance of our longstanding national policy to encourage State and local governments to acquire and develop lands for parks and outdoor recreation.

This measure is of special importance to metropolitan areas where the need for parks and open spaces is greatly increasing while at the same time the limited land available is being dedicated to other, often incompatible, uses. If we are to improve the quality of life and surroundings for the American people, we will have to take advantage of every future opportunity to acquire land adjacent to where people live for recreational and park purposes.

In spite of our longstanding national policy to encourage and assist State and local governments in the acquisition of open spaces, we are not coming close to meeting the need. Because of the high price of potential park and recreation areas which are located where they are needed most—where the people are—many cities are unable to meet the demand. One way to meet the Nation's critical need for parks and recreation areas is to take advantage of every available opportunity to see that appropriate parcels of surplus Federal property—property owned by all Americans—are dedicated to the highest and best uses for the American public. Park and recreational use may not be the use that generates the most immediate revenues, but government is not a business for profit. And the success of government is not measured by maximizing the monetary return on investment. It is measured by the caliber and the quality of the life made available to the people which government serves.

Sections 2 through 5 of S. 1708 would authorize the transfer of lands from one public purpose for which they are no longer needed to another public purpose for which the need is critical. The utility and reasonableness of such intergovernmental property transfers have already been recognized. Transfers are presently authorized on a no-cost, or at reduced-cost basis of 0 to 50 percent of fair-market value, to make surplus Federal property available to States and

their political subdivisions for use for health and education purposes, for historic sites, for wildlife conservation and airports. S. 1708 places the needs of people for parks, recreation and for open space on a par with their need for health and education facilities. It places the needs of our young people for recreational opportunities on a more comparable basis with the public's need for historic sites, for wildlife conservation and for airports.

Today there are over 30 million acres of land presently held in fee ownership and used by the Department of Defense alone. Periodically, portions of this property are declared surplus. Many of these surplus military installations are located in or near major metropolitan areas and afford a great opportunity for urban park and recreational complexes. Authorizing disposition of those properties which are suitable for park and recreational purposes can be a concrete demonstration that swords can be hammered into park benches, and that military parade and training grounds can be turned into ball parks for our youth. Surplus property held by other departments of the Federal Government afford similar opportunities.

The alternative to enactment of S. 1708 is, of course, to continue to deal with surplus Federal property as we have in the past. Of the thousands of acres of surplus property disposed of every year, less than 5 percent by valuation have been dedicated to park and recreational purposes. I don't believe this is adequate. I do not believe it fits the real needs of our Nation and our people. In fiscal year 1968 only 22 properties totaling a mere 2,740 acres were conveyed to State and local government for park and recreational purposes under the provisions of the present law.

Mr. President, adoption of the House-passed bill will make it possible for the Congress to insure that the States and units of local government in this Nation have a chance—a financially realistic chance—to acquire surplus Federal lands for park and recreational purposes.

Mr. President, as I noted in my statement on March 27, 1969, when S. 1708 was introduced, I became aware of the urgent need for legislation when it became apparent that Fort Lawton—a military installation in the city of Seattle—would soon be declared surplus to Federal needs. The problem Seattle and many other units of local government face is that paying 50 percent of fair-market value for property of this nature may be financially impossible. This is especially true when the property is located in or near a major metropolitan area and the land appraisals are based on commercial, industrial, or high-density residential development.

The problem posed is national in scope. The great need in our cities to develop facilities for public recreation is self-evident. The escalating costs of land acquisition often preclude purchase of additional property at market value. Where unique opportunities exist to turn surplus Federal lands to such use, it surely is in the public interest to do so.

The surplus property provisions of S. 1708 are an important and necessary adjunct to our Nation's park and recreational program. They are designed to allow property which would otherwise be sold for private and industrial development to be dedicated for public use and enjoyment. We have both an opportunity and a responsibility to see that surplus lands held in Federal ownership are reviewed for their park and recreational potential, and where the lands are suited for these purposes, that State and local government have an opportunity to acquire the property for park and recreational use.

This measure will be of great benefit to our cities and our urban areas. It is no answer to the public's needs for open space to say that the cities should go out on the open market and purchase property for park and recreational use. Property which has park and recreational value is in great demand by real estate developers and by business interests for commercial and industrial purposes. State and local government cannot compete with these groups. And as a result, history shows that they have not acquired the property needed for these purposes.

We already have enough concrete in our cities. What we need is grass, trees, and open spaces. We need a policy to reverse the one-way process of urban sprawl, development and shrinking open spaces.

Mr. President, I am in basic and fundamental disagreement with those who propose that the Federal Government should let marketplace economics dictate whether and where our States and cities will have park and recreational facilities. We need only to look around any major city to see that the marketplace does not make decisions which are in the public interest. The marketplace makes decisions which maximize private profits. And at the same time, it generates air and water pollution; it gobbles up land with urban sprawl and concrete; and it initiates many other private actions which are often flatly opposed to the public interest.

The provision of the House amendment to S. 1708 increasing the funding authorization of the land and water conservation fund to $300 million per year is also much needed, as the May 18, 1970, hearing held by the Interior Committee's Subcommittee on Parks and Recreation on a companion measure, S. 3505, clearly indicated. Both administration and public witnesses stressed the urgency of the need for all levels of government to acquire additional recreational lands.

I introduced S. 3505 because I believe further delays in acquiring and developing lands will only mean that less and less land can be acquired in the future for outdoor recreation purposes. Recent statistics indicate that land values are increasing annually on the average of 5 to 10 percent. The rate has been significantly higher for recreation lands, especially for water-oriented lands. The demand for outdoor recreation use has accelerated at a rate greater than the population increase, and the suitable lands for recreation are more scarce relative to land use generally, causing a greater acceleration in recreation land prices.

The fact remains inescapable that if future recreation needs are to be met, the land base must be acquired within 5 to 10 years. After such time either the cost of recreation lands will be prohibitive, or the lands will become committed to other competitive uses. We already know, through a report on land price escalation prepared last year by the Department of the Interior, that total Federal and State needs under the land and water conservation fund for the next 10 years is about $3.6 billion. On a 5-year projection, the need is estimated at $1.5 billion.

I am pleased to note that Senator ALLOTT, the ranking minority member of the Committee on Interior and Insular Affairs, and all other members of the committee, on both sides of the aisle, have joined me in sponsoring this legislation. I ask unanimous consent that a copy of S. 3505 and the Interior Department's report on the bill be printed in the RECORD.

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

S. 3505

A bill to amend the Land and Water Conservation Fund Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) (1) of section 2 of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578; 78 Stat. 897), as amended, is further amended to read as follows:

"(c) (1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the funds pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for each fiscal year beginning July 1, 1970.

"(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to $300,000,000 for each fiscal year, an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided,* That, notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 3505, a bill "To amend the Land and Water Conservation Fund Act, and for other purposes."

We recommend the enactment of the bill with amendments recommended herein.

S. 3505 would increase the $200 million deposited in the Land and Water Conservation Fund under section 2(c) of the Land with Water Conservation Fund Act of 1965 (78 Stat. 897) as amended, to $300 million for each fiscal year beginning July 1, 1970. The additional $100 million needed to reach the proposed funding levels would come from

appropriations from the general fund of the Treasury or, in the absence of such appropriations, from the mineral leasing receipts under the Outer Continental Shelf Lands Act.

This Department has carefully considered the need for an increase in the authorization level of the Land and Water Conservation Fund to allow establishment of recreational facilities, with urban areas having a first priority. As President Nixon said in his Environmental Message to Congress: "Increasing population, increasing mobility, increasing incomes, and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up."

In support of the President's statement, Secretary Hickel recently stated:

"Three-quarters of the population live in and around our major cities and that concentration is increasing. We must bring more 'parks to the people' to relieve the social pressures in these crowded areas."

Secretary Hickel has expressed concern that the past practice of simply authorizing new Federal areas without the money to pay for them has left us sitting on a backlog of "parks" that exist only on paper, while their cost skyrockets. We feel that we must keep our authorizations and appropriations parallel, so that we can pay for recreation areas at the same time we select them.

In addition, Secretary Hickel said: "In order to provide needed lands and waters at minimum cost, we recommend that the assured authorized level of the Fund be raised to $300 million."

We recommend that on line 4, page 2, the year "1970" be deleted and the words "1971 and for each fiscal year thereafter" be inserted. The President has already requested in his 1971 budget that the amount of $357.4 million be appropriated from the Fund.

The Bureau of the Budet advises that there is no objection to the presentation of this report and that enactment of S. 3505, if amended as recommended above, would be in accord with the program of the President.

Sincerely yours,

FRED J. RUSSELL,
Acting Secretary of the Interior.

Mr. JACKSON. Mr. President, I also ask unanimous consent that portions of report No. 91–1313 on H.R. 18275 from the Committee on Government Operations of the House of Representatives be printed at this point in the RECORD, together with appropriate excerpts from report No. 91–1225 on H.R. 15913 from the Committee on Interior and Insular Affairs of the House of Representatives.

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

HOUSE REPORT NO. 91–1313

PURPOSE

H.R. 18275 would amend the Federal Property and Administrative Services Act of 1949 as amended, to provide for the sale or lease of surplus Federal property to State and local governments, at discounts of up to 100 percent, for park and recreational use.

The objective of the program is to allocate a larger portion of this Nation's land area to park and recreational uses, to preserve our fast-disappearing open spaces, and to assist local governments in providing more and better facilities to meet the recreational needs of our growing communities. As America becomes increasingly urbanized and industrialized, the need for public parks and recreational areas becomes more apparent each day and, at the same time, more difficult to meet.

BACKGROUND

The Federal Government has long had a program to assist State and local governments in acquiring park and recreational areas. One facet of this program has been a provision making surplus Federal property available to State and local governments for park and recreational purposes at 50 percent of fair market value.

This program has aided some communities in their park development programs but for the most part has been ineffective. Cities, hardpressed for additional tax funds for priority programs, have had great difficulty in generating the revenues needed to meet the 50 percent requirement. The requests for surplus property under this program have been decreasing in recent years.

DISCUSSION

This legislation would make surplus Federal real property, including buildings, fixtures, and equipment thereon, available by sale or lease to State and local governments at discounts of up to 100 percent depending on the benefits which have accrued or may accrue to the public of the United States in the continuing use of the property. For all practical purposes, that benefit would be 100 percent in all but the rarest of cases, since absent such substantial benefit the property would not qualify for transfer under this legislation.

* * * * *

The intent of this legislation is to assist the local governments in meeting their responsibilities for providing park and recreational areas. The national park program cannot meet all of the requirements. Traditionally, the States and cities have supplemented that program with regional and local park areas. The Nation's needs will be met only if both programs are adequately and enthusiastically supported.

HOUSE REPORT NO. 91–1225

THE FEDERAL LAND AND WATER CONSERVATION FUND PROGRAM

The Land and Water Conservation Fund Act of 1965 (Public Law 88–578, 78 Stat. 897) authorized a Federal program which has as its sole objective the expansion of outdoor recreation opportunities in every region of the Nation for the enjoyment, inspiration and physical benefit of all Americans. To accomplish this goal, the Congress authorized a two-pronged Federal program. One element permits the Secretary of the Interior to assist the States in the expansion of their outdoor recreation programs; the other enables the Federal agencies with outdoor recreation responsibilities to pursue their authorized land acquisition programs. Together, this joint effort constitutes the essence of the national outdoor recreation program.

1. Background of the land and water conservation fund program

In recognition of the growing outdoor needs throughout the Nation the Congress enacted legislation establishing the Outdoor Recreation Resources Review Commission. To that body it assigned the task of ascertaining not only what the immediate outdoor recreation needs of the Nation were, but also what the long-term requirements would be if the American people were to continue to enjoy the quantity and quality of recreation oppotunities to which they had become accustomed.

All of the data developed by the Commission pointed to increased demand for more recreational opportunities. Projections of more people with more leisure time and greater mobility and financial resources led to the inevitable conclusion that the impact on existing outdoor areas would continue to increase in the years ahead. As a result, long before the environment began to receive all of the attention it presently receives, the Congress began to develop an orderly, constructive program to meet the problem before it became a crisis.

The cornerstone of the national outdoor recreation program is the Land and Water Conservation Fund Act. From it and through it the Congress has endeavored to systematically resolve the problems foreseen by the three-year Outdoor Recreation Resources Review Commission study. The essence of the Federal program is—

(1) to make matching assistance available to the States and their local subdivisions to enable them to provide expanded outdoor recreation opportunities for their residents and their out-of-state guests, and

(2) to make funds available to Federal agencies for the acquisition of lands having nationally-significant natural, recreation, historic or scientific value.

It would be extremely difficult, if not impossible, to provide for the accelerated expansion of the outdoor recreation programs without this program.

2. Matching assistance for the States and localities

When the Land and Water Conservation Fund Act was being considered, it was a recognized fact that most people would continue to seek most of their recreational enjoyment in their spare hours—hours after school or work or for a one-day outing. Most of the time, these needs can best be met by providing appropriate facilities nearby. The State and local governments, naturally, can most reasonably be expected to provide them, and the Act encourages the States to play this pivotal role.

Under the terms of the Act, every State is assured a share of the monies distributed from the Land and Water Conservation Fund. By law, forty percent of the matching money is divided equally between the participating States, and the remainder is apportioned on the basis of demonstrated need. As a result of this element in the Federal program, the States have been encouraged to make a substantial investment in their outdoor recreation programs and more than $300,000,000 has been distributed to them since the Land and Water Conservation Fund programs was established (for details on a State-by-State basis, see Table A at the end of this report).

3. Federal agencies under the Land and Water Conservation Fund Act

While the Federal program makes a significant contribution by providing matching assistance to the States, its effect is not limited to that element alone. It also provides the method for financing the recreation land acquisition activities of Federal agencies having outdoor recreation responsibilities. Since the Outdoor Recreation Resources Review Commission completed its study and made its recommendations, the Congress has authorized the establishment of many new outdoor areas. But for the existence of the Land and Water Conservation Fund, such places as the Redwoods National Park in California, Assateague Island National Seashore in Maryland and Virginia, Padre Island National Seashore in Texas, Fire Island National Seashore in New York, Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey, Indiana Dunes National Lakeshore in Indiana, and Biscayne National Monument in Florida—to mention only a few—may never have been added to our inventory of outdoor resources for the use of all Americans for generations yet to come.

The programs of the Federal agencies are not substitutes for the State and local programs discussed above. They are mutually complementary. In reality, they are one Federal program designed to meet one objective—to provide the maximum possible benefits of outdoor recreation opportunities to all Americans. Under the program, the States

are encouraged to provide more locally-oriented recreation facilities, while the efforts of the Federal agencies concentrate on the acquisition of areas having national significance. (For details on the apportionment of funds to Federal agencies see Table B at the end of this report.)

4. Source of revenues for the land and water conservation fund

Originally the Land and Water Conservation Fund derived its receipts from three sources:

(1) entrance and user fees,

(2) motorboat fuel taxes, and

(3) revenues from the sale of surplus real property and related personal property.

Revenues from these sources never reached the levels anticipated at the time that the Land and Water Conservation Fund Act was enacted. As a consequence, the Congress reviewed the program in 1968 and, in recognition of its demonstrated ability to effectively stimulate local and national interest in expanding the outdoor recreation program, it developed a modified formula for revenues for the Fund.

By enacting Public Law 90-401 (82 Stat. 354) in 1968, the Congress assured a program level of $200 million for a period of five fiscal years. Revenues from the above-mentioned sources were to continue to be deposited in the Fund. In addiiton, the Act authorized the appropriation of sufficient moneys to the Fund to make up any deficiencies between these receipts and the $200 million maximum. If the appropriations were not made, then a mechanism diverting the necessary revenues from the Outer Continental Shelf receipts was automatically triggered so that the Fund would be assured of having an income of $200 million.

This guaranteed annual income to the Land and Water Conservation Fund has transformed it from an unpredictable recreation program into the useful and reliable tool which it was always intended to be. Now, instead of gambling on the future, the Congress can develop a reasonable, progressive park and recreation program which should be devoid of most of the handicaps of the past because the amounts of money available for appropriation from the Fund each year can be calculated precisely and the moneys can be appropriated to meet program objectives expenditiously.

* * * * *

2. Increased level of the land and water conservation fund

In 1968, the Congress amended the Land and Water Conservation Fund Act to increase the level of the fund to $200 million annually for a five-year period. That action was taken to assure the availability of adequate funds to underwrite the anticipated investment in the outdoor recreation program for a period of five years.

Compared to the earlier years of the program, the guaranteed annual income to the Land and Water Conservation Fund has produced a stable program allowing a reasonable rate of progress. Unlike the inital years of the Fund, when it was impossible to project precisely how much money would be available for the program from year to year, the $200 million program has enabled all levels of government to develop their plans with some degree of assurance that the funds to make them a reality will be available for appropriation. This aspect of the program has been significantly bolstered by the commitment of this Administration to utilize the moneys available to it to expand the program of assistance to the States and to expedite the acquisition of the authorized Federal park and recreation areas.

Perhaps the principal advantage of expanding the level of the Fund for the years ahead is that it will expand the benefits of the program so that the States and their localities, which are in the best position to make recreation opportunities available where they are needed the most, can receive substantially more money for their programs. It is a recognized fact, as the Outdoor Recreation Resources Review Commission report stated, that "The most important recreation of all is the kind people find in their everyday life." The acceleration of the State assistance program is generally considered to be one of the most effective ways to meet the recreation needs of the public.

The States and localities are more eager than ever to meet this challenge. Between 1960 and 1969, 47 States approved recreation bond issues exceeding $1.4 billion and local entities have approved an additional amount totaling $232.4 million. Almost half of this (over $700 million) is the product of the last two years—and much of it is still available for matching under the Land and Water Conservation Fund Act. As further evidence of the commitment of the States to this program it is interesting to note their increased capacity to keep pace with the matching funds made available to them through appropriations made for this program.

Percent of total appropriation obligated (cumulative)

Fiscal year ending:	
June 30, 1965	1.97
June 30, 1966	15.37
June 30, 1967	64.13
June 30, 1968	79.29
June 30, 1969	93.68
June 30, 1970 (estimated)	100.00

The State matching assistance program is not the only reason for recommending the increase in the level of the Fund. The Committee is looking ahead to the future fund requirements of the Federal agencies which have outdoor recreation responsibilities. Just as the urban thrust requires a substantial State and local effort it has affected the programs of the recreation-oriented Federal agencies. In recent years new concepts have emerged which have led to the expansion of national outdoor recreation areas nearer our population centers. Naturally this development has had a tremendous impact on the Federal investment required for land acquisition. In making our recommendations to the Congress the Committee has confined its efforts to nationally significant areas. Sometimes these involve an interstate complex or a large area which is beyond the financial capacity of the State and local agencies but every effort has been made to limit the programs of the Federal agencies to areas worthy of national recognition.

At the present time, it is estimated that over $165 million is needed to complete the land acquisition programs in authorized areas of the national park system and an additional $320 million is projected to be needed for the Forest Service and the Bureau of Sport Fisheries and Wildlife over the next five years. This, of course, does not include any funds which will be needed if new areas are authorized by the Congress. If the *status quo* were to be maintained most of the backlog of authorized Federal areas could be quickly eliminated, but the fact remains that recreation land values are increasing so rapidly that it is still in the public interest to accelerate the program while the areas worthy of national recognition remain available for purchase at a relatively reasonable price.

A number of new urban-oriented recreation areas, as well as several potential rural outdoor areas, are presently in the process of being studied. If they are deemed suitable, and if the Congress authorizes them, it is anticipated that the Land and Water Conservation Fund will be the principal source of the land acquisition monies. Each of these proposals must be reviewed on its individual merits, but possible authorization by Congress should not be foreclosed by the inability of the Land and Water Conservation Fund to underwrite the land acquisition costs which will be incurred.

Mr. JACKSON. Mr. President, I urge the Senate's adoption of S. 1708 as amended by the House. By enlarging the land and water conservation fund and establishing new procedures for dedicating surplus Federal property to park and recreational use this measure will go far toward meeting the Nation's growing recreational needs.

Mr. President, I have cleared this matter with the ranking minority member of the Committee on Interior and Insular Affairs, the Senator from Colorado (Mr. ALLOTT).

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 30) relating to the control of organized crime in the United States, with an amendment, in which it requested the concurrence of the Senate.

ILLEGAL TRANSPORTATION, USE, OR POSSESSION OF EXPLOSIVES

The Senate resumed the consideration of the bill (S. 3650) to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, the committee amendments are considered and agreed to en bloc, and the bill as amended will be treated as original text for further amendment.

Mr. HRUSKA. Mr. President, the bill now before the Senate, S. 3650, is one of two administration proposals which this Senator has sponsored seeking to deal with the rash of bombing and terrorism besetting the Nation. I introduced S. 3650 on behalf of the Attorney General on March 26, 1970.

In testimony before the Permanent Investigations Subcommittee last summer, administration officials testified that their statistics indicate that in an 18-month period ending in April of this year there were more than 1,000 bombings involving explosives and over 3,500 bombings involving incendiary devices in this country. I am sure that every Member of this body is well aware of the terror that the bombings created during the period covered by the administration's statistics and during the period ensuing since then. They have included bombings of police stations, courthouses, Federal buildings, college campuses, and even booby trap bombings directed at the police themselves. One of the most tragic of this latter class occurred recently in

my home city of Omaha, when Patrolman Minard lost his life in a suitcase bombing.

There can no longer be any doubt that tough Federal legislation is needed to keep explosives out of the hands of persons who are likely to use them as instruments of terror. Also, there can be no question that such legislation is necessary to give the Federal Government the power to deal with the extremist groups who use explosives and incendiary devices to achieve their ends. The two administration proposals which I have mentioned would satisfy both needs.

S. 3650 would amend the Federal criminal explosives statute, 18 U.S.C. 837, by both broadening its scope and increasing its penalty provisions. Some of the key changes are:

The definition of explosives in subsection (a) of section 837 is expanded to include incendiary devices. Thus, those who use such devices as "molotov cocktails" will be covered by the statute, as well as those who use ordinary explosives.

Subsection (b), which now covers transportation of explosives for certain illegal purposes, is substantially broadened to cover transportation of explosives with the intent to use them in any crime or violence. In addition, the existing penalties of up to a year's imprisonment or a fine of up to $1,000 or both, are increased to up to 10 years or $10,000, or both. These penalties would be doubled if personal injury resulted, with additional imprisonment for up to a life term or the death penalty if death resulted.

Subsection (c) relating to bomb threats—now covered by section 837 (d)—has been revised to conform to the broadened coverage of subsection (b), and the maximum penalties are increased from a year's imprisonment and a $1,000 fine, to 5 years and a $5,000 fine.

New subsection (d) covers malicious destruction or damage by explosives of Federal buildings and other Federal property. The range of penalties in this subsection, including the death penalty if death results, is the same as that proposed for subsection (b).

New subsection (e) covers unauthorized possession of explosives in Federal buildings. This is the only provision of the new statute which would punish mere possession. The penalty however is that for a misdemeanor.

New subsection (f) covers malicious damage or destruction of property used for business purposes by a person engaged in commerce or any activity affecting commerce. Since the term "affecting commerce" embraces the fullest jurisdictional breadth constitutionally permissible under the commerce clause of the Constitution, this is an extremely broad provision. It is designed to give the Federal Government investigative and prosecutive jurisdiction over most bombing incidents. Like subsections (b) and (d), it provides for more severe penalties, including the death penalty in appropriate cases.

New subsection (g) covers possession of explosives with the knowledge or intent that they will be transported or used to violate the section. Penalties of up to 5 years imprisonment or a $5,000 fine or both are prescribed.

Subsection (h) is a revision of existing subsection (e) of section 837 dealing with the effect of the section on State laws. It constitutes a congressional declaration of intent not to preempt the field in which the statute applies.

Subsection (i) is a further expression of congressional intent not to displace State and local jurisdiction, and requires approval of the Attorney General for Federal investigative or prosecutive action.

The administration's proposal will, in my opinion, provide legal tools of substantial value in dealing with the increasingly violent nature of the bombing incidents which the country has been subjected to.

I urge its approval by the Senate.

AMENDMENT NO. 1040

Mr. President, I call up my amendment No. 1040 and ask that it be stated.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be stated.

The legislative clerk read as follows:

On page 3, line 24, amend proposed section 837(d) of title 18, United States Code, by inserting after "department or agency thereof,": "or an institution or organization receiving Federal financial assistance, or used in a program or activity receiving Federal financial assistance.".

Mr. HRUSKA. Mr. President, the amendment which I propose to S. 3650 is intended to broaden the coverage of the bill principally to make malicious bombings on college campuses a Federal offense.

I propose the amendment on behalf of the administration. Last month the President said, at Kansas State University:

The time has come for us to recognize that violence and terror have no place in a free society, whatever the purported cause or the perpetrators may be. And this is the fundamental lesson for us to remember: in a system like ours, which provides the means for peaceful change, no cause justifies violence in the name of change.

Two weeks ago in proposing the same amendment to the House Judiciary Committee, which was considering identical legislation, President Nixon explained:

In dealing with terror tactics in general and bombings in particular we must direct our attention specifically to those outrageous acts that occur in the colleges and universities of America. Three weeks ago, you will recall, in the bombing at the University of Wisconsin, one man lost his life, four were injured, and years of research by a score of others was destroyed. This sort of barbarism is intolerable.

Parenthetically, I should note here that the House committee approved the proposal, and just yesterday the other body passed it as part of an amended version of S. 30, the organized crime control bill.

Mr. President, by including all organizations and institutions receiving Federal financial assistance in the bill, we will enable the FBI to investigate, and the Attorney General to prosecute, bombings and attempted bombings which occur on virtually all campuses throughout the country. While this is the primary purpose of the amendment, it should be noted that it is not limited to educational institutions. Other organizations and institutions which receive Federal financial assistance include State and local governmental units and agencies, eleemosynary institutions, as well as commercial activities. Thus, the amendment would cover police stations, jails, and court houses, hospitals and libraries, airports, and railroad stations, and so forth.

I urge the support of the Senate for this important amendment.

Mr. President, I ask unamimous consent to have printed at this point in the RECORD President Nixon's letter with respect to this amendment and the President's statement on bombings and bomb threats.

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

THE WHITE HOUSE.

HON. WILLIAM H. MCCULLOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCULLOCH: In your capacity as ranking Republican on Subcommittee Number 5 of the House Judiciary Committee, you have my deep appreciation for your leadership in bringing the proposed Organized Crime Control Act, S. 30, to the point where it is about to be reported to the full Committee. This bill is a cornerstone of my legislative program to deal with crime in the United States. It contains many of the vital elements of my organized crime program announced in April of 1969.

I have been advised that the Subcommittee will add to this legislation the measures which we submitted to the Congress to help deal with the rash of bombings occurring throughout the country. This is certainly a welcome development.

I said last Wednesday at Kansas State University:

"The time has come for us to recognize that violence and terror have no place in a free society, whatever the purported cause or the perpetrators may be. And this is the fundamental lesson for us to remember; in a system like ours, which provides the means for peaceful change, no cause justifies violence in the name of change."

In dealing with terror tactics in general and bombings in particular, we must direct our attention specifically to those outrageous acts that occur in the colleges and universities of America. Three weeks ago, you will recall, in the bombing at the University of Wisconsin, one man lost his life, four were injured, and years of research by a score of others was destroyed. This sort of barbarism is intolerable. I believe it necessary that S. 30 contain a provision which clearly gives to the FBI investigative jurisdiction and to the Attorney General prosecutive jurisdiction with respect to bombings on our campuses.

I would appreciate it if you would present the amendments to accomplish these essential changes in the bill.

Again, for myself and the American people, our thanks to you and the other members of the Subcommittee.

Sincerely,

RICHARD M. NIXON.

BOMBINGS AND BOMB THREATS

(Statement by the President on Legislative Proposals With Regard to Explosives. March 25, 1970)

Recent months have brought an alarming increase in the number of criminal bombings in the cities of our country. In recent weeks, the situation has become particularly acute, as telephoned threats and actual bombings have sent fear through many American communities.

Schools and public buildings have had to be evacuated; considerable property has been destroyed; lives have been lost. Clearly, many of these bombings have been the work of political fanatics, many of them young criminals posturing as romantic revolu-

tionaries. They must be dealt with as the potential murderers they are.

Under existing law, the transport of explosives across State lines is, under some circumstances, a Federal crime. I am proposing an extensive strengthening and expansion of that law. In the proposals being sent to the Congress, it is asked that:

Anyone involved in the transport or receipt in commerce of explosives, intending their unlawful use, be made subject to imprisonment for 10 years or a fine of $10,000 or both. The current maximum penalty is a single year in prison or a thousand dollar fine or both.

The maximum penalty be doubled to 20 years in prison or a twenty thousand dollar fine or both if anyone is injured as the ultimate result of such transport of explosives.

Penalties for bomb threats be raised from 1 year in prison to a maximum of 5 years or five thousand dollars fine or both.

Incendiary devices be included in the category of "explosives," bringing such devices under the anti-bombing provisions.

Use of explosives to damage or destroy any building, vehicle, or other property owned or leased to the Federal Government be made a Federal crime.

Possession, without written authorization, of any explosive in such a building be made a Federal crime.

Use of explosives to damage or destroy any building or property used for business purposes by any person or firm engaged in interstate commerce, or in any activity affecting such commerce, be made a Federal crime.

Possession of explosives with the intent to damage either Federal property or property used in its business by a person engaged in interstate commerce also be made a Federal crime.

The individual engaged in the transport or use of explosives in violation of these provisions be made subject to the death penalty if a fatality occurs.

Our purpose in bringing these crimes under Federal jurisdiction is not to displace State or local authority. Federal investigations and prosecutions would begin only after the Attorney General had determined that intervention by the National Government is necessary in the public interest. Our purpose is rather to assist State and local governments in their efforts to combat the multiplying number of acts of urban terror. I am also asking that Law Enforcement Assistance Administration funds be specifically designated for special training programs for State and local law enforcement agencies to aid them in coping with this latest threat to the public safety and to the maintenance of a free and open society.

The anarchic and criminal elements who perpetrate such acts deserve no more patience or indulgence. It is time to deal with them for what they are.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. Mr. President, if I understand the Senator's amendment, it broadens the scope of the coverage of subsection (d) on page 30 of the bill, whereas the bill as reported by the committee would cover only buildings, vehicles, or other personal or real property in whole or in part owned, assessed, or used by or leased to the United States or any department or agency thereof.

The Senator proposes by his amendment to add to these buildings that may be owned, rented, leased, or used by the Federal Government, or any agency thereof, by extending the coverage of this bill to include the bombing or attempted bombing of any institution or organization receiving Federal fiscal assistance.

Would that apply to public schools throughout the country?

Mr. HRUSKA. Yes, it would.

Mr. McCLELLAN. Mr. President, would it apply to a local hospital that had received Hill-Burton assistance?

Mr. HRUSKA. It is this Senator's understanding that it would.

Mr. McCLELLAN. Mr. President, would it apply, let us say, to a water or sewer line or to any other project that had received economic development assistance from the Federal Government?

Mr. HRUSKA. What was the question?

Mr. McCLELLAN. Mr. President, we have an agency of the Government now that makes grants and assistance loans to local agencies of Government such as municipalities to extend their water lines, to improve their sewer systems, and to do many things. Grants are made by the Federal Government to the local entity, such as a city, municipality, or county, to do many of these things.

Where the Government has an investment in the property by reason of a grant, would this apply?

Mr. HRUSKA. It is my knowledge that it would apply. It is intended to cover that type situation.

Mr. McCLELLAN. Mr. President, I am confident that it would where a loan has been made. But where there has been an outright grant, is it intended to apply?

Mr. HRUSKA. This Senator thinks that it would because of the language contained in the words, "or used in a program or activity receiving Federal assistance."

Mr. McCLELLAN. Mr. President, I want to make the history of this legislation clear for the RECORD. If a grant is made by the Federal Government to a municipality, county, or to any other institution to accomplish some results such as the construction of a building or the construction of some project, the Government has an investment in that to the extent that it is proper to protect it from destruction by bombing, and so forth.

Mr. HRUSKA. That is my understanding.

Mr. McCLELLAN. Mr. President, I am thinking particularly of educational institutions primarily. Of course, we are helping municipalities along the lines I have just indicated by making grants toward the extension of water and sewer systems and making improvements along those lines. In fact, grants are today being made for many purposes, to aid local communities in some project, to help them construct and operate a project.

Mr. HRUSKA. The Senator is correct.

Mr. McCLELLAN. Mr. President, I take it this language is broad enough and intended to be so, that where one destroys, or attempts to destroy by bombing, property for which the Federal Government has given financial assistance, then that would come under the penalties of the act.

Mr. HRUSKA. That is my understanding.

Mr. McCLELLAN. Mr. President, I think it is pretty broad. I am not opposing it. In fact, I applaud the Senator for observing what I regard as some deficiencies in the bill as reported by our committee.

Certainly, I should like to see it applied to public schools and to educational institutions, colleges, and universities. I would certainly like to see that. But in reading it, I thought it went further and would be applicable even to a water or sewer system where someone blew up say, a water tank, if the Federal Government had actually made an investment and given financial aid in the building of it.

Mr. HRUSKA. Mr. President, the Senator might be interested in the comment that the other body made in considering this amendment when deleting the words "or used in a program or activity receiving Federal financial assistance."

That would be in keeping with the Senator's observation that perhaps as written and proposed here it is more broad than it probably should be.

I am wondering, however, if in the interest of considering this jointly in conference, we could not leave this language in and then have a decision on the matter.

Mr. McCLELLAN. Mr. President, I have no objection to it being left in for the present. However, I would like to see the statute made as broad as is practical and feasible, taking into account all practical consideration and the enforceability of it. I have no objection to it.

I think this clause, however, needs some further consideration and study. But I commend the Senator for observing and detecting this weakness in the bill as reported by the Committee on the Judiciary. I commend him for his efforts to strengthen it.

I hope the amendment is agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ERVIN. Mr. President, I rise with the greatest reluctance to announce my opposition to the amendment posed by my good friend, the distinguished Senator from Nebraska. I do this with sorrow because there is no Member of the Senate whose ability, whose devotion to his country, and whose dedication to senatorial duty are more highly respected by me.

But we have a Constitution which attempts to make distinctions between the functions of the Federal Government and the functions of the States. In my judgment this Constitution contemplates that enforcement of criminal laws which are not designed to support powers expressly or impliedly given to the Federal Government by the Constitution shall be left to the States. I do not contend that the amendment offered by the Senator from Nebraska is necessarily unconstitutional. I am aware of the statement made by the late Justice Jackson in one of the Supreme Court decisions that it is hardly a lack of due process for Congress to regulate what it subsidizes. But an unfortunate practice which prevails in our country today is that every institution of learning, every municipality, and I might add, every individual who wants any money for any purpose, comes to the Federal Government to have his financial needs met; and if Congress is going to attempt to exercise jurisdiction by leg-

islation over the things which are subsidized by the Federal Government, Congress is going to take over the entire control of all affairs of this Nation. Despite my great reluctance, I am constrained to oppose this amendment because I think it would be a long step toward the destruction of the federal system of government, and the assumption by Congress of control over all the affairs of the States. We are all distressed by bombings on the campuses of institutions of higher learning in this country. I am sure no one is more distressed by them than the Senator from North Carolina. I believe the function of punishing people for these crimes which are committed wholly within the borders of the States is the function of State government.

Without doing violence to our existing system, we could certainly allow members of the FBI to go upon the campuses and conduct necessary investigations. But I am very reluctant to see the Federal Government assume responsibility for prosecuting and punishing these local crimes. I think it would mean the Federal Government would swallow up everything, because it subsidizies virtually every institution of higher learning in this country it subsidizes virtually every school in this country, it subsidizes virtually all farming in this country; indeed, it subsidizes almost every activity in this country today.

The proposal to extend Federal jurisdiction solely upon the basis that Federal funds have gone into these institutions or other activities is not justified. I abhor these bombings, but I do not favor making them Federal crimes where they are only State crimes. I favor leaving it to the States to perform their constitutional duties. I favor legislation to allow the FBI to investigate these matters, but to leave it to the States to prosecute and punish the perpetrators of the crimes. I am unwilling to have jurisdiction of riots perpetrated on the college campuses given to the Federal Government, while other riots on the public streets of a town are rightly left to the jurisdiction of the States.

In the light of my philosophy, which in so many respects is similar to that of my friend, the Senator from Nebraska, I cannot support the amendment.

Mr. HRUSKA. Mr. President, the concern of the Senator from North Carolina is understandable. He has constantly reminded those of us who are members of the Committee on the Judiciary of similar situations when they arise and the dangers that are inherent in them. Philosophically, as well as legalistically, there is a good point in what he raises in this afternoon's discussion. However, I would like to point out these two things. One of them is the severity, volume, and the apparent pattern or scheme which has developed in these bombings and dynamitings in this country.

Just this morning there is reported in the press on the ticker tape in the cloak room of this body two reports on this subject.

One report is from San Francisco where three bombings occurred overnight, one in a National Guard Armory, one in a university building which houses naval and ROTC offices, and one in a court room. Another dispatch from South Bend, Ind., refers to fire bombs being hurled into a high school and a store last night, and more than 60 persons were arrested last night in connection with the resulting disorder.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point of my remarks the news dispatch to which I have referred.

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

SAN FRANCISCO.—A trio of bombs up and down the west coast early today rocked a courtroom, a national guard armory, and the basement of a university building which houses Navy and ROTC offices. There were no injuries.

The first blast wrecked the San Rafael, Calif., courtroom of Superior Judge Joseph G. Wilson who has been holding some hearings within San Quentin State prison. It occurred at 1:27 a.m. in the Marin County Civic Center, the same location where another Marin County jurist and three other persons were killed two months ago in an unsuccessful attempt by three convicts and an accomplice to escape from a courtroom.

At 2:44 a.m., a single bomb exploded in the basement of Clark Hall at the University of Washington in Seattle. A janitor who was in the building managed to get out before the explosion, after security officers were told 22 minutes before that a bomb was set to go off.

The third blast hit a National Guard armory at Santa Barbara, Calif., blowing out a door and several windows in the west wing of the building and ripping out chunks of concrete.

The 4:15 a.m. explosion rocked the entire downtown area.

SOUTH BEND, IND.—Firebombs were hurled into a high school and a store last night in another round of disorders on the city's west side.

More than 60 persons were arrested during yesterday's disorders. Damage to the Nuway Feed Store, was estimated at $230,000. Considerable damage also was caused to classrooms in LaSalle High School.

A firebomb was thrown into a residence. Firemen rescued a woman trapped on the second floor. There were at least three other reports of firebombings of cars and garages within a two-mile radius of the high school.

Police were called to the Nuway fire to protect firemen from stone throwers.

The arrests came as classes took up and, later, after they let out yesterday afternoon. Thirty juveniles loitering near the school were arrested before classes.

Four white youths were chased from their car near the high school. The car then was set ablaze.

Mr. HRUSKA. Mr. President, the volume of these bombings, the common pattern, and the common characteristics are something with which the country must come to grips. I am in full sympathy with the idea that we should perhaps consider narrowing the language further in this amendment, as was done in the other body. Maybe there is too much scope embraced in it. But I should like also to call attention to subsections (h) and (i) on page 5 of the bill which deal with this very situation.

Mr. President, I ask unanimous consent that subsections (h) and (i) may be printed in the RECORD.

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

(h) Nothing in this section should be construed as indicating an intent on the part of Congress to prevent any State, territory, or possession of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for investigating and prosecuting actions that may be violations of this section and that are violations of State and local law.

(i) No investigation or prosecution of any offense described in this section shall be undertaken by the United States except upon a determination by the Attorney General, or an Assistant Attorney General designated by the Attorney General, that in his judgment an investigation or prosecution by the United States is in the public interest.

Mr. HRUSKA. Mr. President, subsection (h) reads:

(h) Nothing in this section should be construed as indicating an intent on the part of Congress to prevent any State, territory, or possession of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for investigating and prosecuting actions that may be violations of this section and that are violations of State and local law.

This language was inserted in the bill for the purpose of preventing outright exclusive preemption in this broad type of investigation and prosecution.

It is further provided, in subsection (i) that:

(i) No investigation or prosecution of any offense described in this section shall be undertaken by the United States except upon a determination by the Attorney General, or an Assistant Attorney General designated by the Attorney General, that in his judgment an investigation or prosecution by the United States is in the public interest.

It is believed by those who favor this way of approaching the problem that, certainly when there are three bombings within a small area, during the course of 1 night, for example, it should be quite clear and quite obvious that it is part of a pattern either of individuals in that area or perhaps members of an organization, or members of an organization that has national headquarters, which is engaging in this type of activity in a preconcerted and deliberate pattern.

If that is true, or even if there is any intimation of that, we get into the idea that local authorities or State authorities would be unable to conduct the investigations that are necessary and to have them coordinated in such a fashion that would be the most effective way of dealing with the problem.

We, of course, have the idea of expansion of the activities of the Federal Government into a local police situation; but it is believed that this section, with the language contained in subsections (h) and (i), and with the traditional fashion in which Attorneys General throughout our history as a nation have acted—and they have acted with restraint—would serve the purpose well in dealing with the crisis—the revolutionary crisis; literally a revolutionary crisis—which this Nation is facing.

It is for that reason that we advocate the extension that is found in the amendment which is now pending.

Mr. ERVIN. Mr. President, I do not repose much weight in the expression of an opinion by the Department of Justice that it is necessary to expand its powers. I have never met an executive officer who was not in favor of anything that was designed to increase his power. I would venture the assertion that if we ever find an executive officer who does not want his power increased, we ought to retire him from his office and put him with the other curiosities in the Smithsonian Institution.

I recognize, as does the Senator from Nebraska, that we have a very critical situation with respect to activities of this nature on the campuses of our colleges, but necessity is a very dangerous siren. To change from a course of action which has proven wise in the past because of the siren voice of necessity is something we should not do. If we are willing to listen to the siren voice of necessity, we can make a case for any assumption—of power on the part of the Federal Government. Under that theory, Federal Government can take over all the functions of the States.

Mr. President, we can destroy the States in several ways. We can destroy the States by depriving them of their powers, but we can also destroy the States by relieving them of their obligations. And when Congress passes a law which provides that a criminal activity which is local in nature is to be prosecuted by the Federal Government, it offers the State a temptation to allow its powers in that field to atrophy—and that is just as dangerous to the viability of the State as depriving it of its powers.

That is all I am going to say on the matter. I wish to be recorded as voting against the amendment, reluctant as I am to take that step in opposition to the able and distinguished Senator from Nebraska.

Mr. McCLELLAN. Mr. President, I appreciate the position of the Senator from North Carolina and the views he has expressed. They have a pretty strong appeal. I would join him wholeheartedly except for two things. The first is that crime, revolutionary tactics, anarchy, rebellion—I use all of the terms—have reached such proportions in this country that it is imperative that all forces, all legal instrumentalities that we can devise within the framework of the Constitution need to be inaugurated and brought into play against the forces that are creating this terroristic condition in our society. For that reason I am going to support it.

The Federal Government helps to finance universities and helps to finance our public schools. It has a duty, as I see it, to help protect them from destruction. I see nothing wrong in it. There may be cause to regret, some day, that the Federal Government has become involved in so many of those activities of Government that were originally intended to be vested solely in the States. But great changes have come about in this country. The distinguished Senator from North Carolina said today, not only the citizens, but institutions like hospitals, educational institutions, and municipalities are all looking to the Federal Government and it is responding by providing this Federal assistance.

I do not see how we can say that we will continue to have this burden on the Federal Government and not protect it against the depredations of arsonists and anarchists.

As I understand, the House has rejected that part of the Senator's amendment in the closing sentence of the paragraph beginning on line 4, after the word "assistance": "or used in a program or activity receiving Federal financial assistance."

As I understand the distinguished Senator, the House has rejected that language.

Mr. HRUSKA. That is my understanding.

Mr. McCLELLAN. Then I would most respectfully suggest it be stricken. I have some doubts about it. I do feel, as I have said, with particular reference to educational institutions, that when the Federal Government finances them, helps to finance them, or subsidizes them, if that is the correct word, it is not out of line for the Federal Government to protect them from depredations, if we have to do so.

But I would urge, without recording my unalterable opposition to it, that the distinguished Senator from Nebraska modify his amendment by striking therefrom, at the end of it, the clause or phrase "or used in a program of activity receiving Federal financial assistance."

I would most respectfully urge that he modify his amendment to that extent, and I hope he will do so.

Mr. HRUSKA. Mr. President, we did not have, in the full Judiciary Committee nor in the subcommittee, an opportunity to consider and discuss this amendment. I do not feel pride of authorship or sponsorship to the point that I would want to defend it in its originally proposed form. The arguments advanced by the Senator from North Carolina and the apprehension of the Senator from Arkansas lead me to the conclusion that if it would be of any assistance, and if it would be of any help for the consideration of this amendment as originally conceived, I would have no objection at all to striking the words in the amendment referred to by the Senator from Arkansas.

Mr. President, I suggest that my amendment be modified as follows: By striking, in lines 4 and 5, all the language following the word "or" in line 4, and to have the amendment considered on the basis of the remaining language.

Mr. McCLELLAN. The Senator means following the word "assistance", does he not?

Mr. HRUSKA. After the word "assistance". The language to be stricken commences with the word "or" after the word "assistance", yes.

Mr. McCLELLAN. Yes.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

Mr. HRUSKA. It is my hope that the Senate will agree to the amendment as so modified. I feel that it would result in a great deal of constriction and restraint in that field.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska, as modified.

The amendment was agreed to.

Mr. HRUSKA. I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDITION OF SENATOR ERVIN AS A CONFEREE ON H.R. 18583

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the able Senator from North Carolina (Mr. ERVIN) be added as a Senate conferee on H.R. 18583, the drug control bill which passed the Senate yesterday.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection? The Chair hears none, and it is so ordered.

ILLEGAL TRANSPORTATION, USE, OR POSSESSION OF EXPLOSIVES

The Senate continued with the consideration of the bill (S. 3650) to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, line 7, strike the words "or to the death penalty";

On page 4, line 4, strike the words "or to the death penalty"; and

On page 4, line 23, strike the words "to the death penalty".

Mr. HART. Mr. President, yesterday this amendment was printed as No. 1038. My attention was called to the fact that it would have had the effect of striking the death penalty at only one point in the bill. There are two other points at which the death penalty is referred to, and the amendment as read by the clerk, and the question now pending, proposes to strike the application of the death penalty at all 3 points.

The bill before us strengthens and expands the antibombing provision of section 837 of title 18 of the United States Code.

Back in 1960, when the Civil Rights Act of that year was before us and this section was a part of it, I, of course, as a cosponsor of that bill, supported it. I support now the needed efforts to strengthen it.

Whether we were in agreement 10 years ago about the appropriateness of the Federal Government attempting to move in on bombings or not, we appear to be now. However, I have one reservation about the bill before us now—one which I perhaps should have voiced 10 years ago.

As passed 10 years ago, the statute provided for capital punishment if the jury so recommended. I do not claim that this distinguishes the position of one opposing capital punishment now from his position 10 years ago. My awareness and my sensitivity about capital punishment have grown over the years, and culminated, Mr. President, in my introducing a bill in 1966 to eliminate capital punishment from every Federal crime.

My memory is not fresh on the subject, but it is my impression that there are several score of Federal criminal offenses which provide for capital punishment. I have reintroduced in each Congress since 1966 the bill to eliminate capital punishment for Federal crimes. The able chairman of our Subcommittee on Criminal Laws and Procedures authorized hearings on that bill, and we had testimony from many authorities in the field of criminology and penology.

I remember very clearly the most persuasive testimony of Jim Bennett, the long-time and widely respected Director of the Federal Prison System. I remember the testimony of the long-time warden at San Quentin, Mr. Duffy, a man, as I recall, whose father had been a correctional guard, and who himself had been born, as he put it, "in a Federal pen."

These men stated flatly that they were of the opinion that capital punishment deterred no one. The purpose of punishment by the State is to deter people and to rehabilitate people. No one is going to argue that capital punishment rehabilitates the recipient thereof; and these men, speaking from a background far broader than very many of us possess, state that we are unmitigatedly mistaken in taking a life under these circumstances, because we have not borne the burden of proof that it does deter.

I know a good case can be made that if the question is in doubt as to whether executing a man deters others from similar or associated crimes, we should resolve it in favor of society and execute the man; maybe it will work.

I like to think that civilization has advanced to the point where society feels compelled, itself, to establish, by carrying the burden of proof, that it does have this beneficial deterrent effect, before it says, "Take the fellow's life." True, the life taken is usually that of a very poor, very friendless, generally odious character. Not many people are around to grieve. I suspect many are there silently cheering. But I suggest that it does something to us as a people to take life when we are not able really effectively to say that it works as a policy of deterrent.

The able Senator from Arkansas, whose opening remarks in bringing this bill to the floor were thorough and objective, cited the report of the Commission on Law Enforcement and Administration of Justice. As I recall, that commission said that one cannot tell, one cannot make a judgment, as to whether capital punishment deters or not. It suggests that the state should regard capital punishment as a matter for policy decision, and it cautions us that its application should be in a very restricted area.

I do not quarrel, really, with the person who adopts that position and concludes in this bill, and others of these Federal statutes that contain capital punishment, that as a policy decision this or that particular crime is so heinous, so offensive, so outrageous, so frightening that we will execute the man who does it, and perhaps as a result of that execution somebody else will not do the same thing.

This, parenthetically, gets us into an argument over what is one's favorite heinous crime. Currently, it is the killing of policemen. The killer of a policeman is the fellow who should be executed. Perhaps one takes the other approach and says that the killer of an innocent, helpless infant, not the killer of the man with a gun and a badge, is the one who most deserves execution. And there are many choices in between. Perhaps the fellow who killed somebody but who spent 6 hours before killing him torturing him should be executed. Or perhaps the assassin of a President. I would hate to have put to a popular vote the question of the assassination of Senators, but perhaps someone has that as his favorite crime.

Mr. ERVIN. I might observe that that might be justifiable homicide. [Laughter.]

Mr. HART. And I am sure it would not deter.

So, Mr. President, I suggest that we would be better off to strike from this bill the provision for capital punishment. I continue to be proud that the State of Michigan was first among all the States to eliminate capital punishment, and we have survived since that decision was made in 1847. And we rub shoulder to shoulder with two States that have capital punishment, Ohio and Illinois—yes, and Indiana—and, for whatever the figures are worth, there is a lower murder rate in Michigan than to be found with our friendly neighbors. So, so far as that corner of the Great Lakes Basin is concerned, one certainly cannot make the case that capital punishment deters.

If anyone really wants to play a game with figures, he can argue that the absence of capital punishment is the best deterrent. I am not suggesting that, but I am suggesting that the proof burden in this situation very clearly argues that one cannot make the case from murder rates.

I see the Senator from Wisconsin in the Chamber, another neighbor of ours. Wisconsin has been an abolition State for over a hundred years, and its murder rate is below ours in Michigan.

Anyone interested in this subject can find very thoughtful publications bearing on it. Dr. Thorsen Seland's "The Death Penalty and Police Safety" analyzes a disturbing and frightening trend now current, the killing of policemen. He studied 266 cities of over 10,000 population in 17 States. Six had abolished the death penalty, and 11 had the death penalty. His conclusion is that, on the whole, abolition States seem to have fewer police killings, but the differences are small.

I am confident that the trend of history is to the elimination of the death penalty. I hope that all of us can participate in trimming back on it before we leave this place to history. It is for that purpose, Mr. President, that I ask support for the amendment that is pending.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. McCLELLAN. Mr. President, I support the provisions of the bill as reported by the Committee on the Judiciary, and I oppose the amendment of the distinguished Senator from Michigan.

The argument that the death penalty is not a deterrent to crime, followed to its logical conclusion, means that any penalty under the law is not a deterrent, because the death penalty is the most severe penalty that can be imposed; and if the death penalty will not deter, neither will life imprisonment, neither will 5 years for stealing an automobile, neither will 1 year for simple assault, and so forth. Then our whole system of criminal justice is in error.

I do not agree that punishment does not deter. I can recall from my youth, from the cradle almost on up, that the knowledge that I would be punished for doing wrong was a deterrent. It deterred me then, and I suspect at times that it deters me now.

If we start with abolishing the death penalty, the next thing will be to abolish life imprisonment and the next will be to reduce all penalties, and finally to abolish penalties.

I do not agree with those who say it is not a deterrent. We have an organized crime syndicate in this country. I have a little knowledge of it from extensive hearings we have held from time to time. I have a little knowledge of how it operates. There is an organization sometimes called the Mafia, sometimes called the Cosa Nostra, sometimes called "the syndicate." I can say one thing: They do have a death penalty for any man who betrays them to the law. In all its history of operation, I know of only one man who has betrayed it, and that is Mr. Valachi. Today he is under Government protection, in an isolated place, where his former associates in organized crime cannot reach him. Yes it is a deterrent. He is the only one who has ever come forth.

Why are our laws not deterrents—they are not enforced. That is why one ceases to be apprehensive. Our criminal laws are not being enforced. Only about one in 20 who commits a serious crime today is ultimately punished for it. Of course our laws do not deter where they are not enforced. We are moving in that direction pretty fast, Mr. President, We are just gradually relaxing everything. We just give them a lecture and say they should not do it or we make some excuse or give an alibi for letting them get by with it.

I ask you, Mr. President, what right has a man in his right mind, who takes several sticks of dynamite and throws them into a school building where there are children or who, as in the case of the illustration, places dynamite in an educational institution where there is at work an innocent man, following the

pursuit of his profession as a chemist or as a scientist, and blows him, an innocent man into eternity.

What right does the man who murders another have to live? He forfeits his right to live in a civilized society.

There are times when there are extenuating circumstances. of course. This bill, as in most cases and in most all statutes, so far as I know, where the death penalty is imposed, leaves it discretionary so that those extenuating circumstances, if they exist may be taken into account.

But when we advertise, "Mr. Bomber, Mr. Arsonist, Mr. Murderer, you can do it and still live; have no fear," of course it is not a deterrent.

We are deterring them when there is something that raises apprehension, a sense of fear, a sense of doubt that they will not get by with it. That is when we are deterring.

Writing laws, putting more laws on the statute books, with stiffer penalties, is not a deterrent within itself. It is the high probability of punishment and that the law will provide a penalty and in its being actually imposed. That is what deters.

I shall not contribute, Mr. President, to any consolation that would be given to the arsonist, the revolutionary, the saboteur in our country today who is willing to kill the innocent. And do not think for one moment that they are not willing to kill the innocent, because they are. Just read their literature. They advocate it. They publish it. They even publish instructions how to do it, knowing that, if carried out, innocent blood will be spilled and some life—many lives may be snuffed out, wafter into eternity in the twinkling of an eye.

Yet some argue that a brute like that, an animal even if he is in human form—unless he is not in his right mind—is so depraved that he feels he has the right to be a perpetrator of death upon the innocent and not be punished for it.

I do not agree.

Mr. HART. Mr. President, will the Senator from Arkansas yield at that point?

Mr. McCLELLAN. I yield.

Mr. HART. Is the Senator suggesting that I have taken a position that they should not be punished?

Mr. McCLELLAN. I will add to it: to be punished by death in some instances.

If death will not deter, or the prospect of death, then life imprisonment will not deter.

Do we deter them, or not? We can take our choice.

Mr. President, I believe that we have gone too far in this country with laxity in law enforcement, finding excuses and alibis to justify not punishing the perpetrators of violence and death.

I may stand alone, but I cannot go along with removing more and more deterrents or in codoning—as I have not done, I hope—some important decisions that I think have brought about a laxity of law enforcement. I hope that a reversal in the trend in law enforcement—whether it is this administration, the next, or whichever one, will take place. But it will never take place by hampering law enforcement. It will never take place by coddling the criminal. It will never take place by alibiing and excusing crimes committed by those who have the intellect and the experience to know right from wrong. That is what I think has been one of the troubles in this country today; namely, the criminals get by with it. The odds today of anyone being convicted for a serious crime have diminished.

I do not need to argue this any further, Mr. President. Studies have been made. Commissions are still studying the issue. It will ultimately have to be settled when that issue comes squarely before the Senate, not as to one bill, or one crime, or the character of one crime, but it will have to be ultimately settled on the basis of a national policy.

As long as there is no law prohibiting it, as long as there is no constitutional prohibition, I shall continue to believe that men dare not go far in crime against other human beings, against innocent people, taking their lives maliciously and wantonly without risking a penalty suitable to the crime. I still believe that they can go only so far and then they forfeit their right to live in a civilized society.

Mr. President, I shall have to oppose the amendment.

Mr. HART. Mr. President, if I may reply briefly, we are not debating whether we should remove a deterrent. No one would stand alone if he were arguing that we should not remove a deterrent.

I make the suggestion that we are kidding ourselves if we think we are keeping a more effective deterrent by retaining capital punishment.

It is not a logical piece of reasoning to say that if capital punishment does not effectively deter, then life imprisonment, therefore, goes out of the window, too.

I am suggesting that capital punishment does not deter any more than life imprisonment. My point is that the evidence shows that life imprisonment would have the same effect, so far as society is concerned, with respect to its protection.

Admittedly, I speak not as a criminologist and without too much experience as a prosecutor, although a brief one.

Let me read to the Senate, as we approach the vote, the testimony of Warden Duffy, at San Quentin, who is, I think, a qualified authority. He is not running for public office or worried about public opinion or whether it is at the moment popular or unpopular. He tells us, out of a deep belief, his conclusion:

> From 1929 to 1952 I talked with every man that was convicted in San Quentin under penalty of death. Many of these men have been executed, others commuted to life imprisonment, some without possibility of parole. A few have had new trials or reversals. Some have died while serving their sentence in prison walls. I have asked personally every man (and two women) if they gave any thought to the fact that they might be executed should they commit a murder or a crime that is covered by the death penalty. I have asked hundreds—yes thousands of prisoners who have committed homicides, and who were not sentenced to death, whether or not they thought of the death penalty before the commission of their act. I have interviewed and have asked the same question of thousands of robbers who used a gun or other deadly weapon, in the commission of their "stick up." They of course are potential murderers. I have to date, not one person say they had ever thought of the death penalty prior to the commission of their crime.

There are many others who bring to this sensitive question an experience which is as broad as that of Warden Duffy. They are not do-gooders. They are not soft on crime. They are not running for office. They are just men who are trying to convey to this segment of our society which decides whether we will have the death penalty, their strong petition and their understanding that it is not a deterrent.

Mr. President, I am glad we have had an opportunity again to raise the question. I continue to believe that as time passes, our people will move as a nation to the position that our people in the States are moving.

I can read the clock of history as well as the next fellow. I know that the time, 1970, is not about to be the time we are going to do it.

I think a few more voices will be raised in support of it when the cycle turns. But I think we advance the cause of those of us who believe in it by rising to speak to the point, whether it is a popular moment in history to do it or not.

I hope that the amendment is agreed to.

Mr. McCLELLAN. Mr. President, I want to make a few observations.

The first is that I would be interested in knowing what answer the warden would get had he asked those people who were condemned to death if they had known or believed at the time of the murder that they would be condemned to death and electrocuted, whether they would have still have done it. I would like to have an answer to that question. I can tell the Senator of one example where a fellow is in the process of robbing a bank with a gun and an officer comes in and gets the drop on him. The officer says, "Drop your gun or I will kill you." What does the fellow do? If he believes he is going to be killed, he drops the gun. Is it a deterrent?

If the officer said, "Drop your gun, or I am going to slap you in the face, or I am going to give you a kick, or I am going to break your arm" it might not be sufficient. But I point out to the Senator that it is a deterrent if enforced and if the criminals know and are conscious of the fact that they are going to pay the penalty and that the price is the death penalty. They will not do it. But if there is no penalty, they will.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ERVIN. Mr. President, it has been quite some time since I checked on this matter, but does not the Senator from Arkansas have the same recollection as the Senator from North Carolina, that several States have professed to abolish the death penalty. But they have statutes which provide for the death penalty for prisoners serving life terms in State prisons who murder guards or, perhaps, other persons.

Mr. McCLELLAN. Mr. President, the Senator is correct. I do not know that I can name a particular State. The Senator may have such a State in mind. However, I would say the Senator is correct.

Of course, a fellow in prison does not have the same opportunity to protect himself against a fellow prisoner that we do in ordinary life or in a free society. But if a person will take a bomb and place it in a schoolhouse or place it in a courthouse or place it in an institution or in a place where innocent people are going to be killed, he must know, when he does it, that innocent persons will be killed and he must know that he will face the gravest penalty.

I believe a man who has that intelligence ordinarily—and there might be an exception now and then because a man would be so demented that he would not know—would know what the consequences would be. If the death penalty were imposed, I think it would be a deterrent.

Mr. ERVIN. Mr. President, does not the Senator from Arkansas agree with the Senator from North Carolina that laws similar to those which the Senator from North Carolina has mentioned, disclose the belief on the part of the legislatures which enacted them that such laws deter people from killing other people while serving terms in prisons?

Mr. McCLELLAN. Mr. President, a man may be serving a life sentence in prison. He knows he has a life sentence. The next highest penalty that could be imposed, I assume, under our civilized system, next to a life sentence is the death penalty.

If a person is serving a life sentence, I think that would be a deterrent. He would rather take his chances and hope that someday he would be able to get his release from prison by pardon or parole. I think it would be a deterrent.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. SAXBE. Mr. President, I cannot support the amendment. One of the reasons why that I cannot support it is because of some experience in law enforcement in Ohio. For years we had a custom where if a man shot a policeman in the performance of the policeman's duty, he was pretty sure that he was going to be convicted and executed.

Then they began to wear that penalty down by means of the Governor giving pardons, by the jury recommending mercy—which means a life sentence—and by other means whereby the death penalty has gradually gone out. So, today we have not had an execution in Ohio in 7 years.

I know that it is national. But today policemen are being killed in my State. We have had more than our share of policemen killed. I cannot help feeling that if the old attitude existed today where a man knew that if he killed a policeman in the performance of his duty, he would be convicted and executed, it would be a deterrent. It was a deterrent at that time and would be today.

With the idea that this man is a misunderstood criminal and that he is going to be readjusted when he gets in prison because we will straighten him out, things are getting worse.

Most of the men who kill policemen are cold blooded killers. They intend to kill these policemen and they do it. It is not done in hot blood. It is with the intention of killing that policeman.

We do away with the death penalty. Sure, we are more civilized. Sure, the educators and the preachers say that this is the only way we should approach the matter. But we are living in rough days. We have people, as the Senator has said, who are dedicated to overthrowing the Government and killing us and killing the policemen who protect us. This happens. It is not something we talk about. It happens all the time.

I have never advocated doing away with the death penalty. I recognize it is important here. I think we should look at the matter before we gradually erode away this matter completely. It has been a deterrent as long as man has lived, and I do not think man has changed that much.

Mr. McCLELLAN. The Senator used the right terminology when he said we are eroding it. It would be a greater deterrent if it were enforced. That is like other penalties that are not enforced.

Mr. SAXBE. The Supreme Court ruling that a jury cannot be examined as to their attitude toward the death penalty struck a blow we have not yet recovered from. With that provision I doubt we have the death penalty now. In Ohio this prohibition extends to the lower court and if you cannot examine the jury on attitude you cannot get a verdict for the death penalty.

Mr. McCLELLAN. There is nothing I can do about that situation now but I can continue my influence and my voice and my vote against any further eroding. I believe this penalty is a deterrent when it is enforced.

If ever there is a time when we need law enforcement in this country and, indeed, to make the country aware of the fact that there are penalties for violations of the law, that time is now, because in my judgment the criminal has the upper hand, in America today. I have said over and over that we are going to have to fashion every tool we can within the framework of the Constitution and make those tools available to our law-enforcement officials and governmental agencies.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment which seeks to eliminate the death penalty in this bill. It is not my purpose to get into a discussion of the philosophy of the death penalty as a deterrent or something which debases, downgrades, or demeans people when the death penalty is invoked.

Certainly the Senator from Nebraska could not improve upon the argument or eloquence of the Senator from Arkansas on these points, and the very splendid contribution of the Senator from Iowa, who has had practical experience as a prosecutor and attorney general of one of our great States in this field.

I wish to make an observation on one of the arguments we heard this afternoon to the effect that to execute for crime is not only depriving a human being of life, but it is also debasing, downgrading, and demeaning to the public and people at large.

There is also something demeaning in considering what little is left of the body of a scientific researcher at the University of Wisconsin after the dynamiting occurred there. That incident is degrading, demeaning, and debasing. It is also degrading, debasing, and demeaning to people generally when a policeman by the name of Maynard in Omaha, Nebr., in responding to a call, picks up a suitcase which is a boobytrap and which blows him into smithereens. That is also demeaning.

So, the larger question is: If there is application and enforcement of the death penalty will there be fewer incidents such as those which occurred at Madison, Wis., or Omaha, Nebr., or other incidents?

Mr. President, rather than to get into that matter, I should like to explain why we find this provision for the death penalty in the pending bill. There is a reason why we have reiterated it in this bill.

The antibombing provisions of the pending bill replace the existing transportation of explosives statute—namely, section 837 of title 18, United States Code. Many of my colleagues will recall that section 837 was added to the law as part of the Civil Rights Act of 1960. It was enacted principally in response to the rash of church bombings of that period, and the 86th Congress in its wisdom decided that violations of the statute which result in death should be subject to the extreme penalty.

As pointed out in the committee's report on S. 3650, there is a constitutional defect in the death penalty provision of section 837. This defect stems from the requirement of a jury recommendation for imposition of the penalty. In 1968, in United States against Jackson, the Supreme Court decided that a similar death penalty provision in the Federal kidnaping statute was unconstitutional because it put a chilling effect on the defendant's right to trial by jury.

Certain other death penalty provisions in the Federal criminal code do not have the same infirmity. An example is section 34 of title 18. Thus, to cure the defect, the death penalty provisions of S. 3650 eliminate the section 837 language and substitute a reference to section 34.

In sum, Mr. Chairman, we are not enlarging on the death penalty, provision of existing law, but merely repair that provision to make it the equivalent of existing law, as it stood prior to the Supreme Court decision.

Mr. President, so this is not something new that is being added: it was the law until the Supreme Court decision 2 years ago.

The problem should be considered not by way of picking an individual instance and saying, "This will not have a death penalty attached to it." The problem should be approached from the standpoint of attacking the entire death penalty as a concept, and not just the concept embraced in the measure introduced by the Senator from Michigan (Mr. HART), but as bearing on the proposition

that there is now in existence and functioning, and about to report soon, a Committee for Revisions of the Federal Criminal Code.

One of the recommendations of that Commission will bear on this subject. At that time when we get to the point of considering the recommendations in proper form and with an opportunity to review their pertinent reference to the existing death penalties and statutes containing them, we should get into this matter and not do it on a piecemeal basis.

So in addition to the sound and very eloquent reasons of the Senator from Arkansas, I would strongly urge the Senate to reject the pending amendment.

Mr. HUGHES. Mr. President, I associate myself with the remarks of the distinguished Senator from Michigan. I wish to congratulate him on raising this question here today, even though it is only a part of the total question that he has presented on another piece of legislation that is in the process of being considered and reviewed by committees of this body. But I do think it is time that this matter is publicly viewed, clearly, through the processes of hearings; and I intend to support the amendment today, for the reasons the Senator from Michigan stated.

I realize that the amendment today has very little chance of being adopted, but it is time for discussion on it. It is time we faced very seriously the whole question and that we have the best focus of attention and time given to it.

Certainly none of us condones the savagery of a crime such as bombing and burning, which can takes lives and snuff them out instantaneously, as indicated by the distinguished Senator from Arkansas. We all agree that the savagery of such crimes is unbelievable, and it is unbelievable that people should do this. Undoubtedly, if the death penalty is deserved, it is deserved in such crimes as these, where there is an obvious intent and it is known that death will result from this type of criminal activity. We all decry it.

My own State has had a history of having capital punishment, repealing it, reinstating it, and then repealing it again. When I was Governor of my State from 1962 to 1969 we repealed capital punishment after long debate and committee hearing process. The light was focused on it. Since that time the incidence of capital crime in my State has not risen. However, some savage crimes have been committed, one of them among the most savage that has been committed in the history of my State, and immediately the hue and cry went up to reinstate capital punishment as a result of that crime. The effort was turned back.

Mr. President, punishment of crime is absolutely essential. Apprehension, swift trial, and punishment are absolutely necessary. I think all of us agree on that basic principle. I think the disagreement about the effectiveness and the deterrence of capital punishment is one that well deserves proper debate in this country, and I am sure when this matter is brought to attention and focus is put on it clear across the spectrum of Federal law, we will have a better grasp than we will be able to get today. But it is my intention to support the amendment of the Senator from Michigan. I want to congratulate him for what he has done today. We do not have time enough to have it properly brought to attention, and although chances of the amendment being adopted are small, I shall support it.

Mr. HART. Mr. President, I thank the Senator from Iowa.

Mr. HANSEN. Mr. President, first I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, I oppose the amendment. As is the case with the distinguished Senator from Iowa, I, too, have served as Governor of my State of Wyoming. We have the death penalty in Wyoming. The last execution in the State was during my term of office. The details of the crime are not particularly relevant or important to recount at this time, but before the person who was given a sentence calling for execution was put to death, a long and traumatic trial took place. A change of venue had been called for. The case attracted wide attention because the accused had raped and then mutilated two little girls, and then subsequently murdered both of them. Feelings ran very high.

One of the witnesses who was called to testify was the superintendent, and is now the superintendent, of the State hospital in Evanston, Wyo., our State mental institution. He wrote me a long letter, about four pages, as I recall, and he prefaced it by saying that he had always been opposed to the imposition of capital punishment, but he said, "After sitting through this trial, as I have, and having testified as I did for some 3 or 4 days, I am completely convinced that every argument that I have given in the past against the death penalty now must be weighed in the judgment of the evidence that came before the court."

He said:

> I think it would be a travesty of justice if this young man were not executed. I think society would be the loser. I must say that my mind has been completely changed, and I earnestly recommend that you do not intervene in the full execution of that sentence.

I heeded his advice.

I know it is popular these days, as we contemplate the problems that are more and more in evidence throughout our society, to view wrongdoers with compassion, to make allowances, and to try to understand some of the frustrations and some of the stresses that are inherent in our society as reasons for the acts of individuals who do not conform as most of us agree all citizens should conform. There are some who believe that perhaps we have not gone far enough in trying to give everyone a second chance, or a third chance, or a fourth chance; that society, rather than the individual, has been at fault. But when we examine some other facts and the experience that other countries have had, we may come to a different conclusion. I am told that in Great Britain, for instance, before the abolishment of the death penalty, the typical English bobby did not carry a gun. Today, because the murder of policemen in Great Britain has escalated so very rapidly, it is necessary that the British bobbies be armed for their own protection.

Many arguments can be made on either side, but when people deliberately go into buildings and deposit bombs, when people set fire to buildings—and we have seen it happen throughout America—as we saw it happen in Washington several years ago. Three innocent victims, I am told, all blacks, were burned to death because somebody, after looting a store, thought it would be perfectly all right to put the torch to it. That certainly convinces me it is time that we stopped and thought about what steps we should take in order to better protect society and our citizens who, in the great majority, are willing to abide by the laws.

By that I mean they accept the responsibility that all citizens should shoulder, in saying, "I will obey all the laws. Some I like. Some I do not like. But, as a citizen of this country, as a good member of society, it is my responsibility to obey every law."

There is reason to feel that, more and more, this type of individual is receiving less and less protection from the very society of which he is a part.

I hope we will not adopt the pending amendment. I am convinced that there are some people who would deliberately, wilfully, premeditatedly snuff out human life in order to achieve certain of their own objectives. Even if it could be said that some of these persons who take the lives of others could be rehabilitated, I think we are paying far too high a price in going along with a policy that will not embrace in its total system of justice the philosophy that a person can be executed for his wrongdoing.

I know of another instance that happened in the State of Wyoming when I was Governor, that I think has some relevance. A young babysitter was killed by a young man and her body was thrown into the Platte River. A few days later, it became known or there were great suspicions held by many that he had committed this atrocious act, and when he was apprehended he voluntarily admitted that he had done it.

Because he did not happen to have an attorney present when he made this admission in a pretrial conference, the prosecuting attorney agreed with the defendant's counsel, in the presence of the judge, that because not every single step that had been called for by some of the more recent Supreme Court decisions had been complied with, the prosecution did not have a case on which it could proceed and feel that it would have the supporting evidence if an appeal of that case were taken to the Supreme Court.

As a consequence, that man was turned loose, and for some several months, thereafter, he openly boasted about how he knew how to take a life and beat the rap.

It was not too long until it became evident that people in the little town where he was living had become so angry that there was some talk that his well-being might be in some danger, and he left the town of Douglas, Wyo., and

went elsewhere, after several months had elapsed following the death of the babysitter.

It is time that we face up to this decision, even if we were to admit—and I do not for one moment admit—that the death penalty is not a deterrent. It is a deterrent, and I think it is a particularly meaningful deterrent in restraining persons who premeditatedly contemplate actions such as must be envisaged by those who place bombs in buildings. In that sort of situation it is a real deterrent; because if they are faced with the rather certain assurance that if they are convicted they will be or they are in great risk of being put to death, then I say that I think a person who coldly and clearly, in his right mind, contemplates such an action may indeed be deterred.

But even if we were to assume, as I say I do not, that there was no deterrent, I still think society is better off without that kind of an individual longer being alive and present.

Let me illustrate. The distinguished former Governor of Iowa spoke about the actions taken by his State; how they had capital punishment in the State of Iowa one moment, and the next moment they changed it, and that it was changed back and forth a time or two. And as I understood him, he said they do not now have it, following further consideration and action taken by the State legislature.

But as the present distinguished occupant of the chair (Mr. JORDAN of Idaho) knows, having himself been Governor of the State of Idaho, and, having sat, as I am certain he did, on parole boards, just as I have in Wyoming, and just as the Senator from Iowa has in his State when he was Governor, we know perfectly well that the record is replete with case after case after case of persons who are convicted of first-degree murder, committed in cold blood, committed with full premeditation, and we see those individuals released within 5 or 10 or 15 years. First they have their sentences reduced, and then they are released.

So I say, Mr. President, contemplating just this fact alone, that we ought not to accept, well intentioned though it is, the amendment proposed by the distinguished Senator from Michigan.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART). 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 Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from Ohio (Mr. YOUNG) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. JAVITS) 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 Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from New York would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 22, nays 46, as follows:

[No. 368 Leg.]

YEAS—22

Boggs	Hughes	Muskie
Brooke	Inouye	Nelson
Case	Jordan, Idaho	Packwood
Church	Magnuson	Pell
Cranston	Mathias	Proxmire
Eagleton	McGovern	Williams, N.J.
Hart	Metcalf	
Hatfield	Mondale	

NAYS—46

Allen	Ervin	Randolph
Allott	Fulbright	Ribicoff
Anderson	Griffin	Russell
Baker	Hansen	Saxbe
Bennett	Holland	Schweiker
Bible	Hollings	Scott
Burdick	Hruska	Smith, Maine
Byrd, Va.	Jackson	Spong
Byrd, W. Va.	Long	Stennis
Cook	Mansfield	Stevens
Cooper	McClellan	Talmadge
Cotton	McIntyre	Thurmond
Curtis	Miller	Williams, Del.
Dole	Pastore	Young, N. Dak.
Eastland	Pearson	
Ellender	Percy	

NOT VOTING—32

Aiken	Gravel	Mundt
Bayh	Gurney	Murphy
Bellmon	Harris	Prouty
Cannon	Hartke	Smith, Ill.
Dodd	Javits	Sparkman
Dominick	Jordan, N.C.	Symington
Fannin	Kennedy	Tower
Fong	McCarthy	Tydings
Goldwater	McGee	Yarborough
Goodell	Montoya	Young, Ohio
Gore	Moss	

So Mr. HART's amendment was rejected.

Mr. MCCLELLAN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCLELLAN. Mr. President, I ask for a third reading.

The PRESIDING OFFICER (Mr. PACKWOOD). 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. GRIFFIN. Mr. President, on March 25, 1970, President Nixon expressed the concern of the entire Nation when he issued his important statement on bombings and bomb threats. He said:

> Recent months have brought an alarming increase in the number of criminal bombings in the cities of our country. In recent weeks, the situation has become particularly acute, as telephoned threats and actual bombings have sent fear through many American communities.
>
> Schools and public buildings have had to be evacuated; considerable property has been destroyed; lives have been lost. Clearly, many of these bombings have been the work of political fanatics, many of them young criminals posturing as romantic revolutionaries. They must be dealt with as the potential murderers they are.

The legislation President Nixon proposed in March is now before the Senate in the form of S. 3650. It both expands the scope of the existing Federal statute on transportation of explosives, and increases the penalties under that statute. This bill would proscribe actual or attempted bombings of Federal buildings and buildings used in interstate commerce. In addition, the Hruska amendment which was offered on behalf of the President—and which has already been adopted—would apply the statute to bombings on college campuses.

Mr. President, hearings conducted in August of this year by the Permanent Subcommittee on Investigations chaired by the distinguished Senator from Arkansas (Mr. MCCLELLAN) revealed that there have been over 5,000 bombings in the United States during the past year and a half.

Just last night, in fact, the ROTC building at the University of Washington in Seattle was rocked by a bomb explosion which caused property damage but, fortunately, no personal injuries.

Mr. President, events of recent months and, indeed, as recent as last night make it clear beyond doubt that this legislation is needed.

I urge the support of all my colleagues for this legislation proposed by the President. In his words:

> The anarchic and criminal elements who perpetrate such acts deserve no more patience or indulgence. It is time to deal with them for what they are.

I ask that an AP wire story concerning the bombing last night at the University of Washington be printed in the RECORD.

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

SEATTLE.—A bomb caused a "pretty bad explosion" today at the University of Washington's Clark Hall, which Houses the School's Navy ROTC unit, fire officials reported.

It was unknown whether anyone was inside the building.

A small fire broke out in the basement of the structure, firemen said.

The bomb blew out windows and set doors ajar.

Police said a bomb squad was being sent to th. university.

SEATTLE, WASH.—An explosion that police said was caused by a bomb blew out windows, doors and caused interior damage to Navy and Air Force ROTC facilities at the University of Washington today.

No one was in the building, Clark Hall, where the blast occurred, but a janitor was taken out shortly beforehand when the fire department, the University and the Seattle Times received separate telephone calls warning of an imminent explosion.

The blast occurred in a locker room in the building's northeast wing, used for Air Force and Navy Reserve Officer Training, and lighting fixtures and doors were blown off.

The phone calls were placed about 25 minutes before the explosion, police said. A female called the Times and a male talked to the university they said. There was no indication of the sex of the other caller.

A small fire in the basement of the building occurred at the time of the blast, but was extinguished quickly, firemen said.

A university spokesman, Irv Blumenfeld, said the building had been locked at 5 p.m. the day before and he supposed the bomb had been inside at that time. He described the explosion as "one loud, sharp blast."

A police bomb squad roped off the building and went inside to investigate.

Mr. HART. Mr. President, this legislation was proposed by the Attorney General as a means of strengthening the Federal laws in response to the recent series of bomb explosions and bombing threats. The bill would revise 18 U.S.C. section 837 to expand its scope, improve its effectiveness, and increase its penalties in several significant respects. The potential loss of life, the destruction of property, and the disruption of the daily activities of our people, our economy and our Government require that prompt legislative action be taken in this area.

Section 837 of title 18 was enacted 10 years ago as part of the Civil Rights Act of 1960 and I was a sponsor of the bill which was passed as section 837.

I supported the need for stringent measures to prevent these horrendous acts of terrorism then, and I support efforts to strengthen and improve such protection now. The present measure would remove several loopholes in the existing law and enable law enforcement agencies to combat terrorist bombing more effectively.

The record shows that capital punishment has not deterred the bombing and other vicious crimes which, of course, we all condemn. Hence my offer to eliminate capital punishment from this bill, a proposal the Senate now has rejected.

The bill expands the definition of "explosive" in the present law to include incendiary devices. However, it excludes sporting ammunition and its components, in order to insure that small arms ammunition is excluded, and that sportsmen who use smokeless propellants in ammunition reloading may continue to do so. The bill also amends present law: First, to include interstate receipt as well as transportation of explosives, second, to abolish the test of specific forbidden purposes in favor of a general requirement of knowledge or intent that the explosives would be used in substantially any crime of violence, and third, to increase the applicable penalties.

It is an intelligent response to the dismaying series of bombings and bombing threats in this land. When I cosponsored the 1969 act, which this bill will strengthen I said that motives behind bombings may be many; that none is defensible and each should be brought under prosecution to the extent the Constitution permits. The experience in the intervening 10 years shows the need and way further to strengthen our tools in this fight.

Mr. MILLER. Mr. President, the distinguished Senators from Colorado and Kansas placed in the RECORD on August 28 an Evans-Novak column entitled, "The Terrible Summer of 1970." Quite properly, they commended the columnists for drawing attention to the serious threat posed by the violent activities of various revolutionary groups. To complete the record, however, I believe it is appropriate to sum up the legislative picture on the problem of bombings and terrorism.

The distinguished chairman of the Committee on Government Operations has concluded investigative hearings by his permanent Subcommittee on Investigations, having heard testimony on the activities of the terrorists from witnesses from across the Nation, from both the public and the private sector. Senator MCCLELLAN'S subcommittee's findings will, I know, form a solid basis for legislation to counter the threat.

In the meanwhile, the administration has responded to the challenge by sending to the Congress two important legislative proposals, one of which, S. 3650, is before us now.

In March, following a statement by President Nixon on the necessity for legislation, the Attorney General transmitted a bill to broaden the coverage and to stiffen the penalties provided by the existing Federal explosives statute. The measure would provide for the death penalty where a fatality occurs and would double the penalty—to 20 years and $20,000 fine—if injury results. Bomb threats would be punished by 1 year's imprisonment or a fine of $5,000.

In July, the Secretary of the Interior sent us a proposal designed to dry up the source of supply of explosives to terrorists and other radicals. All manufacturers, importers, and dealers of explosives would be licensed, permits would be required for commercial purchasers, possession by certain undesirables such as felons would be prohibited, and stiff penalties for falsifying applications and recordkeeping would be provided.

The need for action is obvious. An FBI survey of 776 bombing and arson incidents in the period September 1, 1968, to March 15, 1970, showed 11 deaths—six self-inflicted due to premature or accidental explosions—and more than 100 injuries with damages estimated at nearly $24 million.

Assistant Secretary of the Treasury Rossides, in testimony before Senator MCCLELLAN'S subcommittee, reported a total of more than 4,300 bombing or incendiary incidents from January 1, 1969, to April 15, 1970, with a total of 40 killed, 384 injured.

Assistant Attorney General Wilson told the subcommittee that the fall of 1969 was marked by the start of an unprecedented wave of terrorist tactics. It involved a series of explosions in New York City, with corporate offices, public buildings, courts, and police stations as targets. In the spring of 1970 there was a renewed wave involving a Greenwich Village townhouse and Manhattan skyscraper offices of three of the largest business corporations.

A San Francisco police station was bombed and one officer killed and six injured. Other bombings included the Cambridge, Md., courthouse, a 10-story office building in Buffalo, a Cental Intelligence Agency recruiting office in Ann Arbor, Mich., a National Guard building in Salt Lake City, the statehouse in Baton Rouge, La. In Berkeley, Calif., an 80-foot high voltage utility tower was toppled. Recently, the bombing of the University of Wisconsin Math Research Center killed a research professor and injured others. There have been several bombings—college and police stations—in my own State of Iowa.

In addition, there were explosions involving military recruiting offices and ROTC buildings in many communities and campuses.

The General Services Administration reported 46 bomb threats to Federal buildings in fiscal year 1969, including 13 bombings resulting in $7,520 damage. During fiscal year 1970, ending June 30, 1970, there had been 386 threats and 38 incidents resulting in $612,569 damages.

In the first 6 months of 1970 there were 130 evacuations of Federal buildings because of bomb threats, resulting in a loss of $2.2 million in wasted man-hours.

Who is responsible for these acts of terrorism? President Nixon said in his March statement that many of the bombings "have been the work of political fanatics, many of them young criminals posturing as romantic revolutionaries." He added:

> The anarchic and criminal elements who perpetrate such acts deserve no more patience or indulgence. It is time to deal with them for what they are.

Mr. President, we can help the law-enforcement officials of the country to deal with the fanatics by providing the additional tools proposed by the administration in the two bills I have mentioned. I commend the Senate Judiciary Committee for acting favorably on S. 3650, of which I am a cosponsor, and I urge all of my colleagues to support this bill and to give their favorable attention to S. 4107 when it comes up before the full Senate.

In view of what has occurred, action cannot come too quickly. The sooner we get these laws on the books, the sooner we will be able to take effective steps to stop these terroristic actions.

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the

RECORD an article from the Catholic Standard, Washington, D.C., May 22, 1959.

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

[From the Washington (D.C.) Catholic Standard, May 22, 1959]

LIFE OR DEATH

(By Rev. Robert H. Wharton)

A woman was called for jury duty, but refused to serve because she didn't believe in capital punishment. Trying to persuade her to serve, the judge explained: "This is only a case where a wife is suing her husband because she gave him $1,000 to pay down on a fur coat, and he lost the money in a poker game."

Immediately the woman said, "I'll serve. I could be wrong about capital punishment."

Two recent motion pictures have made the Church's stand on capital punishment a timely subject. Orson Welles' closing courtroom oration in "Compulsion," a film based on the Leopold-Loeb murder trial, is the latest cinema victory for opponents of the death penalty. *Information* magazine also points out that "the sentimental appeal for its abolishment suggested in 'I Want to Live' is also being used by groups seeking to establish life imprisonment as the maximum sentence for all states."

QUESTION OF RIGHT

I heard one advocate of the death penalty loudly proclaim, "All I have to say is that capital punishment was good enough for my ancestors, and it's good enough for me!" I have more to say than that. The issue is not whether the death penalty is the most effective way of preventing serious crimes. The problem here is rather the state's *right* to punish by death.

In fact, it's not correct to say there's a "Catholic viewpoint" on capital punishment. It is not the Church's concern how much this penalty deters crime. We may, as individuals, take the stand that life imprisonment doesn't seem an effective deterrent from serious crimes; the prisoner always has a hope of pardon or escape. In the past few decades, three-fourths of the prisoners sentenced to "life" in state and Federal prisons were released in ten years. But, as we said, this is for criminologists to study and for us private citizens to argue about.

LAWFUL AUTHORITIES

You may be one of those who cry that capital punishment is murder, that we are punishing crime by committing another crime. If so, you are getting away from the Church's teaching on the subject. We may discuss the advisability of using the death penalty—but a Catholic cannot deny the right of lawful authorities to put offenders to death.

The official doctrine of the Church is that the State does have the right to inflict the death penalty for serious crimes. It is true that some countries and states have abolished such severe methods. We may think this is the wisest course—but we have to maintain that not using the right doesn't take it away.

This subject is not new to the Church. St. Thomas Aquinas, referring to capital punishment, said that "such killing is not murder." The Council of Trent, which can always be counted on to state the Catholic position, said that magistrates are "not only not guilty of murder, but eminently obey the law which prohibits murder" when they condemn a criminal to death.

The real argument for the right to condemn to death comes from the State's right of self-defense. An individual may defend himself against someone who wants to take his life, even if it requires killing the attacker. Society, the collection of these individuals, has the right to defend itself from those who threaten it—whether the threat comes from an unjust aggressor in war or from a criminal.

One reason (not the only one) there is such opposition to capital punishment is this: denial of freedom of the will. Some say heredity and environment—not the criminal—are responsible for the crime. But we can't go along with this thinking completely. We do recognize the adverse effect of bad heredity and environment in the lives of some.

FOR SERIOUS CRIMES

If you carry this denial of responsibility too far, it's not safe to go out on the streets at night. "My mother was sickly and my companions were louses," Muggo can say as he is caught standing over your body with smoking revolver in his hand. And you can get rid of old Uncle Zeke, blaming the whole thing on being deprived of ice cream when you were young.

Obviously, capital punishment should be limited to the most serious crimes—like murder, treason and kicking dogs. In 18th century England, more than 160 offenses were punishable by death. Besides being far too harsh, this careless condemnation to death made almost everyone a poor insurance risk.

We're not crying for a return of the old "eye for an eye, tooth for a tooth." While the Church insists on the right of lawful authorities to inflict death, she has never said this is the only way to prevent great crimes. The Church has often called for mercy toward criminals. And lest some think the Church is lobbying for severity, clergymen are not allowed to cooperate in any way in the administration of the death penalty. (Not that I'd want to. I'll take my bloodshed on television, thank you.)

A little lady told me the other day she's not against capital punishment "as long as it's not too severe." I'm afraid it is a bit severe. There's something final about gas chambers, electric chairs and gallows that modern science hasn't been able to eliminate. But if these means weren't so drastic, there might be many more bodies lying around with bullets, knives and poison in them. It is a human being's very right to life that justifies extreme punishment for those who take away that life.

Mr. MAGNUSON. Mr. President, the terrorist acts of bombing, attempted bombing, and threats of bombing are reprehensible acts which cannot be condoned by any civilized nation. They are acts which cannot possibly be justified as lawful expressions of dissent. These acts, Mr. President, are clearly and simply criminal acts which are diametrically opposed to the most fundamental principles of civil liberties and human freedom. The essence of liberty, Mr. President, is the right to be secure against those who would so endanger life or property.

This fundamental right of freedom has been, and continues to be, violated by a rapidly accelerating outbreak of bombings throughout the Nation. Just this morning, Mr. President, the Navy ROTC building on the campus of the University of Washington in Seattle was bombed and damages are estimated to be in excess of $100,000. This same facility was gutted by arsonists last year. Fortunately, there were no injuries nor loss of life. However, as Seattle Mayor Wes Uhlman told the subcommittee on investigations this summer, during the period from January 1969 through June 1970, there were a total of 66 bombings in the city of Seattle alone. In addition, during that same period there were 44 incidents in which explosive devices were discovered before they were detonated. And, finally, in the same period there were 347 recorded bomb threats.

Seattle officials have undertaken a concerted effort to combat this serious threat. Special units have been established in both the police and fire departments of the city to respond to bombing incidents. The city has made special efforts to increase its information-gathering capability, and as one part of those efforts has even established an informational reward system. Public safety personnel have been given special training to aid them in identifying and handling explosive devices.

But as the bombing on the University of Washington campus this morning indicates, the city alone cannot cope with this spiraling threat. Congress must establish strict statutes concerning bombers, would-be bombers, and those who make bomb threats.

S. 3650 is, with only one exception, a good bill which offers the substantial legal sanctions which we must impose on those who terrorize the public with their bombs. And even that one exception can easily be repaired here today by passage of Senator HART'S amendment.

As I noted earlier, Mr. President, the acts of the bomber, the would-be bomber, their accomplices, and those who maliciously make bomb threats cannot be justified and cannot be condoned.

In sum, Mr. President, I urge passage of S. 3650. And, at the same time, I beseech the Senate, the House of Representatives, and the administration to continue to make every effort to eliminate those factors which give rise to such unthinking acts. If we solve those problems, Mr. President, then we may well never have to pass more antibombing legislation.

Mr. President, I ask unanimous consent that the bombing statistics for the period of January 1, 1969, through April 15, 1970—statistics supplied by State and local law enforcement agencies—for Washington State, be printed in the RECORD.

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

State of Washington

Explosive bombings	90
Incendiary bombings	80
Total bombings	170
Attempted bombings	27
Bombing threats	452
Property damage (in thousands)	442
Personal injury	3
Deaths	5

Mr. THURMOND. Mr. President, we are confronted with the somber realization that our country faces a very dangerous and critical threat from the forces of subversion and revolution that are now committing repeated acts of bombings, arson, and sabotage. The magnitude and frequency of such acts of terrorism and destruction directed against the sovereignty of government and the lives and property of our citizens furnish ample warning that we are fighting for the survival of our free society.

The legislation we have before us today will make a significant contribution to the Federal legal framework designed to deal with the unlawful use of explosives. This legislation, which strengthens the laws relating to the illegal use, transportation or possession of explosives, is needed to combat the increasing incidence of violence our country is now experiencing.

Among other things, the law would—

Amplify the kinds of explosives and incendiary devices to which existing law applies;

Broaden its scope to proscribe the transportation or receipt of explosives or incendiary devices in commerce with the knowledge or intent that they will be used to kill, intimidate, or injure persons, or unlawfully damage buildings, vehicles or property, without requiring proof of a specific objective;

Proscribe the malicious damage or destruction of property owned or leased by the Government by means of an explosive; and forbid the unauthorized possession of explosives in Government buildings;

Prohibit malicious damage by means of an explosive to real or personal property used for business purposes by anyone engaged in interstate commerce, or in an activity affecting commerce.

This bill also has a provision covering the possession of explosives with the knowledge or intent that they will be transported or used in violation of the foregoing provisions.

Mr. President, in my judgment, this legislation will prove to be an effective tool in the fight against the unlawful use of explosives. I urge the Senate to give its approval to this important measure.

Mr. BYRD of West Virginia. Mr. President, we cannot stand idly by and endure the continued wave of civil disobedience, demonstrations, and bombings which have swept the country during the last few years.

The right of peaceful assembly is protected by the Constitution, and so is the right to petition our Government against grievances; but continued acts of arson, bombings, and sabotage are heinous crimes—the work of fanatics—and they cannot be tolerated by a civilized nation.

During the period of January 1, 1969, through April 15 of this year, Department of the Treasury figures indicate that there were approximately 1,000 explosive bombings and approximately 3,400 incendiary bombings. An additional 1,500 bombings were attempted, and over 35,000 threats of bombings were received during this period by law enforcement officials throughout the country. At least 43 persons have fallen victim to these acts of sabotage, and property damage has exceeded $25 million.

The General Services Administration, which has 2,800 Federal properties under its jurisdiction throughout the Nation, reports that bombings of Federal buildings have increased by 170 percent in fiscal year 1970 over the statistics of fiscal year 1969. Bomb threats have increased by 750 percent during that time period, and instances of vandalism have increased by almost 140 percent. Other crimes, including assaults, forced entry, and demonstrations have increased 6,860 percent in fiscal year 1970 over the figures of fiscal year 1969.

Thus the evidence is compelling for the need for stronger legislation to prohibit these malicious bombings. I support the pending bill, S. 3650, which would, by amending title 18 of the United States Code, expand and strengthen current laws concerning the illegal use, transportation, or possession of explosives.

Revolutionaries in our country today openly urge murder, arson, and terrorism. Law enforcement officials indicate that in those cases of actual, attempted, or threatened bombings which can be attributed, approximately 56 percent were attributed to campus disturbances, 19 percent were attributed to black militants, 14 percent were attributed to white extremists, 2 percent were attributed to labor disputes, 1 percent was attributed to attacks on religious institutions, and 8 percent were attributed to other criminal activities such as extortion and robbery.

It is clear that the institutions and functions of Government have become symbolic targets of extremists. The issue is whether such terrorists should be able to disrupt the normal functions of government through the threat or act of violence—in this case, bombing.

There is no question but that our Government has a responsibility to provide certain services without interference. Moreover, it has a right to protect such facilities as are needed to provide these services against explosions or any other act of willful destruction.

If representative democracy means anything, it means that the lives and property of our citizens, the daily activities of our people, our economy, and our Government will be protected against the forces of subversion and revolution committed to anarchy and destruction.

Prompt Senate passage of this bill will help to limit the current rash of bombings—one of the most despicable crimes invented by man.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada, (Mr. CANNON), the Senator from Connecticut, (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), and the Senator from Alabama (Mr. SPARKMAN) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Ohio (Mr. YOUNG), the Senator from New Mexico (Mr. MONTOYA) and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. JAVITS) 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 New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 68, nays 0, as follows:

[No. 369 Leg.]

YEAS—68

Allen	Fulbright	Nelson
Allott	Griffin	Packwood
Anderson	Hansen	Pastore
Baker	Hart	Pearson
Bennett	Hatfield	Pell
Bible	Holland	Percy
Boggs	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Hughes	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Saxbe
Case	Jordan, Idaho	Schweiker
Church	Long	Scott
Cook	Magnuson	Smith, Maine
Cooper	Mansfield	Spong
Cotton	Mathias	Stennis
Cranston	McClellan	Stevens
Curtis	McGovern	Talmadge
Dole	McIntyre	Thurmond
Eagleton	Metcalf	Williams, N.J.
Eastland	Miller	Williams, Del.
Ellender	Mondale	Young, N. Dak.
Ervin	Muskie	

NAYS—0

NOT VOTING—32

Aiken	Gravel	Mundt
Bayh	Gurney	Murphy
Bellmon	Harris	Prouty
Cannon	Hartke	Smith, Ill.
Dodd	Javits	Sparkman
Dominick	Jordan, N.C.	Symington
Fannin	Kennedy	Tower
Fong	McCarthy	Tydings
Goldwater	McGee	Yarborough
Goodell	Montoya	Young, Ohio
Gore	Moss	

So the bill (S. 3650) was passed, as follows:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 837 of title 18, United States Code, is amended to read as follows:

"§ 837. Explosives—illegal transportation, use, or possession; threats or false information

"(a) As used in this section—

" 'commerce' means commerce between any State, the District of Columbia, or any Commonwealth, territory, or possession of the United States, and any place outside thereof; or between points within the same State, the District of Columbia, or any Commonwealth, territory, or possession of the United States but through any place outside thereof; or within the District of Columbia, or any territory or possession of the United States;

" 'explosive' means gunpowder, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosives or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion, but excluding small arms ammunition and components intended for use therein.

"(b) Whoever transports or receives, or endeavors to transport or receive, in commerce any explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property, shall be imprisoned for not more than ten years, or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(c) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an endeavor or alleged endeavor being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of an explosive shall be imprisoned for not more than five years or fined not more than $5,000, or both.

"(d) Whoever maliciously damages or destroys, or endeavors to damage or destroy, by means of an explosive, any building, vehicle or other personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, or an institution or organization receiving Federal financial assistance, shall be imprisoned for not more than ten years or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years, or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(e) Whoever possesses an explosive in any building in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, except with the written consent of the agency, department or other person responsible for the management of such building shall be imprisoned for not more than one year, or fined not more than $1,000, or both.

"(f) Whoever maliciously damages or destroys, or endeavors to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property used for business purposes by a person engaged in commerce or in any activity affecting commerce shall be imprisoned for not more than ten years or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(g) Whoever possesses an explosive with the knowledge or intent that such explosive will be transported or used in violation of this section shall be imprisoned for not more than five years or fined not more than $5,000, or both.

"(h) Nothing in this section should be construed as indicating an intent on the part of Congress to prevent any State, territory, or possession of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for investigating and prosecuting actions that may be violations of this section and that are violations of State and local law.

"(i) No investigation or prosecution of any offense described in this section shall be undertaken by the United States except upon a determination by the Attorney General, or an Assistant Attorney General designated by the Attorney General, that in his judgment an investigation or prosecution by the United States is in the public interest."

SEC. 2. Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by adding "section 837 (use, transportation or possession, or threats or false information concerning)," after "section 664 (embezzlement from pension and welfare funds).".

SEC. 3. The reference to section 837 in the analysis of chapter 39, title 18, United States Code, is amended to read as follows:

"837. Explosives—illegal transportation, use, or possesion; threats or false information."

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROTECTION OF THE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1269, S. 2896.

Mr. President, for the information of the Senator, following action on this bill, we have two, and maybe three, more crime bills to take up. There may be rollcall votes.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2896) to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes.

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 1, after line 5, strike out:

"(a) It shall be unlawful for any person or group of persons willfully and knowing—

"(1) to enter or remain in any building or the grounds thereof where the President is or may be temporarily residing, or to enter or remain in any building or the grounds thereof in which temporary offices of the President or his staff are located, without proper authority or in violation of the regulations and orders governing admission thereto;

"(2) to utter loud, threatening, or abusive language, or to engage in disorderly or disruptive conduct in or near any building or the grounds thereof enumerated in paragraph (1) with intent to impede, disrupt, or disturb the orderly conduct of Government business or official functions;

"(3) to obstruct or to impede ingress or egress to or from any building or the grounds thereof enumerated in paragraph (1) or to engage in any act of physical violence within such buildings or grounds.

And, in lieu thereof, insert:

"(a) It shall be unlawful for any person or group of persons—

"(1) willfully and knowingly to enter or remain in

"(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or as temporary offices of the President and his staff, or

"(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President is or will be temporarily visiting, in violation of the regulations governing ingress or egress thereto;

"(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to utter threatening or abusive language or to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such language or conduct, in fact, impedes or disrupts the orderly conduct of government business or official functions;

"(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

"(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

On page 3, line 18, after the word "and," strike out "attempts" and insert "endeavors"; in line 22, after the word "and", strike out "attempts" and insert "endeavors"; on page 4, after line 1, strike out:

"(d) The Secretary of the Treasury is authorized to prescribe regulations and orders governing admission to the buildings and grounds enumerated in this section.

And, in lieu thereof, insert:

"(d) The Secretary of the Treasury is authorized—

"(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President and the temporary offices of the President and his staff, and

"(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting.

In line 23, after the word "section," strike out "or"; and in line 24, after "Stat. 170)," insert "or by section 1752 of title 18, United States Code,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United State Code, is amended by adding the following new section after section 1751:

"§ 1752. Temporary residence of the President

"(a) It shall be unlawful for any person or group of persons—

"(1) willfully and knowingly to enter or remain in

"(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or as temporary offices of the President and his staff, or

"(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President is or will be temporarily visiting,

in violation of the regulations governing ingress or egress thereto;

"(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to utter threatening or abusive language or to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such language or conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

"(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

"(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

"(b) Violation of this section, and endeavors or conspiracies to commit such violations, shall be punishable by a fine not exceeding $500 or imprisonment not exceeding six months, or both.

"(c) Violation of this section, and endeavors or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

"(d) The Secretary of the Treasury is authorized—

"(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President and the temporary offices of the President and his staff, and

"(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting.

"(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section."

SEC. 2. Section 3056, title 18, United States Code, is amended by designating the present paragraph as "(a)" and adding a new paragraph at the end thereof as follows:

"(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section, by the Act of June 6, 1968 (82 Stat. 170), or by section 1752 of title 18, United States Code, shall be fined not more than $300 or imprisoned not more than one year, or both."

Mr. McCLELLAN. Mr. President, I call up for consideration S. 2896—Calendar No. 1269—a bill which would provide an increased degree of protection for the security and person of the President by prohibiting unauthorized entry into any building or surrounding grounds where the President is or may be temporarily residing.

Mr. President, I need not dwell upon the importance of the position of President of the United States today: He is—simply—the Chief of State of the most powerful Nation the world has ever known. S. 2896 is designed to provide the necessary security for the proper functioning of his office.

The National Commission on the Causes and Prevention of Violence characterized the position of the Presidency as the symbol of the Government, the personification of the national character, and the leader of the Nation in world affairs. Because of this, the risk of assassination falls, the Commission found, most heavily on him. Attacks have been made against the lives of only eight of the estimated 1,300 Governors, eight of the 1,655 Senators—including Senator Kennedy—and nine of the 8,400 Representatives—five in the 1954 attack on the House floor—who have served in our Nation's history.

In contrast, eight of the 35 Presidents—23 percent of the total—have been shot at—including five of the last 12. In direct contrast, no Vice President or Supreme Court Justice has ever been the target of an assassination attempt. Moreover, the rising tide of violence here in America requires stricter security precautions. Political violence is becoming more intense within our Nation. There is today much talk of revolution and urban guerrilla warfare. Constantly, too, we hear the excoriation of America's institutions and leaders that will destroy their virtue and legitimacy in the eyes of some segments of society, and which are calculated to inspire new attempts to inflict injury on them and on the President himself.

Mr. President, these developments must be placed in the context of the growing tendency for Presidents not only to travel more but also to use their privately owned homes for temporary retreats from Washington: at Hyde Park, at Key West, at Hyannis Port and Palm Beach, at the Texas White House, and at San Clemente and Key Biscayne. I might include also Camp David. Although these retreats have all been privately owned, except Camp David, they attract a great deal of attention because of the importance and publicity surrounding the Presidency.

Protecting the President under these conditions is a formidable task for the Secret Service, which is charged with safeguarding the personal life of the President. As difficult as this task is, however, it is rendered even more difficult because the Secret Service's present powers are somewhat limited. Title 18, section 3056 of the United States Code authorizes the Secret Service to protect the life of the President, but does little more. Consequently, the Service must rely upon a patchwork of State laws and local ordinances and local officers to clear areas for security perimeters, to provide for free ingress and egress when the President is visiting, and to protect the President's private homes from trespassers. Serious problems have arisen because the State laws and local ordinances vary widely as to application and extent of conduct proscribed, and it has often been difficult to establish the exact jurisdiction to determine who has the power to make an arrest to clear an area or turn back an intruder—and, even if then, too often no State or local police officer is immediately available to make the arrest.

S. 2896 will deal with and answer these problems. It is a precisely and narrowly drawn criminal statute that will make it a Federal offense to willfully and knowingly interfere with the functioning of the Office of the Presidency. S. 2896 is designed for two types of applications: First, temporary visits of the President to any location; and, second, temporary homes or offices of the President. In the case of a temporary visit, the bill would make it a Federal offense:

First, to willfully and knowingly enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where the President is or will temporarily be visiting; or

Second, to willfully and knowingly obstruct or impede ingress or egress to or from any such area; and

Third, to willfully and knowingly engage in any act of physical violence within such area.

These provisions of S. 2896 will enable the Secret Service carefully and effectively to establish and maintain a security perimeter wherever the President travels, without having to depend primarily and necessarily upon local ordinances or local officials to move people on or to arrest them.

In the second application—that of temporary homes and offices of the President—the scope of the proposed statute is little more expanded. Initially, such homes and offices would be designated by the Secretary of the Treasury in the Federal Register. Here, too, S. 2896 would outlaw unauthorized entry or presence, obstructing or interfering with ingress or egress, and engaging in any act of physical violence within such designated homes and offices. In addition, however, because of the day to day, ongoing official functions occurring at presidential homes and offices, S. 2896 would make it a Federal offense to utter threatening or abusive language or to engage in disruptive or disorderly conduct first, with the intent to impede or disrupt the orderly conduct of Government business or official functions, and second, when such language or conduct, in fact, does impede or disrupt such orderly conduct of Government business or official functions. Thus, the effective functioning office of the Presidency will be secured.

S. 2896 will not supersede any existing laws, and the Secret Service will still rely upon State and local police for most crowd control as they have done in the

past. It would, however, provide a minimum, uniform standard for the Secret Service to provide for the security of the President.

Mr. President, this bill is I think, a narrowly drawn and precisely focused measure. I previously said that S. 2896 would provide a minimum standard. I believe that two examples should suffice to illustrate my point: The Washington Post reported on September 18 that the assistant attorney general of the State of Kansas noted that the persons who heckled President Nixon when he was in Kansas could be prosecuted under the disorderly conduct provisions of the Kansas criminal code.

People who intentionally disrupt a lawful assembly, of course, should be prosecuted, but they could not be prosecuted under S. 2896, because it is not designed to deal with this problem. It would have applied, however, had these people attempted to enter the security perimeter surrounding the President or had blocked ingress or egress to that perimeter. Similarly, S. 2896 would not apply to a disorderly group of people three blocks away from the San Clemente home, unless they were obstructing or impeding ingress or egress to San Clemente itself. This would be a matter for the State and local police, as it has always been in the past. S. 2896 is, in short, primarily a security protection, not a crowd control bill.

Mr. President, when S. 2896 was first forwarded to the Congress its reach was somewhat wider. Legitimate objections were raised to it, and the committee carefully redrew its provisions. Now, however, there is nothing in S. 2896, as carefully amended by the committee, that would isolate the President from the people. It will not ban demonstrations near presidential residences. It will always be possible to assemble peaceably wherever the visible symbol of the Government is located. No longer, though, will presidential security depend upon differing local ordinances, some of which may be of dubious constitutionality. S. 2896 will provide for the consistent, uniform enforcement of a narrow, precisely drawn statute that proscribes specific conduct for the protection of the President and his environment.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc; and that the bill as thus amended be considered as original text for the purpose of amendment.

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

Mr. ERVIN. Mr. President, I am in favor of the real objective of this bill, and I would like to pay tribute to the chief counsel for the Subcommittee on Criminal Laws and Procedures, Robert Blakey, who did about the finest job of revising and rephrasing of the original bill as can be imagined.

Those of us who serve in the Senate are conscious of the fact that we owe so much to the staff members of the committees and subcommittees and our aides in the performance of our duties, and I would like to pay tribute to the chief counsel of the Subcommittee on Criminal Laws and Procedures, because I have never known of a finer job of redrafting being done.

Mr. President, I move to strike out the following words on line 5 of page 3 of the committee amendment:

utter threatening or abusive language or to—

The deletion of those words will not affect in any way the overall objective of the bill. The reason why I object to those words are set forth in the minority views which I filed, and which I ask unanimous consent to have printed at this point in the body of the RECORD as a part of my remarks.

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

MINORITY VIEWS OF SENATOR SAM J. ERVIN ON S. 2896

I find myself unable to join with the majority in recommending the passage of S. 2896 in its present form because of my concern about its possible impact on the first amendment freedoms of the American people.

I certainly share with the majority the unhappy but tragically necessary recognition of the need to protect the President when he moves to temporary residences, or travels about the country, as well as in Washington. Thus, I have no objection to those portions of S. 2896 which govern access to, or control unauthorized presence on, the grounds of specific places where the President stays or might go.

However, I am seriously troubled by one aspect of the bill. Paragraph (a)(2) would make it a Federal crime "to utter threatening or abusive language" in or in the vicinity of the buildings or grounds serving as temporary residences or offices of the President. The Supreme Court has held, however, that the first amendment protects even verbal threats against the President which were no more than "political hyperbole," although uttered near the White House. *Watts* v. *United States*, 394 U.S. 705 (1969).

Although paragraph (a)(2) applies to acts "in or sufficiently close to" the grounds of Presidential residences so as "to be disruptive," there is no reason to believe that demonstrations will be permitted inside the grounds of such places any more frequently than they are now presently permitted inside the gates of the White House. Thus, the bill seems really aimed at demonstrations near, but beyond the perimeters of, these temporary Presidential headquarters. So limited, the risk of physical danger to the President is remote, and the risk of a chilling effect on free speech and peaceful assembly is pressing.

I am convinced that paragraph (a)(2) should not be defended as necessary to protect the President. Instead, it must be opposed because it will permit the Government to insulate the President from the petitions of the people. The lowest level of possible interference with the operation of his staff would be grounds for a criminal prosecution. I believe it is essential to the continued health of our political system that we protect, not punish, those who wish to communicate grievances to the President. To a certain extent, all demonstrations falling under the protection of the first amendment have as their goal the disruption of "the orderly conduct of government business." The nailing of a 95-point thesis on a church door in October of 1517 was an exercise in religious freedom, but it undoubtedly disturbed those within the Cathedral of Wittenberg. The very purpose of the exercise of free speech is to be heard—often by noisy, boisterous, excited means of communication. The central teaching of the first amendment is that this kind of conduct must be protected.

Thus, because I do not believe that the level of disturbance covered by paragraph (a)(2) creates a threat of physical danger to the President, I cannot support the suppression of dissent inherent in this bill, which would, indeed, have the effect of both insulating the President from the sounds of dissent and deterring people from engaging in legitimate first amendment activities. I, therefore, urge that the words "to utter threatening or abusive language" now in paragraph (a)(2) be deleted.

Mr. ERVIN. Mr. President, my purpose in moving to strike those words is that they make it an offense to speak, that is, to utter words, and they come very close to trespassing on the protected area of the first amendment.

Since these words really add nothing of a substantial nature to the overall objective of the bill, which is to protect the President when he is required to travel to areas outside of Washington and have there his temporary home and his temporary office for the discharge of his duties. I hope the floor manager of the bill and the Senate will accept the amendment.

Mr. McCLELLAN. Mr. President, as I read the bill and the language to which the Senator from North Carolina has alluded, and which he moves to strike, it seems to me the following phrase and paragraph are adequate to cover what we are seeking as the objective of the bill. The paragraph reads:

with intent to impede or disrupt the orderly conduct of Government business or official functions.

Omitting the words that the Senator from North Carolina would like to strike, it would then read:

To engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such language or conduct, in fact, impedes or disrupts . . .

Therefore, I think if the language was threatening or abusive, if it was to the extent or in an area where it disrupted, it would be in a violation. The language itself would be, without having to use the term "threatening or abusive language."

In other words, if a person were in such an area and used abusive language under such conditions that it would not disrupt or interrupt or interfere, it would not be a crime; but if it were a disruption or interference, or a part of conduct which did obstruct, then it would be a part of the crime.

I think I am correct in that.

Mr. ERVIN. I think the words "disorderly conduct" go far enough to cover any kind of conduct which would be disruptive in character.

Mr. McCLELLAN. We are not trying to prevent a man from using threatening language in any way if he does not interfere with the orderly processes of government. That is not what we are seeking to do.

I have no objection to accepting the amendment, and I will accept it if there is no objection. I hear none, and I am ready to take a vote on the amendment.

Mr. COOK. Mr. President, before that, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. COOK. I really direct my question to the Senator from North Carolina. I wish to have the attention of the chairman also.

Is this the language that we discussed in the committee, where there was some doubt relative to the authority to limit the right of a person under the first amendment?

Mr. ERVIN. Yes. In other words, this is the very language that the Senator from Kentucky, the Senator from Michigan, and the Senator from North Carolina expressed grave doubts about in committee. I am just seeking to strike out that part of the bill which deals with spoken words, without affecting the overall objective of the bill in any respect.

Mr. McCLELLAN. There was just a weak discussion of it, as Senators will recall, in the committee. I may say that a study of the other language of the bill with that language out seems to me to be adequate to reach the objectionable conduct that we are trying to prohibit.

Mr. ERVIN. I think my motion should take care of the misgiving which the Senator from Kentucky and the Senator from Michigan expressed in the committee.

Mr. COOK. As the Senator will recall, there was a discussion about the right of petition under the first amendment. I must admit this sounds like it solves the problem, perhaps not totally, but I think our discussion will fulfill the rest of the void in regard to the right of petition and in regard to those rights under the first amendment which we felt might be enlarged upon in this bill to the extent that this could very well take care of the situation.

Mr. McCLELLAN. I think so. The purpose of the bill is, first, to protect the President in his body and in his person, and, second, to make certain nothing disrupts or obstructs the carrying on of the function of his Office. That is the objective or goal we are seeking to achieve with this legislation.

Mr. HART. Mr. President, will the Senator yield briefly?

Mr. McCLELLAN. I yield.

Mr. HART. Mr. President, as the Senator from Kentucky indicated, there were those of us in the committee who had reservations with respect to the reach of the language of the bill. It would be nice if petitions could be addressed to the Government and Government agents in a graceful, civilized fashion, but the meat and potatoes of our theory of the first amendment is that sometimes the fellow who wants to talk is very tough looking and has a vocabulary that is outrageous; but, you know, Mr. President, he may have a good idea. In order to assure that we have a fighting chance to get sound answers to our problems, all of us should be sensitive that we do not reject from any source a potentially good idea.

This country is very blessed that it has a Senator from North Carolina with the name of SAM ERVIN, who, in good days and bad days, whether it is popular or unpopular, is ready to blow the whistle on any proposal which would trade for comfort and gentility the protections of the first amendment. I am glad he has again spoken.

Mr. ERVIN. Mr. President, I rise to express my deep gratitude to the Senator from Michigan for what I consider to be exceedingly high tribute. I will reciprocate the compliment in favor of the Senator from Michigan.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. Is there objection?

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCLELLAN. Mr. President, the last amendment was agreed to, was it not?

The PRESIDING OFFICER. The amendment was agreed to without objection; yes.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2896) was ordered to be engrossed for a third reading, and was read the third time.

Mr. HRUSKA. Mr. President, S. 2896 is a bill to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing. Hearings were held on this bill by the Subcommittee on Criminal Laws and Procedures in March, 1970. After amendment, this bill was ordered favorably reported by the Judiciary Committee.

S. 2896, as amended, would add a new section 1752 to title 18 of the United States Code designed to increase the protection of the President while he is in a temporary residence and while he is temporarily visiting in a designated area. The Secretary of the Treasury would be authorized to designate by regulations buildings and grounds which are temporary residences of the President and temporary offices of the President and his staff. The Secretary also would be authorized to prescribe regulations for admission to such buildings and grounds and to post or cordon off restricted areas where the President is or will be temporarily visiting.

Section 1752 would make it unlawful for anyone to enter such building or grounds in violation of the regulations promulgated by the Secretary. Further, it would be unlawful to utter threatening or abusive language or engage in disorderly conduct in or near such buildings or grounds with the intent of disrupting the orderly conduct of business if the language or conduct has a disruptive effect. Section 1752 further prohibits anyone from obstructing or impeding ingress and egress to or from such buildings and grounds, and it prohibits any act of physical violence therein.

The penalty for violating any of these prohibitions would be a fine not to exceed $500, imprisonment not to exceed 6 months, or both.

S. 2896 would also amend section 3056 which deals with the powers and responsibilities of the Secret Service. S. 2896 would increase their authority by making it unlawful for anyone to resist or interfere with a Secret Service agent engaged in performing his protective functions. Violators would be fined not more than $300 or imprisoned not more than 1 year, or both.

Nine times in the history of this Nation, the President has been the subject of an assassination attempt. In this century six attempts have been made on the lives of Presidents or candidates, and of course there are a numerous incidents that are not reported publicly or which are stopped before they fully develop. The majority of these attempts have occurred outside of Washington, and hence, in buildings or on grounds that are not under Federal jurisdiction.

At the present time there is no Federal statute restricting entry to areas where the President maintains a temporary residence or office. Nor is there a Federal statute prohibiting disorderly or disruptive conduct near an area temporarily occupied by the President. All restrictions which exist are the result of State law or local ordinances. As a result, the Secret Service, which is charged with protecting the President, must rely on local authorities to arrest disruptive persons, and this situation has become increasingly unsatisfactory. Local law-enforcement personnel often are not present when a specific offender needs to be arrested. Moreover, the differences in criminal statutes from one jurisdiction to another often create uncertainty as to the legal extent of the Secret Service's authority and make uniform enforcement or planning impossible.

There can be no doubt that the Office of the President is extremely vulnerable and is increasingly threatened. In the report submitted after Senator Kennedy's death, the Eisenhower commission expressed its grave concern over future threats to public officials. The verbal and physical violence which we have witnessed in the past 2 years, highlighted by the recent rash of bombings, supports the conclusion that we are in a period of extreme social and political upheaval. Many of the extremist conditions usually associated with political assassination are developing in this country. While we must strive to change these conditions, we must recognize that they do exist and that they do increase the threat to an already vulnerable President.

With growing frequency, Presidents have been using privately owned homes as temporary retreats from Washington. It would be unconscionable not to recognize the obvious fact that the President's vulnerability is maximized when he is traveling or residing temporarily in another section of the country. It would be unconscionable not to recognize the obvious fact that the Secret Service does not presently possess adequate Federal authority during these most vulnerable occasions. This body cannot ignore the obvious responsibility and duty it has at this moment to create the needed protection and authority.

Of course, the creation of adequate protection for the President must be balanced against the constitutional rights of private individuals.

The Judiciary Committee is satisfied that the uniform Federal protection pro-

vided by S. 2896 is consistent with our free society. Most of the conduct proscribed by this legislation is presently outlawed in some form by State statute or local ordinance. The bill improves the present situation by making the proscribed conduct a Federal offense, so that the Secret Service may exercise uniform authority to protect against this conduct and to enforce these prohibitions. Such uniform enforcement of a single Federal statute instead of a myriad of State and local provisions will improve the protection afforded the President.

At the same time this legislation specifically provides that other Federal and State laws would not be superseded. The intent of this legislation is to provide a uniform minimum of Presidential protection in certain specified situations. Hence, it is still necessary and desirable to rely also upon other, existing Federal and State laws and local ordinances.

This legislation meets the tests which have been laid down by the Supreme Court to protect first amendment freedoms. While individuals have the right to assemble and to voice their grievances, the Government clearly has the authority to control certain types of speech and conduct in certain areas. This authority was recognized in *Adderley* v. *Florida*, 385 U.S. 39 (1966). In the case of *Edwards* v. *South Carolina*, 372 U.S. 229 (1963), the Supreme Court stated that conduct could be controlled by legislation, provided the restrictions resulted from a precise and narrowly drawn regulatory statute evincing a legislative judgment that certain specific conduct be limited or proscribed. S. 2896 meets these requirements. It exercises the important governmental interest in protecting the person of the President at specific places. The areas that would be subject to this legislation must be so designated by the Secretary. They would appear in the Federal Register along with regulations governing admission to these areas.

The legislation restricts only specified forms of conduct which this Congress feels unduly imperil the President's welfare. A person must enter a predesignated area or violate the Secretary's regulation knowingly and willfully.

Entrance into a predesignated area or obstruction of ingress or egress, and violation of the Secretary's regulations, and physical violence against persons or property in a predesignated area, is prohibited only if it is done knowingly and willfully. Threatening or abusive language or conduct in or near a predesignated area is prohibited only if it is done with the intent to impede the orderly conduct of Government business or official functions, and it must be successful. It does not prevent the communication of grivances in ways that are not disruptive or disorderly or at places other than those specified by the Secretary. Hence, the legislation would not have a "chilling effect" on lawful dissent.

This legislation does not impose an absolute ban on demonstrations near temporary Presidential residences. It does not suppress lawful dissent. It will not isolate the President from the people. Rather, S. 2896 would create a minimum of needed, consistent and uniform Federal protection of the President. It does so through a narrow, precisely drawn Federal statute which proscribes specific forms of conduct deemed by Congress to unduly jeopardize the President's safety. No longer would the security of the President depend completely on differing State statutes and local ordinances. No longer will the Secret Service lack needed uniformity and authority at those times when the President is most vulnerable. The only question that can be asked regarding this legislation is why it was not enacted sooner. And I contend that this body cannot and must not postpone this matter any longer.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2896) was passed, as follows:

S. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended by adding the following new section after section 1751:

"§ 1752. Temporary residence of the President

"(a) It shall be unlawful for any person or group of persons—

"(1) willfully and knowingly to enter or remain in

"(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or as temporary offices of the President and his staff, or

"(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President is or will be temporarily visiting.

in violation of the regulations governing ingress or egress thereto;

"(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such language or conduct, in fact, impedes or disrupts the orderly conduct of government business or official functions:

"(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

"(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

"(b) Violation of this section and endeavors or conspiracies to commit such violations, shall be punishable by a fine not exceeding $500 or imprisonment not exceeding six months, or both.

"(c) Violation of this section, and endeavors or conspires to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

"(d) The Secretary of the Treasury is authorized—

"(2) to prescribe regulations governing ingress or egress to such buildings and grounds which constitute the temporary residences of the President and the temporary offices of the President and his staff, and

"(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting.

"(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section."

SEC. 2. Section 3056, title 18, United States Code, is amended by designating the present paragraph as "(a)" and adding a new paragraph at the end thereof as follows:

"(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section, by the Act of June 6, 1968 (82 Stat. 170), or by section 1752 of title 18, United States Code, shall be fined not more than $300 or imprisoned not more than one year, or both."

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRESSIONAL ASSASSINATION, KIDNAPING, AND ASSAULT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1268, S. 642.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 642) to make it a Federal offense to assassinate, kidnap, or assault a Member of Congress or a Member of Congress-elect.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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 2, line 8, after the word "whoever", to strike out "attempts" and insert "endeavors"; and on page 3, after line 8, to insert:

"(h) Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by striking the word 'or' in the last phrase of the subsection and inserting at the end thereof between the parenthesis and the semicolon 'or section 351 (violations with respect to congressional assassination, kidnaping, and assault)'.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title 18 of the United States Code is amended by inserting, immediately after chapter 17, a new chapter as follows:

"Chapter 18.—CONGRESSIONAL ASSASSINATION, KIDNAPING, AND ASSAULT

"Sec.

"351. Congressional assassination, kidnaping, and assault; penalties.

"§ 351. Congressional assassination, kidnaping, and assault; penalties

"(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect shall be punished as provided by sections 1111 and 1112 of this title.

"(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

"(c) Whoever endeavors to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

"(d) If two or more persons conspire to kill or kidnap any individual designated in

subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

"(e) Whoever assaults any person designated in subsection (a) of this section shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

"(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

"(h) Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by striking the word 'or' in the last phrase of the subsection and inserting at the end thereof between the parenthesis and the semicolon 'or section 351 (violations with respect to congressional assassination, kidnaping, assault)'."

SEC. 2. The table of contents to part I of title 18, United States Code, is amended by inserting after the following chapter reference:

"17. Coins and currency..... 331"

a new chapter reference as follows:

"18. Congressional assassination, kidnaping, and assault..... 351".

Mr. BYRD of West Virginia. Mr. President, I am pleased to speak in support of S. 642, legislation introduced by me to make it a Federal offense to assassinate kidnap, or assault, or conspire to do same to a U.S. Representative, a U.S. Senator, or a Member-of-Congress-elect.

This legislation not only gives the Federal courts jurisdiction over such offenses, but would bring the investigation of such cases under the superior resources of the Federal Bureau of Investigation. It would add a new chapter to part I of title 18 of the United States Code.

I first introduced this bill shortly after the untimely assassination of Senator Robert F. Kennedy. This bill is patterned after Public Law 89–141, which the Congress considered in 1965, making it a Federal crime to assassinate the President or the Vice President of the United States.

Mr. President, political violence has intensified greatly since I first introduced this bill. Many fanatics have discarded the politics of reason for the politics of violence and confrontation in order to achieve their own political objectives.

This violence manifests itself in our Nation's streets and in the political process itself. There have been 81 recorded political assassinations or attempted political assassinations during our history. In the last year, several of our colleagues in the Senate have received threats against their lives. While I may not be in full accord with all the statements my distinguished colleagues give in the Senate, I defend their right to speak freely and without fear of coercion or intimidation.

According to a staff report of the National Commission on the Causes and Prevention of Violence, the number of political assassinations and acts of general political violence in the United States is high when compared with other nations, particularly the more developed countries. The commission further reported that the risk of assassination is considerably greater for nationally elected public officials than for appointed public officials—no matter how much power an appointed official may wield. In addition, it is pointed out that the risk of assassination is directly proportional to the size of the elected official's constituency.

Enactment of this legislation would in no way impair the normal political processes. Its purpose is to protect U.S. Representatives and U.S. Senators from physical intimidation and physical injury. State law in many cases is inadequate to handle the offenses covered by this bill, and it is important that the law protecting Members of Congress be uniform throughout the Nation. It is the intent of this legislation that in determining assault, the courts would consider the fact that Members of Congress, as they discharge their public duties, are likely to encounter rougher physical treatment among all manner of people than would the ordinary citizen.

This legislation is needed to protect representative democracy. Passage would help to guarantee the right of any Member of Congress to fulfill his constitutional duties and responsibilities as an elected official of our country.

Mr. President, a single infamous act brought enactment of similar legislation for the President and the Vice President. We remember the tragic death of the junior Senator from New York. The Senate should take those actions needed to help prevent a parallel course of events in the future.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to offer a technical amendment to correct one of the committee amendments.

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

Mr. BYRD of West Virginia. I offer an amendment for the correction of a technical error, which amounts to a renumbering, I believe, of the second section, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, line 9, strike the quotation marks and "(h)" and insert in lieu thereof "Sec. 2"; and in line 15, renumber "Sec. 2" as "Sec. 3."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, beginning with line 19 through line 21, strike out all of subsection (e) and insert the following:

"(e) Whoever assaults any person designated in subsection (a) of this section shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than $10,000, or imprisoned for not more than ten years, or both."

Mr. ERVIN. Mr. President, the section which I seek to strike is on lines 19, 20, and 21 of page 2. It provides as follows:

Whoever assaults any person designated in subsection (a) of this section shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Now, the term "assault" is a very broad term, and it would include not only a murderous assault, or an assault with intent to commit murder, or an assault with intent to commit mayhem, but it would include also a simple assault.

A simple assault may be committed even though the man who commits the assault does not even touch the person of the Member of Congress. As I recall, the definition of an assault at common law is an offer or an attempt with force or violence to do bodily harm to another, under circumstances indicating at least an apparent ability to carry the offer or attempt into effect. If a man draws back his fist and strikes at a Member of Congress, without striking him or if he slaps a Member with his open hand, he would be guilty of assault under this provision, although that, under the laws of most States, would be a simple assault, and in the State of North Carolina a man convicted thereof could not be punished by more than 30 days' imprisonment or a $50 fine.

This section, as presently drawn, would provide a maximum punishment by fine of as much as $10,000, or imprisonment of 10 years, or both, for such a simple act as that, where no harm was done and even where the person of the Congressman was not even touched.

I certainly think that my amendment, which would restrict punishment, in simple assaults, to imprisonment of 1 year, or a $5,000 fine, or both, is more than adequate; and therefore I hope the distinguished Senator from West Virginia will accept the amendment.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Kentucky.

Mr. COOK. Will the Senator accept the definition that an appearance of assault can be simple assault, under the law, and that under those circumstances, merely to wave your fist in someone's face, as under the laws of the commonwealth where I come from, constitutes a simple assault? What the Senator has done, as I understand, is make a distinction, between simple assault and aggravated assault, so that there can be no misunderstanding in that regard as to the terms of the bill; and I would hope that the Senator from West Virginia would accept the amendment.

Mr. BYRD of West Virginia. Mr. President, this matter was discussed in the

Judiciary Committee, and during the discussion, the Senator from North Carolina very properly raised this point. It was my suggestion at that time that the Senator prepare an amendment which would cure the evil which he recognized, and he has done that.

This amendment recognizes a distinction between simple assault and aggravated assault and makes the penalties proportionately different. I think it is a good amendment. I am willing to accept it. I think the Senator has performed a service.

Mr. ERVIN. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1039

Mr. HART. Mr. President, I call up amendment No. 1039.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HART. 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, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 2, line 2, strike the words "as provided by sections 1111 and 1112 of this title" and insert the words "by imprisonment for any term of years or for life" in lieu thereof.

On page 2, line 6, strike the words "death or".

On page 2, line 17, strike the words "death or".

Mr. HART. Mr. President, consistency alone would require that I call up the amendment that has now been stated. Within the past hour, effort was made to eliminate the death penalty from the bombing bill. I have, as I did in the Judiciary Committee, sought to eliminate the death penalty from the pending bill, the bill which makes it a Federal crime to assassinate, kidnap, or assault a Member of Congress or a Member of Congress elect.

I must confess some surprise at the number of the votes that supported the proposal with respect to bombing. It had not been my intention nor did I seek to have a rollcall vote on that bill. I know that it is a difficult vote. My primary purpose was to raise and keep alive at any appropriate time the issue, the wisdom of this society to continue to have a conviction that capital punishment has been proved to deter. Certainly, having raised my objection to capital punishment and then having others ask a rollcall vote on the deletion of the death penalty from the new antibombing legislation, it would be very difficult to explain why I did not call this amendment up when we were talking about what we would do to those who want to assassinate us.

I know that there are no bookmakers in the Senate, but I would suspect that one could get pretty good odds on the proposition that nobody is going to be deterred from shooting any of us because there is a provision in the statute books which provides, among other sanctions, execution. We did not go into that in the hearings on my bill to abolish capital punishment in all Federal criminal laws with Warden Lawes, Warden Duffy, and Commissioner Bennett. The figures do not support the proposition that capital punishment works. The murder rate in Michigan, where the penalty was abolished in 1847, parallels that of Indiana and Illinois, death penalty States; Wisconsin, an abolition State for over 100 years, has a rate significantly below Michigan, again indicating that the murder rate is not affected by the presence or absence of the death penalty. What about police officers? It is often argued that the death penalty will prevent police killings. But a 1950 study of 266 cities of over 10,000 population in 17 States—6 abolition, 11 death penalty—revealed that:

> On the whole, abolition states seem to have fewer police killings but the differences are small. Dr. Thorsten Sellin, "The Death Penalty and Police Safety."

So far as I know, they had never had experience with anybody who attempted to shoot a Member of Congress; but they have had long experience with the behavior of convicted killers and they had the deep conviction, which I share, that capital punishment deters nobody.

It may make us feel better or let us think that we are fighting crime more effectively. But in there is even psychiatric testimony that we are brutalizing the society and contributing, occasionally, to violent assaults by those who are free on the streets but ought to be in mental institutions.

We had a very distinguished university professor tell us that the existence on the statute books of capital punishment, in his judgment, had activated, had caused, some murders.

It is not because of that last testimony that I suggest that we ought to eliminate capital punishment when it bears on our treatment of us as Members of Congress. But, as I opposed it earlier, I shall oppose it so long as the statistics disprove that capital punishment deters murder any more than life imprisonment. I move by this amendment that we eliminate the capital punishment feature of the sanctions.

Mr. BYRD of West Virginia. Mr. President, provision is made in subsections (a) and (b) for the death penalty. It should be noted that the death penalty provision only becomes operative if the Representative or Senator is directly killed or if death results from a kidnaping. The death penalty provided is not mandatory and merely gives the judge and the jury this additional discretionary punishment if it suits the nature of the particular crime.

These provisions incorporate from 18 U.S.C. 1111–12 the same penalties as are there provided for the murder of persons on Federal reservations. Therefore, this provision is consistent with present laws and present policies, and the proper place for debating the overall question of the death penalty is not here but in the area of penal reform.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan (putting the question).

The amendment was rejected.

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. ERVIN. Mr. President, I reluctantly oppose this bill. I do so because I know the interest which the distinguished Senator from West Virginia has in the enactment of this measure. I entertain for the distinguished Senator from West Virginia the deepest affection and the highest admiration, and for that reason I reluctantly oppose this bill.

I oppose this bill for two reasons. The first is that under our system of Government, the duty to prosecute and to punish people for crimes of violence rests upon the States, and this bill would make an assault upon or the murder of a Member of Congress a Federal crime for the first time in our history.

I recognize that Congress has taken such action with respect to the President. But I do not think that we should go further than that and convert what has always been a State crime into a Federal crime.

This bill not only would do that, but also would temporarily suspend the power of a State to prosecute until it is determined whether the Federal Government is going to assume the duties of prosecuting the case. I do not know of many Senators or Representatives, in the history of this country, who have been assassinated. There may have been some. But I do not think a sufficient basis has been shown for converting what has always been a State crime into a Federal crime and to make the beneficiaries of its protection Members of Congress only.

My second reason for opposing the bill arises out of the fact that nothing truer was ever said than that every journey to a forbidden end begins with a single step. We started out by making the assassination of a President a Federal crime. Now we propose to do the same thing with respect to Congressmen. It will not be long before there is a proposal made to extend it to all Federal officers, and then the next step will be to extend it to all Federal employees.

Speaking in humorous vein, I suggest that in bygone days, it was a favorite pastime of moonshiners in mountainous States, like mine, to shoot revenue officers. The next thing we know, we will have a proposal made that it be made a Federal crime to shoot revenue officers. That would certainly interfere with one of the historic pastimes of moonshiners in the mountainous areas of this country.

But, speaking seriously, I apprehend that the enactment of this bill will encourage the proposal that we make assaults upon Federal employees or the murders of Federal employees a Federal crime instead of a State crime.

I cannot find it within my better judgment—if I have any such judgment—to support the pending bill. I take this position with great reluctance because I know of the conviction of my good friend from West Virginia that the bill is necessary.

But, we are doing these two things; namely, converting what have always been State crimes into Federal crimes and taking a step toward what I consider to be a forbidden goal, that those who work for the Federal Government should be given Federal protection, which is denied to the rest of the people of this country. I am afraid that is what Congress will wind up doing.

For these reasons, Mr. President, I reluctantly shall vote against the bill.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that two members of the Judiciary Committee's staff, Mr. Thomas M. Susman and Mr. James F. Flug, be permitted on the floor during this debate.

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

Mr. GRIFFIN. Mr. President, I want briefly to indicate my support for the bill and to commend the distinguished Senator from West Virginia for introducing it and for his leadership in connection with it.

When my attention was first brought to the bill, I wondered whether an amendment should be offered so that it would also cover Federal judges. I am mindful of the fact that Congress passed legislation last year, I believe, which applies to the President and the Vice President of the United States. I asked the staff to do some research to see whether judges are now covered and, if not, what language might be appropriate.

I want now to indicate in this debate that there is a provision, title 18, section 1114, which makes it a Federal crime to kill a judge of a U.S. court, a U.S. attorney, or a U.S. marshal.

So this legislation, in a sense, will complete a logical approach—it will protect by a Federal law the three branches of the Government, at least at the top level.

I share the concern of the Senator from North Carolina. I think we could go too far in this direction. It is difficult to know where to draw the line but, on the other hand, if it makes sense to have the law apply to the President and Vice President, to Members of the Supreme Court, and to Federal judges—and I think it does—then I also believe it makes sense to have a similar law apply to Members of Congress.

I think it might be in the interest of orderly procedure, at a later point, for the Committee on the Judiciary to take a look at all three of the provisions and make sure there is some uniformity in their application. We may very well find that members of the judiciary do not have the same or as much protection as Members of Congress, and if that is the case, I think it should be corrected.

As I have said, I support the bill of the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Michigan (Mr. GRIFFIN), for his support and his statement. I, too, appreciate the concern expressed by the very able Senator from North Carolina (Mr. ERVIN), who is the most outstanding constitutional expert in this body.

I feel, however, that Members of Congress who have to take controversial positions and have to express themselves in public gatherings, sometimes, in situations where the atmosphere is dangerously charged, run high risks which are not incumbent upon the average Federal employee, to use the able Senator's reference.

We are living in a time when many persons, demented or otherwise, apparently have a craving for notoriety, even if they have to go to the extent of assassinating someone in order to get their names in the papers. In my judgment, they should be confronted with the prospects for execution at the end of the road.

Mr. President, some States no longer have the death penalty. My State of West Virginia happens to be one of them. I happen to be one who favors the death penalty, although there was a time when I would have voted against it. However, having seen the crime wave sweeping this country as it has, and watching from day to day the spiraling crime rate going up and up in the Nation's Capital and in other States of the Union, I have come to the conclusion that there should be a death penalty—certainly for premeditated murder, forcible rape, and treason.

I believe that a Senator or a Member of the House of Representatives, who goes into a State like West Virginia, which no longer has the death penalty should certainly have the same kind of protection as if he had gone into a State where the death penalty is still part of the law.

It was for that reason that I sought to introduce this legislation to make assassination of a Member of Congress or a Member of Congress-elect a Federal crime, not making the death penalty mandatory but making it applicable if the facts warrant.

I feel that if certain other crimes are to carry the death penalty under Federal law, and certain other Federal officials are to be protected in this way, a Member of Congress and a Member of Congress-elect should be treated in the same manner.

Again I express my appreciation for the concern expressed by the distinguished Senator from North Carolina, but I think the Senate has taken the proper action today in placing Members of Congress and Members of Congress-elect on a level already recognized under Federal law regarding the President of the United States and the Vice President, Federal judges, U.S. attorneys, and U.S. marshals.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I have listened to the remarks of the distinguished Senator from West Virginia with great interest. Like all lawyers, I suppose that I have gone through various phases of dealing with this particular matter.

As a district attorney I had certain thoughts on these questions, and later as chairman of the parole board of the State of Colorado. It has been a subject in which I have had a constant and continuing interest.

I am very much in favor of the idea of reforming and rehabilitating, as far as possible, criminals. However, one who has had this broad experience in this area knows that there are some crimes that must carry and bear the possibility of the death penalty.

For perhaps too long a time, the subject matter of the bill which the distinguished Senator from West Virginia has introduced has gone unnoticed and untouched. But the times are born anew now, and we must learn to deal with the times anew.

So, I commend the Senator very much and congratulate him because this measure is overdue, perhaps by years. With the unfortunate permissiveness to be found in many of our courts and the great concern for the criminal and the very little, sometimes almost absent, concern for the individual who is injured by crime, I think it is time that we started looking anew at this subject.

I am reminded of a famous speech, later supported by editorials written by Jenkins Lloyd Jones of the Tulsa paper entitled, "Let's Weep for the Innocent."

I think it is time that we start looking at this question and thinking about the people who are injured, maimed, and killed by the criminals on the streets of this country.

I do congratulate the Senator from West Virginia. I certainly will support the bill with my vote.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Colorado.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 642) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 642

An act to make it a Federal offense to assassinate, kidnap, or assault a Member of Congress or a Member-of-Congress-elect

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title 18 of the United States Code is amended by inserting, immediately after chapter 17, a new chapter as follows:

"Chapter 18.—CONGRESSIONAL ASSASSINATION, KIDNAPING, AND ASSAULT

"Sec.

"351. Congressional assassination, kidnaping, and assault; penalties.

"§ 351. Congressional assassination, kidnaping, and assault; penalties

"(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect shall be punished as provided by sections 1111 and 1112 of this title.

"(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

"(c) Whoever endeavors to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

"(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

"(e) Whoever assaults any person designated in subsection (a) of this section shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than $10,000, or imprisoned for not more than ten years, or both.

"(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

"(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding."

SEC. 2. Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by striking the word "or" in the last phrase of the subsection and inserting at the end thereof between the parenthesis and the semicolon "or section 351 (violations with respect to congressional assassination, kidnaping, and assault)".

SEC. 3. The table of contents to part I of title 18, United States Code, is amended by inserting after the following chapter reference:

"17. Coins and currency---------- 331"

a new chapter reference as follows:

"18. Congressional assassination, kidnaping, and assault---------- 351".

APPEALS BY THE UNITED STATES IN CRIMINAL CASES

Mr. MANSFIELD. Mr. President, there is a bill which was reported earlier today and which has not been printed. I understand there is no objection to it. With the consent of the acting minority leader I will have that measure called up.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3132, the Criminal Appeals Act, which I understand was reported earlier today.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. The bill (S. 3132) to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That section 3731 of title 18, United States Code, is amended—

(a) by striking out the first eight paragraphs and inserting in lieu thereof the following:

"Except as otherwise expressly provided by this section, in a criminal case an appeal by the United States shall lie to a court of appeals from a decision, judgment, or order of a district court dismissing an indictment or information or terminating a prosecution in favor of a defendant as to any one or more counts, except that no appeal shall lie from a judgment of acquittal.

"Except as otherwise expressly provided by this section, an appeal by the United States shall lie to a court of appeals from a decision or order of a district court suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the United States attorney certifies to the district court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding.";

(b) by striking out the word "or" in the ninth paragraph and inserting in lieu thereof a comma, and inserting "or order" following the word "judgment" in the same paragraph;

(c) by inserting between the ninth and tenth paragraphs the following:

"An appeal pursuant to this section from a decision, judgment, or order based in whole or part on a determination of the invalidity of an Act of Congress shall lie directly to the Supreme Court if—

"(1) the district judge who rendered the decision, judgment, or order, sua sponte, enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice; or

"(2) the Attorney General files in the district court a certificate stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice.

"A court order pursuant to (1) or a certificate pursuant to (2) must be filed within fifteen days after the filing of a notice of appeal. When such an order or certificate is filed, the appeal shall be docketed in the time and manner prescribed by the rules of the Supreme Court, and the Court shall thereupon either (1) dispose of the appeal in the same manner as any other direct appeal authorized by law, or (2) in its discretion, deny the direct appeal and remand the case to the court of appeals, which shall then have jurisdiction to hear and determine the same as if the appeal therein had been docketed in the court of appeals in the first instance."

(d) by striking out the last two paragraphs and inserting in lieu thereof a new paragraph as follows:

"The provisions of this section shall be liberally construed to effectuate its purposes."

Mr. McCLELLAN. 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. McCLELLAN. 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. McCLELLAN. Mr. President, I might make a brief announcement. I do not anticipate any opposition to the bill we are now considering. The bill ought to be disposed of in a short while.

Following the disposition of this bill, we will next call up H.R. 17825. That is a bill having the amendments to the Law Enforcement Administration Act. There will be a number of votes to that measure, I am confident. Some of them will be controversial. I do anticipate some rollcall votes—one or more.

I make this anouncement so that the Senate might be advised and Senators can be governed accordingly.

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. McCLELLAN. 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. McCLELLAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from the Honorable Erwin N. Griswold, Solicitor General of the United States, under date of October 6, 1970. The letter is addressed to me. In the letter he strongly supports the bill and concludes by saying, and this was before the full committee acted:

I hope that the full committee will be able to consider, and favorably report S. 3132 so that Congress may act on the matter before it adjourns. It is for this purpose that I am taking the opportunity to commend this legislation to you and to the other members of the Judiciary Committee.

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

OCTOBER 6, 1970.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McCLELLAN: I was pleased to learn that the bill to amend the Criminal Appeals Act (S. 3132) has been favorably reported from the Subcommittee on Criminal Laws and Procedures to the full Committee on the Judiciary. This bill would be of substantial aid to the just administration of the federal criminal law in this country. As you know, in June of this year the Supreme Court strongly suggested the advisability of amending the Criminal Appeals Act. The Court remarked that the current Act reflects no "coherent allocation of appellate responsibility" and is written in confusing language "based on pleading distinctions that existed at common law but that in most instances, fail to coincide with the procedural categories of the Federal Rules of Criminal Procedure." *United States* v. *Sisson*, 399 U.S. 267, 307–308. The Court also noted that "[c]larity is to be desired in any statute, but in matters of jurisdiction it is especially important", and that judged "in these terms, the Criminal Appeals Act is a failure." *Id.* at 307.

The present Act gives rise to serious problems in three basic areas: 1. The antiquated common law terminology of the Act has left the Justice Department and the courts in a constant state of confusion as to when the government can appeal an adverse legal ruling in a criminal case, and, if an appeal is available, as to the forum in which the appeal lies. A great deal of our time and the Court's time is spent every year in dealing with the needless ambiguities of this statute. 2. The Act, as interpreted, precludes the government, for no apparent reason, from taking any appeal in a number of common situations. 3. The Act requires most appeals in criminal cases to be taken directly to the Supreme Court, rather than to the courts of

appeals, thereby overburdening the Supreme Court, discouraging the government from appealing cases in which we feel that our position is correct, and denying the Supreme Court the benefit of having lower court decisions on the issues which the Court decides.

S. 3132 would eliminate the Act's confusing language and permit an appeal from all rulings terminating a prosecution other than by an acquittal. It would also reallocate the present system of appeals so that in nearly all cases an appeal would be taken to a court of appeals in the first instance, rather than to the Supreme Court. I do not believe that S. 3132 endangers the constitutional rights of criminal defendants in any way, and do not feel that the bill should be controversial. I do believe that passage of the bill in the current session of Congress would enable us to avoid the unnecessary problems with which we have struggled in recent terms.

Last spring I wrote a letter to you outlining these problems in some detail and setting forth my views on the benefits that would result from passage of S. 3132. My letter, a copy of which I enclose for your convenience, describes the range of problems which we faced in the criminal appeals area last term, and would give you a fuller understanding of the urgent need for amendment of the current Act. The letter, incidentally, was written before the Court urged amendment of the Criminal Appeals Act in the *Sisson* case.

I hope that the full Committee will be able to consider, and favorable report S. 3132 so that Congress may act on the matter before it adjourns. It is for this purpose that I am taking the opportunity to commend this legislation to you and to the other members of the Judiciary Committee.

Sincerely,

ERWIN N. GRISWOLD,
Solicitor General.

Mr. HRUSKA. Mr. President, the Subcommittee on Criminal Laws and Procedures and the full Judiciary Committee favorably reported this measure to the Senate. I strongly urge that the Senate adopt it.

The Supreme Court strongly suggested the need to amend the Criminal Appeals Act in the Sisson case decided last June. The act, whose basic provisions date from 1907, is written in confusing common law language and arbitrarily restricts the Government's right to appeal in a number of common situations. The Supreme Court stated that "clarity is to be desired in any statute but in matters of jurisdiction it is especially important" and that judged in these terms, "the Criminal Appeals Act is a failure."

The present act has created three basic problems which the pending bill will rectify. The ambiguous and ancient language used by the act, such as the term "motion in bar" which has not been given any settled meaning by the courts, has left the courts and the Department of Justice in a constant state of confusion as to when the Government can appeal an adverse legal ruling by a district judge and, if so, whether the appeal must be taken to the Supreme Court directly or to a court of appeals. In addition, the act precludes the Government arbitrarily from taking appeals in a number of common situations such as from dismissals based on refusal to comply with discovery orders believed to be erroneous. It also precludes any appeal from rulings made after the swearing of the jury or an equivalent stage in a nonjury trial, thus leaving the Government at the mercy of a judge or defendant who waits until a later stage of the trial before making or deciding a motion to dismiss the case. The third problem with the present act is that it routes a large number of appeals directly to the Supreme Court, thus forcing that overburdened Court to decide difficult legal questions without the benefit of an analysis of the issues by a court of appeals. In addition, since many cases of this type which could be appealed are not deemed of sufficient national importance by the Solicitor General to warrant taking to the Supreme Court, the Department of Justice is often compelled not to appeal but instead to acquiesce in lower court decisions believed to be wrong.

The present bill would obviate these problems. It provides that the Government has the right to appeal any ruling by a district court in a criminal case which dismisses a prosecution in favor of a defendant except where the ruling is an acquittal. In addition, it provides that, except in a single category where the ruling is based on a district court decision that an act of Congress is invalid, the appeal must be taken to a court of appeals; and even in the situation where a statute is held unconstitutional, the Supreme Court retains discretion to order the appeal to be first heard and decided by a lower appellate court.

The Solicitor General in a recent letter to the members of the Judiciary Committee, clearly indicated that S. 3132 does not endanger the constitutional rights of defendants in any way. The bill, in short, is noncontroversial legislation which would do away with unnecessary and perplexing jurisdictional problems in appeals by the Government in criminal cases which hamper effective law enforcement efforts. This bill would also be of aid to the Supreme Court and the Federal judicial system generally.

I strongly urge, therefore, that the Senate adopt and pass the bill.

Mr. President, I ask unanimous consent that portions of a brief, introductory statement explaining the background of the act which I made several months ago be printed at this point in the RECORD along with a letter from the Solicitor General dated March 27, addressed to the chairman of our subcommittee.

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

OFFICE OF THE SOLICITOR GENERAL,
Washington, D.C., March 27, 1970.

Hon. JOHN L. MCCLELLAN,
Committee on the Judiciary,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In response to your recent request for my comments on S. 3132, a bill to amend the Criminal Appeals Act, let me assure you that I strongly support the bill and hope that it will be passed by the Congress and made effective as soon as possible.

Basically I believe that S. 3132 will greatly alleviate the three major procedural problems which the Government currently faces in appealing adverse rulings in criminal cases. I shall first describe the nature of these problems and explain what S. 3132 will help accomplish. You may then find it helpful to learn of several recent cases in which the current Act has caused difficulty.

1. Under the present form of the Criminal Appeals Act, the Justice Department and the courts are in a state of confusion, both as to whether the Government has any right at all to appeal from a particular ruling, and, if an appeal is available, as to the forum in which the appeal lies. The crux of the problem is that the Act as presently drafted attaches great significance to the antiquated common law terms "motion in bar" and "arrest of judgment". Judicial interpretation of these terms is perplexing, see, *e.g., United States* v. *Mersky*, 361 U.S. 431, and the Solicitor General is constantly faced with the time-consuming necessity of guessing whether a particular adverse determination is "a judgment sustaining a motion in bar" or an "arrest of judgment". Major sections of at least four briefs which we filed in the Supreme Court this term are devoted to these issues, and this is but a minor reflection of the frequency with which the problem arises. Aside from the uncertainty of these phrases, I believe that confusion in this area has also resulted generally from the fact (to be discussed shortly) that the current Act draws artificial and arbitrary lines between various kinds of rulings, so that the courts have never really found a satisfactory rationale to apply in close cases.

S. 3132 clarifies and simplifies the criteria for Government appeals by, in effect, allowing an appeal in all cases except those in which the defendant enjoys the protection of the constitutional prohibition against double jeopardy. The choice of forum is also simplified by requiring direct appeal to the Supreme Court only when the adverse "order is based solely on a determination of the invalidity of an Act of Congress . . ." These are the cases which should go at once to the Supreme Court. Other decisions in criminal cases can be reviewed by the courts of appeals as in the case of all appeals from criminal convictions.

2. The current Act, as interpreted, produces a number of common situations in which, for no apparent reason, the Government is barred from taking any appeal. For example, the present law prohibits an appeal by the Government from a wide range of adverse determinations if those determinations are made after jeopardy has attached (*i.e.*, after the jury has been impaneled or after the first witness has been sworn), even though the court's ruling has nothing to do with the factual issues in the case, and even though the ruling terminating the trial is entered at the defendant's request, so that a governmental appeal would in no way affect the defendant's right not to be placed in double jeopardy, or his right to proceed to verdict before the original jury. Furthermore, the Act leaves the Government with no right to appeal from a pretrial dismissal based on some reason other than the insufficiency of the indictment or information or a defect in the statute, even though, again, there is no problem of double jeopardy.

As stated above, S. 3132 closes these gaps by allowing the Government an appeal from any dismissal except one amounting to a "judgment of acquittal," i.e., a factual judgment that the defendant is not guilty of the crime charged and is thereby entitled to protection against double jeopardy. I do not believe that there is any rational basis for the present gaps in availability of governmental appeal, nor do I feel that S. 3132 poses any threat to the constitutional rights of criminal defendants. I doubt that the number of governmental appeals in criminal cases will proliferate, if S. 3132 is passed, to an extent that will impose a substantial burden on the courts; indeed, I am confident that the great majority of appeals in criminal cases—perhaps 99%—will continue to be instituted by defendants.

3. The current Act requires the majority of available appeals in criminal cases to be taken directly to the Supreme Court, rather than to the circuit courts of appeals, which

are, of course, the usual federal forum for initial appellate review. Unless a ruling clearly raises problems as to the constitutionality of a federal criminal statute, I see no good reason why government appeals in criminal cases should not be taken first to the courts of appeals. The situation has serious disadvantages. For one thing, the Government is frequently reluctant to take to the Supreme Court a case which is itself important, but whose result is not likely to have a substantial impact on the law generally. Some cases which we would think appropriate to appeal to an intermediate court are now dropped because they are not of sufficient general significance to merit an appeal to the Supreme Court. Furthermore, we would prefer to take some of the cases which we do appeal to the Supreme Court to a court of appeals, in order to give the Supreme Court (and our attorneys) the additional perspective that resutls from an intermediate appeal. We generally feel that the Supreme Court benefits significantly by having not only the instant case before it, but also from having a range of related appellate opinions from various courts of appeals. In certain areas (such as the definition of legal insanity), we have specifically asked the Court to defer consideration of issues that have not been sufficiently developed in the courts of appeals.

S. 3132 channels all of our appeals to the courts of appeals except when a ruling is based *solely* on a determination that the underlying statute is invalid. In that instance, as I have indicated, the importance of getting a prompt decision whether the statute is valid justifies a direct appeal to the Supreme Court.

As I mentioned earlier, the variety of problems brought about by the present Criminal Appeals Act is illustrated in at least four briefs filed by us in the Supreme Court this term.

In the well-publicized case of *United States* v. *Cotton, et al.*, No. 1022, in which the Government charged fifteen defendants with mutilation and destruction of records of the Selective Service System, the district court in Milwaukee dismissed the prosecution on the ground that an impartial jury could not be empaneled. After careful consideration, we concluded that an appeal to the Supreme Court did not lie under the present criminal appeals act, and that our proper remedy was to seek a writ of mandamus in the Court of Appeals for the Seventh Circuit. As a protective measure, we filed a notice of appeal in both courts. The Seventh Circuit denied out petition for mandamus, holding (erroneously, we believe), that our only recourse was a direct appeal to the Supreme Court. By the time the Seventh Circuit rendered its decision, it was nearly three weeks beyond the time allowed for docketing an appeal in the Supreme Court. Nonetheless, we filed a jurisdictional statement explaining to the Supreme Court why our appeal had been docketed late, and asked that our case be heard. We also filed a petition for certiorari to review the decision of the Seventh Circuit. The Court denied our petition for certiorari to the Seventh Circuit, and also dismissed the appeal as having been docketed out of time, thereby ending prosecution of the case.

In *United States* v. *Weller*, No. 1082, in which the defendant was charged with failure to submit to induction, the district court dismissed the indictment on the ground that the defendant had been denied the right to be represented by counsel before his local Selective Service Board. We felt initially that appeal lay with the Supreme Court under the "motion in bar" branch of the Act, and filed a notice of appeal to the Supreme Court in the district court. On further consideration, we concluded that appeal should have been taken to the court of appeals under that part of the Act allowing appeals from a "decision . . . dismissing any indictment" where the basis of the decision is not the "invalidity or construction" of the underlying statute. We filed a motion in the Supreme Court to remand the case to the Ninth Circuit. That motion was recently denied by the Court, but the jurisdictional question was left undecided, and we are still not entirely certain that an appeal will be available.

In *United States* v. *Sweet*, No. 577, the defendant was charged with assault with intent to kill, assault with intent to rob, and assault with a deadly weapon. The district court dismissed the indictment on grounds that the Government had not brought the case to a sufficiently speedy trial. We concluded that the appeal should be taken to the Court of Appeals for the District of Columbia Circuit, and an appeal was filed there. But that court concluded that the district court's decision amounted to the sustaining of a "motion in bar", and certified the case to the Supreme Court. In the absence of a Supreme Court Rule providing for a procedure in this event, we have filed a Statement Respecting Jurisdiction, asking that the Court either reverse the district court (if it agrees with the D.C. Circuit that jurisdiction lies) or, if it agrees with us on the jurisdictional issue, to remand the case to the Court of Appeals. The court has not yet acted on our request. In either event the present law has produced great delay, and a great deal of wasted effort and motion.

Finally, in *United States* v. *Sisson*, No. 305, which involved a refusal to submit to induction, the district court entered an order, after a verdict of guilty, granting defendant's "motion in arrest of judgment" on the ground that the statute in question could not constitutionally be applied to the defendant. We filed a notice of appeal in the Supreme Court, which determined that decision on the jurisdictional issues should be heard together with the merits of the case. Our brief on the merits contains a lengthy argument to the effect that the district court decision came within the "motion in arrest" provision, even though the trial judge utilized, as part of the circumstantial predicate for his legal rulings, certain undisputed facts, which did not appear in the indictment. If the Supreme Court decides this issue adversely to us, the Government will have no further method of appeal. If so, the district judge will have determined the appealability of our case merely by the timing of his ruling on a point of law. I may add that when I was arguing the *Sisson* case before the Supreme Court, on January 21, 1970, I read to the Court the text of S. 3132, and advised the Court that the Department of Justice was supporting the enactment of this bill, and hoped that it would be passed by the Congress. It was obvious that the Court was much interested in this information. There can be no doubt, I think, that the enactment of S. 3132 would provide a substantial improvement in our criminal procedure. It would not, in my judgment, materially increase the number of appeals in criminal cases. It would, however, eliminate a considerable number of fruitless issues which are presented under the present law, and would clarify the great uncertainty which exists under the present law as to the court where the appeal should be taken.

The cases described above represent a fair sampling of the kinds of problems which the Government faces in the course of a Supreme Court term under the current Act. There have been other troublesome cases this term which never reached the stage of a Supreme Court filing. Had S. 3132 been in effect during the term, I believe that all of the difficult situations described above would have been avoided, at no cost to the legitimate rights of the defendants, and with a considerable saving of time.

Yours very truly,

ERWIN N. GRISWOLD,
Solicitor General.

APPEALS BY THE UNITED STATES IN CRIMINAL CASES

The bill is in the form of a clarifying amendment to 18 U.S.C. section 3731, entitled "Appeals by the United States." I ask unanimous consent that the bill and letter of transmittal be printed following my remarks.

The present section 3731 provides generally for appeal by the Government in a criminal case. Under existing law, an appeal may be taken directly to the Supreme Court of the United States by the Government when the judge's decision setting aside an indictment is based on the invalidity of the statute upon which the indictment is founded. An appeal would also be well taken from a motion at bar when a defendant has not been put in jeopardy. Jeopardy usually attaches to a defendant when the jury is empanelled and sworn, and certainly by the time the Government begins to present its evidence.

Many trial court rulings, made appealable by existing law, involve questions which do not warrant Supreme Court consideration. They are questions involving narrow factual interpretations and not questions involving broad constitutional doctrines and issues. However, an adverse trial court ruling can seriously impede the administration of criminal justice, by nonsuiting the Government's prosecution of a criminal defendant, and for this reason should be appealable in fact as well as in law.

In addition, the courts have interpreted the present law to limit the time within which the Government can file its appeal. As I mentioned above, the appeal can only be taken before jeopardy attaches. But many questions of law arise during the actual presentation of evidence. These are questions that are critical to the orderly statement of facts reflecting a violation of laws. Yet, the Government has no recourse from an adverse trial ruling.

The instant bill remedies these two defects in the operation of 18 U.S.C. section 3731. First, the Government is allowed to appeal to a U.S. circuit court from the district court. Thus, the Supreme Court is no longer burdened with questions of little constitutional moment but the Government is still afforded appellate review of adverse trial court decisions. Second, the existing law is clarified to insure that the Government may file appeals at all stages of the trial process.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (S. 3132) was read the third time and passed.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MCCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OMNIBUS CRIME CONTROL ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn

to the consideration of Calendar No. 1270, H.R. 17825.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

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 an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Omnibus Crime Control Act of 1970".

TITLE I.—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 2. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 198) is amended to read as follows:

"SEC. 101. (a) There is hereby established within the Department of Justice under the general authority of the Attorney General a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. Beginning after the end of the term of either of the present incumbents, one of the Associate Administrators shall be a member of a political party other than that of the President.

"(b) The Administrator shall be the executive head of the agency and shall exercise all administrative powers, including the appointment and supervision of Administration personnel. All of the other functions, powers, and duties created and established by this title shall be exercised by the Administrator with the concurrence of either one or both of the two Associate Administrators."

PLANNING GRANTS

SEC. 3. (a) The third sentence of subsection (a) of section 203 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 199) is amended to read as follows: "Insofar as it is not inconsistent with the provisions of any other law, the State planning agency and any regional or local planning units within the State shall be, within their respective jurisdictions, representative of the law enforcement agencies, unit or divisions of general local government, other public agencies maintaining programs to reduce and control crime, and the general community within the State."

(b) Subsection (c) of section 203 of such Act is amended by inserting the following after the period at the end of the first sentence: "The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level."

(c) Subsection (c) of section 203 is amended further by striking out the words "the preceding sentence" and inserting in lieu thereof "this subsection".

(d) Section 204 of such Act is amended by striking the second sentence.

GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 4. Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 199–203) is amended as follows:

(1) Subsection (b) of section 301 is amended by adding at the end thereof the following new paragraphs:

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement activities.

"(9) The development and operation of community based delinquent prevention and correctional programs, emphasizing halfway houses and other community based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders."

(2) Subsection (c) of section 301 is amended to read as follows:

"The portion of any Federal grant made under this section for the purposes of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 70 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. At least 50 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated for the purpose of the shared funding of such programs or projects."

(3) Subsection (d) of section 301 is amended to read as follows:

"Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs."

(4) Section 303 is amended by inserting after the first sentence thereof the following new sentence: "No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of an adequate share of the benefits of assistance to areas characterized by high law enforcement activity to deal with the special law enforcement problems of such areas."

(5) Paragraph (2) of section 303 is amended to read as follows:

"Provide that at least the per centum of Federal assistance granted to the State Planning Agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data.

(6) Section 303 is amended by striking "the 75" in the third sentence and inserting in lieu thereof "such".

(7) Section 305 is amended to read as follows:

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under such paragraph to other States."

(8) Section 306 is amended to read as follows:

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of section 509 of this title to the grant of any State, shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or other appropriate grantees or contractors, according to criteria, terms, and conditions that the Administration determines are consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 70 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. At least 50 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under such paragraph shall be of money appropriated for the purpose of the shared funding of such programs or projects.

"(b) If the Administration determines, on the basis of information available to it dur-

ing any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section."

TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

SEC. 5. (a) Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 203-05) is amended as follows:

(1) Section 406 is amended—

(A) by striking "in areas directly related to law enforcement or preparing for employment in law enforcement" in the first sentence of subsection (b) and inserting in lieu thereof "in areas related to law enforcements or suitable for persons employed in law enforcement";

(B) by striking out "tuition and fees" in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books, and fees"; and

(C) by inserting at the end thereof the following new subsections:

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums. The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made."

(b) Part D of title I of such Act is further amended by inserting after section 406 the following new section:

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title."

(c) Part D of title I of such Act is amended by inserting after the section 407 (added by subsection (b) of section 5 of this Act) the following new section:

"SEC. 408. (a) The Administration is authorized to establish and conduct a permanent training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 570 (b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training."

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 6. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 205) is amended by inserting immediately after part D the following:

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(9) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of the funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) The remaining 15 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State or granted to an applicant for that fiscal year for grants to the State planning agency of the State or for programs or projects of an applicant will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (1) of subsection (a) of this section."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

(c) Part E and part F of title I of such Act are respectively designated as part "F" and part "G".

ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 205) (as redesignated by section 6(c) of this Act) is amended as follows:

(1) Section 505 is amended by striking "section 5315" and inserting "section 5314" and by striking "(90)" and inserting "(55)".

(2) Section 506 is amended by striking "section 5316" and inserting "section 5315" and by striking "(126)" and inserting "(90)".

(3) Section 508 is amended by inserting the following before the period at the end of the section: ", and to receive and utilize, for the purposes of this title, funds or other property donated or transferred by any other Federal agenices, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals."

(4) Section 515 is amended by inserting at the end thereof the following new sentence: "Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate."

(5) Section 516(a) is amended by striking out the period and inserting in lieu thereof the following: ", and may be used to pay the transportation and subsistance expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transport-

ing conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551)."

(6) Section 517 is amended to read as follows:

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of Title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently."

(7) Section 519 is amended to read as follows:

"SEC. 519. (a) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

(b) Not later than February 1, 1971, the Administration shall submit to the President and to the Congress recommendations for legislation to promote the integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the Federal Government, and to protect the constitutional rights of all persons covered or affected by such systems."

(8) Section 520 is amended to read as follows:

"SEC. 520. There is authorized to be appropriated $650,000,000 for the fiscal year ending June 30, 1971, of which $100,000,000 shall be for the purposes of part E; $1,150,000,000 for the fiscal year ending June 30, 1972, of which $150,000,000 shall be for the purposes of part E; and $1,750,000,000 for the fiscal year ending June 30, 1973, of which $250,000,000 shall be for the purposes of part E. Funds appropriated for any fiscal year may remain available for obligation until expended.

(9) Section 521 is amended by inserting at the end thereof the following new subsection:

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration."

SEC. 8. (a) Section 5314 of title 5, United States Code, is amended by striking "(1) Deputy Attorney General," and renumbering "(2)" through "(54)" respectively "(1)" through "(53)".

(b) Section 5313 of title 5, United States Code, is amended by adding at the end thereof "(20) Deputy Attorney General."

DEFINITIONS

SEC. 9. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 209) is amended as follows:

(1) Subsection (a) is amended to read as follows: "'Law enforcement' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction."

(2) Subsection (d) is amended by striking out "or" the second place it appears and by striking out the period and inserting in lieu thereof the following: ", or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title."

SEC. 10. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 209) is amended by inserting immediately after part F (as redesignated by section 6(c) of this Act) the following:

"PART H—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"SEC. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code."

SEC. 11. Section 5108(c) of title 5 of the United States Code is amended by inserting at the end thereof the following new paragraph:

"(10) the Law Enforcement Assistance Administration may place a total of twenty-five positions in GS-16, 17, and 18."

TITLE II.—LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE

DEFINITIONS

SEC. 12. For the purpose of this title—

(1) The term "month" means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

(2) The term "full time" means such period or type of employment or duty as may be prescribed by regulation promulgated by the Attorney General.

(3) The term "law enforcement officer" means, pursuant to regulations promulgated by the Attorney General, an individual who is employed full time by a State or a unit of local government primarily to patrol the highways or otherwise preserve order and enforce the laws.

(4) The term "State" means any State of the United States, the Commonwealth of Puerto Rico; and any territory or possession of the United States.

(5) The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions.

ELIGIBLE INSURANCE COMPANIES

SEC. 13. (a) The Attorney General is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this title. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Attorney General have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

(b) Any life insurance company issuing such a a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

(c) The Attorney General shall arrange with each life insurance company issuing any policy under this title to reinsure, under conditions approved by him, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Attorney General) as may elect to participate in such reinsurance.

(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this title.

PERSONS INSURED; AMOUNT

SEC. 14. (a) Any policy of insurance purchased by the Attorney General under this title shall automatically insure any law enforcement officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program provided under this title, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency as is designated by the Attorney General as the collection agency for such premiums. The insurance provided under this title shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to law enforcement officers then on the payroll, and as to law enforcement officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this title shall so insure all such law enforcement officers unless any such officer elects in writing not to be insured under this title. If any such officer elects not to be insured under this title he may thereafter, if eligible, be insured under this title upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Attorney General.

(b) A law enforcement officer eligible for insurance under this title is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000

If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
$15,000	$16,000	$18,000	$18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

Loss	*Amount payable*
For loss of life.	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more members or loss of sight in both eyes.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

TERMINATION OF COVERAGE

SEC. 15. Each policy purchased by the Attorney General under this title shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any law enforcement officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

CONVERSION

SEC. 16. Each policy purchased by the Attorney General under this title shall contain a provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 5 of this title. During the period such insurance is in force the insured, upon request to the office established under section 3(b) of this title, shall be furnished a list of life insurance companies participating in the program established under this title and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in law enforcement activities. In addition to the life insurance companies participating in the program established under this title, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

WITHHOLDING OF PREMIUMS FROM PAY

SEC. 17. During any period in which a law enforcement officer is insured under a policy of insurance purchased by the Attorney General under this title, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a law enforcement officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this title while on full-time duty as a law enforcement officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any law enforcement officer for each unit of insurance under this title may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

SHARING OF COST OF INSURANCE

SEC. 18. For each month any law enforcement officer is insured under this title the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their law enforcement forces.

INVESTMENT; EXPENSES

SEC. 19. (a) The sums withhheld from the basic or other pay of law enforcement officers as premiums for insurance under section 17 of this title and any portion of the cost of such insurance borne by the United States under section 8 of this title, together with the income derived from any dividends or premium rate readjustment from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this title and the administrative cost of the insurance program established by this title to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

(b) The Attorney General is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program of the department or agency designated by him, and all current premium payments on any policy purchased under this title. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield.

BENEFICIARIES; PAYMENT OF INSURANCE

SEC. 20. (a) Any event of insurance in force under this title on any law enforcement officer or former law enforcement officer on the date of his death shall be paid, upon establishment of a valid claim therefor to the person or persons surviving at the date of his death, in the following order of precedence:

First, to the beneficiary or beneficiaries as the law enforcement officer or former law enforcement officer may have designated by a writing received in his employer's office prior to his death;

Second, if there be no such beneficiary, to the widow or widower of such officer or former officer;

Third, if none of the above, to the child or children of such officer or former officer and descendents of deceased children by representation;

Fourth, if none of the above, to the parents of such officer or former officer or the survivor of them;

Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

Sixth, if none of the above, to the other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the law enforcement officer or former law enforcement officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

(c) If, within two years after the death of a law enforcement officer or former law enforcement officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any insurance company pursuant to this title has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the law enforcement officer or former law enforcement officer, payment has not been made pursuant to this title and no claim for payment by any person entitled under this title is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 8 of this title.

(d) The law enforcement officer may elect settlement of insurance under this title either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

SEC. 21. (a) Each policy or policies purchased under this title shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers.

(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of items (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provisions for adverse fluctuations in future charges under the policy, and further excess shall be deposited to the credit of the revolving funds established under this title. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

BENEFIT CERTIFICATES

SEC. 22. The Attorney General shall arrange to have each member insured under a policy purchased under this title receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefits shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the member. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR EXISTING GROUP LIFE INSURANCE PROGRAMS

SEC. 23. (a) Any State or unit of local government having an existing program of group life insurance for law enforcement officers which desires to receive Federal assistance under the provisions of this section shall—

(1) inform the law enforcement officers of the benefits and premium costs of both the Federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the Federal assistance under this section; and

(2) hold a referendum of law enforcement officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the Federal program under the provisions of this title. The results of the referendum shall be binding on the State or unit of local government.

(b) If there is an affirmative vote of a majority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for Federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed one-fourth of the cost to the Federal Government of directly providing such insurance under this title, and shall be reduced to the extent that the Attorney General determines that the existing program of any Sate or unit of local government does not give as complete coverage as the Federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate law enforcement officers under such existing program.

ADMINISTRATION

SEC. 24. (a) The Attorney General may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Department of Justice.

(b) In administering the provisions of this title, the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

ADVISORY COUNCIL ON LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE

SEC. 25. There is hereby established an Advisory Council on Law Enforcement Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office Management and Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this title and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the law enforcement officers' group life insurance program.

JURISDICTION OF COURTS

SEC. 26. The district courts of the United States shall have original jurisdiction of any civil action or claim against the United States founded upon the title.

PREMIUM PAYMENTS ON BEHALF OF LAW ENFORCEMENT OFFICERS

SEC. 27. Nothing in this title shall be construed to preclude any State or unit of local government from making payments on behalf of law enforcement officers of the premiums required to be paid by them for any group life insurance program authorized by this title or any such program carried out by a State or unit of local government.

EFFECTIVE DATE

SEC. 28. The insurance provided for under this title shall be placed in effect for the law enforcement officers of any State or unit of local government participating in the law enforcement officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government.

TITLE III—ATTORNEY GENERAL'S ANNUAL REPORT

SEC. 29. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 209) is amended by inserting after part H (as designated by section 10 of this Act) the following new part:

"PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ASSISTANCE ACTIVITIES

"SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within ninety days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans de-

veloped, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968 (82 Stat. 462) the Narcotics Addict Rehabilitation Act of 1968 (80 Stat. 1438) and the Gun Control Act of 1968 (82 Stat. 1213)."

Mr. MANSFIELD. Mr. President, it is my understanding that there may well be rollcall votes on this bill so the membership should be alert to that possibility.

PRIVILEGE OF THE FLOOR

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the following members of the staff of the Subcommittee on Criminal Laws and Procedures be allowed on the floor of the Senate for the duration of the consideration of H.R. 17825: G. Robert Blakey, Max Parrish, and Malcolm Hawk.

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

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and that the bill as thus amended be considered as original text for the purpose of amendment.

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

Mr. McCLELLAN. Mr. President, 2 years ago, Congress passed the Omnibus Crime Control and Safe Streets Act of 1968—Public Law 90-351—which has given this Nation its first comprehensive Federal-State-local program to reduce crime and improve criminal justice.

The program is directed by the Law Enforcement Assistance Administration which has been operating for most of those 2 years. We are now considering in this bill legislative amendments that would make changes in the LEAA program.

The past 2 years have been very important ones for those directly involved in this program—cities, counties, States, criminal justice agencies, and the Federal Government. This has been a period of honest appraisal of discovery, and of new commitment. And—I believe—of a new attitude toward, and within, criminal justice.

These past 2 years are well worth our attention as we deliberate the future course of the LEAA program.

From the beginning, there were skeptics who questioned certain fundamentals of the program. Statewide law enforcement planning—the State block grant concept—better communications among criminal justice agencies—Federal leadership that is creative, but not autocratic—equitable focus on the Nation's large cities and high-crime areas. These were the untested, key concepts of the program.

Indeed, considering the quality of the criminal justice system, and the rapid pace of crime, there was reason to doubt.

There was no established mechanism—and scant precedent—for statewide law enforcement planning or action programs. City governments usually did not confer with counties, or with other cities. Each of the criminal justice agencies—police, courts, corrections—went its own way. Crime control efforts were seriously fragmented.

Moreover, an aura of neglect—two centuries of it—surrounded the so-called system of criminal justice. This in itself had an insidious effect. If so little had happened in 200 years, what could happen in 3 or 4? in 10 years?

Now that we have had the program for 2 years, I am optimistic. Difficulties have been experienced, but they are being worked out.

I will highlight some of the program's achievements. But, first, a brief summary.

The LEAA is a major effort by the Federal Government, designed to help the States and cities with what is essentially a local problem: Crime. It is a "matching fund" program. When the LEAA makes grants to the States and cities, they are matched with State and local funds. Its overall purpose is to help the States and localities help themselves upgrade and create fair and effective systems of criminal justice.

In fiscal year 1969, the LEAA's appropriation was $63 million; in fiscal 1970, it was $268 million; while the pending budget request is $480 million for 1971. In the first 2 fiscal years, the LEAA awarded about $322 million in grants.

Most of the LEAA funds are distributed to the States in block grants, the amounts based on population. State law enforcement planning agencies administer these funds and are required to make a certain amount available to local governments. The States receive planning grants—to finance the planning, monitoring, and evaluation of statewide plans for improving criminal justice—and they make at least 40 percent of these grants available to local governments. Last fiscal year the States received $21 million. The action block grants are larger—last year they totaled over $182 million—and are used to finance State and local improvement programs. The States make at least 75 percent of this money available to local governments.

The LEAA makes five other types of grants, and these were the amounts awarded last year:

The sum of $32 million was awarded at the discretion of the LEAA, to finance city, county, and statewide criminal justice programs.

An award of $18 million was made to 735 colleges and universities for academic assistance under the LEAA's Law Enforcement Education program. These funds are used to make grants and loans to finance college study by law enforcement personnel and by those preparing for law enforcement careers.

The amount of $7.5 million went for research and development. These grants and contracts were made by the LEAA's research arm, the National Institute of Law Enforcement and Criminal Justice.

A total of $1.2 million was spent on technical assistance, to help States carry out their criminal justice programs.

The sum of $1 million was used to establish within the LEAA the National Criminal Justice Information and Statistics Service.

Although LEAA's granting activities are important, the program is significant from other standpoints. First, it has proved the merits of statewide planning.

The LEAA program has made possible a State-by-State assessment of problems and in so doing has created a national criminal justice planning system. Through this system, we have begun a comprehensive attack on crime.

In 2 years, each State and territory has painstakingly gathered the facts and made a realistic analysis of its crime problem. Thousands and thousands of people have been involved—not only police, judges, prosecutors, correctional administrators, probation officials, mayors, county managers, researchers, criminologists, educators—but also interested citizens of our communities who serve on the local and regional planning boards and have a say in the planned programs.

Many shortcomings in the criminal justice systems—some more serious than suspected—have been revealed by this process of comprehensive assessment, review, and planning. New data—ranging from police salary levels to court caseloads—have been collected for the first time in a coordinated way. New goals and reexamined priorities have been set by every State.

A major difficulty of the first year of LEAA was a disproportionate emphasis on police as opposed to courts or corrections. The States' early plans—submitted in fiscal 1969—included correctional programs that amounted to 6 percent of the block grants and court programs amounting to 5.7 percent. The rest—75 percent—was for police.

This emphasized several deficiencies. For one, that correctional agencies and courts were unable during the first stages of the program to identify their key problems or to propose and articulate significant improvements. It also was an early warning signal that said the whole program and the planners must begin concentrating more fully upon court and correctional needs.

After reviewing these 1969 plans, the LEAA decided that it would put a high priority on, and assist with, improvements in these two areas.

During fiscal 1970 the LEAA committed more than one-third—$410,000—of its technical assistance funds to the corrections area alone. It provided national advisory services—sending experts around the country to help develop adult and juvenile rehabilitation programs, to examine existing jails and institutions, and to help plan new facilities.

From all standpoints, this offer of leadership by LEAA has been fruitful. In fiscal 1970, the State programed 27 percent—$49 million—of their block grants for corrections. They developed imaginative, far-reaching programs including statewide job training-placement programs for offenders, community cen-

ters to rehabilitate juveniles, work-release, planning of multi-purpose centers—many regional and some serving several States—to replace decrepit, unsafe jails. They created special treatment programs for alcoholics and narcotics addicts. These programs are involving a wide variety of people and institutions—schools, community organizations, ex-offenders, volunteer aides.

In addition to the program supported by the block grants, LEAA awarded grants from its own discretionary funds for other correctional programs. Thus, all LEAA funds for correctional programs topped the $68 million mark. This is a dramatic improvement over the corresponding figure—$2 million—spent in fiscal 1969.

Similar attention was given to courts last year, and more emphasis will be given in the future. Of fiscal 1970 funds, States allocated $13 million—7 percent of their grants—on improving courts, while the LEAA made discretionary grants totaling $1.2 million. That total—over $14 million—is striking compared with the $1.5 million in block grant and discretionary funds that was spent in fiscal 1969. The court projects range in size from a $10,500 award for training assistant district attorneys to $357,000 to support a series of integrated court management studies in approximately 10 metropolitan courts.

Critics of the first years of this program have also suggested that the cities have not received their rightful share of Federal assistance. Nevertheless, a special LEAA analysis shows that as of last December 31, 60 percent of all action funds distributed by States to local governments went to the Nation's 411 cities that have over 50,000 population. These cities contain less than 40 percent of the Nation's population and account for about 62 percent of the serious crimes. Thus, fund distribution was in almost direct proportion to the incidence of crime. Further, those figures apply only to the specific grants that the States make to their local governments. If you add the amount spent on regional or statewide programs—for example, programs to improve corrections and courts which are usually operated by State governments—the figures would be higher.

Moreover, although States are required to make only 75 percent of their block action grants available to local governments, at least one-third of the States awarded them more than that.

Last year, the LEAA also set aside $11 million—more than a third of its discretionary funds—for programs to help the cities. The agency gave highest priority to 125 cities. During the first quarter of this year, the LEAA continued that focus and added 42 counties to the priority group, inviting applications for $15 million in discretionary funds.

Given adequate funding, I know the LEAA will continue to meet the needs of the Nation's larger cities and counties which are most plagued by the crime problem.

The LEAA has aided a wide variety of program improvements in law enforcement, and in criminal justice as a whole. Let me cite only a few examples.

It awarded more than $1 million, so that law-enforcement agencies could create much-needed crime laboratories, some serving several regions, or expand existing ones. These funds are enabling the local and State agencies to operate elite mobile labs and buy new analytical equipment they need for narcotics cases.

The LEAA is financing a study of police weaponry by the International Association of Chiefs of Police. The IACP is giving special attention to chemical aerosol sprays which are now used by four out of five police agencies. And the IACP will draw up standards on their procurement and use.

And the LEAA is sponsoring another program that has great promise. This is the pilot cities program. Dayton and Santa Clara County-San Jose, Calif., have already been selected. Five additional cities will be chosen. Each will be a test city in which the best, newest methods of crime control will be tried. This is the first time that any locality has attempted such a thing—the simultaneous adoption of innovative programs, new knowledge, and technology, for its police, courts and correctional system.

In addition, and most important, the LEAA has fostered inter-State cooperation and jurisdictional coordination.

Or, put more simply, the LEAA has people working together on joint projects. The Federal program has inspired a new sense of trust and understanding between States, between agencies, and between people. This program is helping to dispel the Nation that it is safer to go it alone. Agencies—like people—fear being swallowed up or forgotten in a conglomerate or merged project. Jurisdictions jealously guard their prerogatives. Under the LEAA program, however, the situation is starting to change. Equipment—particularly that needed for civil disorders—is being pooled. Manpower reserves are shared. Several States are investigating the possibility of complete or partial consolidations of law enforcement agencies. Plans are also being made to consolidate correctional facilities, some serving several counties, others as multistate centers.

One of the most outstanding multistate efforts is project SEARCH—system for electronic analysis and retrieval of criminal histories—a 10-State project for sharing computerized criminal justice records. The States are Arizona, California, Connecticut, Florida, Maryland, Michigan, Minnesota, New York, Texas, and Washington.

Another is the four-State border cooperative movement which involves Texas, New Mexico, Arizona, and California in a joint effort to control narcotics traffic and illegal border crossings.

In the past 2 years, from its appropriations that totaled $331 million, the LEAA has set in motion 15,000 local improvement programs funded through State block grants, 455 such programs financed by its discretionary grants, academic assistance programs at 735 colleges and universities, and more than 100 research and development projects.

These are solid achievements for the first 2 years.

As enacted in 1968, title I of the Omnibus Crime Control and Safe Streets Act authorized LEAA to carry out its programs during fiscal year 1968 and the 5 succeding fiscal years. However, the act authorized the appropriation of funds only through fiscal year 1970. H.R. 17825 now authorizes the appropriation of funds for the remaining 3 fiscal years—1971, 1972, and 1973. The bill also makes a number of substantive changes in the act designed to strengthen the block grant program and to bring about improved utilization of appropriated funds.

As reported by the committee, the bill would accomplish the following major changes in the present act:

First. Authorize appropriations, as noted above, for the next 3 fiscal years.

Second. Revise the administrative management of the Law Enforcement Assistance Administration.

Third. Relax in defined areas the matching requirements for discretionary and block grants.

Fourth. Relax certain of the restrictions on the use of grant funds for salaries.

Fifth. Authorize waivers of the mandatory requirement that specified percentages of State planning funds be made available to local units.

Sixth. Revise the provisions under which a part of each State's block action grant must be made available to local units.

Seventh. Provide that each State must allocate an adequate share of the benefits of title I block grant funds to areas characterized by high law enforcement activity.

Eighth. Establish a new program for the construction, acquisition, and renovation of correctional facilities and programs.

Ninth. Expand the law enforcement education programs.

Tenth. Make numerous changes in the administrative provisions of title I of the act designed to increase the operational efficiency and staff capability of the administration.

Although many of the provisions of the House bill are retained in identical or similar form, the committee bill is a substitute for the House-passed bill. I will not attempt here to explain every provision of the committee bill or to explain every respect in which it differs from the House bill. I shall insert in the RECORD at this point a comparative analysis of the present act, the House bill, and the committee substitute and then touch only on what I consider to be the major points in the committee bill and the major differences between it and the House bill. Mr. President, I ask unanimous consent to have the text of this comparative analysis appear in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD.

TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 AS PRESENTLY ENACTED

PRESENT LEGISLATION

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Crime Control and Safe Streets Act of 1968".

TITLE I—LAW ENFORCEMENT ASSISTANCE

DECLARATIONS AND PURPOSE

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereafter referred to in this title as "Administration").

(b) The Administration shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be the same political party, and members shall be appointed with due regard to their fitness, knowledge, and experience to perform the functions, powers, and duties vested in the Administration by this title.

HOUSE AMENDMENTS TO TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 AS PASSED IN H.R. 17825**

HOUSE AMENDMENTS

No change.

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereafter referred to in this title as "Administration").

[(b) The Administration shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be the same political party, and members shall be appointed with due regard to their fitness, knowledge, and experience to perform the functions, powers, and duties vested in the Administration by this title.]

(b) *The Administration shall consist of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall exercise the functions, powers, and duties vested in the Administration by this title. The Administrator shall be assisted in the exercise of his functions, powers, and duties by two Associate Administrators who shall be appointed by the President, by and with the advice and consent of the Senate.*

SENATE AMENDMENTS TO TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 AS REPORTED BY THE COMMITTEE ON THE JUDICIARY**

SENATE AMENDMENTS

No change.

SEC. 101. (a) There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as "Administration") *composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. Beginning after the end of the term of either of the present incumbents, one of the Associate Administrators shall be a member of a political party other than that of the President.*

[(b) The Administration shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be the same political party, and members shall be appointed with due regard to their fitness, knowledge, and experience to perform the functions, powers, and duties vested in the Administration by this title.]

(b) *The Administrator shall be the executive head of the agency and shall exercise all administrative powers, including the appointment and supervision of Administration personnel. All of the other functions, powers and duties created and established by this title shall be exercised by the Administrator with the concurrence of either one or both of the two Associate Administrators.*

**Language of existing law proposed to be deleted is enclosed in brackets and new matter is underlined.

Comments appear at end of comparative.

PRESENT LEGISLATION—continued

(c) It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this title, except as otherwise provided.

PART B—PLANNING GRANTS

SEC. 201. It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement planning agencies (hereinafter referred to in this title as "State planning agencies") for the preparation, development, and revision of the State plans required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.

(b) The State planning agency shall—

(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement throughout the State;

(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

(3) establish priorities for the improvement in law enforcement throughout the State.

(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

(c) It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this title, except as otherwise provided.

No change.

No change.

SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. [The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.] *The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime.*

(b) The State planning agency shall—

(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement throughout the State;

(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

(3) establish priorities for the improvement in law enforcement throughout the State.

(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

SENATE AMENDMENTS—continued

(c) It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this title, except as otherwise provided.

No change.

No change.

SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. [The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.] *Insofar as it is not inconsistent with the provisions of any other law, the State planning agency and any regional or local planning units within the State shall be, within their respective jurisdictions representative of the law enforcement agencies, units or divisions of general local government, other public agencies maintaining programs to reduce and control crime, and the general community within the State.*

(b) The State planning agency shall—

(1) develop, in accordance with part C, a comprehensive Statewide plan for the improvement of law enforcement throughout the State;

(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

(3) establish priorities for the improvement in law enforcement throughout the State.

(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. *The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State Planning Agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level.* Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in [the preceding sentence] *this subsection* shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

PRESENT LEGISLATION—continued

SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.

SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $100,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.

(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

(4) Construction of buildings or other physical facilities which would fulfill or implement the purposes of this section.

(5) The organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

No change.

No change.

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.

(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

[(4) Construction of buildings or other physical facilities which would fulfill or implement the purposes of this section.]

(4) Renting, leasing, and constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

(5) The organization, education, and training of special law enforcement units, to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in

SENATE AMENDMENTS—continued

SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. [Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.]

No change.

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.

(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

(4) Construction of Buildings or other physical facilities which would fulfill or implement the purposes of this section.

(5) The organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in

PRESENT LEGISLATION—continued

no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

SEC. 301. (c) The amount of any Federal grant made under paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The amount of any grant made under paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The amount of any other grant made under this part may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided*, That no part of any grant for the purpose of construction of buildings or other physical facilities shall be used for land acquisition.

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/(d) Not more than one-third of any grant made under this part may be expended for the compensation of personnel. The amount of any such grant expended for the compensation of personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs.

SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan formulated pursuant to part B of this title.

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State to assure improved coordination of all law enforcement activities, such as those of the police, the criminal courts, and the correctional system.

SEC. 301. (c) The [amount of any Federal grant made under] *portion of any Federal grant made under this section for the purposes of* paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The [amount of any grant made under] *portion of any Federal grant made under this section for the purposes of* paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The [amount of any other grant made under this part] *portion of any Federal grant made under this section to be used for any other purpose set forth in this section* may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided*, That no part of any grant for the purpose of [construction of] *renting, leasing or constructing*, buildings or other physical facilities shall be used for land acquisition.

301

/(d) Not more than one-third of any grant made under this [part] *section* may be expended for the compensation of *police and other regular law enforcement* personnel. The amount of any such grant expended for the compensation of personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs, *nor to the compensation of personnel engaged in research, development, demonstration, or other short-term programs.*

No change.

SENATE AMENDMENTS—continued

no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of 250,000 or more, to assure improved coordination of all law enforcement activities.

(9) The development and operation of community based delinquency prevention and correctional programs, emphasizing halfway houses and other community based rehabilitation centers for initial preconviction or postconviction referral of offenders expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

SEC. 301. (c) The [amount of any Federal grant made under] *portion of any Federal grant made under this section for the purposes of* paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The [amount of any grant made under] *portion of any Federal grant made under this section for the purposes of* paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The [amount of any other grant made under this part] *portion of any Federal grant made under this section to be used for any other purpose set forth in this section* may be up to [60] *70* per centum of the cost of the program or project specified in the application for such grant. [:Provided, That no] *No* part of any grant *made under this section* for the purpose of [construction of] *renting, leasing or constructing* buildings or other physical facilities shall be used for land acquisition. *In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. At least 50 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated for the purpose of the shared funding of such programs or projects.*

Same as House.

No change.

PRESENT LEGISLATION—continued

SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall—

(1) provide for the administration of such grants by the State planning agency;

(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement;

(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(6) provide for research and development;

(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title *No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.* Each such plan shall—

(1) provide for the administration of such grants by the State planning agency;

(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and protects for the improvement of law enforcement, *and that with respect to any such program or project the State will provide not less than one-fourth of the non-Federal funding;*

(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local governments in the State and among such units;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement deal with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(6) provide for research and development;

(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

SENATE AMENDMENTS—continued

SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. *No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of an adequate share of the benefits of assistance to areas characterized by high law enforcement activity to deal with the special law enforcement problems of such areas.* Each such plan shall—

(1) provide for the administration of such grants by the State planning agency;

(2) [provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement] *provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;*

(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(6) provide for research and development;

(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

PRESENT LEGISLATION—continued

(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

SEC. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

No change.

[SEC. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however,* That any such units or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the projects set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.]

Sec. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

SENATE AMENDMENTS—continued

(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of [the 75] *such* per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

No change.

[SEC. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.]

Sec. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under such paragraph to other States.

PRESENT LEGISLATION—continued

SEC. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State.

HOUSE AMENDMENTS—continued

[SEC. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State.]

SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made; however, if the Administration determines that the applicant is unable to provide sufficient funds the amount of such grant may be up to 100 per centum of the cost of such program or project. No part of any grant for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition.

(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

SENATE AMENDMENTS—continued

[SEC. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State.]

SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

(1) Eighty-five per centum of such funds, plus any additional amounts—made available by virtue of the application of the provisions of section 509 of this title to the grant of any State, shall be allocated among the States according to their respective populations for grants to State planning agencies.

(2) Fifteen per centum of such funds may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or other appropriate grantees or contractors, according to criteria, terms and conditions that the Administration determines are consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 70 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. At least 50 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under such paragraph shall be of money appropriated for the purpose of the shared funding of such

(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

SEC. 307. (a) In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control or organized crime and of riots and other violent civil disorders.

(b) Notwithstanding the provisions of section 303 of this part, until August 31, 1968, the Administration is authorized to make grants for programs and projects dealing with the prevention, detection, and control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the re-

No change.

No change.

Comments apear at end of comparative.

PRESENT LEGISLATION—continued	HOUSE AMENDMENTS—continued	SENATE AMENDMENTS—continued
lationship of the programs and projects to the applicant's general program for the improvement of law enforcement.		
PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS		
SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.	No change.	No change.
SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as "Institute"). The Institute shall be under the general authority of the Administration. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement.	No change.	No change.
(b) The Institute is authorized—		
(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement;		
(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement, including, but not limited to, the effectiveness of projects or programs carried out under this title;		
(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;		
(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement;		
(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title.		
(6) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and		
(7) to establish a research center to carry out the programs described in this section.	No change.	No change.
SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought.		
SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—	No change.	No change.
(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel;		

Comments appear at end of comparative.

PRESENT LEGISLATION—continued

(2) develop new or improved approaches techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided*, That—

(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement.

(b) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for loans, not exceeding $1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement or preparing for employment in law enforcement, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition and fees, not exceeding $200 per academic quarter or $300 per semester for any person, for officers of any publicly funded

HOUSE AMENDMENTS—continued

No change.

SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement.

(b) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for loans, not exceeding $1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas [directly related to law enforcement or preparing for employment] *related to law enforcement or suitable for persons employed* in law enforcement, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for [tuition and fees] *tuition, books, and fees*, not exceeding $200 per academic quarter or $300 per semester for any person, for offi-

SENATE AMENDMENTS—continued

No change.

Same as House.

Comments appear at end of comparative.

PRESENT LEGISLATION—continued

law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement or an area suitable for persons employed in law enforcement. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

HOUSE AMENDMENTS—continued

cers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement or an area suitable for persons employed in law enforcement. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

(2) education and training of faculty members;

(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and

(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

SENATE AMENDMENTS—continued

No comparable provision.

Sec. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.

Same as House.

No comparable provision.

No comparable provision.

Sec. 408. (a) The Administration is authorized to establish and conduct a permanent training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 570(b) of title 5, United States Code, for persons employed intermittently in the Government service.

(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

Comments appear at end of comparative.

PRESENT LEGISLATION—continued	HOUSE AMENDMENTS—continued	SENATE AMENDMENTS—continued
	Part E—Grants for Correctional Institutions and Facilities	
No comparable provision.	*Sec. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.*	Same as House.
No comparable provision.	*Sec. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the Comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.*	Same as House.
No comparable provision.	*Sec. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—* *(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;* *(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;* *(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;* *(4) provides for advanced techniques in the design of institutions and facilities;*	*Sec. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—* *(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;* *(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;* *(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would in the absence of funds under this part, allocate for purposes of this part;* *(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;* *(5) provides for advanced techniques in the design of institutions and facilities;*
	(5) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis; *(6) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;* *(7) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and* *(8) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.*	*(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;* *(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;* *(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting organization, training, and education of personnel employed in correctional activities, including those of probation, parole and rehabilitation; and* *(9) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.*
No comparable provision.	*Sec. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.*	Same as House.
No comparable provision.	*Sec. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:* *(1) 50 per centum of the funds shall be available for grants to State planning agencies.*	*Sec. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:* *(1) 85 per centum of the funds shall be allocated among the States according to their respective populations for grants to State planning agencies.*

Comments appear at end of comparative.

PRESENT LEGISLATION—continued

PART E—ADMINISTRATIVE PROVISIONS

SEC. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

SEC. 505. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

"(90) Administrator of Law Enforcement Assistance."

SEC. 506. Section 5316 of title 5, United States Code, is amended by adding at the end thereof—

"(126) Associate Administrator of Law Enforcement Assistance."

SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies.

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

PART [E] *F*—ADMINISTRATIVE PROVISIONS

No change.

No change.

No change.

No change.

No change.

No change.

No change.

No change.

SENATE AMENDMENTS—continued

(2) the remaining 15 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or projected for which such grant is made. No funds awarded under this part may be used for land acquisition.

(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State or granted to an applicant for that fiscal year for grants to the State planning agency of the State or for programs or projects of an applicant will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (1) of subsection (a) of this section.

PART [E] *F*—ADMINISTRATIVE PROVISIONS

No change.

No change.

No change.

No change.

SEC. 505. Section [5315] *5314* of title 5, United States Code, is amended by adding at the end thereof—

"[(90)] *(55)* Administrator of Law Enforcement Assistance."

SEC. 506. Section [5316] *5315* of title 5, United States Code, is amended by adding at the end thereof—

"[(126)] *(90)* Associate Administrator of Law Enforcement Assistance."

No change.

SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies *and to receive and utilize, for the purposes of this title, funds or other property donated or trans-*

PRESENT LEGISLATION—continued	HOUSE AMENDMENTS—continued	SENATE AMENDMENTS—continued
		ferred by any other Federal agencies, States, units of general local government, public or private agencies or oganizations, institutions of higher education or individuals.
SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with— (a) the provisions of this title; (b) regulations promulgated by the Administration under this title; or (c) a plan or application submitted in accordance with the provisions of this title; the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.	No change.	No change.
SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided. (b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein. (c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.	No change.	No change.
SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code. (b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may re-	No change.	**No change.**

Comments appear at end of comparative.

PRESENT LEGISLATION—continued	HOUSE AMENDMENTS—continued	SENATE AMENDMENTS—continued
mand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence. (c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.		
SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1968, and the five succeeding fiscal years.	No change.	No change.
SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.	No change.	No change.
SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.	No change.	No change.
SEC. 515. The Administration is authorized— (a) to conduct evaluation studies of the programs and activities assisted under this title; (b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and (c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, in institutions in matters relating to law enforcement.	SEC. 515. The Administration is authorized— (a) to conduct evaluation studies of the programs and activities assisted under this title; (b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and (c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement. *Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.*	Same as House.
SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration.	SEC. 516. (a) Payments under this title may be made in installment, and in advance or by way of reimbursement, as may be determined by the Administration, *and may be used to pay the transportation and subsistence expenses of person attending conferences or other assemblages, notwithstanding the provisions of the Joint Resolution entitled "Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings", approved February 2, 1935 (31 U.S.C. sec. 551).*	Same as House.
(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.	(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.	
SEC. 517. The Administration is authorized to appoint such technical or other advisory committees to advise the Administration with respect to the administration of this	[SEC. 517. The Administration is authorized to appoint such technical or other advisory committees to advise the Administration with respect to the administration of this	Same as House.

Comments appear at end of comparative.

PRESENT LEGISLATION—continued

title as it deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Administration but not exceeding $75 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

SEC. 519. On or before August 31, 1968, and each year thereafter, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

SEC. 520. For the purpose of carrying out this title, there is authorized to be appropriated the sums of $100,111,000 for the fiscal years ending June 30, 1968, and June 30, 1969, $300,000,000 for the fiscal year ending June 30, 1970, and for succeeding fiscal years such sums as the Congress might authorize: *Provided, however,* That of the amount appro-

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

title as it deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committees, shall be entitled to receive compensation at a rate to be fixed by the Administration but not exceeding $75 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.]

Sec. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

No change.

SEC. 519. On or before [August 31, 1968, and each year thereafter,] *December 31 of each year* the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

[SEC. 520. For the purpose of carrying out this title, there is authorized to be appropriated the sums of $100,111,000 for the fiscal years ending June 30, 1968, and June 30, 1969, $300,000,000 for the fiscal year ending June 30, 1970, and for succeeding fiscal years such sums as the Congress might authorize: *Provided, however,* That of the amount appro-

SENATE AMENDMENTS—continued

No change.

[SEC. 519. On or before August 31, 1968, and each year thereafter, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.]

(a) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

(b) Not later than February 1, 1971, the Administration shall submit to the President and to the Congress recommendations for legislation to promote the integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the Federal Government, and to protect the constitutional rights of all persons covered or affected by such systems.

[SEC. 520. For the purpose of carrying out this title, there is authorized to be appropriated the sums of $100,111,000 for the fiscal years ending June 30, 1968, and June 30, 1969, $300,000,000 for the fiscal year ending June 30, 1970, and for succeeding fiscal years such sums as the Congress might authorize: *Provided, however,* That of the amount appro-

PRESENT LEGISLATION—continued

priated for the fiscal years ending June 30, 1968, and June 30, 1969—

(a) the sum of $25,000,000 shall be for the purposes of part B;

(b) the sum of $50,000,000 shall be for the purposes of part C, of which amount—

(1) not more than $2,500,000 shall be for the purposes of section 302(b)(3);

(2) not more than $15,000,000 shall be for the purposes of section 302(b)(5), of which not more than $1,000,000 may be used within any one State;

(3) not more than $15,000,000 shall be for the purposes of section 302(b)(6); and

(4) not more than $10,000,000 shall be for the purposes of correction, probation, and parole; and

(c) the sum of $25,111,000 shall be for the purposes of part D, of which $5,111,000 shall be for the purposes of section 404, and not more than $10,000,000 shall be for the purposes of section 406.

HOUSE AMENDMENTS—continued

priated for the fiscal years ending June 30, 1968, and June 30, 1969—

[(a) the sum of $25,000,000 shall be for the purposes of part B;

[(b) the sum of $50,000,000 shall be for the purposes of part C, of which amount—

[(1) not more than $2,500,000 shall be for the purposes of section 301(b)(3);

[(2) not more than $15,000,000 shall be for the purposes of section 301(b)(5), of which not more than $1,000,000 may be used within any one State;

[(3) not more than $15,000,000 shall be for the purposes of section 301(b)(6); and

[(4) not more than $10,000,000 shall be for the purposes of correction, probation, and parole; and

[(c) the sum of $25,111,000 shall be for the purposes of part D, of which $5,111,000 shall be for the purposes of section 404, and not more than $10,000,000 shall be for the purposes of section 406.]

Sec. 520. There is authorized to be appropriated $650,000,000 for the fiscal year ending June 30, 1971, and $1,000,000,000 for the fiscal year ending June 30, 1972, and $1,500,000,000 for the fiscal year ending June 30, 1973. Funds appropriated for any fiscal year may remain available for obligation until expended. Not less than 25 per centum of the amounts appropriated shall be devoted to the purposes of corrections, including probation and parole.

SENATE AMENDMENTS—continued

priated for the fiscal years ending June 30, 1968, and June 30, 1969—

(a) the sum of $25,000,000 shall be for the purposes of Part B;

(b) the sum of $50,000,000 shall be for the purposes of part C, of which amount—

(1) not more than $2,500,000 shall be for the purposes of section 302(b)(3);

(2) not more than $15,000,000 shall be for the purposes of section 302(b)(5), of which not more than $1,000,000 may be used within any one State;

(3) not more than $15,000,000 shall be for the purposes of section 302(b)(6); and

(4) not more than $10,000,000 shall be for the purposes of correction, probation, and parole; and

(c) the sum of $25,111,000 shall be for the purposes of part D, of which $5,111,000 shall be for the purposes of section 404, and not more than $10,000,000 shall be for the purposes of section 406.]

Sec. 520. There is authorized to be appropriated $650,000,000 for fiscal year ending June 30, 1971, of which $100,000,000 shall be for the purposes of Part E; $1,150,000,000 for the fiscal year ending June 30, 1972, of which $150,000,000 shall be for the purposes of Part E; and $1,750,000,000 for the fiscal year ending June 30, 1973, of which $250,000,000 shall be for the purposes of Part E. Funds appropriated for any fiscal year may remain available for obligation until expended.

SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this—title.

(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant of contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

Same as House.

SEC. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting "law enforcement facilities," immediately after "transportation facilities,".

No change.

No change.

PART F—DEFINITIONS

PART [F] *G*—DEFINITIONS

PART [F] *G*—DEFINITIONS

SEC. 601. As used in this title—

(a) "Law enforcement" means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

SEC. 601. As used in this title—

[(a) "Law enforcement" means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.]

(a) "Law enforcement" means all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities.

SEC. 601. As used in this title—

[(a) "Law enforcement" means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.]

(a) "Law enforcement" means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation or parole authorities, and programs relating to the prevention, control or reduction of juvenile delinquency or narcotic addiction.

(b) "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering,

(b) "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racket-

(b) No change.

Comments appear at end of comparative.

PRESENT LEGISLATION—continued

and other unlawful activities of members of such organizations.

(c) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior.

(e) "Combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

(f) "Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

(g) "State organzed crime prevention council" means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

(h) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

(i) "Public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

(j) "Institution of higher education" means any such institution as defined by section 801(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

(k) "Community service officer" means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the administration may determine to be appropriate to further the purposes of section 301(b)(1) and this Act.

No comparable provision.

Comments appear at end of comparative.

HOUSE AMENDMENTS—continued

eering, and other unlawful activities of members of such organizations.

(c) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto, and any territory or possession of the United States.

(d) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, [or] an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, *or any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia. Funds appropriated by the Congress for the activities of such agencies of the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.*

(e) "Combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

(f) "Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

(g) "State organized crime prevention council" means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

(h) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

(i) "Public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

(j) "Institution of higher education" means any such institution as defined by section 801(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

(k) "Community service officer" means any citizen with the capacity, motivation, integrity and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

(l) The term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

No comparable provision.

SENATE AMENDMENTS—continued

(c) No change.

(d) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, [or] an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, *or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia. Funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title.*

(e) No change.

(f) No change.

(g) No change.

(h) No change.

(i) No change.

(j) No change.

(k) No change.

(l) The term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

Part H—Criminal Penalties

Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received

PRESENT LEGISLATION—continued	HOUSE AMENDMENTS—continued	SENATE AMENDMENTS—continued
		directly or indirectly from the Administration, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.
No comparable provision.	No comparable provision.	*Sec. 652. Whoever knowingly and willfully falsifies, conceals or covers up by trick, scheme, or device any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.*
No comparable provision.	No comparable provision.	*Sec. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of Section 371 of title 18, United States Code.*
		Part I—Attorney General's Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities
No comparable provision.	No comparable provision.	*Sec. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within ninety days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968 (82 Stat. 462) the Narcotics Addict Rehabilitation Act of 1968 (80 Stat. 1438) and the Gun Control Act of 1968 (82 Stat. 1213).*
TITLE XI—GENERAL PROVISIONS		
SEC. 1601. If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.	No change.	No change.
	AMENDMENTS TO OTHER LAWS	
PRESENT LEGISLATION	HOUSE AMENDMENTS	SENATE AMENDMENTS
	TITLE 5—UNITED STATES CODE—GOVERNMENT ORGANIZATION AND EMPLOYEES	TITLE 5—UNITED STATES CODE—GOVERNMENT ORGANIZATION AND EMPLOYEES
	Sub-part D.—Pay and Allowances	Sub-part D.— Pay and Allowances
	* * * * *	* * * * *
	Chapter 51.—CLASSIFICATION	Chapter 51.—CLASSIFICATION
	§ 5108. Classification of positions at GS–16, 17, and 18.	§ 5108. Classification of positions at G–16, 17, and 18.
	* * * * *	* * * * *
No comparable provision.	*(10) the Law Enforcement Assistance Administration may place a total of fifteen positions in GS–16, 17, and 18.*	*(10) the Law Enforcement Assistance Administration may place a total of twenty-five positions in GS–16, 17, and 18.*
		Subchapter II.—Executive Schedule Pay Rates
		* * * * *
No comparable provision.	No comparable provision.	§ 5313. Positions at level II.
		Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is $42,500:
		* * * * *
No comparable provision.	No comparable provision.	*(20) Deputy Attorney General.*
		§ 5314. Positions at level III.
		Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is $40,000:
		[(1) Deputy Attorney General.]
		(Renumber "(2)" through "(54)" "(1)" through "(53)".)

Comments appear at end of comparative.

NEW LEGISLATIVE PROVISIONS

PRESENT LEGISLATION

No comparable provision.

HOUSE AMENDMENTS

No comparable provision.

SENATE AMENDMENTS

Law Enforcement Officer's Group Life Insurance***

Definitions

Sec. 12. For the purposes of the Title—

(1) The term "month" means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

(2) The term "full time" means such period or type of employment or duty as may be prescribed by regulation promulgated by the Attorney General.

(3) The term "law enforcement officer" means, pursuant to regulations promulgated by the Attorney General, an individual who is employed full time by a State or a unit of local government primarily to patrol the highways or otherwise preserve order and enforce the laws.

(4) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(5) The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of Interior determines performs law enforcement functions.

Eligible Insurance Companies

Sec. 13. (a) The Attorney General is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this Title. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia and (2) as of the most recent December 31 for which information is available to the Attorney General, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

(c) The Attorney General shall arrange with each life insurance company issuing any policy under this Title to reinsure, under conditions approved by him, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Attorney General) as may elect to participate in such reinsurance.

(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this Title.

Persons insured; amount

Sec. 14. (a) Any policy of insurance purchased by the Attorney General under this title shall automatically insure any law enforcement officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program provided under this title, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency as is designated by the Attorney General as the collection agency for such premiums. The insurance provided under this title shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to law enforcement officers then on the payroll, and as to law enforcement officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this title shall so insure all such law enforcement officers unless any such officer elects in writing not to be insured under this title. If any officer elected not to be insured under this title he may thereafter, if eligible, be insured under this title upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Attorney General.

(b) A law enforcement officer eligible for insurance under this title is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual pay is—		*The amount of group insurance is—*	
Greater than—	*But not greater than—*	*Life*	*Accidental death and dismemberment*
0	*$8,000*	*$10,000*	*$10,000*
$8,000	*9,000*	*11,000*	*11,000*
$9,000	*10,000*	*12,000*	*12,000*
$10,000	*11,000*	*13,000*	*13,000*
$11,000	*12,000*	*14,000*	*14,000*
$12,000	*13,000*	*15,000*	*15,000*
$13,000	*14,000*	*16,000*	*16,000*
$14,000	*15,000*	*17,000*	*17,000*
$15,000	*16,000*	*18,000*	*18,000*
$16,000	*17,000*	*19,000*	*19,000*
$17,000	*18,000*	*20,000*	*20,000*
$18,000	*19,000*	*21,000*	*21,000*
$19,000	*20,000*	*22,000*	*22,000*
$20,000	*21,000*	*23,000*	*23,000*
$21,000	*22,000*	*24,000*	*24,000*
$22,000	*23,000*	*25,000*	*25,000*
$23,000	*24,000*	*26,000*	*26,000*
$24,000	*25,000*	*27,000*	*27,000*
$25,000	*26,000*	*28,000*	*28,000*
$26,000	*27,000*	*29,000*	*29,000*
$27,000	*28,000*	*30,000*	*30,000*
$28,000	*29,000*	*31,000*	*31,000*
$29,000		*32,000*	*32,000*

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

Loss	*Amount payable*
For loss of life.	*Full amount shown in the schedule in subsection (b) of this section.*
Loss of one hand or of one foot or loss of sight of one eye.	*One-half of the amount shown in the schedule in subsection (b) of this section.*
Loss of two or more members or loss of sight in both eyes.	*Full amount shown in the schedule in subsection (b) of this section.*

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

Termination of coverage

Sec. 15. Each policy purchased by the Attorney General under this Title shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any law enforcement officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

Conversion

Sec. 16. Each policy purchased by the Attorney General under this Title shall contain a provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 5 of this Title. During the period such insurance is in force the insured, upon request to the office established under section 3(b) of this Title, shall be furnished a list of life insurance companies participating in the program established under this Title and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in law enforcement activities. In addition to the life insurance companies participating in the program established under this Title, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

Withholding of premiums from pay

Sec. 17. During any period in which a law enforcement officer is insured under a policy of insurance purchased by the Attorney General under this title, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a law enforcement officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this title while on full-time duty as a law enforcement officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any law enforcement officer for each unit of insurance under this title may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

Sharing of cost of insurance

Sec. 18. For each month any law enforcement officer is insured under this title the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their law enforcement forces.

Investment expenses

Sec. 19. (a) The sums withheld from the basic or other pay of law enforcement officers

***This amendment establishes a completely new program. The section numbers refer to sections in H.R. 17825 as reported by the Senate Committee on the Judiciary.

Comments appear at end of comparative.

as premiums for insurance under section 7 of this title and any portion of the cost of such insurance borne by the United States under section 8 of this title, together with the income derived from any dividends or premium rate readjustment from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this title and the administrative cost of the insurance program established by this title to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

(b) The Attorney General is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program to the department or agency designated by him, and all current premium payments on any policy purchased under this title. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield.

Beneficiaries; payment of insurance

Sec. 20. (a) Any event of insurance in force under this title or any law enforcement officer or former law enforcement officer on the date of his death shall be paid, upon establishment of a valid claim therefor to the person or persons surviving at the date of his death, in the following order of precedence:

First, to the beneficiary or beneficiaries as the law enforcement officer or former law enforcement officer may have designated by a writing received in his employer's office prior to his death;

Second, if there be no such beneficiary, to the widow or widower of such officer or former officer;

Third, if none of the above, to the child or children of such officer or former officer and descendants of deceased children by representation;

Fourth, if none of the above, to the parents of such officer or former officer or the survivor of them;

Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

Sixth, if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the law enforcement officer or former law enforcement officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

(c) If, within two years after the death of a law enforcement officer or former law enforcement officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any insurance company pursuant to this title has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payments shall be a bar to recovery by any other person. If, within four years after the death of the law enforcement officer or former law enforcement officer, payment has not been made pursuant to this title and no claim for payment by any person entitled under this title is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 8 of this title.

(d) The law enforcement officer may elect settlement of insurance under this Act either in a lump sum or in thirty-six equal installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

Basic tables of premiums; readjustment of rates

Sec. 21. (a) Each policy or policies purchased under this Title shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers.

(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving funds established under this Title. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

Benefit certificates

Sec. 22. The Attorney General shall arrange to have each law enforcement officer insured under a policy purchased under this title receive a certificate setting forth the benefits to which the law enforcement officer is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the law enforcement officer. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

Federal assistance to States and localties for existing group life insurance programs administration

Sec. 23 (a) Any State or unit of local government having an existing program of group life insurance for law enforcement officers which desires to receive Federal assistance under the provisions of this section shall—

(1) inform the law enforcement officers of the benefits and premium costs of both the Federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the Federal assistance under this section; and

(2) hold a referendum of law enforcement officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the Federal program under the provisions of this Title.

The results of the referendum shall be binding on the State or unit of local government.

(b) If there is an affirmative vote of a ma-

Comments appear at end of comparative.

jority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for Federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed one-fourth of the cost to the Federal Government of directly providing such insurance under this Title, and shall be reduced to the extent that the Attorney General determines that the existing program of any such State or unit of local government does not give as complete coverage as the Federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate law enforcement officers under such existing program.

Administration

Sec. 24. (a) The Attorney General may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Department of Justice.

(b) In administering the provisions of this Title, the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Title.

Advisory Council on Law Enforcement Officers' Group Life Insurance

Sec. 25. There is hereby established an Advisory Council on Law Enforcement Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this Title and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the law enforcement officers' group life insurance program.

Jurisdiction of courts

Sec. 26. The district courts of the United States shall have original jurisdiction of any civil action or claim against the United States founded upon the Title.

Premium payments on behalf of law enforcement officers

Sec. 27. Nothing in this Title shall be construed to preclude any State or unit of local government from making payments on behalf of law enforcement officers of the premiums required to be paid by them for any group life insurance program authorized by this Title or any such program carried out by a State or unit of local government.

Effective date

Sec. 28. The insurance provided for under this Title shall be placed in effect for the law enforcement officers of any State or unit of local government participating in the law enforcement officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government.

COMMENTS

AMENDMENTS TO SECTION 101

The House bill abolished the three-member Administration (so-called "troika") under which LEAA has operated since its inception and substituted a single Administrator to exercise all title I powers. The Senate subcommittee has restored the troika, but has designated the Administrator as the executive head of the agency to exercise all administrative management authority, and provided that all substantive powers be exercised by the concurrence of the Administrator and at least one Associate Administrator, thus removing the existing requirement that all three members concur on proposed actions.

The Senate amendment is based upon the judgment of the Attorney General that the troika arrangement is the best way to operate the LEAA program, since it makes available the expertise of three individuals with diverse backgrounds and experience in law enforcement in resolving the many difficult questions involved in the allocation and utilization of title I funds. However, the Attorney General agreed that the requirement for unanimous concurrence should be removed and that the management efficiency of the Administration would be increased by vesting all administrative management authority in one individual. The requirement that the Administrator must concur (with at least one Associate Administrator) in proposed exercises of substantive powers would mean that the Associate Administrators could never take substantive actions over his objection. Thus the Administrator would hold the balance of power in the agency.

AMENDMENTS TO SECTION 203(a)

The House and Senate amendments both require that the State planning agency and any regional planning units within the State shall be representative of law enforcement agencies, units of general local government and public agencies maintaining programs to reduce and control crime. The Senate amendment adds a requirement that representation must include the general community within the state, and makes the representation requirements applicable to local planning units as well as state and regional planning units.

AMENDMENTS TO SECTION 203(b)

The Senate Amendments insert a provision requested by the Department of Justice authorizing LEAA to waive the requirement in section 203(c) of the Act that at least 40 per cent of all planning funds granted to a State be "passed through" to local units within the State. The House Committee Report stated that the Committee omitted this amendment and a companion amendment authorizing LEAA to waive the 75-per cent "pass-through" requirement applicable to action funds because it felt that LEAA could interpret existing provisions of the Act to permit it to authorize such waivers in appropriate cases. This Senate amendment is made because express statutory authority to grant "pass-through" waivers is preferable to an administrative interpretation. The Senate amendments also require the State Planning Agencies to assure that major cities and counties within the State receive planning funds.

AMENDMENT TO SECTION 204

The Senate amendment to section 204 is a technical amendment and is made to delete obsolete language.

AMENDMENTS TO SECTION 301(b)

The House amendments authorized funds granted for the purpose of constructing buildings or other physical facilities to be used for the additional purposes of renting or leasing such buildings or facilities. Renting and leasing of buildings and facilities is currently authorized by LEAA under provisions of the Act requiring States and localities to contribute 40 per cent of the cost of such projects. The effect of the House amendment, together with a related House amendment to section 301(c) of the Act, would be to require that the States and cities contribute 50 per cent of the cost of such projects. The Senate amendments deleted this amendment and the related amendment to section 301(c) to continue the more favorable matching arrangement.

The House and Senate both authorize action grants for the establishment of "Criminal Justice Coordinating Councils." The function of such councils is to provide improved coordination of all law enforcement activities; i.e., police, court corrections. The Senate amendments limit this to units of general local government or combinations of such units having a population of 250,000 or more.

The Senate amendments also authorize action grants for the development and operation of community-based correction facilities, half-way houses and the like. LEAA currently has this authority under other provisions of section 301(b). However, this amendment seeks to make express the intention of Congress in this section.

AMENDMENTS TO SECTION 301(c)

The House and Senate amendments make clear that the various matching requirements to Federal expenditures set forth in 301(c) apply only to block grants made under section 301 and not to discretionary grants made under section 306, which are covered by a matching formula in section 306.

The Senate amendments also (1) increase the Federal share of certain projects from 60 percent to 70 percent; (2) authorize LEAA to waive the matching requirements for action grants to Indian tribes or other aboriginal groups which cannot supply the requisite non-Federal funding; and (3) require that at least one-half of the non-Federal matching funds for any program or project shall be money, as opposed to donated services or property (or other forms of "soft match").

AMENDMENTS TO SECTION 301(d)

The House and Senate amendments change section 301(d) of the Act to complement section 301(c), as amended.

Section 301(d) is further amended to make clear that the personnel compensation limitations set out in the section apply only to restrict the use of grant funds for the payment of the salaries of police and other regular law enforcement personnel. Such a relaxation of the limitations on salary payments should provide the States and local governments a greater degree of flexibility in developing anticrime programs. It should also diminish the tendency to substitute requests for "hardware" for new programs whose effectiveness depends on personnel. It is intended that the use of block grant funds for the salaries of personnel whose primary responsibility is to provide assistance, maintenance, or auxiliary services or administrative support to the regular operational components of law enforcement agencies shall not be subject to the limitations set forth in section 301(d), nor would the section apply to salary support for personnel engaged in research and development projects or other short-term programs supported under a title I grant. Such salary support, however, would remain subject to the State and local matching fund requirements set forth in section 301(c) of the Act.

AMENDMENTS TO SECTION 303

The House amendments to section 303 require LEAA to find that a State's comprehensive plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence. The House amendments would also require that a State provide at least one-fourth of the non-Federal funding with respect to each program undertaken by its units of general local government with block grant funds.

The Senate amendments change the House amendments by requiring LEAA to find that a State's comprehensive plan provides for the allocation of an adequate share of *benefits* of assistance to areas characterized by high law enforcement activity to deal with the special law enforcement problems of such areas. The Senate amendments make it clear that where, for example, criminals from areas characterized by high law enforcement activity are regularly incarcerated in a State's corrections system, then a proportionate share of block grant funds expended by a State in its corrections programs will accrue to the benefit of these areas of high crime activity. The Senate amendments also make clear that the comprehensive plan must allocate an adequate share of the benefits of assistance not just to areas "of high crime incidence" but to areas "characterized by high law enforcement activity."

The Senate amendments eliminate the requirement that the State contribute at least 25 per cent of the non-Federal funding for local programs and projects. Most States are voluntarily increasing their financial commitments to the law enforcement assistance program to the extent that they can. The House amendments add an inflexible standard which may have the effect of requiring some States to withdraw from the program because of inability to meet the increased matching requirements.

The Senate amendments also change section 303(2) of the Act, which requires that 75 per cent of all action funds granted to a State planning agency must be passed through to local units of government by providing a flexible pass through.

Section 303(2) was included in the Act to reflect a finding by the Congress that approximately 75 per cent of total nationwide law enforcement expenditures by State and local governments is spent by local governments. This finding was based upon information developed by the President's Crime Commission and the Census Bureau showing total *nationwide* expenditures, not State-by-State breakdowns. An examination of individual States reveals that the 75 per cent pass-through formula does not reflect the State-local division of law enforcement expenditures in many States, and, in fact, is wholly inappropriate in a few States which bear very high portions of the total Statewide expenditures for law enforcement. The Senate amendments provide that the percentage of money passed through by each State to its units of local government will be in proportion to the law enforcement expenditures in that State.

AMENDMENTS TO SECTION 305

The Senate amendments in conjunction with amendments to section 306 are intended to eliminate obsolete language and to close an apparently inadvertent loophole in the House bill which could serve to seriously undermine the block grant mechanism.

The House bill provides that, if a State fails to have a comprehensive plan approved by LEAA or fails to apply for all of its allocated share of block grant funds, the unused portion of such funds shall revert to LEAA's discretionary fund program for distribution to cities within the State or to other States. The problem is created by the additional House amendment lowering the matching requirement for discretionary grants from the block grant level (40 per cent for most programs) to 10 per cent with discretion in LEAA to waive the 10 per cent requirement. The effect is to provide an incentive for States and cities to forego applying for allocated block grant funds in order that such funds shall revert to the discretionary fund and become available on a much more favorable matching basis. The result could be a widespread defection from block grant participation and a substantial increase in LEAA's direct categorical grant program. The Senate amendments preclude this undesirable development by providing that unused block grant funds shall revert to LEAA for distribution as block grant funds to other States, instead of as discretionary funds.

AMENDMENTS TO SECTION 306

The House and Senate Amendments make clear LEAA's authority to distribute at its discretion 15 per cent of action funds. These funds may be distributed to State planning agencies, units of general local government or combination of such units, as well as contractors or other appropriate grantees under the Senate amendments.

The House amendments would provide that the Federal share of discretionary grant programs could be up to 90 per centum and the Senate amendments provide that the Federal share could be up to 70 per centum. The Senate amendments recognize the need to increase the Federal share but at the same time require a substantial financial commitment by grantees.

The Senate and House amendments both allow LEAA to provide up to 100 per cent of the cost of Indian or other aborignial law enforcement programs. At present, most Indian tribes or other aboriginal groups do not have sufficient income to provide the required non-Federal share.

In addition, under the House amendments to section 301(d), limitations on the use of action funds for the compensation of personnel will not apply to discretionary grants. The Senate amendments make it clear that these limitations will apply to discretionary grants as well as to block grants. The Senate amendments also make the "one-half hard-match" requirement applicable discretionary grants. The result is that discretionary grants will be made on approximately the same terms as block grants.

AMENDMENTS TO SECTION 406

The House and Senate amendments to section 406 make a number of changes and additions to existing law under which the Administration today makes grants to colleges and universities for programs of academic assistance to improve and strengthen law enforcement. Such grants are for loans and grants for persons enrolled in law-enforcement studies—either persons already employed in law enforcement, or students desiring to pursue law enforcement careers.

The amendments conform the language in section 406(b), describing the types of degree and certificate programs that qualify under the loan provisions of the Act to the language of section 406(c) describing the programs that qualify under the grant provisions. It is intended that the applicable standards be the same in both cases.

The amendments to section 406(c) permit grant funds to be used for the purchase of books as well as for tuition and fees. This would permit participation in the grant program by students in States which provide free tuition and fees in State-supported colleges and universities.

The amendments also add a new subsection (d) authorizing LEAA to make loans and grants for persons employed or preparing for employment as full-time teachers of courses related to law enforcement. This would enable LEAA to help to relieve the present short supply of qualified teachers to staff the new and developing law enforcement degree programs. New subsection (e) would also authorize LEAA to make grants to develop and revise programs of law enforcement education and to develop curriculum materials, so that LEAA can exercise national leadership in this important area.

NEW SECTION 407

This new section is added to authorize the Administration to develop and support regional and national training programs, workshops and seminars to instruct State and local law-enforcement personnel in improved methods of law enforcement. Such training programs would be designed to complement the training activities of the State and local governments, and would be restricted principally to regional training programs and to training activities, such as organized crime training, which individual cities and States rarely are able to develop for themselves.

To date, LEAA has developed and funded 15 training projects for State and local personnel of operating law-enforcement agencies and personnel involved in law-enforcement planning. These projects, involving total awards of approximately $475,000, were funded through States, local governments, and private organizations, utilizing 15-percent discretionary funds appropriated under part C of the Act. The proposed amendment would enable LEAA to support a continuing training program from funds appropriated for that specific purpose, so that large sums of discretionary funds will not be diverted.

Section 407 also provides explicitly that LEAA's training activities will not duplicate the authority of the Federal Bureau of Investigation under section 404 of the Act.

NEW SECTION 408

This new section, which is added by the Senate amendments, would authorize LEAA to establish a permanent training program for attorneys from State and local governments engaged in the prosecution of organized crimes. The need for this training was recognized by the President's Commission on Law Enforcement and Administration of Justice which recommended that the Federal Government should conduct organized crime training sessions in such areas as prosecutive techniques.

NEW PART E

The House and Senate amendments add a new part E entitled "Grants for Correctional Institutions and Facilities." This part makes special provision for the development of new correctional facilities and the improvement of correctional programs. So-called correction institutions—jails, juvenile detention facilities and prisons have been neglected for generations and in the opinion of many experts have been a considerable factor in promoting confirmed criminality. The Congress is seeking to make express by Part E its intention to assist States and units of local government in this area. This intention is further expressed by Senate amendments which authorize in section 520 expenditures of $100 million in fiscal year 1971, $150 million in fiscal year 1972 and $250 million in fiscal year 1973 for Part E programs.

NEW SECTIONS 451 AND 452

Section 451 sets forth the purpose of this part—to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

Section 452 would require a State to apply for grants under this part by incorporating its application in the comprehensive State plan required for all law enforcement programs under the Act. The application would have to meet the regulations and criteria which section 454 authorizes LEAA to prescribe.

NEW SECTION 453

New section 453 authorizes LEAA to make a grant to a State planning agency if its application incorporated in the State's comprehensive State plan meets certain requirements as set forth in the following subsections:

Subsection (1) requires that the plan set forth a comprehensive Statewide program for the construction, acquisition, or renova-

tion of facilities and the improvement of correctional programs and practices.

Subsection (2) requires that satisfactory assurances be provided by the State planning agency that the control of funds granted and title to property derived therefrom shall be in public agency for the uses and purposes under this part and that such agency will administer those funds and that property.

Subsection (3) requires that the State planning agency provide satisfactory assurances that the availability of funds under this part will not reduce the amount of funds which normally would be allocated for correctional improvement programs under other provisions of this Act. This provision is intended to insure that the availability of funds under the new part E will not be used to reduce financial support for corrections-related programs under part C of the Act. The Senate amendments add a new subsection (4) which would require that satisfactory emphasis be given to the development and operation of community-based corrections facilities and the like.

Subsection (4) (House), (5) (Senate) requires that the State plan provide for advanced techniques in the design of institutions and facilities.

Subsection (5) (House), (6) (Senate) requires the State plan to provide, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis. Today, many States are too small to make special provision for such special types of offenders as women, the mentally ill, the sexual deviant, the long termers, and the violence-prone. This provision would require States sharing this problem to cooperate in the development of multi-State arrangements for the care and treatment of such offenders. Another problem involves the jails and juvenile detention facilities. It would not be feasible, nor can the Nation afford, to replace all of the existing unsatisfactory jails with correctional centers. In most States, it is possible for several counties, or for combinations of counties and cities, to use a central facility. This provision is intended to encourage such regionalized arrangements where possible.

Subsection (6) (House), (7) (Senate) requires that the State plan provide satisfactory assurances that the personnel standards and programs of correctional institutions and facilities reflect advanced practices. New facilities would be largely wasted unless they are staffed with qualified, well trained, and adequately paid personnel. The personnel standards to be observed, therefore, are essential to the improvement of corrections.

Subsection (7) (House), (8) (Senate) requires that the State plan provide satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities including those of probation, parole, and rehabilitation. This provision is intended to complement the requirements of subsection (6).

Subsection (8) (House), (9) (Senate) incorporates the same requirements for comprehensive State planning for corrections as are applicable for law-enforcement planning under section 303 of the Act except for the requirement in section 303(2) that the States pass-through to units of general local government a stated percentage of the Federal grant.

NEW SECTION 454

Section 454 authorizes the Law Enforcement Assistance Administration, after consultation with the Federal Bureau of Prisons, to promulgate basic criteria and regulations for applicants and grantees under this part. Among other matters, such regulations would embrace standards for the design and construction of facilities; personnel recruitment, qualifications, and training. Such regulations might also emphasize the desirability of community-based rehabilitation centers as an alternative to institutional confinement of offenders.

NEW SECTION 455

Section 455(a) provides for the manner in which funds shall be allocated by the Administration under part E.

The House bill allocated 50 per cent of correctional funds for block grants to States (not allocated according to population) and 50 per cent for discretionary grants to States or to local units. The Senate amendments allocate 85 per cent of such funds for block grants to the States according to population and 15 per cent for discretionary grants. The Senate allocation formula brings part E into accord with the allocation formula for part C action funds.

Section 455(a) also provides that any grants made under this section may be up to 75 per cent of the cost of the particular program or project.

Section 455(b) provides that if the Administration determines, on the basis of information available to it, that a portion of the funds granted to an applicant will not be required by the applicant or will become available because of a substantial failure to comply with the provisions of the Act, that portion may be reallocated to other applicants. This provision would insure that all of the funds appropriated under part E would be, in fact, used for the purpose of correctional improvement.

AMENDMENTS TO SECTION 505

The Senate amendments change the level of pay for the Administrator and Associate Administrators of LEAA to bring them more in line with other Federal agencies exercising similar authority.

AMENDMENTS TO SECTION 508

The Senate amendments to section 508 authorize LEAA to accept and utilize for title I purposes funds or property donated or transferred by other Federal agencies, States, local units of government, public or private agencies, educational institutions or individuals. Express statutory authority is necessary in order for Federal agencies to receive and utilize funds from any source other than Congressional appropriations. This authority will permit LEAA to accept gifts from outside sources in augmentation of its appropriation and use such gifts in carrying out its responsibilities under title I. Such authority is common among similar agencies conducting programs in which private financial participation is desirable.

AMENDMENTS TO SECTION 515

The House and Senate amendments change section 515 of the Act to authorize LEAA to expend by grant or contract funds appropriated for the purposes of the section. Section 515 authorizes LEAA to conduct evaluation studies of the programs and projects it assists, to collect, evaluate, publish, and disseminate statistical and other data on the condition and progress of law enforcement throughout the country, and to cooperate with and render technical assistance to States, units of local government, combinations of such States or units, or other public or private agencies, organizations or institutions in matters relating to law enforcement. The purpose of this amendment is to expressly provide grant authority to the Administration, thus clarifying the original intent of this section. In other words, the amendment should be interpreted retroactively.

AMENDMENTS TO SECTION 516

The House and Senate amendments to section 516(a) of the Act specifically authorize LEAA to pay the transportation and subsistence expenses of persons attending conferences or meetings in the District of Columbia or elsewhere. This provision was recommended by LEAA in connection with national and regional workshops sponsored by LEAA. The amendments anticipate that as a general matter State and local governments will be encouraged by LEAA to bear the travel costs of their own officials who participate in such conferences and meetings. It is also expected that the authority granted LEAA to contribute to such travel and subsistence costs will be prudently exercised. This amendment, like the amendment to section 515, is intended to clarify the intent of Congress in the 1968 Act, and is intended to be interpreted retroactively.

AMENDMENTS TO SECTION 517

The House and Senate amendments to section 517 of the Act authorize LEAA to appoint individual consultants as well as technical committees now authorized by the Act. Section 517, as amended, also would raise the maximum daily rate of compensation for such consultants and technical committee members from $75 to the daily equivalent for the rate of GS–18.

AMENDMENTS TO SECTION 519

Section 519 of the Act is amended by the House and Senate to change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31. This will permit LEAA's report submission date to coincide with that of the annual report of the Department of Justice, and will afford more time to LEAA to compile relevant statistics after the close of the fiscal year.

The Senate amendments also add a requirement that a special study be conducted and legislative recommendations be made to the President and Congress on the preservation of the integrity and accuracy of criminal justice data collection, processing and dissemination systems. One such system is the Project SEARCH system for electronic analyses and retrieval of criminal histories. Project SEARCH is a multi-State effort and is financed by LEAA and the participating States. A report on the security and privacy considerations in SEARCH has recently been completed by the Project SEARCH Committee on Security and Privacy.

AMENDMENTS TO SECTION 520

The House and Senate amendments to section 520 authorize appropriations for fiscal years 1971, 1972 and 1973. The Senate authorized appropriations up to $650 million for fiscal year 1971; $1.15 billion for fiscal year 1972; and $1.75 billion for fiscal year 1973. This differs from the House in that $100 million of the $650 million in fiscal 1971 is earmarked for Part E and $150 million is added in fiscal 1972 and $250 million is added in fiscal 1973 for the purposes of Part E.

Both the Senate and House provide that funds appropriated for any fiscal year may remain available for obligation until expended. At present, funds not obligated by the end of the fiscal year revert to the Treasury. Experience has indicated that an appropriation by Congress at a time well into the fiscal year may cause hasty judgments to be made by Federal agencies in trying to spend all appropriated funds by the close of the fiscal year. The provision is intended to serve as a safety valve in such a situation.

The Senate amendments also delete the House authorization language requiring that at least 25 percent of LEAA's appropriated funds be allocated for corrections, including probation and parole, and substitutes specific authorizations for the new correctional construction and improvement program. The Committee believes this approach to be a preferable method of emphasizing the need for increased correctional activity, particularly in view of the inflexibility and difficulty of enforcement of the House provision.

AMENDMENTS TO SECTION 521

The Senate and House amend section 521 to require that all recipients of assistance under the Act, whether by direct grant or contract from LEAA, or by subgrant or subcontract from primary grantees or contractors shall keep such records as LEAA shall prescribe. As amended, section 521 also requires that such recipients shall make their records accessible to LEAA and the Comptroller General of the United States for the purposes of audit and examination.

AMENDMENTS TC SECTION 601

The Senate and House amendments to section 601(a) expand on the definition of "law enforcement" to show that it includes but is not limited to police efforts, activities of criminal courts and related agencies and the activities of corrections, probation and parole authorities. In addition, the Senate amendments provide that law enforcement includes but is not limited to problems relating to the prevention, control or reduction of juvenile delinquency or narcotic addiction.

The House and Senate amend section 601(d), which defines "unit of general local government," to make clear that any agency of the District of Columbia government comes within the definition. It also makes clear that funds appropriated by the Congress for the activities of such agencies in the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

The Senate amendments add additional language to the House amendments to make it clear that Federal agencies and instrumentalities performing local law enforcement functions in the District of Columbia are eligible for title I assistance and may use their regularly appropriated funds to provide the necessary non-Federal contribution to the costs of programs in which they participate. Such agencies include the United States District Court and Court of Appeals for the District of Columbia and the United States Attorney's Office. These amendments appear necessary inasmuch as the District of Columbia is included within the definition of a "State" under the Act and is authorized to receive and dispense funds as a State.

NEW PART H

The Senate amendments add a new Part H to the Omnibus Crime Control and Safe Streets Act of 1968 setting forth criminal penalties for theft, embezzlement, misapplication or fraudulent use of title I funds, for misrepresentation or false statements in applications for title I funds or in records required to be maintained under title I and for conspiracy to defraud the United States. These criminal penalties shall be applicable in the case of any of the enumerated offenses involving funds or property which are the subject of any form of assistance under title I. Thus, offenses involving funds or property in the hands of direct recipients from LEAA are punishable as are offenses involving funds or property in the hands of subgrantees or subcontractors.

The general Federal Criminal Laws such as 18 U.S.C. 1001, dealing with false and fraudulent statements, and 18 U.S.C. 371, dealing with conspiracies to defraud the United States, apply to LEAA program without the addition of new part H. New part H is added only to make clear the application of these provisions.

NEW PART I

The Senate amendments add a new Part I to the Safe Streets Act requiring the Attorney General to submit an annual report to the President and Congress on the anti-crime activities of the Federal Government. One of the purposes of the amendment is to promote overall coordination of Federal anti-crime programs.

AMENDMENTS TO OTHER LAWS

The House amendments to 5 U.S.C. § 5108 authorized LEAA to place 15 additional positions at the GS–16, 17 and 18 level. The Senate amendments authorized 25 such positions in order to enable LEAA to complete its staff with personnel possessing the necessary experience and qualifications, particularly in view of the expanded activities authorized by other amendments in the Bill. The Senate amendments also raise the status of the Deputy Attorney General position from level III of the Executive Schedule to level II of the Executive Schedule.

NEW LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE

The Senate amendments establish a new program under which the Federal Government would be authorized to pay up to one-third of the cost of providing life insurance for every law enforcement officer in the country.

The program is patterned after the Serviceman's Group Life Insurance Program and would be administered by the Federal Government. Each participating officer will be entitled to coverage in the amount of his annual salary plus $2,000 rounded to the next highest thousand, with a minimum coverage of $10,000. He would be covered on or off the job and would receive double indemnity for accidental death. There would also be coverage for loss of limb or eyesight. There would be a uniform premium for all officers everywhere.

The Committee amendment provides for the retention of existing group life insurance plans with a Federal contribution where the police officers prefer that to the Federal group plan. It provides an opportunity for the officers themselves to decide whether the existing plan or the Federal Government plan offers them a better combination of costs and benefits.

LEAA MANAGEMENT

Mr. McCLELLAN. Mr. President, the committee has revised the changes made by the House bill in the management provisions of title I. The House bill abolished altogether the three-member Administration—the so-called troika—under which LEAA has operated since its inception, and substituted a single Administrator to exercise all title I powers. The committee bill retains the troika and the concept of shared responsibility, but designates the Administrator as the executive head of the agency to exercise all administrative management authority and provides that all substantive powers shall be exercised by the Administrator with the concurrence of either one or both Associate Administrators. The provision removes the existing requirement that all three members must concur on proposed actions. The committee substitute, therefore, retains the broad concept and the principle of "check and balance," but no longer runs the risk of stalemate. These changes, I believe, are sufficient to assure the operational and management efficiency of LEAA without running the danger, in a program involving national impact on police power, of placing too much authority in any one man.

As enacted in 1968, the act placed LEAA under the general authority of the Attorney General. The language is retained in the committee revision of the management provisions of the act. Nevertheless, I think it is appropriate at this point to set out more particularly the relationship between the Attorney General and LEAA and to indicate my misgivings about the testimony on this point during the hearings by the Criminal Laws Subcommittee.* Their testimony revealed that officers of the Department of Justice may have involved themselves in the day-to-day operations of the LEAA program to a greater degree than was contemplated by the act.

Mr. President, the 1968 act created LEAA as a separate Agency within the Department of Justice and vested in it all of the operational and administrative authority necessary to enable it to accomplish the purposes of title I of the act. I would have preferred to see the Agency wholly independent. I wanted it to be free of politics and free of the appearance of politics. But I relented. The buck must stop somewhere, and someone has to be the chief law enforcement officer of the Nation. Consequently, it was not to be wholly independent of the Attorney General. It was to be subject to the general authority of the Attorney General. But in its day-to-day operations, the Agency should still function as an independent entity with all necessary powers—grantmaking, contracting, rulemaking, and administrative management authority, for example—derived from express statutory grants.

The general authority of the Attorney General over LEAA empowers him to set major policy guidelines within which the Agency would function, and where necessary, to resolve major disputes between the Chief Administrator and the Associate Administrators. But neither he nor any other officer of the Department of Justice should attempt to become involved in the day-to-day functions of LEAA. The LEAA program is not just one more division in the Department headed by an Assistant Attorney General. To emphasize this, the committee bill raises the status of the Administrators. The special relation LEAA has to the States and local government and the wide impact of its policy decisions for the Nation's law enforcement officers and our overall system of criminal justice make it unique. Too much is at stake to forget this. Congress has spelled out quite precisely what this Agency may do and what it may not do—unlike the divisions or bureaus within the Department. LEAA is subject to the Attorney General, but in its own special way and for its own purposes. Otherwise, the establishment of the three-member Administration would prove to be an exercise in futility and the word "general," describing the authority of the Attorney General over LEAA, might as well be left out.

PLANNING FUND ALLOCATION TO LOCAL UNITS

The committee bill includes a provision requested by the Department of Justice authorizing LEAA to waive the requirement in section 203(c) of the act that at least 40 percent of all planning funds granted to a State be passed through to local units within the State. This provision would enable LEAA to approve a more realistic pass-through formula in a few States in which the local units have very little law enforcement responsibility and hence no need for a full 40 percent of the State's planning funds. The House

* See Senate Hearings 508, 515.

omitted this amendment and a companion amendment authorizing LEAA to waive the 75-percent pass-through requirement applicable to action funds because it felt that LEAA could interpret existing provisions of the act to permit it to authorize such waivers in appropriate cases. The Senate committee felt that express statutory authority to grant pass-through waivers is preferable to an administrative interpretation. Accordingly, it added the amendment.

MATCHING REQUIREMENTS

The committee modified the provisions of the act which set forth the limitations on the percentages of the cost of various programs that may be paid from Federal funds. The committee bill raises from 60 to 70 percent the percentage of Federal funding for most LEAA programs. The experience of LEAA has indicated that the local matching requirement will become a serious problem for most States should it remain at its present rate of 40 percent for most programs. In addition, there is a clear and pressing need to put more funds into the criminal justice system. Lowering the requirement to 30 percent will afford substantial relief and will diminish the extent to which the States must rely on counting the value of donated goods and services, rather than money, to make up the non-Federal share of program costs. In this regard, the committee included a requirement that at least one-half of the non-Federal share of the cost of any program or project shall be money appropriated expressly for the shared funding of such program or project. This provision should work to guarantee that these new Federal funds will, in fact, draw new State and local funds into the criminal justice system and avoid the real danger that Federal funds will merely replace State and local funds in financing the present system.

The committee also included in section 301(c) and section 306 a provision authorizing LEAA to waive the matching requirements for block or discretionary action grants to Indian tribes or other tribal groups which cannot supply the requisite non-Federal funding. Indian tribes and Eskimo groups have severe law enforcement deficiencies and in many cases have no funds to pay any part of the cost of improvement programs. Although the House bill relaxes matching requirements for discretionary grants, affording one avenue of direct LEAA relief for Indian tribes, the committee believes that the law enforcement problems of Indian tribes should be dealt with primarily in the context of the block grant programs of the States in which they are located. To permit this, the Senate bill permits the block grant matching requirements to be waived specifically to accommodate Indian tribes and to encourage their inclusion in the comprehensive action grant plans of the States.

SALARY SUPPORT

The committee bill amends section 301(d) to make clear that the personnel compensation limitations set out in the section apply only to restrict the use of grant funds for the payment of the salaries of police and other regular law enforcement personnel. Such a relaxation of the limitations on salary payments should provide the States and local governments a greater degree of flexibility in developing anticrime programs. It should also diminish the tendency to substitute requests for hardware for new programs whose effectiveness depends on personnel. It is intended that the use of block grant funds for the salaries of personnel whose primary responsibility is to provide assistance, maintenance, or auxiliary services or administrative support to the regular operational components of law enforcement agencies shall not be subject to the limitations set forth in section 301(d), nor would the section apply to salary support for personnel engaged in research and development projects or other short-term programs supported under a title I grant. The House bill included an identical provision.

ACTION FUNDS FOR LOCAL UNITS

The bill amends section 303 of the act by requiring that approval by LEAA of a State plan for law enforcement must be based on a finding that a State's comprehensive plan provides for the allocation of an adequate share of the benefits of assistance to areas characterized by high law enforcement activity to deal with the special law enforcement problems of such areas. This is one of the provisions of the bill designed to benefit primarily the cities and other areas with abnormally severe law enforcement problems. The amendment makes it clear that each State plan must provide for the allocation of an adequate share of the benefits, rather than funds, to areas characterized by high law enforcement activity. Thus, the benefits accruing to such areas from State-supported programs should be considered in determining compliance with the requirement.

Where, for example, criminals from cities characterized by high law enforcement activity are regularly incarcerated in a State's corrections system, then a proportionate share of block grant funds expended by a State in its corrections programs will accrue to the benefit of these cities. The amendment also makes clear that the areas entitled to this special emphasis would be those areas with particularly serious law enforcement problems, but not necessarily those with the highest incidence of reported crime. Such problems would include, of course, high reported crime as well as high arrest activity, congested court calendars, or crowded correctional facilities. The comparable House language was susceptible to the construction that "dollars and cents" were to follow "reported offenses." In contrast, the Committee language seeks to direct the benefit of Federal assistance to the special problems of the overall system without running the risk of creating statistical crime waves as a means of obtaining Federal funds and distributing such funds without a balanced consideration of the needs of all aspects of the criminal justice system.

THE STATE "BUY-IN"

The committee deleted the House amendment requiring each State to contribute at least 25 percent of the non-Federal funding for local programs and projects, the so-called buy-in provision. All of us are, of course, sympathetic to the proportion that the States should increase their financial commitments to the law enforcement assistance program. Nevertheless, most States are now doing so voluntarily. In addition, I, for one, do not wish to see an inflexible standard included in the act now which might have the effect of requiring some States to withdraw from the program because of inability to meet the increased matching requirements. Fifteen State planning directors have informed the committee that should this requirement be in the final form of the act now, it is their judgment that their States will not be able to participate in the program. This is testimony that we should not ignore.

ACTION FUNDS FOR LOCAL UNITS

The committee added new language to section 303(2) of the act, which now requires each State to make available to local units at least 75 percent of its block action grant funds each year. This has been a troublesome and unfair requirement in States that bear significantly more than 25 percent of total statewide law enforcement expenditures. The 75-percent figure was based on the estimate of the President's Crime Commission in 1967 of the ratio of Federal, State, and local expenditures. An examination of individual States reveals that the 75-percent pass-through formula does not reflect the State-local division of law enforcement expenditures in many States, and, in fact, is wholly inappropriate in a few States which bear very high portions of the total statewide expenditures for law enforcement.

The committee believes that enforcement of the existing pass-through requirement in all States uniformly does not achieve the appropriately balanced allocation of funds between the State and its local units as required by section 303(3) of the act. The amendment substitutes, therefore, a flexible pass-through formula which provides that each State shall make available to local units a portion of its block grant that corresponds to the portion of total statewide law enforcement expenditures for the preceding fiscal year which was expended by local units. Under this formula, the division of title I block grant funds between the State and its local units will follow exactly the ratio of State-local contributions to statewide law enforcement expenditures for the preceding year, and thus, will reflect from year to year any significant increases during the year before in the contributions of either the State or its local units. This provision should result in fair treatment for all without involving the grant of objectionable discretion to anyone.

DISCRETIONARY GRANTS

The committee bill modifies substantially the House amendment to section 306 of the act dealing with discretionary

grants. The changes are designed to spell out expressly the authority of LEAA to make discretionary grants and the limitations applicable to them. In general, the same limitations applicable to block grants under section 301 are made applicable to discretionary grants. Thus, the personnel compensation limitations are made applicable, and the share of the cost of programs and projects that may be paid from Federal funds is limited to 70 percent, the limitation applicable to most block grant programs. The Administration could make 100 percent grants only to Indian tribes or other aboriginal groups, as is the case with block grants, noted above. And at least one-half of the non-Federal funding for all discretionary programs and projects would have to be of money, as distinguished from donated goods or services.

EDUCATIONAL GRANTS

The bill makes a number of changes and additions to existing law under which LEAA makes grants to colleges and universities for programs of academic assistance to improve and strengthen law enforcement. Such grants are for loans and grants for persons enrolled in law-enforcement studies—either persons already employed in law enforcement, or students desiring to pursue law-enforcement careers. One change would permit grant funds to be used for the purchase of books as well as for tuition and fees. This would permit participation in the grant program by students in States which provide free tuition and fees in State-supported colleges and universities. Another change would authorize LEAA to make loans and grants for persons employed or preparing for employment as full-time teachers of courses related to law enforcement. This would enable LEAA to help to relieve the present short supply of qualified teachers to staff the new and developing law-enforcement degree programs. A final change would authorize LEAA to make grants to develop and revise programs of law-enforcement education and to develop curriculum materials, so that LEAA can exercise national leadership in this important area. All of these amendments are included in the House-passed bill.

REGIONAL AND NATIONAL TRAINING PROGRAMS

The bill adds two new sections to title I authorizing LEAA to expand its training, authorize the development and support of regional and national training programs, workshops, and seminars to instruct State and local law-enforcement personnel in improved methods of law enforcement. Such training programs would be designed to complement the training activities of the State and local governments, and would be restricted principally to regional training programs and to training activities, such as organized crime training, which individual cities and States rarely are able to develop for themselves.

The second new section would authorize LEAA to establish a permanent training program for attorneys from State and local governments engaged in the prosecution of organized crimes. The need for this training was recognized by the President's Commission on Law Enforcement and Administration of Justice which recommended that the Federal Government should conduct organized crime training sessions in such areas as prosecutive techniques.

CONSTRUCTION OF CORRECTIONAL FACILITIES

One of the most significant provisions in the bill adds a new part E to title I authorizing LEAA to establish a new matching grant program to improve correctional facilities and techniques. Of all the activities within the criminal justice process, corrections appears to offer the greatest potential for significantly reducing crime. Ironically, it has been the most neglected component of the system, principally because of the very high cost of building or renovating prisons and other correctional facilities. The availability of part C action funds has not greatly helped to reduce this accumulated backlog of construction needs because of the competing demands for other law-enforcement programs. Under the amendment, grant funds specifically earmarked for planning and implementation of correctional construction and renovation programs and facilities would be distributed to the States and localities. Because of the high cost of such programs, the Federal share would be up to 75 percent, instead of the 50-percent limit for construction now contained in part C of the act. The committee believes that this program can make substantial headway in reducing the social and economic cost of crime committed by repeaters.

ADMINISTRATIVE PROVISIONS

The bill makes a number of changes in the administrative provisions of title I designed to increase the operational efficiency and staff capability of LEAA. I shall mention only the most significant.

Sections 515 and 516 of the act are amended to make it clear that LEAA has grant authority under section 515—the provision under which LEAA renders technical assistance to States and cities—and that title I funds may be used to pay transportation and subsistence expenses of persons attending technical assistance conferences and other such meetings. I think it is certain that Congress originally intended LEAA to have that authority. But there is some question as to whether the language of the 1968 statute was sufficient in that regard. The amendments clarify this possible ambiguity and are intended to apply retroactively—that is, to establish the fact that LEAA has had this authority since its inception.

Similarly, section 521 is amended to make it clear that LEAA has the authority—and always has had the authority—to require indirect recipients of title I funds to keep prescribed books and records and to make them available for audit and examination.

AUTHORIZATION OF FUNDS

The bill authorizes the appropriation of up to $650 million for fiscal year 1971; $1.15 billion for fiscal year 1972; and $1.75 billion for fiscal year 1973. Of such funds, $100 million in fiscal 1971, $150 million in 1972, and $250 million in fiscal 1973 shall be used for the purposes of part E. Funds appropriated for any fiscal year may remain available for obligation until expended. At present, funds not obligated by the end of the fiscal year revert to the Treasury. Experience has indicated that an appropriation by Congress at a time well into the fiscal year may cause hasty judgments to be made by Federal agencies in trying to spend all appropriated funds by the close of the fiscal year. The provision is intended to serve as a safety valve in such a situation.

THE DISTRICT OF COLUMBIA

The bill amends the definition of "unit of general local government" to make it clear that any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia is eligible for title I funds. It also makes clear that funds appropriated by the Congress for the activities of such agencies in the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title. These amendments appear necessary, inasmuch as the District of Columbia is included within the definition of a "State" under the act and is authorized to receive and dispense funds as a State. However, much of the responsibility for local law enforcement in the District is borne by Federal agencies, such as the U.S. District Court, the U.S. Court of Appeals and the U.S. Attorney's Office. It is difficult to imagine a comprehensive effort to improve law enforcement in the District of Columbia which does not include these agencies. It is important to understand that these agencies are included merely to establish their eligibility for title I funds. However, since they are not technically units of government—that is, they have no general political jurisdiction—they should not be considered local units of government for all purposes of title I. Hence, those provisions of the act which are logically applicable to States and their political subdivisions—such as, for example, the pass-through provisions in sections 203 and 303 and the "half-hard match" provisions in sections 301 and 306—would not be applicable in the District of Columbia.

CRIMINAL PENALTIES

Finally, the bill adds a new part H to the Omnibus Crime Control and Safe Streets Act of 1968 setting forth criminal penalties for: First, theft, embezzlement, misapplication or fraudulent use of title I funds; second, for misrepresentation or false statements in applications for title I funds or in records required to be maintained under title I, and third, for conspiracy to commit such offenses or to defraud the United States—either under the block grant or discretionary grant programs. These criminal penalties shall be applicable in the case of any of the enumerated offenses involving funds or property that are the subject of any form of assistance under title I. Thus, offenses involving funds or property in the hands of direct recipients from LEAA are punishable on the same basis as are offenses involving funds or

property in the hands of grantees or subgrantees, contractors or subcontractors. These criminal penalties have been added out of an abundance of caution, since it seems clear that provisions of present law already cover some or all of these acts.

Mr. President, before we consider any amendments that may be offered, I would like to make this observation. This is a new agency of government. It has been established for only two years. Up to now only two full years have passed since the statute was enacted and this agency created. During that period of time there has been a change in administration and, therefore, a change in administrative personnel.

This agency is in its infancy. It has great potential for good in the field that it is involved in. It is my hope, and I say this as one who strongly supports this measure and strongly supports the objectives of the LEAA program, that Senators will recognize that this is an infant agency, that it is just getting organized and just getting into a position where it can really function. I would hope we will be considerate and not undertake at this time to load it down with increased responsibilities and expanded programs until it has had what might be termed a shakedown run and gotten into a position to give, let us say, more efficient program administration. That is no reflection on those who are undertaking to administer the program.

What I am saying is: let us keep it in the realm of productiveness. Now, as it goes forward and administers some of these programs successfully and demonstrates the benefits that flow from them, we can expand the program, increase the funding, and thus get a good return on the money we spend.

I am hoping we will do this. As I have said, there are opportunities for expanding the program. There will be a need for expanding it. Meritorious amendments can be offered that in time—and I hope soon—can be accepted, and should be accepted, the additional functions and activities effectively administered, and the administrative officials of that agency authorized to carry them out.

But I would hope we would not overload it and thus possibly waste some money and cause a lack of good administration, or contribute to the lack of effective administration, until this agency gets its muscles, so to speak, and is able effectively to carry out the intent of Congress in enacting the LEAA program.

Mr. HRUSKA. Mr. President, in the 2 years of its existence, the Law Enforcement Assistance Administration program already has made a number of notable contributions to our national life.

The LEAA program was created by title I of the Omnibus Crime Control and Safe Streets Act of 1968. Both the critics and supporters of the LEAA program might do well to take a fresh look at the words in the title of the act.

Title I clearly calls for moving at last to resolve one of this nation's grimmest problems. Crime is a horrible fact of life in the United States today, and each year victims of crime number in the millions.

We do indeed want to control crime and make the streets safe once again. But we want to do more than make the streets alone safe. The LEAA program is designed to bring a high measure of security for citizens wherever are are—in the streets, in their homes, in the places where they work. It also is designed to reduce the fear of crime, which can be so debilitating, by reducing the incidence of crime.

The reduction of crime is a complicated matter. First, there must be more policemen—and they must be both better trained and better equipped than they have been in the past. The court system must provide speedy and fair trials. The corrections system must rehabilitate offenders. In short, the LEAA program seeks to reduce crime by the improvement and reform of the entire criminal justice system.

As with any Government service—whether it be at the local, State, or Federal level—adequate funds must be available to carry out needed programs. For scores of years, criminal justice agencies have been forced to operate with inadequate budgets. This is the major purpose of the LEAA program—to give financial assistance that will give law enforcement and criminal justice the tools to do a better job.

It its first year of operations, in fiscal 1969, LEAA's budget was small—only $63 million. In fiscal 1970, it grew to $268 million. For the current fiscal year, a $480 million budget has been proposed. With this level of funding, the program can now begin to make a real impact, putting large sums of money where it is needed to make substantial inroads on crime.

The problem of crime control might be relatively simple if only more funds were involved, but the matter is more complex.

By and large, criminal justice agencies also have been plagued with lack of advance planning and lack of coordination.

It is in these areas that the LEAA program has made what may be its most significant contribution to date.

Before LEAA was created, there was no nationwide crime control program. Agencies in every major component of criminal justice usually went their own separate ways, and frequently had to scramble merely to keep abreast of things. To make it worse, the major components of the system—police, courts, and corrections—usually did not work together, and often had no real idea of what the others were doing. Cooperation between and among States also was sadly lacking.

But in the 2-plus years since LEAA began, all that has changed. In a remarkably short period of time, a nationwide crime control program has become a reality. Every State has set up a top-level planning agency, working with its units of local government to both plan and then initiate a wide variety of criminal justice improvement programs.

Within each State, the police and courts and corrections agencies are becoming coordinated—making a real system that really functions. Beyond that, States are cooperating with each other in a variety of ways—including creation of organized crime programs and a unique system, called Search, for quick retrieval by computer of offender records.

My point is this: Little more than 2 years ago, many persons wondered, with some justification, if a national crime control program could be created. Now it has been done, and the benefits already are substantial. If an adequate level of funding is reached, if the program can be made to function even more efficiently, then I think we will rapidly approach the day when our country will indeed be much safer—for all of its citizens.

The administration of the LEAA program—both by LEAA itself and by State and local governments participating in it—will, I believe, be made more productive by the bill now before the Senate for consideration. I would like to turn now to a discussion of the bill.

The Omnibus Crime Control and Safe Streets Act as enacted in 1968 authorized appropriations for only fiscal years 1968, 1969, and 1970. The pending bill, H.R. 17825, arose out of the need to provide LEAA with further funding authorizations. The bill, as reported by the Committee on the Judiciary, authorizes expenditures of $650 million for fiscal year 1971, $1.15 billion for fiscal year 1972 and $1.75 billion for fiscal year 1973. The bill also makes a number of substantive changes in the present act designed to strengthen the LEAA program. The bill is a substitute for the House-passed version. However, many of the provisions of the House bill have been retained.

The major provisions in the reported bill in addition to authorizing appropriations for the next 3 fiscal years would amend the Safe Streets Act to:

Reorganize the Administrative Management of the Law Enforcement Assistance Administration.

Revise the planning fund pass-through requirements.

Relax the matching requirements for certain block and discretionary grant programs.

Relax in certain areas the restrictions on the use of grant funds for the salaries of law enforcement personnel.

Specify that each State must allocate an adequate share of the benefits of block grant funds under part c of title I to areas characterized by high law enforcement activity.

Change the provisions under which a part of each State's block action grant must be made available to local units.

Expand the law enforcement education program.

Establish a new program for the construction, acquisition, and renovation of correctional facilities and programs.

Provide for numerous changes in the administrative provisions in order to enable LEAA to increase its operational efficiency and staff capability.

In addition, the bill reported by the committee would:

Establish federally subsidized life insurance for every State and local government law enforcement officer in the country;

Provide certain criminal penalties for misconduct arising out of the use of LEAA funds.

Provide for an overall Attorney General's Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities, which "would bring together information from crime control and related programs throughout the Government."

I would now like to discuss specific amendments in the bill reported by the Committee and note the differences between the pending bill, the present act and the House bill.

ADMINISTRATIVE MANAGEMENT OF LEAA

Under the present legislation, all the powers, duties and functions of the Law Enforcement Assistance Administration are vested in an administrator and two associate administrators. The House bill abolished this "troika" arrangement and substituted a single administrator. The Judiciary Committee bill retains the "troika" for all substantive powers while designating the administrator as the executive head of the agency to exercise all administrative management authority. The bill provides that action may be taken on substantive matters by 2 members, so long as one concurring member is the administrator.

WAIVER OF PLANNING FUND PASS-THROUGH REQUIREMENT

The Senate amendments have inserted a provision requested by the Department of Justice authorizing LEAA to waive the requirement in section 203(c) of the act that at least 40 percent of all planning funds granted to a State be "passed through" to local units within the State. The House Committee Report stated that the committee omitted this amendment and a companion amendment authorizing LEAA to waive the 75 percent "pass-through" requirement applicable to action funds because it felt that LEAA could interpret existing provisions of the act to permit it to authorize such waivers in appropriate cases. The Senate Committee added the requested provision because it felt that express statutory authority to grant "pass-through" waivers is preferable to an administrative interpretation.

The Senate amendments would permit LEAA, in its discretion, to waive the requirement in section 203(c) of the act that each State planning agency assure that at least 40 percent of all planning funds granted to it by LEAA for any fiscal year "will be made available" to local governmental units within the State to permit such units to participate in the formulation of the State's comprehensive law enforcement plan. The legislative history of this provision indicates that the 40 percent local availablity provision law was included to reflect the fact that most of the crime in the country is concentrated in the large cities and the fact that the bulk of law enforcement expenditures in the country is made by cities and other local units. While the act was intended to emphasize central statewide planning for criminal justice reforms, it was felt that a significant portion of each State's planning funds should be passed on to local units to enable them to contribute to the development of a comprehensive plan adequately reflecting local needs, particularly the needs of the large cities. The experience of LEAA has been that, while the 40 percent local availability requirement is appropriate in most States, in a few States it is inappropriate and works to the detriment of effective comprehensive planning. In these States, where the State law enforcement commitment is inordinately heavy, it would seem inappropriate to make large sums of planning funds available to local units which have little or no law enforcement responsibility. In other small States, the total annual planning grants, which are based generally upon population, are relatively small. In these States, the local 40-percent share of planning funds, when divided among the many local units entitled to participate, will not support effective planning efforts. In such a case, a central planning effort, with all local units represented on the State planning agency or its advisory committees, would seem to be a much more effective way of developing a comprehensive statewide plan.

The proposed amendment would permit LEAA to waive the local availability requirement in appropriate cases such as those described above, and permit the State planning agencies in such States to provide central planning services for the local units within the States in lieu of making a share of planning funds available to them. Such a waiver would be authorized only where a State planning agency could show that strict adherence to the local availability requirement would not contribute to the efficient development of the required comprehensive State plan. LEAA would issue regulations prescribing the limits within which its waiver discretion would be exercised and the documentation and other material that would be required from a State planning agency in support of a request for a waiver. It is anticipated that only 6 or 8 States would qualify for a waiver and all waivers would be partial; that is, the "local availability" share would be reduced, not removed altogether.

In addition the Senate amendments require that in allocating funds under this subsection, the State planning agency in each State shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate action programs at the local level. The purpose of this provision is to require that planning funds pass through beyond the regional planning level to major local population centers. This requirement may be modified where LEAA authorizes the waiver of the 40-percent pass through requirement. What constitutes a major city or county under the amendment is open for administrative determination by LEAA but I anticipate that it would consist at a minimum of the cities and counties within the Standard Metropolitan Statistical Areas—SMSA.

MATCHING

The committee bill increases the Federal match for many block grant programs from 60 to 70 percent. There was no similar provision in the House bill. Similarly the committee raised the Federal share of all discretionary grant programs to 70 percent. The House bill would increase the Federal share to 90 percent for discretionary grants. The Senate provision is more desirable than the House amendment, I believe, because it recognizes that States and units of local government have difficulty supplying the needed matching funds but at the same time recognizes the need for the States and units of local government to make a substantial financial commitment to action programs. Furthermore the Senate amendments will have a greater impact on reducing the financial burden of the States and cities because the increased Federal share applies to both block and discretionary grants.

The proposed bill also recognizes that many Indian tribes which encounter severe law-enforcement problems have little or no funds to provide the non-Federal match. The committee amendments will allow LEAA to pay up to 100 percent of the cost of block and discretionary grant programs carried out by Indian tribes who qualify for assistance under the Safe Streets Act. This is a significant improvement over the House bill which would allow 100-percent payments for Indians only under discretionary grants.

SALARY SUPPORT

Funds granted by LEAA from money appropriated for the purposes of part C are available for salary supplements under existing law subject to the limitations of section 301(d) of the act. The committee bill has included some relaxation of these limitations in its amendments to the act and these amendments are also in H.R. 17825 as passed by the House. These amendments would exclude law-enforcement personnel engaged in research and development projects, demonstration projects, or other short-term innovative functions supported with action grants under part C of the act from the salary support limitations of section 301(d). These amendments would exclude in the same manner administrative, maintenance, and other nonoperational personnel from the limitations of section 301(d) of the act.

In the Senate debate on section 301(d) of the Safe Streets Act in 1968 I opposed the use of grant funds to supplement the salaries of operational, as opposed to nonoperational, law-enforcement personnel because of the possibility that large-scale Federal support of State and local police could lead to undue State and local dependence on Federal funds for this important function and to Federal domination of law enforcement throughout the country. That situation has not yet developed, although the possibility is still there. These new amendments do not create that problem because they apply primarily to short-term programs or nonoperational personnel. These amendments are desirable because they would increase the flexibility of the States and units of local government in developing new anticrime programs, thus decreasing the emphasis in some areas on hardware.

ALLOCATION OF AN ADEQUATE SHARE OF BENEFITS TO AREAS OF HIGH CRIME INCIDENCE

H.R. 17825, as passed by the House, proposes to amend section 303 of title I of the Safe Streets Act to provide that—

No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

The committee bill revises that language to read—

No State plan shall be approved as comprehensive unless the Administration finds that the State plan provides for the allocation of an adequate share of the *benefits of assistance to areas characterized by high law enforcement activity* to deal with the special law enforcement problems of such areas.

The committee bill is preferable to the House in this instance because it provides for the allocation of the benefits of assistance, not dollars necessarily, to heavily burdened areas. It makes clear that where, for example, criminals from areas characterized by high law enforcement activity are regularly incarcerated in a State's correction system, a proportionate share of block grant funds expended directly by a State in its correctional programs accrue to the benefit of those areas of high crime activity.

In addition, in many States the corrections and court systems are statewide systems and must be dealt with at the State level. If a greater portion of LEAA funds go to the cities, which are generally the areas of "high crime incidence," more money will be spent on police operations and less on corrections and courts. Yet it has been recognized by many, including the urban coalition in its recent report, "Law and Disorder II," that more LEAA funds should be spent on courts and corrections and less on police operations. Under the Senate amendments it is clear that more money can be spent on corrections and courts by the States because the "benefits" of this spending will accrue to the cities in partial satisfaction of the responsibility of the States to see to the adequate funding of the cities.

Finally, the House amendments to section 303 could generate a statistical crime wave, with certain areas inflating the number of reported crimes in order to qualify for more funds. However, the Senate amendments make it clear that the areas entitled to special emphasis would be those areas with particularly serious law enforcement problems and not necessarily those areas with the highest incidence of reported crime.

FLEXIBLE PASS-THROUGH AMENDMENT

The committee bill amends section 303(2) of title I of the act by providing a flexible pass-through arrangement in lieu of the present requirement that 75 percent of all action funds granted to a State planning agency must be passed through to local units of government.

Section 303(2) originally was included in the act to reflect a finding by the Congress that approximately 75 percent of total nationwide law enforcement expenditures by State and local governments is spent by local governments. This finding was based upon information developed by the President's Crime Commission and the Census Bureau showing total nationwide expenditures, not State by-State breakdowns. The 75-percent pass-through formula is not representative of the State-local division of law enforcement expenditures in many States. The flexible pass-through amendment provides that the percentage of money passed through by each State to its units of local government will be in proportion to the law enforcement expenditures by the units of local government in that State for the preceding fiscal year. Expenditures for corrections, police operations and the courts will be considered.

The purpose of the committee in providing the flexible pass-through is to assure that there is an "appropriately balanced allocation" of action funds between the States and their local government units, as required by section 303(3) of the act. Enforcement of the existing pass-through requirement in States such as Alaska, Delaware, Rhode Island, North Carolina and Vermont, which bear up to 75 percent of the cost of some or all components of law enforcement in the State, cannot result in an "appropriately balanced allocation" of action funds between these States and their units of local government, and operates to the detriment of these States.

THE LAW ENFORCEMENT EDUCATION PROGRAM

Under section 406 of the Safe Streets Act LEAA presently makes grants to colleges and universities which in turn make educational loans and grants to in-service law enforcement officers and persons preparing for careers in law enforcement. The grants are made only for tuition and fees whereas the loans are used to pay personal living expenses as well as tuition and fees. The academic assistance program is presently aiding 65,000 persons, most of whom are law enforcement officers, to pursue degrees in criminal justice studies in more than 700 universities. The success of the academic assistance program has encouraged many States to set up similar programs with block grant funds.

The House and Senate bills make identical changes to section 406 to improve and strengthen this program.

TRAINING PROGRAMS

Presently there is a need for improved training programs in the law enforcement field at the regional and national levels in such areas as organized crime where the States or units of local government are not equipped or prepared to provide the necessary training. The House and Senate bills contain identical provisions to remedy this by authorizing LEAA to establish and conduct such training programs. In addition, the committee bill would specifically authorize LEAA to establish and conduct a permanent training program for attorneys from State and local government engaged in the prosecution of organized crime.

CONSTRUCTION OF CORRECTIONAL FACILITIES

A key aspect of the committee bill is the establishment of a new grant program to improve correctional facilities and improve correctional programs.

Correctional facilities of the Nation—the jails, juvenile detention facilities, and prisons—have been neglected for years. Repeated studies have shown that the former inmates of these facilities experience rates of recidivism as high as 75 percent. Because of deficiencies in physical plants, personnel standards and programs, many of these facilities, in the opinion of many experts, actually brutalize offenders and are an important factor in contributing to the increasing crime rate. Without question, major improvements must be made in the Nation's corrections facilities and systems.

The committee bill adds a new part E to the Safe Streets Act specifically authorizing a program for the construction, acquisition, and renovation of correctional facilities as well as the improvement of correctional programs and practices by the States and units of local government. In doing this the committee may express its intention that major improvements are necessary in the Nation's corrections systems.

The House bill with two exceptions contains a similar new part E. One Senate change adds a requirement that applications under part E provide satisfactory emphasis on the development and operation of community based correctional facilities. The other Senate change revises the allocation formula to bring it in line with the formula for part C action funds. The committee amendment allocates 85 percent of part E funds for block grants according to population and 15 percent for discretionary grants. The amendment thus maintains the formula for distribution of block grant funds established in part C of the Safe Streets Act.

The committee bill also deletes the requirement in the House bill that 25 percent of all appropriations under the Safe Streets Act be expended for corrections programs and instead in section 520 of the Safe Streets Act specifically authorizes the expenditure of $100 million in fiscal year 1971, $150 million in fiscal year 1972, and $250 million in fiscal year 1973 for part E grants.

It should be noted that the committee bill provides that funding for corrections under the new part E is not to be used to substitute for the funding that would normally be expected under part C. The difficulties that this provision imposes on the administration of both parts, as far as corrections is concerned, are understood. However, a firm and vigorous administration of the Safe Streets Act brought the funding for corrections up from approximately 13.5 percent of available action funds in fiscal year 1969, to double that much in fiscal year 1970. It is therefore to be expected that an equally strong enforcement of this provision in the pending bill will insure that the funding for corrections under part C will remain substantially at the same proportion achieved in 1970 and that the additional funds appropriated for part E will be used to supplement that funding. In addition, it is anticipated that correctional construction under the Safe Streets Act will be funded in most part, whether by block or discretionary grants, under the new part E.

I would like to point out that under the proposed amendment to the Safe Streets Act establishing a part E for correctional facilities and programs, additional potential resources are being made available for the rehabilitation of drug addicts. These resources will be used, in addition to funds appropriated for part C, for the improvement of probation and parole and the jails and penal institutions. I am informed by the many correctional administrators with whom I am in contact around the country that addicts comprise a growing proportion of the offenders who are committed to them for care and treatment.

The drug offenders are in most instances juveniles and young people. The State comprehensive law enforcement plans submitted to the Law Enforcement Assistance Administration as a part of their applications for block grants typically assign high priority to juvenile and youth corrections, and this priority has been adopted by LEAA in the distribution of the discretionary and other funds directly administered by that agency.

The types of rehabilitation programs already being funded are characterized by a variety of approaches. Perhaps among the most common are programs to educate youngsters as to the dangers inherent in the use of drugs. But there are also outpatient clinics, halfway houses, special probation caseload projects, community treatment centers, methadone maintenance projects, and the training of personnel engaged in addiction treatment programs. The flexibility of the Safe Streets Act in funding different types of programs for the treatment of addiction suggests that it may be unnecessary for the Congress specifically to authorize new types of programs.

The funding also promises to be substantial. Under the proposed amendments to the Safe Streets Act corrections programs of all types will be eligible for funding under both part C and the new authorization for part E. Under either the House or Senate versions of the appropriations authorized for the next 3 fiscal years for parts C and E it can be expected that by fiscal year 1973, the total commitments of block and discretionary funds for corrections programs will total three to four hundred million dollars. If funding for treatment programs for the rehabilitation of drug addicts remains at about the same proportion as for fiscal 1970, this means that a minimum of $50 million will go to such programs, not counting the additional funds that will be committed for drug prevention and enforcement programs.

We can also expect that in the event the drug problem in this country becomes worse, which may very likely be the case, the administration of the Safe Streets Act is more than sufficiently flexible to adjust spending levels among the various elements of the criminal justice system to accommodate the need for increased resources. This flexibility has already been demonstrated. For example, although LEAA's action funds increased approximately eight times in 1970 over 1969, from about $25 million to $215 million, the amount committed to correction increased about 30 times, from approximately $2 million in 1969 to $60 million in 1970.

We must conclude, therefore, that the Safe Streets Act represents perhaps the greatest resource immediately at hand, and perhaps the greatest resource we will have in the foreseeable future, in what can be done to reduce drug addiction in this country.

One LEAA program that I feel should be mentioned is the National Bomb Data Center. This program is being funded by LEAA under its technical assistance authority and its purpose is to provide the State and local law enforcement agencies with comprehensive information on bombing, explosive devices and security precautions as well as statistics on bombing incidents, injuries, and death.

The bomb is the ultimate weapon of the anarchist and revolutionary. More and more we read about property being destroyed and lives being lost through bombing. The police need help now to enable them to deal with these incidents and protect their communities. LEAA's National Bomb Data Center is intended to assist the State and local police in this area and it is hoped that States and units of local government will use their block grant funds to set up their own networks for collecting and disseminating information on bombing incidents. These networks can supplement the information in the National Bomb Data Center and can provide a rapid response to police needs.

ADMINISTRATIVE CHANGES

The committee bill makes a number of administrative changes designed to improve the operation of LEAA. The committee amendments authorize LEAA to accept funds or property donated or transferred to LEAA from outside sources. This authority is common among similar agencies conducting programs in which private financial participation is desirable. The amendments also change the submission date of LEAA's annual report from August 31 to December 31. This permits LEAA's report submission date to coincide with that of the Department of Justice and will give LEAA more time to compile relevant statistics after the close of the fiscal year.

Among the administrative changes are provisions making it clear that LEAA has authority to make technical assistance grants to States and units of local government and to pay the transportation and subsistence expenses of persons attending technical assistance conferences, training seminars and workshops, and similar meetings. As a sponsor of the Safe Streets Act in 1968, it seems clear to me that Congress has always intended that LEAA have this authority, and these amendments are made only to clarify this intention.

Section 521 is amended to make it clear that LEAA has the authority to require indirect recipients of title I funds to keep and make available certain records. Again, I think that LEAA has always had this authority.

Finally, the committee bill authorizes LEAA to place 25 additional positions at the GS–16, 17, and 18 level. These positions are in addition to those GS–16, 17, and 18 positions which LEAA has at this time. The House bill authorized 15 additional positions at these levels. However, the committee believes that the full 25 positions are necessary for LEAA to complete its staff with personnel possessing the necessary high level of experience and qualifications, particularly in view of the expanded activities authorized by other amendments in the bill. It is our intention that these 25 new positions be filled in LEAA and not elsewhere in the Department of Justice. It is also our intention that these 25 positions will not be used to supplant LEAA's existing positions at the GS–16, 17, and 18 level and that LEAA will retain all of the positions at these levels that it already has.

THE INSURANCE PROVISIONS

The insurance title in the committee bill was originally introduced as Senate bill S. 3. It authorizes the Attorney General to establish a group life insurance program which would provide life insurance for every law enforcement officer in the country. The program would be administered by the Department of Justice and the Government would be authorized to pay up to one-third of the cost of each law enforcement officer's insurance premium. The remaining costs of the premium would be deducted from the salary of the law enforcement officer and would be forwarded to the Government by the State or unit of local government employing the officer.

I fully support the concept that law enforcement officers should be provided with life insurance as part of their salaries. The law enforcement officer's role in the community is a hazardous one. More and more we read in the newspapers that policemen are being killed on the job. These men have wives and children who need the protection that life insurance can provide.

I believe, however, that it is premature to enact into law the program authorized by the insurance provisions in the committee bill. There are many approaches to providing insurance protection for law enforcement officers and the LEAA's National Institute of Law Enforcement and Criminal Justice is currently studying the insurance needs of law enforcement officers. If the bill is enacted before the National Institute's study is completed, the Federal Government will be committed to a program which the study may prove unworkable or undesirable. It will be difficult at that point to change the program.

The LEAA study is being conducted by the College of Insurance and is specifically directed towards determining the types of life insurance presently available to law enforcement officers and where there is a need to improve, expand or otherwise change these programs. When this study is completed, we will be in a better position to consider the insurance needs of law enforcement personnel and the best means for improving them.

Furthermore, no hearings have been conducted on this provision. We have not had the opinion of law enforcement personnel who would be affected by the provision nor of insurance experts. In addition, contrary to the Judiciary Commit-

tee report, the International Association of Chiefs of Police has not endorsed this provision, I understand.

I also object to the insurance provision as presently written because it could place the Federal Government in the position of directly subsidizing the compensation of every law enforcement officer in the Nation. Title I of the Safe Streets Act presently authorizes LEAA under the block grant program to fund up to one-third of the salary of law enforcement officers. In the Judiciary Committee report on this act, the late Senator Dirksen and Senators SCOTT, THURMOND, and myself opposed this provision because we fear that "he who pays the piper calls the tune" and that dependence upon the Federal Government could be an easy street to Federal domination and control. I think this statement applies with equal force to the life insurance provision added by the committee's bill.

I feel that the block grant program in title I of the Safe Streets Act is the proper vehicle for support of this program. Under the block grant structure the States and units of local government order their own law-enforcement priorities in accordance with broad guidelines established by LEAA. Ample authority presently exists under the police salary support provisions of title I and Office of Budget and Management Circular A-87 for States and units of local government to set up their own group insurance programs for law-enforcement officers where they feel they are necessary or desirable. I am of the opinion that the Federal Government should make no further intrusions in this area of State and local concern than is demonstrably necessary.

S. 3 was discussed by the Attorney General in recent hearings conducted by the Senate Subcommittee on Criminal Laws and Procedures. When asked for the Department of Justice's position on S. 3, Attorney General Mitchell said:

Well, the basic point is that upgrading of the law enforcement activities through assistance by LEAA and through hopefully additional funding by the States and the localities should provide a base whereby the proposed insurance arrangements should be taken care of in the States and not in the Federal Government.

The Attorney General also said he opposed "direct Federal involvement" in this area.

I agree with the Attorney General. I, too, oppose "direct Federal involvement" in providing life insurance to every State and local law enforcement officer in the country and I also oppose a long term commitment to such an extensive and expensive nationwide program without hearings or further study.

CRIMINAL PENALTIES

It is an unfortunate fact that in the Office of Economic Programs, model cities programs and many other Federal grant programs, funds have been stolen, embezzled, or otherwise misapplied. While at this time no such problems have emerged from the LEAA programs, the committee felt that criminal provisions should be added to the Safe Streets Act. The amendments provide criminal penalties for: First, theft, embezzlement, misapplication or fraudulent use of title I funds, second, misrepresentation or false statements in applications for title I funds or in records required to be maintained under title I, and third, conspiracy to commit such offenses or to defraud the United States—either under the block grant or discretionary grant program. These criminal penalties shall be applicable in the case of any of the enumerated offenses involving funds or property that are the subject of any form of assistance under title I. Offenses involving funds or property in the hands of subgrantees or subcontractors are punishable on the same basis as are offenses involving funds or property in the hands of direct recipients from LEAA.

It should be noted that these provisions incorporate provisions of present law, such as sections 1001 and 377 of title 18 of the United States Code, which already cover some or all of these acts.

Mr. President, the program of the Law Enforcement Assistance Administration has been the subject of intense scrutiny since it was created by Congress slightly more than 2 years ago.

As Congress mandated, the LEAA program is an ambitious one. It seeks to combat and reduce crime, improve every component of the criminal justice system, and enhance the quality of safety for every American.

The method for working toward all of these goals is unique in the history of the Nation's law enforcement and criminal justice system. It involves a partnership among local, State, and Federal governments. LEAA provides financial and technical assistance to criminal justice agencies. Those agencies, at the State and local levels, must not only supply an appropriate share of the funds, but must also expend the bulk of the effort in the improvement programs.

In its short span, the LEAA program has been studied by a variety of groups, organizations, and individuals—and the scrutiny has included hearings by both the House and the Senate.

There has been much praise for the program, and some criticism. Something new has now been added to the arena of public discussion concerning LEAA and the new national crime control program.

In Colorado last month, LEAA officials held their second annual weeklong conference with the directors of the State planning agencies which administer the new anticrime program in each of the States.

The highlight of the conference was the appearance in Denver of President Nixon, who took part in a lengthy working session with the delegates. His participation in the meeting was but one more solid indication of the high degree of importance placed upon crime control by Mr. Nixon and his administration.

Much of the meeting was devoted to a report to Mr. Nixon of what the LEAA program is doing and what it is accomplishing.

Attorney General John N. Mitchell made the opening remarks about the importance of the national crime control effort, and then Richard W. Velde, an Associate Administrator of LEAA, detailed the work of his agency over the past 2 years.

There then followed a series of presentations by the heads of State planning agencies in four States. These reports by the States themselves give us one of the clearest views ever offered of what the crime control program is doing at the grassroots level, and what it means to officials and agencies at the primary level of criminal justice responsibility.

The remarks by the State officials are not all complimentary. Indeed, they were not intended to be. They were designed to be frank, forthright discussions of what the States are doing, and what they see as both priority areas for action and problem areas.

But certain threads are clear throughout all of the reports—the LEAA program already has accomplished a great deal, it is of immense importance to the well being of the people of this Nation, and the potential for landmark progress over the next few years is enormous.

Mr. President, because all of the reports at the Denver meeting together give us an excellent insight into the LEAA program, I request permission that they be printed in the RECORD.

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

PRESENTATION BY RICHARD BARTLETT, CHAIRMAN, NEW YORK STATE OFFICE OF CRIME CONTROL PLANNING

Much of the crime control effort in New York has involved creative partnership between the State and units of local government.

Since the passage of the Safe Streets Act, the law enforcement partnership has taken on an important new dimension. It has become a *Federal* State and local enterprise.

The objective of the partnership—of course—is to strengthen society's effort to prevent and control crime.

To carry out the responsibilities imposed by the Safe Streets Act, Governor Rockefeller (in December, 1968) established by Executive Order the CCPB and the OCCP as New York's planning agency.

In an effort to improve our operating, we recently adopted what we call a "problem-centered approach." It is based on the recognition that crime control problems in Syracuse, Rochester and Buffalo differ from each other; and these problems differ from the problems in New York City; *and* problems confronting our large cities are a world of difference from crime control problems in less populated communities.

We believe that crime control planning is most effective if it is problem-centered *and* individualized for each community.

This individualized approach is based on the conviction that broad presentations of statewide problems are of limited value.

Instead, we believe in determining (in as precise a manner as is possible) the actual dimensions of the crime problem for an individual community (e.g. whether robberies occur in business districts or in ghetto streets; whether "soft" or "hard" drugs are used, and by whom).

The planning process has a two-fold purpose:

1. To assist in the identification of specific criminal behavior that threatens a particular community.

2. To provide a framework within which to develop a program of priority projects designed to prevent and control that behavior.

We began the planning process in January by initiating a series of meetings with chief executives and other officials of major cities

in New York designed to analyze their crime problems *and* to develop programs addressed to these problems.

This approach is based on the conviction that a joint effort by our office staff and local representatives offers the best opportunity to develop the most effective tailor-made programs for utilizing Federal funds.

In addition, we believe that the analysis of information about local problems and programs and agency operations will lead to a sharp picture of statewide crime control issues.

The first step in the planning process is the identification of critical issues.

For crime control planning purposes, the emphasis must be upon the identification of specific criminal conduct, as well as the context in which it ocurs.

This information cannot be obtained from a simple analysis of crime statistics as usually reported.

It is, of course, true that such statistics may give an indication of the types of crime that should command attention because of their volume.

However, they do not provide sufficient detail for planning crime control programs.

For example, the reported statistics may indicate that a particular city has a relatively high robbery rate; but these statistics do not indicate whether these robberies are bank holdups, street muggings, or purse snatchings.

The control and prevention of these three types of behavior patterns certainly require different methods.

To design the most effective programs, it is necessary to have as detailed information as possible about the concerns of people in the community; the specific patterns of criminal behavior and the context in which it occurs; the characteristics of the offender and the victim; the characteristics of neighborhoods where crimes, victims and offenders are concentrated.

The range of program possibilities can be increased by the collection and analysis of this kind of data.

The second step in the planning process is the development of a range of program alternatives to control crime.

The objective at this point is to identify all those courses of action that could possibly ameliorate the identified problems, and then to assess their potential control effectiveness.

The third step in the planning process involves the examination of existing public and private operational capabilities in relation to the range of program alternatives developed in the second step.

The fourth planning step involves the selection of what are believed to be the most effective programs from the range of alternatives. It is, of course, the responsibility of local officials to select those programs that they believe should be funded by the SPA.

I would like to contrast the above planning process with the so-called project development process previously utilized by our agency.

The "project development process" starts with the formulation of a statewide comprehensive crime control plan containing statewide needs, goals and programs.

Local officials and others then select certain programs from the "shopping list".

This project development process is inadequate for a number of reasons:

First, the statewide formulation of needs, goals, and programs is not individualized for sharply different communities with radically different crime control problems.

Second, this process conceptualizes the task in terms of specific, narrow projects rather than in terms of identification and analysis of critical problems and the development of broad programs addressed to these problems.

In Rochester, Buffalo and Syracuse, we have just completed an initial application of our new problem-centered approach. In New York City and other major metropolitan areas, the new planning process is at various states of application.

In Rochester and Buffalo, detailed analysis were made of such factors as the specific criminal behavior patterns in high crime areas, the characteristics of certain offenders and victims, *and*, to the extent data was immediately available, characteristics of neighborhoods where offenses, victims and offenders are concentrated.

After the written analyses were completed, a number of meetings were held with representatives of the Mayor's Office, officials of various city agencies, and private citizens, who provided considerable experience and first-hand knowledge of local problems.

The objective of these meetings was to develop programs directed to the specific problems revealed by the analyses and discussions.

The result of this process was the funding last month by our office of an initial program in each city for crime prevention and policing (each program totals $1.3 million).

Let me briefly illustrate the types and varieties of projects that have been developed and funded as a result of the planning process in Rochester. Crime analysis showed that 47 percent of all arrests made during the study period were for public intoxication. Quite clearly, these arrests take a great deal of police time, and contribute to court backlog, as well as crowded detention and correctional facilities.

Thus, a grant award was made to Rochester to finance a project designed to reduce police time spent in making arrests for public intoxication. Staff members of the County Mental Health Department will respond to public intoxication complaints. The intoxicated individual will be given an opportunity to participate in a detoxification program. Besides freeing police, court, detention and correctional resources for more pressing police problems, the project will provide alcoholics with the opportunity to participate in a long-term rehabilitation program.

Rochester has recently experienced a series of disturbances by youngsters, particularly in the high crime neighborhoods. These areas have been characterized by high unemployment among teenage youth and by the absence of constructive activities to engage them. Thus, a project was funded to provide a variety of educational, employment, and recreational opportunities to disadvantaged youth in these high crime neighborhoods.

Another project funded in Rochester is designed to provide probationers with the job skills necessary to maintain employment. It is based on the belief that unemployment and underemployment are related to recidivism.

The crime analysis report for Buffalo indicated that the offenses studied tended to be concentrated heavily in particular sections of the city. Thus, a project was funded that will concentrate 40 men and their needed equipment in these high crime sections.

Police officers assigned to this preventive patrol project will not respond to routine non-crime emergency calls for service, but will serve exclusively as a deterrent, detection and apprehension patrol during the high crime hours.

This project was made possible by the development of another project designed to replace 40 police officers (operating the "911" communication center) with 40 civilian operators. Besides releasing 40 policemen for partol duty, the project will effect savings in the personnel costs required to man the communication center.

In the past year, some 150 grant awards (total near $8 million) were made by our agency to assist recipients in carrying out a broad variety of law enforcement programs. These programs include:

Development of a narcotics detector and a bomb detector.

Computerizing police operations.

Improving the techniques for identifying latent fingerprints.

Reducing court congestion.

Upgrading crime laboratories.

Encouraging minority group recruitment by police departments.

Improving police-community relations.

Federal funds awarded to New York under the Safe Streets Act are being utilized to support projects that we believe have the greatest potential for dealing with critical crime control problems—with priority attention being given to the major urban areas.

In the coming months we expect the new Federal-State-local partnership to improve and flourish. With the cooperation and assistance which we have received from the administrators and the staff of LEAA, I am sure it will.

REMARKS BY THE HONORABLE JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES

Mr. President: I am happy to present to you, with my colleagues in the Law Enforcement Assistance Administration and the Nation's State law enforcement planning agencies, an account of our work under Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

You have made crime control a matter of high National interest and priority. The incidence of serious crime and the special law enforcement problem areas—narcotics and drug abuse, organized crime, street crime, violent disorders—threaten our social order.

Today, we have the opportunity to explore the frontline of the Nation's crime control effort. We will discuss the complexities of large scale Federal aid and the new "block grant" method by which the Federal government has recently entered into partnership with State and local governments to fight crime.

To me one of the most significant aspects of this program is how far it has come in such a short time. The agencies represented here today—including state planning agencies for all 50 states—did not exist 20 months ago.

State and local governments are hampered by not enough money, public support, trained personnel, research, coordination and planning, nor enough new programs. LEAA was designed to provide leadership, funding and technical assistance to help the States in what is basically their problem responsibility.

The keystone of the program is that Federal anticrime funds go to the States in block grants according to their population. These block grants are for planning activities and action programs. Action funds are allocated in accordance with comprehensive State law enforcement plans prepared in each State which provides for improvement of all facets of criminal justice—police, courts, corrections, and even citizen action. These plans are drawn up by the State planning agency and based on local priorities and judgments on how best to employ funds. When approved by LEAA as conforming to statutory requirements, States receive their block grants.

Other funds are spent in discretionary grants to states and cities to supplement the Federal funds they are already receiving within the State block grant concept. The remainder of the LEAA funds are devoted to research, higher education for law enforcement personnel, a National information and statistics program, and special technical assistance projects.

Mr. President, I now call upon Pete Velde, Associate Administrator of LEAA, to provide further details on LEAA activities for us.

PRESENTATION BY THE HONORABLE RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. President: The men you see here in this room are part of a pioneering effort—the first comprehensive effort to reduce crime and improve the criminal justice system in the United States.

I know you have followed the progress of this new effort closely. The Attorney General has termed LEAA the cutting edge of the new federalism—putting the responsibility where the problem is, and then putting the money where the responsibility is.

The men you see here are the men who drew up the comprehensive plans which each state submitted to LEAA last year for approval, and who spent the $183 million in block action grants LEAA gave them to implement those plans. These men are the men who execute the program, and it is their hard work and their insight and knowledge that have made this partnership between Federal, state and local governments work.

I am proud to say that LEAA funds provide 90 percent of the funds to operate the state planning agencies these men direct. These planning agencies have many outstanding accomplishments to their credit. I could go on indefinitely citing examples from each state, but we have several state presentations ready for you. I want to stress what I consider their most important accomplishment, and one that is too often overlooked—the creation of a comprehensive, integrated planning effort to improve the entire system of criminal justice.

This is vitally important, because our criminal justice system historically has grown up as a number of independent areas—police, courts, and corrections. Improvements in one area have often led to overloading another area, with a resulting breakdown in the entire justice system. We must have more policemen, and better-trained policemen, if we are to apprehend more suspects and prevent more crime. But it does little good to apprehend more criminals if an overloaded court system cannot handle their cases effectively and fairly. It does little good to try more cases if the men sentenced to prison are going to enter institutions so overcrowded that the result is often to brutalize them, to turn them out bitter men, confirmed criminals.

Furthermore, the entire criminal justice system has suffered from two centuries of neglect. Twenty-five prisons are more than a century old. Police education has been sadly neglected. In one eastern state only 150 police departments out of more than 1,000 in the state have any way of communicating besides the telephone. That is the price the criminal justice system has paid for 200 years of public indifference during which other public needs were repeatedly placed ahead of it. The crime problem in America is the price we are paying for that indifference now.

So the whole effort of LEAA is to stem rising crime by improving the entire criminal justice system—and these men here today are the men who draw the plans and spend the money to do the job. Most crime is state and local crime, and it is fitting that these men represent states.

We have just finished the second year of LEAA operation in this partnership effort, and we're here to discuss it.

In creating LEAA in the Omnibus Crime Control and Safe Streets Act of 1968 Congress made it clear that most of the money should go to the states, and then be subgranted by them to the local communities, in order to put the money where the crime was, and do it in a coordinated way.

The Administration has heartily endorsed that approach from the outset, and LEAA's main job has ben to carefully review state plans, work with the states to improve them, and then provide the money to implement them as soon as they were approved.

Therefore most of LEAA's funds go, in accordance with the statutory requirements, directly to the states in the form of block grants—grants allocated among the states on the basis of population.

Of last year's $268 million budget, $21 million went to the states in planning grants. Of that amount, sixty cents of every dollar went to support the state planning agencies here today, and 40 cents was passed on to local governments to support the 450 regional planning agencies around the country, who put local community input into the state planning process. Incidentally, some 800 people are involved in the state agency planning process alone—compared to 300 people in all of LEAA, including its seven regional offices—so you can see there is a minimum of federal bureaucracy in the program.

Most of the money went in block action grants to the states to implement those plans. The total last year was $183 million, more than seven times the total of the year before. And of this total 75 cents out of every dollar went from the state agencies to local communities, as required by the 1968 Act. In two years of operation the state planning agencies have made more than 15,000 subgrants to fund local projects, and the total of $208 million from LEAA in that time amounts to about a dollar for every man, woman and child in the United States.

Another $32 million in funds last year went for discretionary action grants—to fund a total of 450 projects in states and local communities approved at the discretion of LEAA. We made a particular effort to help large cities, and as a result more than $11 million—over a third—of the discretionary money went to them.

Another $18 million was spent by LEAA on academic assistance. The criminal justice system needs more personnel. But today we lack quality as well as quantity. Studies show only seven percent of policemen and only three percent of line corrections workers have college degrees. A policeman must be versed in more than the use of the nightstick and the pistol. He must have the skills and knowledge to cope with scores of complex tasks: How to prevent more crime; how to apprehend more suspects; how to combat narcotics rings; how to effectively fight organized crime; how to deal with skill and understanding in the volatile areas of civil disorders prevention and enhanced community relations. Technical training is vital, but it is not enough. There are skills that only college training can impart. LEAA provides funds for college studies by law enforcement personnel and promising students preparing for such careers. During fiscal 1970, some 800 colleges and universities took part in the program, and gave LEAA aid to more than 50,000 persons—nearly one out of every 10 employees in the criminal justice system.

Another $7.5 million went for research. Crime cannot be brought under control by relying on techniques and equipment developed 100 years ago. Until the LEAA program began, there was no national effort to bring modern technology to bear on crime and criminal justice problems. The National Institute of Law Enforcement and Criminal Justice is the research and development arm of LEAA. Its mandate is to produce new equipment and new techniques for use by every part of the criminal justice system. Its efforts are varied: development of a sensor device to sniff out hidden heroin; development of a night vision device for street patrols; development of a miniaturized police radio; development of new techniques to assign patrolmen by computer to utilize manpower most effectively against street crime; new techniques to rehabilitate offenders; new techniques to process court cases more efficiently and fairly; developing new methods to prevent the nation's awesome toll of street crimes. The largest share of the Institute's budget for the past two years has been devoted to police equipment and systems, because police have by far the greatest needs for improved technology. It must be stressed that the Institute budget has been very small. We hope those funds can be expanded, for the fruits of science and technology must be applied quickly and effectively to crime problems.

Another $1 million went for statistical research. LEAA has established a National Criminal Justice information and Statistics Service. The reason is simple: we cannot hope to succeed completely in fighting crime if we do not have hard, reliable facts on the extent of crime and what happens to offenders within the criminal justice system. Today, we do not know the extent of crime precisely. We have no reliable national statistics on how many ex-inmates commit new crimes. We do not have reliable national statistics on court dispositions, and the results of parole and probation practices. But today, LEAA is working closely with the states to develop a nation-wide program of comprehensive statistics for all parts of the system, and a number of key studies have begun. LEAA also has awarded $1.4 million to 10 states to develop and test the prototype of a computerized criminal justice data system. It is called Project SEARCH, and the details will be given to you at the state briefings later.

The LEAA budget has grown sharply in the past two-plus years—from $63 million to $268 million in fiscal 1970, to the $480 million request you submitted to Congress and which has already been approved by the House. While the Administration has not yet submitted its appropriation request for next year, the House has authorized a $1 billion budget for fiscal 1972 and $1.5 billion for fiscal 1973. It seems certain that the crime control budget will increase—but two things must be kept at the forefront of LEAA and state considerations: First, the funds must be used effectively, with maximum value extracted from every dollar; and second, state and local governments must develop their own resources to match the growing federal grants. Larger LEAA budgets will do little good if state and local governments fail to provide the matching funds required to qualify for federal assistance.

There are problems in the new crime control program. No nationwide effort in a field as complex as criminal justice could escape having some difficulties. We are aware of them and have moved promptly to resolve them. Let me cite two examples:

First, there has been concern that large cities with urgent crime problems might not receive enough action funds from state block grants. That has been the concern of the League of Cities and a number of mayors in large urban areas. That has also been the concern of LEAA. We recognize that fighting crime in the cities is a priority. A special LEAA survey shows that as of last December 31, 60 percent of all action funds distributed by states to local government went to the nation's 411 cities of over 50,000 population. Those 411 cities contain less than 40 percent of the nation's population and about 62 percent of its serious crimes. Fund usage was running in nearly direct proportion to incidence of crime. It must be noted that the 60 percent figure includes only direct grants to cities and counties. The percentage would be larger if it included programs funded separately which are of enormous benefit to cities—for instance, programs to improve corrections and courts, which normally are operated by states but into which the cities send the bulk of offenders.

There have been some instances of inadequate participation by large cities. In some instances, states did not move quickly enough in sub-granting funds, but this is being resolved. In other instances, cities themselves did not take needed initiatives, but we are taking special efforts to help them become fully involved. Most of the criticism of large cities stemmed from the funds they received from the fiscal 1969 budget—which was only $63 million and included only $25 million in block action grants. That was not enough to satisfy the needs of anybody, no matter how it was stretched. With the much larger budgets of last year and this year, we are confident the needs of the cities will be met adequately. Some responsibility for delay must also be borne by the federal government. No implementing agency was established by the prior administration until four months after the Safe Streets Act became law.

A second problem area is development by the states of comprehensive coordinated programs to fight crime which embrace all parts of the criminal justice system—police, courts, and corrections—and the private sector as well. The first-year effort was a start on this comprehensive approach—but only a start. In fiscal 1969, state plans allocated 79 percent of action funds for police, but only 14 percent for corrections and six percent for courts. The police, of course, comprise the bulk of the criminal justice system, and their needs are great. But all parts of the system must be improved together if any one component is to achieve lasting progress. For instance, up to 70 percent of all offenders may commit new crimes after release from prison. Effective rehabilitation of offenders may be one way to make quick inroads against street crime.

You took note of the serious problems in corrections last November and directed the Attorney General to take action in a number of important areas. Substantial benefits already have flowed from that. One of the greatest benefits was the national effort to strengthen corrections by the states in drafting their 1970 plans. The result was to have the states increase the corrections' share of block grant funds from less than 14 to 27 percent in a single year. In fiscal 1969, the states spent $3.5 million of LEAA money for corrections. In fiscal 1970, that rose to nearly $58 million.

I urge the states to now press for greater allocation of resources for our court system. The court share of state block action funds in fiscal 1970 was only seven percent, compared to six percent a year earlier. That is not enough. Courts are a vital part of our criminal justice system. Where there are delays in bringing suspects to trial—and those delays exist almost everywhere—justice is denied to both the accused and to society.

Two years ago, no national crime control program existed. Today, it is a reality. The nation has far to go, but an excellent start has been made by this new partnership among state, local and federal governments. The increase in crime has not yet been halted. It has not yet been reversed. But if we continue to use every bit of our energy and all of the resources at our command, that day will come—and it may come sooner than many realize. State and local governments bear the major burdens under the crime control program, and they have responded in admirable ways. We in LEAA believe we also have carried our share of the burden. Faced with stringent deadlines and a small staff, our start-up time compares more favorably with that of the Model Cities Program of HUD or the Juvenile Delinquency Program of HEW. But much work must be done—and done now—and that is the reason for the meeting this week between state officials and LEAA. Until the streets are safe, there are no laurels for the criminal justice system to rest upon.

PRESENTATION BY JOHN C. MACIVOR, FORMERLY THE EXECUTIVE DIRECTOR, COLORADO GOVERNOR'S COUNCIL ON CRIME CONTROL

Mr. President, we, the criminal justice planners of the Nation, gathered here today, are deeply honored by your presence with us this afternoon. This auspicious occasion is one we will long remember and we thank you for sharing your time with us.

Now, I would like to talk briefly about how Colorado has implemented the Safe Streets Act.

We recognized immediately that in order to carry out the intent and purposes of the Act we must first develop a competent staff—and then begin educating the criminal justice community with respect to the Act and its potential.

Colorado's success in implementing the safe streets program has been largely due to the selection of a professional and competent staff, coupled with close personal contact between the staff and the various criminal justice disciplines. This working and learning together, as a team, has truly developed into a Federal, State, and local partnership.

Now, in order to stimulate planning at the local level, Colorado was divided into 14 planning regions, each represented by a local planning board representative of the region. This approach provided a grassroots-sounding board for local units of government. These regional boards provided the input to the Governor's crime council which was so essential to the development of the State's comprehensive plan. The formation of the regional boards provided an additional benefit, in that, for the first time we had police chiefs, sheriffs, judges, district attorneys, and elected public officials all seated together at the same table—communicating with one another—working toward common goals and objectives.

We also recognized, early in the game, that if we were to be successful in Colorado—we must take a double-barreled approach to solving the problems. First, in order to truly upgrade the disciplines and unite them into a complete system, we would require not only time and extensive funding but also long-range planning—which must be initiated immediately—while at the same time, we must also address the immediate problem of crime in the streets—so during our first 2 years of operation, Colorado has been involved in long-range planning while at the same time funding short-term projects that would produce immediate results.

Through this approach we were able to make approximately 350 small to medium sized grants and in doing so we accomplished two prime objectives—first, was the immediate funding of a large number of crises-type projects—and second, quite frankly, it bought a tremendous amount of good will which is so essential to the future effectiveness of the program.

Now, you must understand—that in Colorado—law enforcement is very parochial, and initially there was great suspicion and concern that this program would be a Federal-State take over of local law enforcement. This early low-level funding has clearly demonstrated to the local police that this is not the case—to the extent that local support for the program is now overwhelming—and has far exceeded our early expectations.

Now, we could not have carried out this double-barreled approach without comprehensive State planning and block grant funding—nor could it be done without a true Federal, State, and local government partnership—for without the block grant approach, there could be no comprehensive planning—and without the partnership, there could be no comprehensive implementation of action programs as a result of that planning. This is not to say that Colorado has been without problems—for we have surely had our share—and now, I would like to mention just a few.

One of the major problems we have encountered is the rising inability of State and local agencies to develop the matching funds as required by the act and this situation is becoming increasingly severe.

Another problem is the communication gap that is sometimes apparent with respect to policy and administrative procedures in LEAA. This to a great extent can be attributed to an early—low level of professional staffing—which—has consistently show improvement—however—inadequate staffing at the Federal level can and will frustrate effective and timely implementation of the program at the State level.

Also of great concern is what appears to be the beginning of federally imposed national priorities which may not be germane to all States—this movement, we believe, is in direct conflict with the original intent of Congress and the block grant concept. For example, the present proposed House amendment requiring 25 percent of the total Safe Streets Appropriation to be allocated for corrections.

And finally, the disproportionate scale of funding between planning and action monies—now, let me briefly explain what I mean—ideally, planning should be the primary function of the State Planning Agency—however, in Colorado—and in most other States we have found this not to be the case—instead—we have found that Grant administration has preempted our primary responsibility of planning. For example, in 1969, we funded 95 action projects.

Thus far in 1970, we have funded 215 and we anticipate reaching a level of about 300.

The impact of the Grant administration responsibility is overwhelming when involved with such a large number of grants. This requires providing technical assistance to grantees in the preparation of applications—also the preauditing of grant applications—then project monitoring and also the necessary followup on quarterly fiscal reports—all of this requires a major effort by the planning staff.

From this brief discussion, it is easy to see that there can be little time left for comprehensive planning.

The obvious solution to the problem is to provide a greater allocation of funds to States for the purposes of not only planning but for grant administration as well.

We would strongly urge that Congress address this need at the earliest possible opportunity—for without adequate planning funds, the quality of the action program will surely be compromised.

I thank you, Mr. President!

PRESENTATION BY ARTHUR J. BILEK, CHAIRMAN, ILLINOIS LAW ENFORCEMENT COMMISSION

Mr. President, gentlemen: I see our crime problem in the United States this way: The losses and damages being inflicted on our citizens are so great, our system of law enforcement and administration of justice is so inadequate, that many of our citizens are experiencing a loss of confidence in society, in America if you will.

Illinois is no exception. This comes despite some noteworthy improvements in the Illinois criminal justice system in recent years. We have a model, unified court system, with a centralized administration and discipline strong enough to remove a wayward Chicago judge from the bench last month. We have a model criminal code. We have strengthened our laws aimed at organized crime. Yet our crime totals increase by approximately 10 percent every year.

We are running up against the same underlying shortcomings in the criminal justice system mentioned by the previous speakers—*lack of information, lack of planning, and lack of professionalism.*

The very existence of our state planning agency is a major step toward overcoming the deficiencies involving lack of information and planning. With our staff of 40 carefully selected professionals, backed up by 36 regional planning groups and their staffs, we have begun to plan methodically and thoroughly. We develop needed information and statistics in the process, some through research grants to universities for studies of juvenile delinquency and organized crime.

To counter lack of professionalism, we are financing improved and expanded training and college education.

We also find another significant problem—*system fragmentation*. We have over 800 police departments, more than 100 in Cook County alone. There's also the fragmentation effect produced by multiple levels of government—federal, state, county and municipal.

We can't reduce the number of local governments, or change the four levels of government. But we are striving to minimize the *effects* of fragmentation, through coordinated planning, joint communications systems and training facilities.

We have also provided two million dollars for a statewide emergency police radio network involving the placing of a second radio in all 3,700 police vehicles in the state for direct communication with each other across county or municipal lines.

So, as a football coach would put it, we're getting back to fundamentals. Minimizing or even overcoming these basic shortcomings may not be the entire answer, but if we can block and tackle well, we'll have a far better chance of winning the game.

At the behest of Governor Ogilvie, the Illinois legislature in the last year and a half has made major improvements in the state's criminal justice machinery, and has greatly increased criminal justice operating funds. This determined new state drive to control crime dovetails perfectly with the federal effort under the Omnibus Act. We have quickly developed an effective federal-state partnership that is touching every aspect of criminal justice in Illinois.

Our state planning agency has even developed a beginning rapport with the courts and judges, who tended initially to resist attempts at coordination and planning. But the state court system administrator is now a member of our commission and we intend to systematically identify the most urgent needs in the criminal adjudication process.

The commission's largest single grant to date is an award of over two million dollars to strengthen public defender services throughout the state, at both the trial and appellate levels.

Four district offices have been established to handle criminal appeals for indigents, and an experimental store-front office has been opened in one community beset by economic hardship and racial friction to provide both trial and appellate defender services. The store-front office is doing a brisk business.

On the other side of the fence, we have granted almost one million dollars to improve prosecution. The Cook County State's Attorney is adding 21 assistant prosecutors and five investigators to focus on gang violence, organized crime, planning and training, and improving coordination with local police departments. The grant also provides funds for a model state's attorney's office in a judicial circuit outside Chicago, and an innovative regional team to serve an appellate court district of 13 counties.

We're not ignoring the man behind the bench. We are now providing training in sentencing for criminal court judges, and this fall we'll begin a training program for juvenile court judges.

Let us now look at corrections. Here, unlike the obstacles encountered in our dealings with the court systems, our state planning agency has the good fortune to work with a new department and an aggressive young director who are moving ahead at full speed.

The Department of Corrections has increased salaries and enlarged professional staffs. They are placing important new emphasis on work release, halfway houses and minimum security facilities. They are offering inmates training in a widening variety of useful job skills including computer programing. The state planning agency is working together with the Department of Corrections to attain its ambitious objectives with financial support and coordinated planning.

For instance, one of the department's major thrusts is to improve juvenile programs. Of the 3,000 juveniles admitted to Illinois youth institutions last year, 44 percent were parole violators.

So the Illinois Law Enforcement Commission has granted funds to the department for six community homes to provide group counseling, job placement, tutoring and other services to juvenile parolees and other young people under state supervision.

We have also funded a program giving specialized training to one juvenile worker in every state corrections facility or office. The worker in turn becomes a teacher to pass on his knowledge to others in his unit.

We are also providing funds for a wide-ranging spectrum of special projects in corrections, including a live-in narcotics rehabilitation center where addicts *and their families* receive counseling and learn to live together better; a program of volunteer probation aides who reside in the same communities as the probationers they work with, not in some other part of town; the development of standards for detention facilities and regular inspections of every jail in Illinois; a total revision of the correctional code; and development of flow charts and systems design to improve the movement of a person through the correctional process.

Just last month LEAA granted through the state planning agency nearly 200-thousand dollars to the Portland Cement Association and the corrections departments of Illinois, Michigan, Indiana and Wisconsin. This will help construction companies in the four states to train and hire 200 to 400 ex-inmates. It's an imaginative program, designed carefully to train men in cement finishing, masonry and other trades where a shortage of skilled workers is expected over the next five years.

I want to emphasize one important point: We in Illinois believe in the Omnibus Crime Control Act. It should be continued, reinforced and expanded, maintaining the essential principles of block grants and comprehensive statewide planning.

Illinois believes in the program to the extent of committing 13 million dollars appropriated to the state planning agency by the General Assembly. *The grants made so far by the Illinois Law Enforcement Commission have in fact carried more state money than federal.*

We have even set up our own program called Project Action Now of expeditious 100 percent state grants—no federal money—to meet certain high-priority needs: police department management studies, community relations projects, and training for criminal justice personnel. This demonstrates how the Act is stimulating new efforts by the states and is creating a true federal-state partnership, the New Federalism in action.

However, even with these energetic federal and state efforts under the Omnibus Act, I am not unqualifiedly optimistic about solving the problem of crime in Illinois or in America. Improving criminal justice, making it more efficient in apprehending and convicting criminals, will not alone, prevent most crime from being committed.

I am deeply concerned that no matter how well we succeed in improving law enforcement, our nation will continue to have a crime problem of major proportions unless two additional changes occur: one, alleviation of the unsatisfactory environmental and social conditions that provide the breeding ground for great masses of crime; and two, regaining throughout this Nation a basic moral outlook founded on principles of love, truth and justice.

PRESENTATION BY ROBERT H. LAWSON, EXECUTIVE DIRECTOR, CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

Mr. President, we appreciate the opportunity to share with you some of our concerns for people, crime, and the criminal justice system in California with particular reference to the police function.

A few statistics indicate the enormity of the situation confronting law enforcement in California. The State population is expected to reach 20 million during 1970. Simultaneously, incidence of the seven major offenses will show an increase of 150 percent during this decade. 1970 will also see more than 200,000 adult felony arrests (up 107 percent from 1960) and 100,000 juvenile felony arrests, an alarming 198 percent increase.

An especially disturbing problem is in the area of drug violations in which juvenile arrests are up 2,630 percent over 1960 and adult arrests up 433 percent.

Police in our State are confronted by the same problems that exist elsewhere—but magnified and intensified by the population concentration and the existence of 400 separate cities. Many subsumed in large metropolitan areas.

The police function is extremely broad and technical with thousands of skills and knowledges required for the increasing complexity of contemporary society. A relatively small percentage of our reported crime is cleared by the arrest of the perpetrator. A major reason for this is the lack of time, manpower, and technological assistance to adequately cover a crime scene and methodically collect, identify, and preserve evidence. Another limitation is due to the officers inability to communicate with the neighborhood, particularly with the decline of the foot patrol.

To attempt to deal successfully with the basic issues facing the police, the California council on criminal justice has identified as number of major areas of need. The emphasis has definitely been on new and better ways of doing things rather than just more money to do what we have been doing. I will mention three with illustrative examples of specific projects.

Police community relations is a very real problem in California. The number of project requests from local agencies reflects this. For example, two separate grants have been made to the city of Compton to meet the needs they have identified. The first establishes a special service center to process community complaints and provide assistance to people with specific problems. A detoxification center will be added. The second established an apprentice police program whereby youths age 17–21 were hired as uniformed community service officers. The purpose is to improve police services and provide a reservoir of trained manpower for police recruitment.

Because we also recognize that the best time to solve tomorrow's problems is today, we have addressed the need to develop a better understanding of the problems of law enforcement on the part of young people. To that end we have funded projects in Ventura County and the city of Davis which bring police and sheriff's officers into elementary and high schools to teach various topics but also to meet with students informally in the halls and school yards to create a more positive image and encourage more communications between our young people and the police.

Another area of need in police services is to encourage the coordination and pooling of certain basic support functions. One example is the project to design a police information system for the San Francisco Police Department. Another will create a joint crime information system for police departments in four cities in Contra Costa County. This same county is developing a very exciting proposal which would result in a restructuring of the police services within that county which includes 14 cities. This will involve devising a county-wide revenue plan to support the police function, dividing the county into policing areas; a reallocation of duties and responsibilities between the city police departments and the sheriffs office, and coordination of area-wide activities and manpower utilization.

Inasmuch as the total criminal justice system in California requires the expenditure of $1 billion annually to support, the amount of money received through the Omnibus Crime Control and Safe Streets Act obviously is not of sufficient magnitude alone to create spectacular results.

For its 1968–69 action grant program California received a $2.3 million block grant. For 1969–70 $17.3 million was received.

The California Council on Criminal Justice has authorized over $5.5 million in more than 100 action grant awards. Of this amount, $3,776,000 have gone to units to local government and $1,779,000 to State, private and other agencies.

The method through which Federal grants are made produces a situation which stimulates total improvement of the system. Such a program has a far greater and more lasting impact than could be achieved through the mere addition of Federal monies to our existing budget. Thus we can, by long-range planning and continued block grants, develop programs more responsive to local needs and with the most favorable cost/benefit ratio.

Finally—and this may be actually more significant than the funding of all the projects I have mentioned—we have now established a mechanism whereby the many components of the criminal justice system are engaging in a joint analysis of their problems with the result of broadened awareness and better understanding of the inter-relationships of the system.

It is most encouraging to participate in a meeting where police officers, city councilmen, county supervisors, probation officers, judges, and citizens *together* are discussing methods of preventing and controlling crime. On such an occasion, one can believe that perhaps the problem is not as insoluble as statistics would make it appear.

PRESENTATION BY PAUL WORMELI, VICE PRESIDENT, PUBLIC SYSTEMS, INCORPORATED, OF SACRAMENTO

Search is an acronym standing for system for the electronic analysis and retrieval of criminal histories. Search responds to a long-standing need of criminal justice agencies, namely, to be able to determine rather quickly whether or not a person with whom they are in contact has a prior criminal record. If so, then it usually is important to know the nature of the prior criminal behavior, and to identify the other specific departments or agencies which have dealt with the individual.

The police require this knowledge in making decisions relative to arrest and in case investigation. The courts increasingly need a quick way of establishing prior record to assist in setting bail, in determining the proper charge, and in selecting preventive detention. Correctional officers want to know the results of prior correctional programs in deciding on the treatment to be given an offender. Most of these agencies need the data in minutes or hours rather than days or weeks as is now the case with the present manual system of mailing out the paper summary of arrests.

Project search was created by LEAA and the States to develop and demonstrate a prototype computerized system which meets these needs for quick access to prior record data.

There are 15 States participating in the project. These states, when grouped together, account for 75 percent of the reported crime in the United States. One of the most valuable outcomes of this project has been the development of the organizational mechanisms which we have created to achieve agreement on data content and system operation. A policy board, consisting of an executive-level representative from each State, was created to control the project and to work out the interstate aspects of the system for maximum mutual benefit.

The system concept that we are testing has 3 basic components. First, there are some 600 computer terminals placed around the country in police, courts, and correctional agencies. Second, each participating State has on its own computer system a computerized file of 10,000 detailed offender criminal histories. Third, we have created a national center index, or directory, containing limited criminal summaries for the offender records maintained in all of the state files. The central index, then, depends on and is derived from the state systems.

The terminals are connected by telephone lines to their state computer system. Each state computer is directly linked by a telephone line to the computerized central index which is temporarily maintained by the Michigan State Police in Lansing, Michigan. As we will demonstrate, a user can first make an inquiry to the central index and find out if an individual has a record, what it briefly consists of, and which state holds the detailed record. If more information is required, any user can, by means of computerized switching, go directly into the computer in the state holding the record and retrieve the detailed criminal history.

We began project search 1 year ago. Our schedule called for the original 6 states to be on line on July 1, 1970. On this date, we began a 2-month demonstration of the system with Arizona, California, Maryland, Michigan, Minnesota, and New York completely hooked up and operating. Florida is coming on-line this week. Connecticut, Texas, and Washington are converting their 10,000 manual paper files into computerized form and will be finished in December. Five other States, Colorado, Illinois, New Jersey, Ohio, and Pennyslvania are observing in preparation for joining the system in the future. We plan an evaluation period starting September 1, and by December we intend to have worked out the final design of a future national operating system.

A few loose ends remain. The communication load, with all of this data being exchanged, requires a lot of telephone line capability. We are discussing with NASA the feasibility of using a satellite for this purpose and we may conduct an experiment using an existing satellite to determine the optimum configuration of such a system. A second problem yet to be solved is to provide an equally fast way of verifying the identity of an individual about whom an inquiry is made. With fingerprints as the only positive means of identification, we need to develop high-speed methods of fingerprint transmission and classification or verification. We are investigating the use of satellites with wide band-width transmission capabilities and the use of laser-based holography for high-speed fingerprint comparison.

Before we turn the system on for you I would like to mention a second part of search that may have more ultimate impact on the effectiveness of criminal justice agencies than this sophisticated information retrieval capability. We have designed and are testing the feasibility of a prototype new approach to the collection and analysis of criminal justice statistics. As you have heard today, we have very little data available for the workload, efficiency, and efficacy of criminal justice agencies in this country. We are trying, in project search, to illustrate a complete statistical system that follows offenders through the various processes, thereby linking agencies and processes to describe the criminal justice system and its complicated interrelationsips.

Mr. HRUSKA. In conclusion, I would like to say that I feel the LEAA program has been extremely successful. State and local governments are not able now to deal with the crime problem all by themselves. There is not enough money, nor enough public interest, nor enough trained personnel, nor enough research, nor enough coordination and planning, nor enough new programs. The LEAA was designed to provide leadership, funding and technical assistance to help the States and cities in what is basically a local problem. This is what LEAA is doing and is doing well, I believe.

If the amendments contained in the committee bill are accepted, LEAA will be able to improve its operations and continue to effectively assist States and local governments in improving and strengthening law enforcement.

ATTORNEY GENERAL FINDS WIRETAPPING AIDS IN WAR ON CRIME

Mr. HRUSKA. Mr. President, 2 years ago Congress authorized the Attorney General to utilize wiretapping under controlled circumstances to combat crime in this Nation. Title III of the Omnibus Crime Control and Safe Streets Act of 1968 outlawed wiretapping by private parties but permitted its use by Federal law enforcement agencies and by State and local police departments in States which permit it.

Following the passage of that act the Department of Justice was headed by an official who declined to use that authority. Now however we have as Attorney General a man who believes in using every legitimate weapon available to him in the war against crime. This Senator is pleased that that is the present case.

In a speech before the International Association of Chiefs of Police in Atlantic City, N.J., on Monday, Attorney General Mitchell called electronic surveillance the most valuable tool in the Federal arsenal in the war against organized crime.

> Court-authorized wiretapping is a key factor in our plans and it has amply demonstrated its effectiveness. We cannot afford to shun a method that is both effective and compatible with constitutional law.

I want to read a few additional statements from the Attorney General's address, but at this point I ask, Mr. President, unanimous consent to have printed in the RECORD at the conclusion of my remarks the complete text of the address and a story concerning his remarks from the Washington Post.

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

(See exhibit 1.)

Mr. HRUSKA. During 1969, 30 Federal wiretaps and 241 State wiretaps were authorized and executed, Mr. Mitchell said, adding that 80 percent of the mes-

sages intercepted contained incriminating evidence and that the taps resulted in 139 arrests—an average of more than four per wiretap.

He said:

I believe this shows conclusively that we have done our homework, that we are not on fishing expeditions, that we were pretty sure of our ground when we asked for the court orders.

From February of 1969 to July 13, 1970, he said 133 Federal wiretaps were authorized and installed and that arrests resulted in all but 12 of the wiretaps. Of the 419 arrests, 325 persons were indicted.

Unfortunately, the subject of wiretapping is charged with emotion and prejudice. Wiretap triggers in many people all manner of bogeys—flagrant invasion of privacy, thought control, and repression, to use a word you and I have heard lately.

In reviewing our use of wiretapping in the past year-and-a-half, I think you will agree that the only repression that has resulted is the repression of crime.

Mr. Mitchell pointed out that although the previous administration had the power to seek court-authorized wiretaps, it refused to request any.

He said:

The Nixon administration is committed to use every legal weapon against organized crime. If lawmakers give you a tool for enforcement purposes, you should use it.

He noted that in emergencies involving conspiratorial activities characteristic of organized crime, the Attorney General may authorize a wiretap without a court order.

In such cases, a court order must be obtained within 48 hours after the tap is in use. To date I have not found it necessary to exercise that power.

Mr. Mitchell said that one of his first acts as Attorney General was to authorize filing of the first Federal application for court-authorized wiretap under title III in February 1969.

That wiretap, he said, resulted in the seizure of 124 pounds of heroin and the conviction of two defendants in a major international narcotics smuggling conspiracy.

In a recent narcotics investigation, he said, wiretaps not only produced evidence of a substantial narcotics distribution scheme, but also details of a planned bank robbery and a planned murder—both of which were prevented as a result.

Perhaps the most dramatic operation owing its success to wiretapping was called "Operation Eagle"—a 6-month surveillance followed by the roundup of a major cocaine and heroin smuggling ring.

Simultaneous raids in 10 cities last June led to the arrest of 139 persons and the seizure of large quantities of narcotics, firearms, automobiles, and cash. Since that time we have made 27 additional arrests based on the same information and we are seeking 33 fugitives.

He said:

On the other side of the coin we are pursuing a vigorous and effective program to enforce the prohibition against the private use of wiretap.

The effectiveness of our enforcement program may be measured by the fact that complaints against private wiretapping have dropped to about one-third their former rate.

Mr. Mitchell said the Department had obtained a conviction against a person who had tried to spy on the proceedings of the 1968 Democratic platform committee and last month secured the conviction of a wiretap expert in Nevada for carrying an electronic surveillance device across State lines.

In another case, he said, a private detective was sentenced to 6 years in prison for extensive use of wiretapping in connection with divorce cases.

In stressing the constitutionality of electronic surveillance, Mr. Mitchell said there are eight requirements which must be adhered to in all taps used under title III.

They are: Securing a court order from a judge; specifying the offenses under investigation and the types of conversations to be overheard; limiting the time period of the surveillance; terminating the wiretap once the stated objective has been achieved; renewing the wiretap authorization only by showing a continued probable cause; showing that normal investigative procedures have been tried and failed or are too dangerous to be used; showing why the objective would be thwarted if the person to be overheard were notified of the wiretap, and reporting on the results of each wiretap.

EXHIBIT 1

ADDRESS BY JOHN N. MITCHELL

Gentlemen: I am especially pleased to be here today, because at a time when certain types of crime are on the rise, there is much that law enforcement officers of different jurisdictions can gain from mutual discussion.

In this connection I want to talk about a particularly effective weapon in the war against organized crime. I refer to the various forms of electronic surveillance, which I will hereafter refer to simply as wiretapping.

It is now more than two years since passage of the Omnibus Crime Control and Safe Streets Act of 1968. Among other things, it clarified the legal status of wiretapping in this country.

Under this act, wiretapping by private parties was outlawed. At the same time, controlled use of wiretapping was authorized for federal law enforcement authorities and such authorities at the state and local level in those states authorizing its use.

With the perspective provided by two years of authorized wiretapping, it's time for us to review the history of this subject to see whether we are going in the right direction; to examine whether the fears of those opposing wiretapping are justified; to see if the results since 1968 in terms of criminal apprehension were worth it; and on the basis of these determinations to chart future policy.

Unfortunately, the serious and critical subject of wiretapping is charged with emotion and prejudice. The term "wiretap" triggers in many people all manner of bogeys—flagrant invasion of privacy, thought control, and (to use a word you and I have heard lately) repression.

Well, in reviewing our use of wiretapping in the last year-and-a-half, I think you'll agree that the only repression that has resulted is the repression of crime.

The reason is that wiretapping has a history of perhaps a hundred years—if we go back to the telegraphic age—of confused and foggy status, which in turn facilitated widespread use by public agencies and private individuals alike. This kind of license in a practice as sensitive as wiretapping naturally led to a torrent of opposition.

Not long after Morse invented the telegraph in the 1840's the sending of a message over the wire was matched by the interception of it—both by private citizens and the authorities. In the Civil War telegraphy was used by both sides for military messages, and wiretapping quickly became a means of espionage. The telephone, invented by Bell in 1876, was tapped by New York Police as early as 1895.

The first public uproar on this subject occurred in 1916 when a committee of the New York State Legislature investigated wiretapping by the New York City Police. The mayor of New York pointed out that "conviction on conviction has been obtained which otherwise would have been impossible." In view of the present posture of some of our newspapers, it is interesting to note the 1916 editorial comment of one of the newspapers in New York City:

"The *Times* feels too few wires have been tapped, not too many, and that the exposé has hurt the cause of justice."

Still more sensational was an investigation by a subcommittee of the U.S. Senate Committee on Interstate Commerce in 1940. It revealed widespread wiretapping of private individuals by public officials; of public officials by private individuals; of private individuals by other private individuals; and of public officials by other public officials.

For a number of years afterward, there was a great range of wiretap control and abuse—depending on the laws in particular states and the degree of enforcement. Wiretapping devices were openly advertised for private use.

The result was a growing fear of electronic eavesdropping and a public clamor for its control. Civil libertarians attacked with equal virulence the clandestine private tapper and the law officer using wiretap in obtaining evidence to convict a public enemy. Their only consideration was the sanctity of individual privacy. In short, they wanted to throw the baby out with bathwater.

Throughout this period, legislators and jurists were grappling with wiretap law. The California Legislature prohibited interruption of the telegraph as early as 1862 and extended this to the telephone in 1905. Other states followed suit in varying degrees. Today more than half the states have laws outlawing wiretapping, but in many it's still unclear whether this applies to law enforcement authorities or whether evidence obtained from wiretapping is admissible in court. Some states specifically authorize wiretap by law enforcement agencies under sanction of a court order. Others have no law in this area.

Before going into federal law on this subject, I'd like to touch on the status of wiretapping in Great Britain, with whom we share a common legal heritage.

In Great Britain the Government may tap wires for the prevention and detection of serious crime and for the national safety. Since 1937 this has required a warrant from the Secretary of State. Such evidence is admissible in court if it's relevant to the issue at hand and does not operate unfairly against the accused.

Studies made by the Department a few years ago show that in general, the history of wiretapping has been similar in many other countries.

In short, it appears that Great Britain and a number of other countries of the free world have operated with authorized wiretapping without too much public concern that it was threatening basic freedoms.

For many years United States federal law was virtually silent on this subject. But in 1928 the Supreme Court heard a case—*Olmstead* v. *United States*—in which wiretap evidence had been used against bootleggers in a federal prosecution in Oregon, a

state that had outlawed wiretapping without court order. The question was, could information so obtained be admitted as evidence? The Supreme Court ruled by a five to four decision that the Fourth Amendment was not violated since there was no unlawful entry and no seizure of tangible things.

This simply meant that wiretap evidence obtained in violation of a state law could still be admitted in federal court. In the absence of Congressional action on the subject, this decision ruled the situation for the next few years.

But in 1934, when Congress passed the Federal Communications Act, it included a provision against intercepting and divulging any wire or radio communication. This has been interpreted by the courts as ruling out of federal trials any evidence obtained either directly or indirectly by wiretapping. It left to the states, however, the admissibility of illegal wiretap evidence in state courts

In fact, in the 1967 case of *Katz* v. *United States*, the Supreme Court went further and, without confining its interpretation to the Federal Communications Act, overturned the 1928 Olmstead decision. In this important case, a Government agent used an electronic device to hear and record a subject's words in an adjoining telephone booth. The Supreme Court ruled that the subject had justifiably relied on the privacy of the phone booth and that even though the bugging device had not physically penetrated the wall, it constituted a "search and seizure" within the meaning of the Fourth Amendment.

But at the same time the Supreme Court in both the *Katz* case and another case, *Berger* v. *U.S.*, indicated that a wiretrap or other form of electronic surveillance could be constitutional if it followed the warrant procedure used in searches and seizures. This meant obtaining a court order after showing probable cause, and submitting to continual judicial supervision. These decisions reopened the legal use of wiretapping by law enforcement agencies, pointing the way to new legislation.

I have gone through this brief history of wiretapping to show, first, how confused the situation was before the 1968 act, and second, how the excessive objections to wiretapping rose and flourished in this country.

In any case, guided by the *Katz* and *Berger* decisions, Congress provided the wiretap provision in Title III of the Omnibus Crime Control and Safe Streets Act of 1968. It replaced the blanket prohibition against interception in the Federal Communications Act, and substituted a clear delineation between prohibition of private use on the one hand, and court-authorized use by law enforcement agencies on the other.

More specifically, Title III continued to prohibit wiretapping by private parties and spelled it out in more certain terms. For example, it outlawed the manufacture, distribution, possession and advertising of wiretap devices by private parties where the mails or interstate commerce are involved.

More important to our discussion here, Title III specifically permitted the controlled use of wiretapping by law enforcement authorities in certin heinous crimes that are associated with organized syndicates—murders, kidnaping, extortion, certain bribery offenses, narcotic offenses and others.

In doing so, Title III speicfied the due process of law required to control the use of wiretap in these criminal cases. These include securing a court order from a judge; showing probable cause; particilarizing the offenses under investigation and the type of conversations overheard; limiting the time period of the the surveillance; terminating the wiretap once the stated object is achieved; renewing the wiretap authorization only by showing a continued probable cause; showing that normal investigative procedures have been tried and failed or are too dangerous to be used; showing why the objective would be thwarted if the person to be overheard were notified of the wiretap; and finally reporting on the results of each wiretap.

In emergecny situations involving conspiratorial activities characteristic of organized crime, the Attorney General can authorize a wiretap without the due process I outlined. But in such cases a court order must be obtained within 48 hours. To date I have not found it necessary to exercise this power.

Now, these provisions are vital, for they follow the cherished American legal tradition in securing warrants in the related example of a house search. They give us the confidence that in using the wiretap under these limitations we are reaffirming the constitutional safeguards going back to the Bill of Rights. Our experience under this statutory grant of authority leads us to the conclusion that we need not apologize to the absolute civil libertarains.

In brief, the 1968 act gave law enforcement authorities a viable charter to use wiretap in a sparing and circumscribed manner.

I believe it is Constitutional. I believe it answers those who object to wiretap on grounds of the Fourth Amendment. I believe that its use by federal authorities is not only a right, but a duty. And I believe the same is true for other authorities in those states where wiretap is not outlawed.

Let's now examine the effects of the 1968 Act in terms of wiretap use and resulting arrests.

For the first half-year of its existence, the authority granted by Title III of the Act was not used at the federal level because the incumbent Administration refused to allow the filing of any application for court-authorized wiretap.

In 1969 the Nixon Administration came to office committed to use every legal weapon against organized crime. One of the first acts—in February 1969—was to authorize the filing of the first federal application for court-authorized wiretap under Title III.

I would like to contrast the positions of the two administrations, and I think you'll agree that if your lawmakers give you a tool for enforcement, you should use it.

As you know, the statute requires the filing of reports of wiretaps with Congress. The reports for the 1969 calendar year show that 30 federal wiretaps and 241 state wiretaps were authorized and executed. The eight states reporting were Arizona, Colorado, Florida, Georgia, Maryland, New Jersey, Rhode Island and New York. It shoud be noted that these reports were for calendar 1969; since then more states have availed themselves of the authorization of in Title III.

Do these 271 federal and state wiretaps represent an excessive use of this statute? The FBI's Uniform Crime Report Index for seven serious types of crime showed a total of nearly five million offenses in calendar 1969. While these seven crimes do not compare exactly with the crimes for which wiretapping is authorized, I think this gives an adequate order of magnitude for comparative purposes, and I hardly think the 271 federal and state wiretaps occurring last year in the United States constitute an abuse of the privilege.

Now, what about the results of this restrained use of wiretap?

The 30 federal wiretaps in calendar 1969 averaged 1,498 intercepts per individual tap. An average of 1,228 intercepts were incriminating. In other words, on the average, approximately 80 percent of the messages intercepted contained incriminating evidence. In one wiretap, 5,889 phone calls were intercepted and 5,594 were incriminating. In another, 17,690 calls were intercepted and 17,513 were incriminating.

I believe this shows conclusively that we have done our homework, that we were not on fishing expeditions, that we were pretty sure of our grounds when we asked for the court orders.

Next, let's look at the number of arrests and indictments resulting from these taps. Bearing in mind the 271 federal and state wiretaps executed, 625 arrests resulted. And the 30 federal wiretaps executed resulted in 139 arrests—an average of more than four arrests per tap. The two examples of federal wiretapping that I previously said had such high rates of incriminating phone calls resulted in 26 and 23 arrests, respectively.

Other examples—the total of four state wiretaps installed in Essex County, New Jersey, resulted in 13 arrests. In four counties in New York City, 109 wiretaps installed brought 166 arrests. One single wiretap in Henry County, Georgia, resulted in 27 arrests.

It was generally too early at the time of filing the 1969 reports to give data on convictions, but as a matter of interest, one wiretap in Bronx County, New York, resulted in 13 persons arrested and 13 convicted. The 1970 reports should help to fill in this total picture.

However, our own figures in the Department of Justice bring the story almost up to date for federal wiretapping since the filing of the 1969 report. From January 1969 to July 13, 1970, 133 federal wiretaps were authorized and installed—principally on gambling, narcotics and extortion offenses. Arrests resulted in all but 12 of these wiretaps. The arrests totaled 419, of which 325 resulted in indictments. Undoubtedly more arrests and indictments will result from the wiretap evidence of the January to July period.

Let me give some details of the specific cases made under these wiretappings. The first wiretap that I authorized in February 1969 resulted in the seizure of 124 pounds of heroin and the conviction of two defendants in a major international narcotics smuggling conspiracy.

In a recent narcotics investigation, wiretaps brought not only evidence of a substantial narcotics distribution scheme, but also evidence of other illegal activities, including the planning of a bank robbery and of a murder. As a result of this information, Federal agents were able to apprehend the bank robbery suspects. The combined efforts of Federal agents and local police also resulted in the prevention of the murder attempt and the arrests of the suspects by local authorities. Federal narcotics and robbery indictments have been returned in this case.

Another wiretap in an investigation of the theft of stolen bonds resulted in the arrest of several figures connected with organized crime on interstate theft charges and the recovery of half a million dollars' worth of bonds.

As a result of wiretaps, Federal agents recently conducted massive raids on approximately sixty locations involved in a large-scale interstate numbers operation. These raids brought the seizure of gambling records and paraphernalia as well as over $50,000 in cash. Indictments have been returned against more than 60 individuals involved in this organized numbers operation on Federal gambling charges.

Perhaps the most dramatic operation owing its success to wiretapping was what our Department called Operation Eagle—a six-month surveillance and final roundup of a major cocaine and heroin smuggling ring.

Before we ever applied for wiretap court orders, our undercover agents reached the point where further effort by normal means could not reveal the identities of all the major traffickers. In fact, at that point, some of our agents conducting normal surveillances were fired on by some of the subjects.

It was only then that we made application for wiretap court orders. Through the subsequent wiretaps we were able to get the evidence we needed to identify all the major

traffickers in this ring and prepare for a large-scale roundup.

Armed with complaints and warrants obtained through this wiretap information, we used 350 special agents for simultaneous raids in 10 cities over a weekend in June 1970. We arrested 139 persons and seized large quantities of narcotics, firearms, automobiles and cash. Since that time we have made 27 additional arrests based on the same information, and we are seeking 33 fugitives. Altogether there are 199 named in complaints and indictments.

I believe the results shown in these figures and case histories speak for themselves.

Let me also emphasize that these are just some of many examples of wiretap success where there was no other way to get the evidence. Informants are, of course, very useful, but there are many instances where it is far too risky for informants to acquire evidence or testify in court. We can and do, however, install a wiretap on the basis of a tip from an informant. That is, the informant tells us what to look for and where, and we take over with the wiretap. I should add that such an informant must meet the Supreme Court's standard for reliability established in the case of *Spinelli* v. *United States*.

On the other side of the coin, we're pursuing a vigorous and effective program to enforce the prohibition against the private use of wiretap. Here are a few examples:

In November 1969 we secured a conviction against a party who had attempted to spy on the proceedings of the 1968 Democratic Platform Committee.

Early in 1970 we obtained a six-year prison sentence against a private detective in Salt Lake City for extensive wiretapping in connection with various divorce cases.

A few days ago we secured the conviction of a wiretap expert in Nevada for carrying an electronic surveillance device across state lines.

We have virtually completed an action against a West Coast electronics firm for the forfeiture of surveillance devices which it illegally possessed and advertised.

With this tightening of enforcement, we are finding that private detectives are coming forward to give us information that will prevent illegal wiretapping by competitors. The effectiveness of this enforcement program may be measured by the fact that complaints against private wiretapping have dropped to about one-third their former rate.

We believe it is our duty to be just as diligent in halting the illegal use of wiretap as in using authorized wiretap to combat organized crime. If this can be done at all levels of Government, we will go far toward removing fear of wiretap and establishing public respect for its proper use.

Today I have tried to show how the furor over wiretapping began and why it continues; how the 1968 Act answers the objections to wiretapping in Constitutional terms; and how wiretap is extremely useful—in fact, critical—in the war against organized crime.

Some of you are from states where authorized wiretapping is legal, and where it is being used to good effect. Others are from the majority of states that have not yet enacted legislation indicating the extent to which official interception under Title III will be permitted. Until appropriate parallel legislation is enacted in such states, I must emphasize that the federal requirements for official wiretapping make no exception for police action that is not properly authorized by state law conforming to Title III.

Certainly, in this period of intensive organized crime activity, we cannot afford to shun a method that is both effective and compatible with Constitutional law. As President Nixon told us in his Special Message to Congress last year:

"I must warn our citizens that the threat of organized crime cannot be tolerated any longer. It will not be eliminated by loud voices and good intentions. It will be eliminated by carefully conceived, well-funded and well executed action plans."

I submit, gentlemen, that court-authorized wiretapping is a key factor in such plans, that it has amply demonstrated its effectiveness and that it has won an appropriate place in the American legal structure.

MITCHELL SAYS WIRETAPS HAVE BEEN PRODUCTIVE

(By Ken W. Clawson)

Calling electronic surveillance the best weapon in fighting organized crime, Attorney General John N. Mitchell said yesterday federal wiretaps were used 133 times during the first 18 months of the Nixon administration and resulted in 419 arrests and 325 indictments.

Mitchell said 80 per cent of the messages intercepted by federal agents and by police in states that also permit wiretapping contained incriminating evidence.

"I believe this shows conclusively that we have done our homework, that we are not on fishing expeditions, that we were pretty sure of our ground when we asked for the court orders," the attorney general said in a speech before the International Association of Chiefs of Police in Atlantic City.

Mitchell characterized as unwarranted the fears that the 1968 federal wiretapping law would lead to an invasion of privacy and indiscriminate use of police power.

"I think you will agree that the only repression that has resulted is the repression of crime," he said.

Mitchell told the police chiefs that 30 federal wiretaps were authorized by courts in 1969 and 103 more through July 13 of this year. In most cases, he said, the wiretaps sought evidence in gambling, narcotics and extortion cases.

These wiretaps resulted in 419 arrests and 325 indictments, with only 12 of them failing to produce enough evidence to make arrests. Most of the messages intercepted by federal agents contained incriminating evidence, he added. In one wiretap, which was understood to involve a gambling operation, the attorney general said that of 17,690 calls intercepted, 17,513 of them were incriminating.

In addition, Mitchell said, police in the eight states where wiretapping was permitted last year used them 241 times. Most of the cases are pending in the courts.

STATES REPORT ON TAPS

States reporting wiretaps in 1969 were Arizona, Colorado, Florida, Georgia, Maryland, New Jersey, Rhode Island and New York. Since then, Massachusetts, Wisconsin, South Dakota, Nebraska and Minnesota have passed laws permitting wiretapping. Under the 1968 Omnibus Crime Control and Safe Streets Act, the states are required to report instances of electronic surveillance at the end of each year.

Mitchell urged the increasing use of wiretapping where it can fit the criteria of the 1968 act.

"I believe that its use by federal authorities is not only a right, but a duty. And I believe the same is true for other authorities in those states where wiretap is not outlawed."

The wiretap law was enacted by Congress in June, 1968, but then Attorney General Ramsey Clark refused to use it during the last six months of his tenure except in national security cases. Clark told Sen. John L. McClellan (D-Ark.) at the time of the law's passage that he had never seen a wiretap case that was efficient.

Wiretapping in non-national security cases was used prior to enactment of the law, but under questionable authority. The 1968 law required the following conditions to be satisfied before wiretapping:

Securing a court order from a judge; specifying the offenses under investigation and types of conversations to be overheard; limiting the time period of surveillance; ending the wiretap when the objective has been achieved; showing that normal investigative procedures had been tried and failed or were too dangerous to be used, and reporting the results of each wiretap.

Under new legislation proposed by President Nixon and expected to pass the House this week, wiretapping will be permitted in campus bombing cases. The proposed law would permit immediate federal intervention in bombings or threats of bombings.

The 1968 law specifically prohibited private use of wiretapping, and Mitchell said yesterday a person who tried to spy on the 1968 Democratic Platform Committee had been convicted under the law as well as other private wiretap experts.

Complaints against private eavesdropping have been reduced to two-thirds, he said.

Acknowledging that the Johnson administration would not permit wiretaps under the 1968 law, Mitchell said President Nixon is committed to "use every legal weapon against organized crime. If lawmakers give you a tool for enforcement purposes, you should use it."

One of his first acts as Attorney General was to wiretap an international narcotics smuggling operation. The result was the seizure of 124 pounds of heroin and the conviction of two defendants, he said.

In one recent wiretap in a narcotics investigation, the Attorney General said agents learned of a planned murder and bank robbery, both of which were prevented.

The most extensive use of federal wiretapping was in "Operation Eagle," a six-month surveillance that led up to raids in 10 cities last June. These raids yielded large quantities of narcotics, guns, cars and cash as well as the arrest of 139 persons and the subsequent arrest of 27 more.

On the state level, Mitchell said that four state wiretaps in Essex County, N.J., resulted in 13 arrests; four counties in New York installed 109 wiretaps and arrested 166 persons, and that a single wiretap in Henry County, Ga., resulted in 27 arrests.

THE FIGHT AGAINST CRIME

Mr. SCOTT. Mr. President, as a former assistant district attorney and presently as a member of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, I have had the opportunity both to witness crime and its manifold effects and to hear, study, and take action on the enlightened views of this Nation's law enforcement and criminal justice officials.

In 1968, the Congress responded to the increasing problem of crime in our Nation by enacting the Omnibus Crime Control and Safe Streets Act, creating the Law Enforcement Assistance Administration. I am proud to have cosponsored and helped draft this important legislation.

This year, we are being asked to review the law enforcement assistance program and evaluate a group of amendments proposed to improve LEAA's effectiveness in reducing and preventing crime.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

The Law Enforcement Assistance Administration—LEAA—was created by title I of the Omnibus Crime Control and Safe Streets Act of 1968. The LEAA has done a commendable job in its effort to provide assistance to local law enforcement for the purpose of improving our criminal justice system. A quote from the

Judiciary Committee report states the role of LEAA in precise terms:

Under the Act, LEAA's role was defined as that of a partner with State and local governments—to aid them in the reduction of crime and the improvement of the Nation's criminal justice system. Under this partnership concept, LEAA provides both financial and technical assistance to aid State and local governments in the improvement and modernization of their entire criminal justice systems—police, corrections, and courts.

LEAA is not, however, an enforcement agency—it conducts no investigations, makes no arrests, prosecutes no cases. The bulk of its budget is used for financial grants to State and local governments to help them improve each criminal justice component and to help them function together as a true system. LEAA awards planning grants to help support each State and its units of local government in drawing up comprehensive, State-wide plans for law enforcement and criminal justice improvement programs. LEAA awards annual action grants t. each State for implementation of the improvement plans by local and State governments. LEAA awards grants and contracts for research and development to provide more effective equipment and techniques for all parts of the criminal justice system. LEAA provides funds for college studies by law enforcement and criminal justice personnel in an effort to bring greater professionalism to the system. Finally, LEAA provides technical assistance to State and local governments to help implement plans and projects, and to help make criminal justice agencies operate more efficiently.

ACTION PROGRAMS

The action funds referred to above may be used for a variety of purposes: to improve training for police and corrections personnel, to purchase new equipment for police, to hire more police personnel, to improve anticrime patrols and techniques, to develop more effective crime prevention programs, to conduct programs to inform the public on steps they can take to enhance their safety, to improve police-community relations, to improve court systems for speedier and fairer processing of cases, to improve corrections programs for rehabilitation of inmates—and .n particular the creation of community-based treatment programs as an alternative to confinement in institutions. In addition funds may be awarded for two priority areas—prevention and control of organized crime activities and prevention and control of riots and other violent civil disorders.

Although LEAA has done a great deal to create a workable system for providing the needed assistance to local law enforcement, I believe the committee bill will provide additional tools to aid LEAA in its role as the Federal partner in the joint enterprise to fight crime in the States, cities, and townships of our Nation. I support the Judiciary Committee bill and it is my sincere desire that before the funds authorized by this bill have been expended we will have accomplished our goal of decreasing crime in America.

PLANNING AND COORDINATING THE ATTACK ON CRIME

Our proposed revision of section 203(a) would make the State and local planning agencies representative of the general community, as well as law enforcement agencies, units of general local government and public agencies maintaining programs to reduce and control crime. This will not only result in better representation of all components of a given community, but will also give the planning agencies a better view of the scope of the law enforcement problems in their respective areas.

A second amendment would assure that major cities and counties would receive planning funds so that they may prepare local components of the State comprehensive plan.

A third amendment would authorize funding for the Criminal Justice Coordination Councils established by section 301(b)(8) of the House bill, to units of general local government or combinations of such units having a population of 250,000 or more. These Councils would provide improved coordination of all law enforcement activities, and the Senate amendment expresses the intent to concentrate this assistance in heavily populated areas which are the ones generally characterized by high law enforcement activity.

REGIONAL AND NATIONAL TRAINING PROGRAMS

I am also pleased to see that the House provision establishing section 407 to provide support for regional training programs has been retained. This provision authorizes the Law Enforcement Assistance Administration to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities would supplement and improve, rather than supplant, the training activities of the State and units of general local government. Hopefully, this type of project will help focus attention on specific needs peculiar to individual regions, as well as providing a forum for different regions to exchange information.

TRAINING FOR ORGANIZED CRIME PROSECUTIONS

In addition, the Judiciary Committee has inserted a new section 408 authorizing the Law Enforcement Assistance Administration to establish and conduct a permanent training program for State and local organized crime prosecutors. The program would emphasize the development of new or improved approaches, techniques or devices to strengthen prosecutive capabilities against organized crime. I strongly support this provision.

MEETING PROBLEMS IN HIGH CRIME AREAS

Finally, I would particularly like to stress the importance of three of our amendments which will be of special value in reducing the burden of law enforcement on large urban centers. The first of these, which is embodied in section 303, would require the State plans to provide an "adequate share of the benefits of assistance to areas characterized by high law enforcement activity."

The House amendments have a similar provision; however, it requires that an adequate share of assistance, rather than its benefits, go to areas of high crime incidence as opposed to areas of high law enforcement activity. Areas with reported crime, high arrest activity, congested courts, and crowded corrections facilities clearly have a high level of law enforcement activity, and these are generally the large population centers. Under our version, there is more flexibility so that States could provide funds to county or State-run courts and correctional facilities where the benefits of such assistance would accrue to the benefit of the big cities. In many instances, this would be more beneficial than giving the money directly to cities which frequently do not control many aspects of law enforcement activity in their area.

Second, we have changed the current 75 percent pass-through figure which the State must provide to units of local government under section 303(2), to a flexible amount based on the percentage of non-Federal funds expended by such units for law enforcement in the previous fiscal year. This provision will undoubtedly benefit the big cities—they are afflicted with the highest amount of crime, have a commensurately high proportion of law enforcement activity, and deserve an equitable share of Federal assistance. If the local units in one State bear the burden of 90 percent of the law enforcement activity in that State, their assistance should not be limited to an arbitrary 75 percent. At the same time, if a State bears a larger portion of the law enforcement activity within its borders than do its cities, it should not be required to pass on 75 percent of the Federal funds. This provision will see that the money gets to the areas that need it—and that is a major step on the road to stopping crime.

Finally, and perhaps most significantly, we have amended the act to raise the level of Federal funding from 60 percent to 70 percent for a majority of action projects. The amendment will, therefore, reduce from 40 percent to 30 percent the amount of matching funds that States and units of local government must presently put forward. The reduced match requirements will aid all grantees, but will be a special boost to urban areas which are generally characterized by a low tax base and heavy law enforcement responsibilities. The committee amendment contains specific safeguards to guarantee that these additional Federal funds will, in fact, draw new State and local funds into the criminal justice system and avoid the real danger that Federal funds will merely replace State and local funds in financing the present system.

POLICEMAN'S LIFE INSURANCE PROGRAM

The policeman's job is increasingly complex and dangerous. Policemen deserve not only up-to-date training and equipment, but also up-to-date benefits.

Unfortunately, a very crucial benefit—adequate life insurance—is now denied many police officers. Police officers are often charged higher than average insurance premiums which they cannot afford and are often unable to obtain double indemnity protection. While many local communities are providing some insurance benefits to policemen, these benefits are usually extremely limited.

To remedy this situation, the committee amendment establishes a new law

enforcement group life insurance program to provide local police officers injured or killed in the course of preventing Federal crimes, with a federally subsidized low-cost insurance plan.

This proposal would not only provide direct financial assistance and enhancement of the professional stature of our police, but would demonstrate the great debt owned by the Federal Government to State and local law enforcement officials for assisting Federal law enforcement efforts.

The proposed insurance plan would be written by private life insurance companies, and, where State and local plans were already in effect, would subsidize the existing insurance. This measure is vital to filling some of the gaps in the Federal Government's efforts to aid in local crime prevention and control.

The proposal in no way involves the Federal Government in the supervision or control of State and local police agencies. The Federal Government merely arranges for the establishment of the group policy, propounds the rules and regulations for its implementation and arranges for the collection of premiums.

The proposal has the endorsement of the International Association of Chiefs of Police and of numerous law enforcement organizations and individual officers.

This amendment was approved by a one-vote margin in committee and I am extremely pleased that I cast the deciding vote for this much needed provision.

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

Section 6(a) of the bill reported by the Senate Judiciary Committee amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 by adding a new part E entitled "Grants for Correctional Institutions and Facilities."

The so-called correctional institutions of the country—the jails, juvenile detention facilities, and prisons—have been grossly neglected for generations. Because of the years of neglect, failure to replace outmoded facilities or build new facilities where they are needed, a staggering requirement for construction has accumulated.

Most States, counties, and communities in the country simply cannot afford to finance new facilities. In order to get the job done, the Federal Government must provide financial assistance on a massive scale.

The grant program established under this section is designed to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

In order to receive funds under this section, States and units of local government must meet several criteria designed to assure forward-looking and meaningful action in the corrections area. Specifically, part E, section 453, subsection (4) requires that the State plans provide satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for readjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees.

Subsection (5) requires that the State plan provide for advanced techniques in the design of institutions and facilities.

Subsection (6) requires the State plan to provide, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis. Today, many States are too small to make special provision for such special types of offenders as juveniles, women, the mentally ill, the sexual deviant, the long termers, and the violence-prone. This provision would require States sharing this problem to cooperate in the development of multi-State arrangements for the care and treatment of such offenders.

Subsection (7) requires that the State plan provide satisfactory assurances that the personnel standards and programs of correctional institutions and facilities reflect advanced practices. New facilities would be largely wasted unless they are staffed with qualified, well trained, and adequately paid personnel. The personnel standards to be observed, therefore, are essential to the improvement of corrections.

Subsection (8) requires that the State plan provide satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities including those of probation, parole, and rehabilitation.

LAW ENFORCEMENT EDUCATION GRANTS

At the present time, the Law Enforcement Assistant Administration is authorized to make grants to colleges and universities for programs of academic assistance to improve and strengthen law enforcement. Such grants are for loans and grants for persons enrolled in law enforcement studies—either persons already employed in law enforcement, or students desiring to pursue law enforcement careers.

The Senate Judiciary Committee has added two important provisions. The first would authorize LEAA to make loans and grants for persons employed or preparing for employment as full-time teachers of courses related to law enforcement. This would enable LEAA to help to relieve the present short supply of qualified teachers to staff the new and developing law enforcement degree programs.

The other would authorize LEAA to make grants to develop and revise programs of law enforcement education and to develop curriculum materials, so that LEAA can exercise national leadership in this important area.

BENEFITS TO PENNSYLVANIA

Mr. President, I would like to take note of the financial benefits which have gone to the State of Pennsylvania in the first 2 years of funding of the law enforcement assistance program. In fiscal year 1969, $2,816,789 in LEAA funds were awarded in Pennsylvania. In fiscal year 1970, the following totals were awarded in Pennsylvania: Planning funds—$998,000; action grants—$10,591,000; discretionary grants—$903,097; national institute grants—research—$261,244; academic assistance—college student loans and grants—$826,256; and, technical assistance—$50,000, for a total of $13,629,597. In fiscal year 1971, Pennsylvania will probably receive $20,993,000 for planning and action grants to carry on its programs under the Omnibus Crime Control and Safe Streets Act. This amount is more than seven times the total received by the State in 1969.

Mr. President, without the authorization contained in H.R. 17825, Pennsylvania would not receive this $20 million nor would the other States receive the assistance they need.

ACTION NEEDED NOW

I am convinced that the Senate bill is a good bill. This measure will extend a wide range of new assistance to the cities and towns without jeopardizing local independence. It will improve a program which has already been of significant benefit to my State. I am pleased to express my support for H.R. 17825 as amended by the Senate Judiciary Committee, and I urge my colleagues to support it. The need for prompt action is clear.

Mr. PEARSON. Mr. President, I would like to express my support of H.R. 17825, the bill to amend the Omnibus Crime Control and Safe Streets Act of 1968. Certainly, the serious rise in the increase and rate of crime in the United States provides ample need for the continuation and expansion of programs under this law.

This law established the Law Enforcement Assistance Administration in the Department of Justice to assist State and local governments in controlling crime and improving the quality of criminal justice. Experience in administering this agency has shown the need for some revisions in the law and these amendments would provide needed improvements.

H.R. 17825 authorizes appropriations for the LEAA for the next 3 fiscal years and revises the administrative management of the LEAA. The Senate bill, in defined areas on a showing of need, relaxes the matching requirements for discretionary and block grants and relaxes certain of the restrictions on the use of grand funds for salaries. This bill before us now also authorizes waivers of the mandatory requirement that specified percentages of State planning funds be made available to local units and revises the provisions under which a part of each State's block action grant must be made available to local units. Also important is the fact that the Senate version provides that each State must allocate an adequate share of the benefits of title I block grant funds to areas characterized by high law enforcement activity.

Mr. President, the Senate bill also adds three other important provisions to the act, one of which originated in the House version of H.R. 17825. This House provision, also incorporated in the Senate bill, is one which would establish a new

program for the construction, acquisition, and renovation of correctional facilities and programs. The Senate bill makes several important changes in the House provision in this regard, the most significant of which is this: Rather than the House version of allocating 50 percent of correctional funds for block grants to States and 50 percent for discretionary grants to States or to local units, the bill before us today would allocate 85 percent of such funds for block grants to States according to population and 15 percent for discretionary grants. This change, in my opinion, assures the proper relationship between the new program and the existing block grant efforts.

Two completely new provisions added by the Senate bill are these:

First. The establishment of a federally subsidized plan of low-cost life insurance for certain State and local law enforcement officers, patterned on the servicemen's group life insurance program, and to be underwritten by private life insurance companies. The policeman's job is increasingly complex and dangerous and I believe, along with the Senate Judiciary Committee, that policemen deserve not only up-to-date training and equipment but also up-to-date benefits. Adequate life insurance is now denied many police officers and they are often charged higher than average insurance premiums which they cannot afford. Also, they are often unable to obtain double indemnity protection. While many local communities are providing some insurance benefits to policemen, these benefits are usually extremely limited.

Second. The provision for an overall Attorney General's annual report on Federal law enforcement and criminal justice assistance activities, which would bring together information from crime control and related programs throughout the Government. This is the only way to assure that all Federal programs are closely coordinated, fully operative, and properly funded.

I am in complete accordance with these two new provisions added by the Senate Judiciary Committee.

Mr. President, we feel that the LEAA has been a great boon to law enforcement in the State of Kansas. There have been some problems involved, as there naturally are when a new program is being worked out. However, I feel that H.R. 17825 goes a long way toward resolving many of these problems.

The Crime Commission in 1967 concluded that every part of the criminal justice system is undernourished:

> There is too little manpower and what there is is not well enough trained or well enough paid. Facilities and equipment are inadequate. Research programs that could lead to greater knowledge about crime and justice, and therefore to more effective operations, are almost non-existent. To lament the increase in crime and at the same time to starve the agencies of law enforcement and justice is to whistle in the wind.

The 90th Congress took these words seriously and initiated a full-scale Federal assistance program aimed at improving all aspects of State and local law enforcement and criminal justice. The bill before us today is an extension and, in some aspects, a refinement of that program. I urge its passage by the Senate.

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENTS NO. 1019

Mr. SPONG. I call up my amendments No. 1019.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

AMENDMENTS NO. 1019

On page 19, line 11, strike the word "At" and insert in lieu thereof the words "Effective July 1, 1971, at".

On page 19, line 13, before the word "for" insert the words "in the aggregate, by State or individual unit of government,".

On page 22, line 19, strike the word "At" and insert in lieu thereof the words "Effective July 1, 1972, at".

On page 22, line 22, before the word "for" insert the words "in the aggregate, by States or individual unit of government,".

Mr. SPONG. Mr. President, this amendment seeks to achieve two purposes—to delay the effective date of the half-hard-match provision until the start of the fiscal year 1973 and to clarify the intent of existing language to assure that a single appropriation at the State level and at the individual local government level will meet the requirements of the new matching rules of H.R. 17825.

It is important that these changes in the text of the committee bill be made, and I understand that they are acceptable to the committee. Although Congress continues to struggle with the fiscal year 1971 budget, State and local governments already have their budgets set. Passage of the new hard-match requirement, unless its effective date is postponed, could result in mandating special sessions of legislative bodies or throwing a number of States into technical default under the statute. It is important that States demonstrate their willingness to allocate new moneys to crime programs as a condition of receiving increased Federal assistance, but I am sure that all will agree that there is no necessity to make this requirement so difficult to meet that the overall objectives of the bill might be frustrated.

The second aspect of the amendment clarifies an intention that I am sure all would concede is already implicit in the committee bill. What is needed is a commitment of new moneys to crime control programs in the aggregate, not to specific programs. There is no need to require that the local legislative processes appropriate on a line basis for each project. Aggregate appropriations by State or unit of local government is administratively more workable than line appropriations. The number of individual projects undertaken yearly with LEAA funds is already over 5,000. It is estimated that the number may pass 10,000 this year, which is an average of 200 per State. It will be helpful if the language of the bill does not lend itself to a construction that might impede the administrative flexibility of State and local planning agencies.

Mr. HRUSKA. Mr. President, the managers of the bill and the members of the committee have coordinated their efforts in support of this amendment. They believe it is a meritorious amendment, one that lies well in the present situation, and we are happy to inform the Senator from Virginia that we are ready to accept it.

Mr. SPONG. I thank the Senator from Nebraska.

I ask unanimous consent that the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor.

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

The question is on agreeing to the amendments of the Senator from Virginia.

The amendments were agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. SPONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NO. 983

Mr. CRANSTON. Mr. President, I call up my amendments, No. 983.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

By adding the following subparagraph to paragraph 402(b):

"(8) to carry out research on and testing of nonlethal weapons and police protective equipment."

On page 14, line 5, after the period insert the following new sentence: "Of the sums appropriated for fiscal year ending June 30, 1971, by the first sentence of this section not less than $5,000,000 shall be expended for the purposes set forth in paragraph (9) of section 402(b)(8).

Mr. CRANSTON. Mr. President, I ask unanimous consent that the RECORD reflect that the following Senators are cosponsors of the amendment: BENNETT, GOODELL, HART, PELL, SCHWEIKER, TYDINGS, and WILLIAMS of New Jersey.

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

Mr. CRANSTON. Mr. President, the Federal Bureau of Investigation recently announced that crime in the United United States increased 11 percent during the past 6 months. The continual increase in crime in this country must be stopped. Americans have the right to walk the streets, by day or night, in peace and confidence.

They have the right to be secure in their homes. They have the right to run their businesses without fear of harmful interference by outsiders.

Our democratic traditions of freedom, diversity, and individualism cannot survive in a climate of disorder and violence. While it is urgent that we root out the basic causes of crime and civic disruption, it is equally urgent that we devise better ways of controlling their consequences.

At the very time when we are most in need of professional police protection and of attracting qualified police officers, the policeman's life has become more burdensome and unduly hazardous. His very reason for existence is being challenged by anarchists in the streets and killers on the rooftops.

Many policemen feel they are being asked to do a monumental job for which

they have not been adequately trained or equipped. And when the task is larger than the capacity, the result is often frustration and low morale. To retain the best officers and recruit the best men in the future, we must offer policemen better pay, better training and better equipment so they can protect themselves and innocent bystanders, and do a more effective job of law enforcement and criminal apprehension. It is the size of the task and the recommitment of adequate resources on which we must concentrate.

Only the Federal Government is in a position to provide the necessary funds and coordination. We must close the technological and training gap that handicaps good law enforcement. We should give our defense and aerospace industries, which have done such an outstanding job in developing equipment, the opportunity to use their ingenuity in helping our law enforcement people. They need such help desperately.

When I was campaigning for the Senate in 1968, I made it a practice to talk with police chiefs, sheriffs, and district attorneys throughout California as I traveled the State, and I received many ideas from them that I have since been planning to implement, relating to the amendment I have now called up and one more amendment which I shall call up.

Furthermore, early this year I sent a questionnaire to every chief of police, sheriff, and district attorney in California, asking them some specific questions about their problems, about help which they feel might be rendered through the Federal Government, and about the working of LEAA. I received back some very illuminating responses that have led to the two amendments I am offering.

The first amendment deals with providing research funds, for research in police protective equipment and in the research, development, and testing of nonlethal weapons for use in law enforcement in our country.

Just a week ago last Saturday, the National Advisory Commission on Civil Disorders issued its report. That report stated, in part:

> After the disorders of 1967, the National Advisory Commission on Civil Disorders urged that the government undertake a crash program of research to develop improved non-lethal weapons. Nothing much has come of this research and recommendation. The need for something more effective than tear gas and less deadly than bullets is greater than ever before. We recommend that the federal government actively continue its research to develop nonlethal control devices for use in campus and civil disorders.

Obviously, this is also needed for simple, straight law enforcement activities in the streets of our cities.

Since the 1967 Advisory Commission Report, there have been only two federally financed projects for research and testing of nonlethal weapons and police protective equipment. While $15 million has been spent by the LEAA Institute for law enforcement related research, only 1 percent of that amount, $150,000, has been spent for research and testing of nonlethal weapons and police protective equipment. Even if we add to this, the $300,000 spent by the Department of Defense for nonlethal weapons research, the grand total of only $450,000 has been spent on this needed research and development since 1967. We cannot delay any longer. Delay in developing protective equipment has cost the lives of police officers. Delay in developing nonlethal weapons has cost the lives of innocent citizens and has deprived police of alternatives, and perhaps more effective ways of combating crime and civil disorder. More rapid progress must be made in developing nonlethal weapons if police are to fulfill their fundamental responsibility of safeguarding the rights and lives of peaceful protestors while protecting the lives and property of those they are protesting against.

Police departments are often limited to a choice of using too much or too little force in their law enforcement efforts.

The National Advisory Committee stated:

> Our police departments today require a middle range of physical force with which to restrain and control illegal behavior more humanely and more effectively.

An examination of crime prevention problems encountered by police substantiates that conclusion. Too often a policeman is confronted with the terrible choice of either firing at a fugitive, and risking hitting an innocent bystander, or letting the suspect get away. Let us help the police to devise, invent, discover nonlethal means of stopping an escaping suspect. Let us concentrate more of our know-how on improved police techniques.

Nonlethal weapons must also be developed to control civil disorders and campus unrest. When a crowd on the move throws rocks at buildings and commits other acts of vandalism, police departments do not possess the nonlethal alternatives to control the disorder. And no less an authority than the FBI says the best way of controlling mobs is by nonlethal rather than lethal means. The FBI manual points out that:

> The basic rule, when applying force, is to use only the minimum force necessary to effectively control the situation. Unwarranted application of force will incite the mob to further violence, as well as kindle seeds of resentment for police that, in turn, could cause a riot to recur. Ill-advised or excessive use of force will not only result in charges of police brutality but also may prolong the disturbances.

As the FBI manual indicates, if lethal weapons are used to control the crowd of vandals, resentment might prolong or enlarge the disturbance or cause it to recur at some later date. Inaction by the police, however, would leave unchecked the destruction of property owned by innocent citizens.

A parallel dilemma arises where police have to risk taking human lives in order to protect someone's private property. No matter how much we value property, it must never be placed on a par—let alone above—the value of human life. And it is unfair to the police to put them into the kind of bind where they must choose between shooting protestors or letting them stone a building. Nonlethal weapons must be devised to provide solutions to these dilemmas.

Police departments in California faced with the kinds of dilemmas described above have urged me to propose legislation to foster research and development of nonlethal weapons. The chief of police of Berkeley, Calif., wrote me that one of the areas most in need of Federal research is the development of nonlethal weapons. We have an obligation to respond to the request of these police forces.

It is also necessary for the Congress to appropriate funds for the development and testing of police protective equipment. Every policeman must be provided with equipment to protect him from injury in the performance of his duties. Concrete, glass, and metal pipes are often thrown at police officers during civil disorders. There have been all too many incidents like one in California last year when a brick thrown by a protestor at San Francisco State College struck and killed a police officer. This tragic and untimely death of a young policeman and father, like the tragic deaths of students at Kent State this past spring must be averted in the future. We have a duty to provide the policeman who safeguards our society adequate protective equipment to safeguard his life. We have a duty to develop nonlethal weapons to prevent future Kent States.

There have been only two federally financed projects which have done research and testing of nonlethal weapons and police protective equipment. The report of the first study, made by the Army's Land Warfare Laboratory, was issued in May of this year. The second study is currently being conducted by the International Association of Chiefs of Police. The Army study broadly outlined specifications needed in nonlethal weapons and protective equipment, and evaluated available equipment against the specifications. At the conclusion of the study, the Army recommended that the more comprehensive research be undertaken to further define specifications and perform field tests of available equipment. The Army report was then turned over to the LEAA for followup.

Officials of the Land Warfare Laboratory, private contractors who did the subcontract studies for the laboratory, the International Association of Chiefs of Police and the LEAS estimated that it would take $5 million to complete followup studies. Only $150,000 has been granted by the LEAA for the followup. We cannot continue research in this vitally important area at this snail's pace. The amendment I am introducing will, for the first time, earmark funds for research and testing of nonlethal weapons and police protective equipment, and in sufficient amounts to do the job. Because of the urgency of the situation, I am proposing a crash program which authorizes an expenditure of $5 million for research and testing of nonlethal weapons and police protective equipment in fiscal 1971. This amendment provides sufficient funds to complete that research within the coming year so we can get on with the important task of production and purchase.

In the coming session of Congress I intend to introduce legislation which will

authorize expenditures for the development of nonlethal weapons and protective equipment by private industry. Where development is completed, it will still be necessary to make it economically feasible for police departments to purchase this sophisticated equipment. Production will not take place unless manufacturers are assured that there is a market. Our local communities and their police departments need Federal help to make these purchases. The skyrocketing property tax and other sources of revenue are simply not visible to produce the needed funds. The legislation I will introduce in the coming session will make provision for these purchases.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Is the bill open to amendment?

Mr. CRANSTON. I have an amendment pending at the present time.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. McCLELLAN. I had to be absent from the Chamber for a moment. Which amendment is it that the Senator has pending?

Mr. CRANSTON. The one on nonlethal weapons and police protective equipment, No. 983.

Mr. McCLELLAN. Yes. Mr. President, I understand that the Senator has two or three amendments, this one and probably another one or two, that I might say at the outset appear to have some merit. They are amendments that are beyond the scope and purpose of this bill, but they are amendments that can and should, at the proper time, be considered and possibly agreed to.

However, we have had no hearings on these particular proposals. As to the amendment with respect to the $5 million for research on weapons, there is money in this bill for research. Money is authorized for that purpose, and any of it that the agency thinks should be so applied may be used for that purpose.

I commend the Senator for the other amendments he has in mind and I want to say to him that this is not opposition. This is not an expression of opposition to the merits of these proposals. It is simply saying, as I said a moment ago, Mr. President, that we could load this bill down and get this agency trying to do more than it should be undertaking to do until it gains some experience in this field.

I hope that our colleagues will go along with the Committee on the Judiciary. We have gone over this bill; we had votes on it in the committee; we produced it in a way that we think is a decided improvement over the House bill; and I am hoping that we will not burden the conference with a lot of amendments that will make our job more difficult in trying to get the best bill possible out of this.

I would say to the Senator that this proposal and the others I understand he has in mind are proposals that are in line. I would say that they are within the scope of what our Committee on the Judiciary, and particularly the Subcommittee on Criminal Laws and Procedures of which I am chairman, handles. These proposals will receive attention either next year or the next when we consider further amendments to this bill; and my judgment is, I say in all candor, that as we gain experience with the administration of this act, from time to time we are going to come in with amendments to broaden the powers, broaden the scope, and increase the responsibilities of the administrators of this act.

We are moving with some caution. We want our money to be productive. We could, I think, try to move too fast before we get this program well organized and functioning as it should function. I repeat that we must move with caution in order that the program give the service and produce the results that we are anticipating it will produce. I have every confidence that it will.

I have every faith that this agency, this program, this law, are going to do immeasurable good. I said on the floor of the Senate when we passed the bill some 2 years ago that this was an experiment, and we would have to move gradually and take 4, 5, or 6 years before we actually began to see the fruits of it. That is true; and I hope we can keep this matter in proper perspective and move as we gain the experience. As that experience dictates, we should expand and increase the operations in this field of activity.

I hope the Senator will appreciate this. I am in sympathy with what he is trying to do. I have said over and over, and I reiterate again, I think the responsibility is on us today, in view of the conditions that prevail, to fashion every weapon that it is possible to fashion within the framework of the Constitution, and to make those weapons and the necessary funding available to our law enforcement officials and agencies, to the end that we may more efficiently and successfully combat the crime that prevails in this country today.

I commend the Senator. I know he supports this legislation, and we will support it. We want him to be patient with us, keep these matters before us, and let them have the proper hearings, and let the committee take action on them. Then, I urge the Senator to bring them in here in due time, Mr. President, so that we can keep this program intact and keep it growing in strength and effectiveness.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. HRUSKA. Mr. President, I should like to associate myself with the remarks of the Senator from Arkansas.

This is a far-reaching and very vast program. It is going to take a long while to season and to mature. Many meritorious suggestions have come to the committee from time to time, and I think they will continue to come as we go along. But it would be well for this revised and revamped State and local law enforcement pattern which has made its appearance in the Nation, in almost miraculous fashion, by reason of the establishment of a crime program in each of the 50 States, to level off. When that has leveled off a little and we can get our bearings on it, we will be able to consider new ideas and good ideas, constructive ideas, such as those that obviously inhere in the amendments suggested and proposed by the Senator from California.

I think these amendments are in the class of a number of potential improvements that can be and in due time will be considered. The subcommittee, I am sure, will be happy to consider them and will welcome hearings on them. But it would be well at this time if we would adhere to the admonitions of the chairman of our subcommittee on this subject, that we not overburden the bill at this time.

I thank the Senator for yielding.

Mr. CRANSTON. Mr. President, I thank the two Senators who have provided the leadership on this bill for their generous remarks about the efforts I am making to do what I think would strengthen the proposed legislation.

I recognize the difficulties in overburdening members of this new agency with too many responsibilities before they have mastered their original responsibilities, and apparently they have not yet done that. I know that there is great confusion in the administration of this law in the States, that the cities feel cut off from the assistance they would like to have come directly to them; and I know that those responsible for law enforcement locally are gravely concerned about delay, about commission after commission after commission making study after study after study, with action still not being taken.

I am concerned that, although substantial appropriations are suggested in the proposed legislation, the money that is proposed would be divided among a number of the different divisions of the LEAA Institute; and I understand that no more than $200,000 is budgeted for nonlethal weapons research under the present proposals. Nonetheless, I recognize the validity of the statements made by the Senator from Arkansas and the Senator from Nebraska. With their assurances that both amendments—with one relating to nonlethal weapons, which I have called up, and the one relating to education and training which I have intended to call up—will be given serious consideration, that there will be an opportunity for suggestions along these lines to be considered in the next session of Congress, along with hearings where there will be an opportunity to develop the case for them, and with high hopes that we will be able to move effectively and swiftly in the next session, I withdraw my amendment and will not offer the other amendment at this time.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from California for his cooperation. I extend to him now an invitation to participate in our next hearings and bring these amendments and these proposals before us at that time, so that the committee may consider them and give credit to him, as the originator of the idea.

Mr. CRANSTON. I thank the Senator.

The PRESIDING OFFICER. The amendment of the Senator from California is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 1037

Mr. HART. Mr. President, I call up Amendment No. 1037.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 21, line 17, strike "Eighty-five per centum" and insert in lieu thereof "Sixty-six and two-thirds per centum," and on line 23, strike "Fifteen per centum" and insert in lieu thereof "Thirty-three and one-third per centum."

Mr. HART. Mr. President, if I could have the attention of the able chairman of the committee and the manager of the bill, I would suggest proceeding this way, in view of the hour and some unexpected time that has been consumed during the afternoon: namely, that he permit me to make a statement in support of this amendment and include in that statement reference to an amendment which I would call up immediately following the disposition of this one; namely, No. 1036. I think the two are related for purposes of discussion. When the discussion concludes, perhaps we will be in a position to vote rather promptly on both of them, without delay. This is not intended to inhibit any Senator's discussion at any point, but I thought I would outline to the chairman that approach and that, if he does not object, I would pursue it.

Mr. President, as a Member proud to serve on the Judiciary Committee, and equally proud of my membership on the Subcommittee on Criminal Laws and Procedure, which is chaired by the Senator from Arkansas, I rise, first, to commend the Senator from Arkansas and his subcommittee staff for the efforts they have made to provide improvements in the Safe Streets Act—efforts that go beyond that, to insure that this essential program is authorized for an additional 3 years.

I am going to make two suggestions which I believe, if adopted, would further improve the effort.

Some changes that have been reported by the committee delete provisions in the House-passed version and add new provisions. Some of these actions, I think, are not sound; and while I would not intend to raise them at this point, perhaps in conference there can be a resolution or personal accommodation to those concerns which some members of the committee discussed and set out in the separate views which are a part of the report. I believe that the two points on which I do propose amendments are most critical.

I think the adoption of these amendments would zero in more effectively than the existing formula on those areas about which we are really worried. The targets of the war on crime should be those areas which show up on the national map as having the highest incidence of crime.

The first amendment, the one that is pending, would increase the money available for discretionary grants from the Law Enforcement Assistance Administration directly to local agencies, directly to those places where the overlay on the map shows the real crime to be. It would enable the LEAA to give additional support to law enforcement and criminal justice needs in the high crime urban areas of this country. Perhaps there are people who are afraid to walk the streets in their neighborhoods in the small, rural towns of this country. But in percentage they are vastly fewer than those of us who have the same fear after dark in walking the streets of our neighborhood in the big cities. When the public listens to us make these speeches about fighting crime, they hope we have in mind that kind of crime, and I hope we have it in mind, too. It is for that purpose I offer the first amendment.

The second amendment, briefly, would increase the overall authorization for the safe streets program to the level recommended by the committee. This is a money authorization amendment, pure and simple.

For fiscal 1971, the amendment would authorize $1 billion. The committee bill authorizes $650 million, the same figure as the House authorization.

The second amendment would authorize $1.5 billion and $2 billion in fiscal years 1972 and 1973. The bill authorizes lesser sums—$1.15 billion and $1.75 billion for these 2 years.

It is pretty hard to move around either here or in any State legislature, I expect, without running into someone who does not have a crime bill. There is a great deal of crime legislation under consideration these days. That is understandable. Crime and the fear of crime is perhaps the most urgent problem of our society.

But, for a moment, let us stand back and seek to take a little perspective on the problem. Even if almost every one of the bills that people run around with and talk with and talk about were to become law today, the unhappy unlikelihood is that they would not make much of a major dent in the raging crime wave in the cities because—and this is a harsh but sad truth—the system of criminal justice has broken down.

All of us have read—those of us permitted to serve on various commissions, as I was permitted to serve on the Commission on Violence and have written about it—that it is not just a shortage of policemen, it is not just the desire that the police be better trained, but the whole business of clogged court calendars, and the interminable delays between indictment and disposition of cases. There is also a tragic shortage of probation and parole personnel. One of the long-standing offenses against civilization that we have permitted to go on is the so-called correctional institutions in this country—which are graduate schools for criminals and scarcely a source of rehabilitation. They are mostly revolving doors. The whole sweep of those activities in our system of criminal justice has broken down, not for lack of will, not because of venality or any other things that occasionally we assign to it; but simply a failure on our part to allocate to the whole system the resources which its critical importance to our survival requires.

Now the Crime Commission's findings, which the Commission on the Causes of Violence made, referred to in its report on page 153, alerted us to this some years ago. The Violence Commission says:

Too little attention has been paid to the Crime Commission's findings that the entire criminal justice system, Federal, State, and local, including all police, all courts, and all corrections, is under-financed, receiving less than 2 percent of all government expenditures. On this entire system, we spend less each year than we do on Federal agricultural programs and little more than we do on the space program.

That is speaking of every level of every aspect of the system of criminal jurisprudence, all the Federal spending, all the spending in the 50 States, and all the local spending, whether it be county sheriff, the city jail, a juvenile home—the whole kit and caboodle there—to all the courts, Federal, State, and local—we allocate that rather modest percentage of our total resources, about what we spend for space. So a little more than on the Federal agricultural programs. It is that sort of thing that disturbs not just the youth of this country but others as well and make them demand that we get our priorities reordered.

That is the purpose of these amendments, to try to reorder the allocation of some of our resources to what all of us in our speeches say we are committed to; namely, all-out war and total victory over crime.

The Violence Commission reminds us that the Crime Commission's caution was simply a repeat of the Wickersham Commission of some 30 to 40 years ago. The recommendations of those two commissions, so far as our responses to them are concerned, could have been described as not having been listened to very well. We are all guilty of that. It does not make sense to spend $70 billion a year to guard our interests around the globe from potential enemies, when we spend not more than $6 billion a year here at home on this whole system of criminal jurisprudence. We can make a pretty good case, without being a radical, that safe streets are more important to us than space ships, subsidies to special interests.

Mr. President, it is understandable that people would hope there is some quick and cheap way to respond to the crime threat. There is not. Loud law-and-order speeches will not reduce the epidemic of crime. They will not intimidate, so far as I am aware, one single criminal. Most important, they will not get the cities of the country—your cities and mine, Mr. President—the manpower, the equipment, and the programs so desperately needed to strengthen law enforcement.

Unless we supply resources, and not simply rhetoric and peripheral measures, we are not fighting crime. Moreover, after several years, we can suggest that the present funding level of the safe streets program has been misspent. I know that is 20–20 hindsight, and our own family budgets can show that about our spending programs year after year, but it is not surprising that we can say

that about some Federal programs. But the fact remains, that the major metropolitan areas, where we find the bulk of violent crime, have not managed to get their fair share under the existing pattern.

We had testimony to this in misallocation congressional hearings from city officials and urban groups from every part of the Nation. I have every confidence that there are examples of what I am talking about in perhaps every State—certainly most States.

A recent study by the Intergovernmental Relations Council showed that in 33 States the five largest cities had received a share of financial assistance significantly below their burden of the crime in their States. We are told that the States are rectifying these inequities in the allocation of block grant funds under the program, but we should not wait for adjustment over the next few years in the distributive channels. I think we are agreed that crime is a crisis in the city streets now.

The other source of funds for high crime areas is the discretionary grant program under the LEAA, making direct aid to city programs. However, only 15 percent of the action funds are now available for such discretionary grants. In fiscal 1970, this meant that LEAA disposed of some $33 million and was able to allocate $10 million of that for special aid to large cities having high crime rates. That is $10 million, when our Nation's 43 largest cities spent almost a billion and a half dollars on criminal justice in 1969.

Detroit's criminal justice budget alone is $83 million for fiscal 1970.

My proposal would increase the discretionary grant share of the action funds available under part C of the Safe Streets Act from the present 15 percent to 33⅓ percent. That is the proposal contained in the amendment now pending. Incidentally, the able junior Senator from Massachusetts (Mr. BROOKE) urged this formula in 1968, when the law was first enacted. The Senate rejected that proposal. I think the several years of operating experience have shown the wisdom of the suggestion then made by the Senator from Massachusetts.

I think it is clear that still more is needed for LEAA's direct assistance in high crime areas. No one is suggesting that we ignore the desirability of comprehensive State planning or that we dismiss the crime problems of our rural areas and smaller communities. With substantially increased funding for the safe streets program, which is the proposition I shall offer in a second amendment, the present distribution of the funds by the States to localities, as well as statewide programs and planning, could continue at present levels.

At the same time discretionary funds would be available for expanding intensive programs in high crime areas to reform courts, control drug-related crime, and improve police protection.

With the higher authorization levels I propose, not only would the block grant program be continued undiminished, but States would actually receive more block grant money under my two amendments than they would under the present 85-percent allocation to the block grant program at the funding levels recommended by the committee bill.

Specifically, with regard to the second amendment that I shall call up, Mr. President, it calls for $1 billion more than the committee bill over the next 3 years, or an average increase of slightly more than $300 million a year. If we are serious about making crime our No. 1 priority, surely that is not too much to spend on the main concern of most Americans. It would not be too much to set as a target, available if the careful appropriation process identifies it as an expenditure which can be prudently made within the existing structure and experience.

We do not need more studies. We know where the problem is. We know the basic needs. And we know basic programs which work and which already have been funded in the cities by the LEAA, but in pitifully small amounts.

Mr. President, I close simply by again calling attention to the recent findings from a commission which had some responsibility in this general area. I refer to the Commission on the Causes and Prevention of Violence, on which the able ranking minority member of the Judiciary Committee, the Senator from Nebraska (Mr. HRUSKA) and I had the privilege to serve. It summarizes a great many days and many research papers in chapter 6, entitled "Violence and Law Enforcement." The report is entitled "To Establish Justice, to Insure Domestic Tranquility."

Mr. President, it is not a particularly long chapter. I ask unanimous consent that the chapter to which I have referred be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HART. Mr. President, the report states in part:

> In this Commission's judgment, we should give concrete expression to our concern about crime by a solemn national commitment to double our investment in the administration of justice and the prevention of crime, as rapidly as such an investment can be wisely planned and utilized.

That recommendation, if our ballpark estimate—which is about $6 billion being the total amount we are putting into the whole system of criminal jurisprudence in this country—is correct, means that we should jack that up as promptly as we can to $12 billion.

I am suggesting here only an additional $1 billion over a 3-year period in addition to the figure recommended by the committee.

The report notes:

> When the doubling point is reached, this investment would cost the nation an additional five billion dollars per year—less than three-quarters of one percent of our national income and less than two percent of our tax revenues. Our total expenditure would still be less than 15 percent of what we spend on our armed forces. Surely this is a modest price to pay to "establish justice" and "insure domestic tranquility" in this complex and volatile age.

I know that the people of this country are very sensitive about the tax burden which rests on them and on each of us. All of us are sensitive to it. But I have a deep conviction, Mr. President, that those whom we represent would have less quarrel with us after we reach the point that the violence commission urges us to reach in an effort to stop violence and crime than they will have with us until we do get there.

True, the report of the Commission notes: "Money alone will not secure crime reduction." A number of nondollar programs are suggested if we are to develop a pattern which will enable us realistically to claim that we are dead serious in this fight on crime.

Nonetheless prayer and good works alone are not going to do it. Absent a miracle, they will not put a single light on a dark street in the cities of America, or improve the training of a single policeman, or add a single judge to the bench of a court that is overloaded with accumulated documents, or produce a single parole or probation man or woman. Absent more money, we are not going to improve the prisons, despite all the good will and search for divine guidance which may stir our prison administrators. None of that is going to come about unless we take care of the most essential element, the money.

Mr. President, I hope the Senate agrees to the two amendments I have proposed. The amendment now pending is the amendment to increase the discretionary sum available for direct grants to the States by 33⅓ percent.

VIOLENCE AND LAW ENFORCEMENT

Order is a prerequisite of society, a mainstay of civilized existence. We arise every workday with unspoken expectations of order in our lives: that the earth will be spinning on its axis, that the office or factory will be functioning as before, that the mail will be delivered, that our friends will still be friends, that no one will attack us on the way to work.

Our expectations are not always met. The technological creations on which modern life depends do not always function with the predictability of the physical laws of the universe. Human behavior is even less predictable. To ensure reasonable predictability to human behavior, to minimize disorder, to promote justice in human relations, and to protect human rights, societies establish rules of conduct for their members.

In a far earlier day—and still, to some extent, in small and traditional societies—the rules of conduct had only to be passed from one generation to the next by teaching and example. Universal acceptance and long tradition gave force to the rules, as did the knowledge that rule-breakers could be quickly identified by the tightly knit community, that culprits had nowhere to run, that the community would ostracize them for their misdeeds. Still, every society in history has produced deviant members. And as societies have grown larger and more complicated, so have the problems of maintaining the social order.

In modern societies many of the rules of social conduct have come to be codified as laws. The intricacies of life in the twentieth century require laws. The act of driving an automobile from one place to another requires a book full of regulations concerning speed, traffic lanes, signals, safety devices of the vehicle, and the skill of the driver. Many other realms of social interaction also require legal regulation for the sake of justice, safety, and preservation of the social order.

Law furnishes the guidelines for socially acceptable conduct and legitimizes the use of force to ensure it. If utopian conditions prevailed—if all citizens shared a deep commitment to the same set of moral values, if all parents instilled these values in their children and kept close watch over them until adulthood, if all lived in stable and friendly neighborhoods where deviants would face community disapproval—then perhaps we would seldom need recourse to the negative sanctions of the law. But these are not the conditions of today's pluralistic society, and the law is needed to reinforce what the other institutions for social control can only do imperfectly.

This function of the law requires that it be backed by coercive power—that it be enforced. Agents of the legitimate authority must function effectively to deter lawbreaking and apprehend lawbreakers, and the laws must provide sanctions to be applied against wrongdoers. When law is not effectively enforced, the odds become more enticing for the potential offender, crime increases, and the legal system—government itself—becomes discredited in the eyes of the public. As respect for law declines, crime increases still more.

To acknowledge these basic truths is not, of course, to argue in favor of oppressive conduct by police or retributive treatment of offenders. On the contrary, police lawlessness, degrading prison conditions, and other deficiencies in criminal justice damage the goal of an orderly society by making the law seem unworthy of obedience. That, too, breeds crime and disorder.

Likewise, to say that the law requires force as a condition of effectiveness is not to argue that law enforcement must be total. The surveillance that would be required to deal swiftly with every offense, major or minor, would be astronomically costly and an insufferable intrusion upon the lives of a free people that would not be long endured. Indeed, as *Law and Order Reconsidered*, the Report of our staff Task Force on Law and Law Enforcement, suggests, some offenses like minor traffic infractions and intoxication now command a disproportionate share of our criminal justice resources, and many of these offenses would better be handled by various means outside of the criminal justice process.

Devotion to the principle of law is one of the great strengths of the American society, a source of the nation's greatness. As Theodore Roosevelt remarked, "No nation ever yet retained its freedom for any length of time after losing its respect for the law, after losing the law-abiding spirit, the spirit that really makes orderly liberty." Today, however, respect for law in America is weakened by abuses and deficiencies within our legal system, and it is these which are the basis of our concern.

Respect for law is also threatened by some types of civil disobedience, notably the activities of normally law-abiding citizens, regrettably including even some leaders in public life, in deliberately violating duly enacted, constitutionally valid laws and court orders. Moreover, those who violate such laws often claim they should not be punished because in their view the law or policy they are protesting against is unjust or immoral. Civil disobedience is an important and complex subject, and we shall examine the dangers to society of deliberate lawbreaking as a political tactic in Chapter 4, "Civil Disobedience." Every society, including our own, must have effective means of enforcing its laws, whatever may be the claims of conscience of individuals. Our present statement is concerned with the fairness and efficiency of our law enforcement system, which must apply, without fear or favor, to all who violate the law.

As a preface to our discussion, then, we offer these two reminders:

First: order is indispensable to society, law is indispensable to order, enforcement is indispensable to law.

Second: the justice and decency of the law and its enforcement are not simply desirable embellishments, but rather the indispensable condition of respect for law and civil peace in a free society.

I. GOVERNMENT AND THE POOR

The American system of government has been one of the most successful in modern history. But despite the reservoir of citizen trust and deference toward the government which has been a stabilizing feature of our democracy, there has always been in our history a competing attitude of insistence on results, on government's achievement of the aims supported by the citizen, as a precondition of his consent to the exercise of governmental power.

In American political theory, governments are humanly created institutions to serve human ends. The principles are stated in the Declaration of Independence: first, that the purpose of democratic government is to secure the rights of life, liberty, and the pursuit of happiness for all citizens; second, that the powers of government are derived from the consent of the governed.

Governments in the United States—local, state, and federal—must therefore be cognizant of the needs of citizens and take appropriate action if they are to command continuing respect and if their laws are to be obeyed. Disenchantment with governmental institutions and disrespect for law are most prevalent among those who feel they have gained the least from the social order and from the actions of government.

A catalog of the features of American life that push people toward alienation and lawlessness usually emphasizes evils in the private sector; landlords who charge exorbitant rents for substandard housing, the practice of "blockbusting" that feeds on racial antagonism to buy cheap and sell dear under inequitable purchase contracts, merchants with unscrupulous credit-buying schemes, employers and unions who discriminate against minorities. But we need also to consider how the institutions of law and government, often inadvertently, contribute to the alienation.

There are few laws and few agencies to protect the consumer from unscrupulous merchants. There are laws for the protection of tenants defining what landlords must provide, but housing inspection agencies have little power and are understaffed; often they can act only in response to complaints and seldom can they force immediate repairs, no matter how desperately needed. Welfare agencies, designed to help the poor, operate under strictures that contribute to the degradation of the poor. As the President recently stated, our welfare system "breaks up families, . . . perpetuates a vicious cycle of dependency . . . [and] strips human beings of their decency."

If welfare assistance is arbitrarily cut off, if a landlord flagrantly ignores housing codes, if a merchant demands payment under an unfair contract, the poor—like the rich—can go to court. Whether they find satisfaction there is another matter. The dockets of many lower courts are overcrowded, and cases are handled in assembly-line fashion, often by inexperienced or incompetent personnel. Too frequently courts having jurisdiction over landlord-tenant and small claims disputes serve the poor less well than their creditors; they tend to enforce printed-form contracts, without careful examination of the equity of the contracts or the good faith of the landlords and merchants who prepare them.

The poor are discouraged from initiating civil actions against their exploiters. Litigation is expensive; so are experienced lawyers. Private legal aid societies have long struggled to provide legal assistance to the poor, but their resources have been miniscule in comparison to the vast need for their services.

Some of this is changing. The President has recently proposed reforms in the welfare system designed to preserve family structures, sustain personal dignity, eliminate unfairness and preserve incentives to work. Private groups and new government programs are beginning to respond to the legal needs of the poor. In 1968 the Legal Services Program of the Office of Economic Opportunity handled almost 800,000 cases for the poor and won a majority of the trials and appeals. In test cases the OEO lawyers won new standards of fair treatment of the poor from welfare agencies, landlords, inspectors, urban renewal authorities, and others. They were assisted in their work by VISTA volunteers with legal training and Reginald Heber Smith Fellows, law school graduates with one year fellowships who are assigned to OEO Legal Services offices. But the 8,800 OEO Legal Services Program lawyers, 700 VISTA lawyers, and 250 Smith Fellows, together with 2,000 legal aid attorneys, are still only a small beginning in the long-range task of assuring justice for the poor. Many more attorneys are needed. Indeed, the entire bar must also assume a larger share of the responsibility, as many younger lawyers and law firms are now beginning to do.

In recent years the legal profession has contributed an increasing portion of its time to aiding the poor and this trend will undoubtedly continue despite the financial problems involved.

We recommend that federal and state governments take additional steps to encourage lawyers to devote professional services to meeting the legal needs of the poor.

Specifically, we recommend that:

1. The Legal Services Program of the Office of Economic Opportunity, which already has won the strong support of the organized bar and the enthusiasm of graduating law students across the country, should be continued and expanded. The more recently started VISTA lawyers program and the Smith fellowships program should also be enlarged. Experiments should be encouraged with new programs to provide trained attorneys to deal with particular types of legal problems faced by the poor, such as welfare rights and consumer protection. The independence of all government-supported programs providing legal services to the poor should be safeguarded against governmental intrusion and into the selection of the types of cases government-financed lawyers can bring on behalf of their indigent clients. The relationship between lawyer and client is as private as that between doctor and patient, and the fact of poverty must not be the basis for destroying this privacy.

2. All states should provide compensation to attorneys appointed to represent indigent criminal defendants in the state and local courts. A state may wish to provide such compensated legal assistance through the use of paid Public Defender staff lawyers, or it may choose to compensate private court-appointed attorneys at a specific rate, on the model of the Federal Criminal Justice Act.

3. The federal government and the states should provide adequate compensation for lawyers who act in behalf of the poor in civil cases. Payment—either full or partial depending on the client's ability to pay—could be made on the basis of certificates issued by the court as to the need of the client and (in suits for plaintiffs) the good faith of the action. Other appropriate safeguards could be introduced to be administered by the courts with the assistance of the local bar associations. Some federal funding for the state court programs might also be required.

The institution of government that is the most constant presence in the life of the poor is the police department. Crime rates are high in the urban slums and ghettos, and the police are needed continually. As they do their job, the police carry not only the burden of the law but also the symbolic

burden of all government; it is regrettable, yet not surprising, that particularly the tensions and frustrations of the poor and the black come to focus on the police. The antagonism is frequently mutual. Racial prejudice in police departments of major cities has been noted by reliable observers.[1] Prejudice compromises police performance. Policemen who systematically ignore many crimes committed in the ghetto, who handle ghetto citizens roughly,[2] who abuse the rights of these citizens, contribute substantially to disaffection with government and disrespect for law.

Our laws provide for civil and criminal sanctions against illegal police conduct, but these are rarely effective. The so-called exclusionary rule also has some deterrent effect; it prevents use of illegally obtained evidence in trials, but this does not affect unlawful searches and seizures or other police activities that do not result in arrest and trial. A citizen can take his complaint of misconduct directly to the police department. Every major police department has formal machinery for handling citizen complaints and for disciplining misbehaving officers. But for a variety of reasons, including inadequate investigative and hearing procedures and light punishments for offenses, this internal process of review is largely unsatisfactory.

Even if all the compromising practices were eliminated, however, it is doubtful whether internal review boards could engender widespread trust—simply because they are internally administered. New York, Philadelphia, Washington and Rochester are among the few large American cities to have experimented with an external review board composed primarily of civilians. In the four months that New York City had a civilian review board, more than twice as many complaints were processed than during the preceding twelve months by the police department's own board. These experiments have fallen victim to organized opposition, however, most vocally from the police themselves. The police argue that civilian review lowers police morale, undermines respect of lower echelon officers for their superiors, and inhibits proper police discretion by inducing fear of retaliatory action by the board. The police also resent being singled out among all local governmental officials for civilian review.

The resentment is understandable. The police are not the only public servants who sometimes fall short of their duties or overstep their powers, who act arbitrarily or unjustly. If an independent agency is to exist for handling citizen grievances, it should be open to complaints concerning every governmental office: the welfare agency, the health department, the housing bureau, the sanitation department, as well as the police.

Independent citizens' grievance agencies would be a useful innovation. They could investigate and, where justified, support individual complaints against public servants. They could also perform a broader function—recommend policy changes to governmental institutions that will make them more responsive to public needs. By encouraging and goading governmental institutions to greater responsiveness, and by vindicating them against unfounded complaints, these grievance agencies could strengthen public respect for the institutions of government and thus strengthen the social order.

Both the President's Commission on Law Enforcement and Administration of Justice (Crime Commission) and the National Advisory Commission on Civil Disorders (Kerner Commission) recommended that local jurisdictions establish adequate mechanisms for processing citizen grievances about the conduct of public officials. That recommendation has not received the attention or the response it deserves.

To increase the responsiveness of local governments to the needs and rights of their citizens, we recommend that the federal government allocate seed money to a limited number of state and local jurisdictions demonstrating an interest in establishing citizens' grievance agencies.

Because of the novelty of this function in American government, the allocating federal agency should encourage diversity in the arrangements and powers of the grievance agencies in the experimenting states and cities, should provide for continuing evaluation of the effectiveness of the differing schemes, and should publicize these evaluations among all state and local jurisdictions so that each can decide the arrangement best suited for itself. Consideration should also be given to the creation of a federal citizens' grievance agency to act on complaints against federal employees and departments. The federal agency could also serve as an experimental model for similar agencies in the cities.

We have supported this recommendation upon evidence that the poor experience special frustrations in their relationships with the government and that these frustrations breed disrespect for law. To undergird that support we add the obvious notation that the poor are not the only ones who feel that government is unresponsive to their needs. The alienation of "the forgotten American," living above the poverty affluence, is also genuine and a matter for compassionate concern.

Law-abiding, patriotic, a firm believer in traditional American values, "the forgotten American" is angered and distrustful about the same institutions of government—except for the police—that alienate the poor. Some extremists prey upon his frustration and alienation by promising simplistic solutions and pointing at scapegoats—usually Negroes. The festering and sometimes violent antagonisms between lower-middle-class whites and poor blacks have their ironic side, for the two groups share many needs: better jobs, better schools, better police protection, better recreation facilities, better public services. Together they could accomplish more than they can apart. Citizens' grievance agencies could provide a modest but important start toward the reconciliation of antagonisms and the restoration of respect for the institutions of government among all citizens.

While we strongly urge innovative devices such as citizens' grievance agencies, we must not ignore the strengthening of such time-honored mechanisms of popular government as the right and the duty to vote. Extension and vigorous enforcement of the 1965 Voting Rights Act, and intensified efforts to persuade all qualified citizens to vote, remain the most direct method for citizens to shape the quality and direction of their government. Equally important as creating new citizens' grievance agencies is the continuing effort to develop more effective voter education and registration programs.

II. THE CRIMINAL JUSTICE PROCESS

Our society has commissioned its police to patrol the streets, prevent crime, and arrest suspected criminals. It has established courts to conduct trials of accused offenders and sentence those who are found guilty. It has created a correctional process consisting of prisons to punish convicted persons and programs to rehabilitate and supervise them so that they can become useful citizens. It is commonly assumed that these three components—law enforcement (police, sheriffs, marshals), the judicial process (judges, prosecutors, defense lawyers) and corrections (prison officials, probation and parole officers)—add up to a "system" of criminal justice.

A system implies some unity of purpose and organized interrelationship among component parts. In the typical American city and state, and under federal jurisdiction as well, no such relationship exists. There is, instead, a reasonably well-defined criminal *process*, a continuum through which each accused offender may pass: from the hands of the police, to the jurisdiction of the courts, behind the walls of a prison, then back onto the street. The inefficiency, fallout and failure of purpose during this process is notorious.

According to the 1967 report of the President's Crime Commission, half of all major crimes are never reported to the police.[3] Of those which are, fewer than one-quarter are "cleared" by arrest. Nearly half of these arrests result in the dismissal of charges. Of the balance, well over 90 percent are resolved by a plea of guilty. The proportion of cases which actually go to trial is thus very small, representing less than one percent of all crimes committed. About one quarter of those convicted are confined in penal institutions; the balance are released under probation supervision. Nearly everyone who goes to prison is eventually released, often under parole supervision. Between one-half and two-thirds of all those released are sooner or later arrested and convicted again, thereby joining the population of repeater criminals we call recidivists.

Nearly every official and agency participating in the criminal process is frustrated by some aspect of its ineffectiveness, its unfairness or both. At the same time, nearly every participant group itself is the target of criticism by others in the process.

Upon reflection, this is not surprising. Each participant sees the commission of crime and the procedures of justice from a different perspective. His daily experience and his set of values as to what effectiveness and fairness require are therefore likely to be different. As a result, the mission and priorities of a system of criminal justice are defined differently by a policeman, a prosecutor, a defense attorney, a trial judge, a correctional administrator, an appellate tribunal, a slum dweller and a resident of the suburbs.

For example: The police see crime in the raw. They are exposed firsthand to the agony of victims, the danger of streets, the violence of lawbreakers. A major task of the police officer is to track down and arrest persons who have committed serious crimes. It is discouraging indeed for such an officer to see courts promptly release defendants on bail and permit them to remain free for extended periods before trial, or prosecutors reduce charges in order to induce pleas of guilty to lesser offenses, or judges exclude incriminating evidence, or parole officers accept super-

[1] *E.g.*, Donald J. Black and Albert J. Reiss, Jr., "Patterns of Behavior in Police and Citizen Transactions," *Studies in Crime and Law Enforcement in Major Metropolitan Areas*, Field Survey III, Vol. 1, a Report of a Research Study Submitted to the President's Commission on Law Enforcement and Administration of Justice (Washington, D.C.: Government Printing Office, 1967).

[2] In a survey conducted by this Commission most white Americans disagreed with the statement: "The police frequently use more force than they need to when carrying out their duties." But a majority of Negro respondents agreed with the statement, as did a third of the lower-income people and 40 percent of the metropolitan city dwellers. In many of our recent urban disturbances, the triggering event was an arrest or other police encounter that appeared to bystanders to be unfair.

[3] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: Government Printing Office, 1967, pp 20–22. Major crimes are homicide, rape, robbery, aggravated assault, burglary, larceny over $50 and auto theft.

vision of released prisoners but check on them only a few minutes each month.

Yet the police themselves are often seen by others as contributing to the failure of the system. They are charged with ineptness, discourtesy, dishonesty, brutality, sleeping on duty, illegal searches. They are attacked by large segments of the community as being insensitive to the feelings and needs of the citizens they are employed to serve.

Trial judges tend to see crime from a more objective position. They see facts in dispute and two sides to each issue. They may sit long hours on the bench in an effort to adjudicate cases with dignity and dispatch, only to find counsel unprepared, or weak cases presented, or witnesses missing, or warrants unserved, or bail restrictions unenforced, or occasional juries bringing in arbitrary verdicts. They find sentencing to be the most difficult of their tasks, yet presentence information is scanty and dispositional alternatives are all too often thwarted by the unavailability of adequate facilities.

Yet criminal courts themselves are often poorly managed and severely criticized. They are seriously backlogged; in many of our major cities the average delay between arrest and trial is close to a year. All too many judges are perceived as being inconsiderate of waiting parties, police officers and citizen witnesses. Too often lower criminal courts tend to be operated more like turnstiles than tribunals. In some jurisdictions, many able jurists complain that some of their most senior colleagues refuse to consider or adopt new administrative and managerial systems which could improve significantly the quality of justice and the efficiency of the court and which would also shorten the time from arrest to trial.

Corrections officials enter the crime picture long after the offense and deal only with convicted persons. Their job is to maintain secure custody and design programs which prepare individual prisoners for a successful return to society. They are discouraged when they encounter convicted persons whose sentences are either inadequate or excessive. They are frustrated by legislatures which curtail the flexibility of sentences and which fail to appropriate necessary funds. They are dismayed at police officers who harass parolees, or at a community which fails to provide jobs or halfway houses for ex-offenders.

Yet, with a few significant exceptions, the prisons and correctional facilities operate in isolation and reject pupil scrutiny. Programs of rehabilitation are shallow and dominated by greater concern for punishment and custody than for correction. Prison inmate work assignments usually bear little relationship to employment opportunities outside. Internal supervision is often inadequate, and placed in the hands of inmates. Thus correctional administrators are often said to be presiding over schools in crime.

While speaking of prisons, it should be noted that jails—institutions for detaining accused persons before and during trial and for short misdemeanor sentences—are often the most appalling shame in the criminal justice system. Many are notoriously ill-managed and poorly staffed. Scandalous conditions have been repeatedly reported in jails in major metropolitan areas. Even more than the prisons, the jails have been indicted as crime breeding institutions. Cities are full of people who have been arrested but not convicted, and who nevertheless serve time in facilities worse, in terms of overcrowding and deterioration, than the prisons to which convicted offenders are sentenced. Accused first offenders are mixed indiscriminately with hardened recidivists. In most cases, the opportunities for recreation, job training or treatment of a nonpunitive character are almost nil. These deficiencies of jails might be less significant if arrested persons were detained for only a day or two, but many unable to post bail or meet other conditions of release are held in jail for many months because the other components of the legal system do not provide for speedy trials.

In the mosaic of discontent which pervades the criminal process, public officials and institutions, bound together with private persons in the cause of reducing crime, each sees his own special mission being undercut by the cross-purposes, frailties or malfunctions of others. As they find their places along the spectrum between the intense concern with victims at one end, and total preoccupation with reforming convicted lawbreakers at the other, so do they find their daily perceptions of justice varying or in conflict.

These conflicts in turn are intensified by the fact that each part of the criminal process in most cities is overloaded and undermanned, and most of its personnel underpaid and inadequately trained. Too little attention has been paid to the Crime Commission's finding that the entire criminal justice system—federal, state and local, including all police, all courts and all corrections—is underfinanced, receiving less than two percent of all government expenditures. On this entire system, we spend less each year than we do on federal agricultural programs and little more than we do on the space program.

Under such circumstances it is hardly surprising to find in most cities not a smooth functioning "system" of criminal justice but a fragmented and often hostile amalgamation of criminal justice agencies. Obvious mechanisms for introducting some sense of harmony into the system are not utilized. Judges, police administrators and prison officials hardly ever confer on common problems. Sentencing institutes and familiarization prison visits for judges are the exception rather than the rule. Usually neither prosecutors nor defense attorneys receive training in corrections upon which to base intelligent sentencing recommendations.

Nearly every part of the criminal process is run with public funds by persons employed as officers of justice to serve the same community. Yet every agency in the criminal process in a sense competes with every other in the quest for tax dollars. Isolation or antagonism rather than mutual support tends to characterize their intertwined operations. And even when cooperative efforts develop, the press usually features the friction, and often aggravates it.

One might expect the field to be flooded with systems analysts, management consultants and publicly-imposed measures of organization and administration in order to introduce order and coordination into this criminal justice chaos. It is not. A recognized profession of criminal justice system administrators does not exist today.

In fact, most of the criminal justice subsystems are also poorly run. For example, court administrators are rare, and court management by trained professionals is a concept that is taking hold very slowly. The bail "system," which should involve coordination among at least a half dozen agencies, is presided over by no one. Few cities have neutral bail agencies to furnish bail-setting magistrates with reliable background data on defendants. In making their bail recommendations prosecutors usually ignore community ties and factors other than the criminal charge and the accused's criminal record. Defense lawyers infrequently explore nonmonetary release conditions in cases involving impecunious clients. Detention reports on persons held long periods in jail prior to trial are rarely acted on by courts, and bail review for detainees is seldom requested. Enforcement of bail restrictions and forfeitures of bond for bail-jumpers are unusual. Bail bondsmen go unregulated.[4]

Effective police administration is hard to find. The great majority of police agencies are headed by chiefs who started as patrolmen and whose training in modern management techniques, finance, personnel, communications and community relations are limited. Lateral entry of police administrators from other departments or outside sources such as military veterans is usually prohibited by antiquated Civil Service concepts.

Apart from lack of leadership, the process of crime control in most cities lacks any central collection and analysis of criminal justice information. It has no focal point for formulating a cohesive crime budget based on system needs rather than individual agency requests. It has no mechanism for planning, initiating or evaluating systemwide programs, or for setting priorities. It has no specialized staff to keep the mayor or other head of government regularly informed of the problems and progress of public safety and justice. Crime receives high-level attention only as a short-term reaction to crisis.

Nor does the criminal justice process function in coordination with the more affirmative social programs for improving individual lives. For example, a major goal of an offender's contact with the criminal process is said to be corrective—rehabilitation followed by reintegration into the community, with enhanced respect for law. Yet the opposite is often true: the typical prison experience is degrading, conviction records create a lasting stigma, decent job opportunities upon release are rare, voting rights are abridged, military service options are curtailed, family life disruptions are likely to be serious, and the outlook of most ex-convicts is bleak. The hope of the community that released offenders have been "corrected" is defeated by outdated laws and community responses.

Experienced judges have resorted increasingly in recent years to various forms of post-conviction probation. They have done so after weighing the possibilities for rehabilitation if the offender is so released against the usually disastrous prognosis which would accompany his incarceration. It is a painful choice, little understood by the public. But the decision to seek correction of an offender in the community reflects not a compassionate attitude towards law-breakers, but a hardheaded recognition, based on data, that long term public safety has a better chance of being protected thereby.

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[4] The Report of the Commission's Task Force on Law and Law Enforcement contains a study of our bail system and recent proposals for "preventive detention" of persons arrested for serious crimes who, in the judgment of the court on a preliminary hearing, are deemed likely to commit a serious crime if released on bail while awaiting trial. The Commission agrees with the conclusion of the American Bar Association in approving the Report of the Special Committee on Minimum Standards for the Administration of Criminal Justice that "because of the drastic effects of preventive detention, the difficulties inherent in predicting future criminality and the unresolved constitutional issues," preventive detention should not be adopted. While there is a very real public interest in preventing criminal activity by released persons awaiting trial this interest would be better served by reforming the criminal justice system to expedite trials than by adding the additional burden of a preliminary trial to predict the likelihood of future criminality. (It should be noted that even at present some crimes, such as first degree murder, are not bailable.)

The bleak picture of criminal justice we have painted is not without its bright spots. Within the past few years, scattered about the country, innovations have been introduced, new leadership has emerged, modern facilities have appeared, and systems analysis has been undertaken.[2] The impact has to date been small, but hopes have been raised. States here and cities there have demonstrated that something can be done to improve crime control with justice. The question is whether these incidents will initiate a national trend or will disappear as isolated sparks doused by the rain.

III. TOWARD A CRIMINAL JUSTICE SYSTEM

The administration of criminal justice is primarily a state and local responsibility. The grave deficiencies we have noted reflect the fact that our states and cities lack both the resources to make a substantial investment in physical improvements, personnel, and research, and the management techniques to operate the system efficiently. Acting on the findings and recommendations of the Crime Commission, the federal government in recent years has sought to make additional resources available.

In the Omnibus Crime Control and Safe Streets Act of 1968, the Congress created the Law Enforcement Assistance Administration, for the purpose of making grants for law enforcement planning and operation to the states, and its subsidiary, the National Institute of Law Enforcement and Criminal Justice, to encourage research and development in the field of law enforcement. In another 1968 enactment, Congress also authorized the Department of Health, Education, and Welfare to carry on comparable activities in the field of juvenile delinquency and youth opportunity. Both of these programs, however, have only a modest degree of funding; fiscal 1970 appropriation requests for law enforcement are less than $200 million—a sum which, together with matching state funds, would increase the nation's expenditures in that field by less than 10 percent. About $15 million is being requested for the youth programs.

The nation is justifiably concerned about the increased rate of crime and about the conditions that give rise to crime, including our inadequate system of criminal justice.

In this Commission's judgment, we should give concrete expression to our concern about crime by a solemn national commitment to double our investment in the administration of justice and the prevention of crime, as rapidly as such an investment can be wisely planned and utilized.

When the doubling point is reached, this investment would cost the nation an additional five billion dollars per year—less than three-quarters of one percent of our national income and less than two percent of our tax revenues. Our total expenditure would still be less than 15 percent of what we spend on our armed forces. Surely this is a modest price to pay to "establish justice" and "insure domestic tranquility" in this complex and volatile age.

Given the realities of state and local financial resources, the federal government will have to take the lead in making this commitment, and in providing most of the required funds under the matching grant formulas already contained in the 1968 statutes. The federal commitment should be made in a manner that will convince the states, cities and the public that they can rely on the seriousness and continuity of the undertaking, and that they can invest matching funds of their own without fear that the federal portion may be curtailed midway in the program.

Congress has available a variety of tested methods for making meaningful long-term commitments along these lines. These include:

(a) Amending the 1968 statutes to authorize the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare to enter into long-term contracts with state and local agencies, committing the federal government to expenditures for the capital and operating costs of specified projects over a period of up to 10 years. Actual disbursements would be subject to annual appropriation measures.

(b) Amending the 1968 statutes to authorize the issuance of federal guarantees of long-term bonds issued by state and local agencies to cover capital costs of the construction of new facilities and obtaining major items of new equipment (e.g., communications systems), with an underlying contract under which annual contributions in a predetermined amount would be made by the federal government toward payment of interest and amortization of principal on the bonds. Actual expenditures would be subject to annual appropriation measures, but the credit of the United States would stand behind the bonds. The Public Housing program is financed in this manner.

(c) Multi-year appropriation measures, such as those that have been made for urban renewal, federal construction projects, defense contracting and similar purposes.

Money alone will not secure crime reduction, however. Wealthy states and localities which have limited their activity merely to expending more funds have become no more noticeably crime-free than jurisdictions which have not. Similarly, a substantial portion of the Crime Commission's proposals in 1967 are remarkably similar to those urged by the Wickersham Commission established by President Hoover 37 years earlier—yet despite that Commission's equally impressive documentation, conservatism and presidential prestige, little follow-through occurred. Experience with crime commissions at the state and local levels shows similar results.

This pattern suggests the existence of substantial built-in obstacles to change. It suggests that unless much more attention is given to the inability and unwillingness of present crime control systems to effectuate reform, new money may go down old drains. Vexing problems of politics, organization and leadership underlie the maintenance of the status quo and need to be faced directly.

In the search for more effective ways of carrying out Crime Commission recommendations, we have noted two promising but comparatively untried strategies based on recent experiments on the frontiers of criminal justice; these are:

(1) a program to coordinate criminal justice and related agencies more effectively by establishing central criminal justice offices in major metropolitan areas; and

(2) a program to develop private citizen participation as an integral operating component, rather than a conversational adjunct, of criminal reform.

The two innovations complement one another; the success of citizen participation will in many ways be dependent on the establishment of a central criminal justice office, and vice versa.

The Criminal Justice Office

The pervasive fragmentation of police, court and correctional agencies suggests that some catalyst is needed to bring them together. An assumption that parallel and overlapping public agencies will cooperate efficiently can no longer suffice as a substitute for deliberate action to make it happen in real life.

Periodic crime commissions—which study these agencies, file reports and then disappear—are valuable, but they are much too transient and non-operational for this coordinating role. A law enforcement council—consisting of chief judges and agency heads who meet periodically—is usually little more than another committee of overcommitted officials.

A full-time criminal justice office is basic to the formation of a criminal justice system. Its optimum form, *i.e.*, line of staff, and its location in the bureaucracy, need to be developed through experimentation.

The function could be vested in a criminal justice assistant to the mayor or county executive, with staff relationships to executive agencies, and liaison with the courts and the community. Alternatively, it could operate as a ministry of justice and be given line authority under the direction of a high ranking official of local government (*e.g.*, Director of Public Safety or Criminal Justice Administrator), to whom local police, prosecutor, defender and correctional agencies would be responsive. (Special kinds of administrative ties to the courts would be evolved to avoid undermining the essential independence of the judiciary.) A third alternative might take the form of a well-staffed secretariat to a council composed of heads of public agencies, courts and private interests concerned with crime. To avoid the ineffectiveness of committees, however, either the chairman of the council or its executive director would have to be given a good measure of operating authority.

Whatever its form, the basic purposes of the criminal justice office would be to do continuing planning, to assure effective processing of cases, and to develop better functioning relationships among the criminal justice subsystems and with public and private agencies outside the criminal justice system. For example:

It would develop a system of budgeting for crime control which takes account of the interrelated needs and imbalances among individual agencies and jurisdictions.

It would initiate a criminal justice information system which would include not simply crime reports (as is typical today), but arrests, reduction of charges, convictions, sentences, recidivism, court backlogs, detention populations, crime prevention measures, and other data essential to an informed process.

It would perform or sponsor systems analysis and periodic evaluation of agency programs and encourage innovations and pilot projects which might not otherwise have a chance in a tradition-oriented system.

It would perform a mediating and liaison role in respect to the many functions of the criminal process involving more than one element of the system, *e.g.*, to develop programs for the reduction of police waiting time in court, to improve pretrial release information and control, to enlist prosecutors and defense attorneys in cooperative efforts to expedite trials, to bring correctional inputs to bear on initial decisions whether to prosecute, to improve relations between criminal justice agencies and the community.

It would also perform the vital but neglected function of coordinating the criminal justice agencies with programs and organizations devoted to improving individual lives—*e.g.*, hospitals, mental health organiza-

[2] For example, the new Federal Judicial Center under the leadership of retired Supreme Court Justice Tom Clark has initiated several innovative administrative and managerial projects which offer great promise for reduction of court backlogs and the shortening of time periods to trial. It is reported that one project in the U.S. District Court for the District of Columbia resulted in the judges reducing the criminal docket in a recent two-week period more than they had in the entire prior year. Another example of important work being done is the course of instruction for District Attorneys being given by the National College of District Attorneys.

tions, welfare and vocational rehabilitation agencies, youth organizations and other public and private groups.

It would develop minimum standards of performance, new incentives and exchange programs for police, court attaches and correctional personnel.

The comprehensive grasp of the system by an experienced criminal justice staff would facilitate informed executive, judicial and legislative judgments on priorities. It would help decide, for example, whether the new budget should cover:

A modern diagnostic and detention center to replace the jail, or an increase of comparable cost in the size of the police force;

Additional judges and prosecutors, or a prior management survey of the courts;

A computerized information system or a new facility for juveniles;

New courtrooms or new halfway houses.

For a full-time well-staffed criminal justice office to be successful, it must achieve a balanced perspective within its own ranks on the problems of public safety and justice. Practical experience in law enforcement, in the protection of individual rights, and in the efficiency and effectiveness of programs must be represented, as must the interests of the community. Such representation can be provided through an advisory board to the criminal justice office and through involvement of relevant persons in task force efforts to attack particular problems. Broad-based support of the office is quite important.

The transition from today's condition to a well-run system will not be easy. Especially troublesome is the fact that the criminal justice process does not operate within neat political boundaries. Police departments are usually part of the city government; but county and state police and sheriffs usually operate in the same or adjacent areas. Judges are sometimes appointed, sometimes elected, and different courts are answerable to local, county and state constituencies. Correctional functions are a conglomerate of local and county jails, and county and state prisons. Prosecutors may be appointed or elected from all three levels of government. Defense lawyers usually come from the private sector but are increasingly being augmented by public defender agencies. Probation systems are sometimes administered by the courts, sometimes by an executive agency.

If this confusing pattern makes the creation, location, staffing and political viability of a criminal justice office difficult, it also symbolizes why little semblance of a system exists today and why criminal justice offices are so badly needed in our major metropolitan areas.

To encourage the development of criminal justice offices, we recommend that the Law Enforcement Assistance Administration and the state planning agencies created pursuant to the Omnibus Crime Control and Safe Streets Act take the lead in initiating plans for the creation and staffing of offices of criminal justice in the nation's major metropolitan areas.

The creation of criminal justice offices will require the active participation and cooperation of all the various agencies in the criminal justice process and of officials at many levels of state and local government. Helpful insights in establishing the first such offices may be derived from the experience of some of the state law enforcement planning agencies (e.g., Massachusetts) now making efforts in this direction, from the criminal justice coordinating role developed by the Mayor's office in New York over the past two years, and from the experience of the Office of Criminal Justice established in the Department of Justice in 1964.

Private citizen involvement

Government programs for the control of crime will be most effective if informed private citizens, playing a variety of roles, participate in the prevention, detection and prosecution of crime, the fair administration of justice, and the restoration of offenders to the community. New Citizen-based mechanisms are needed at the local and national levels to spearhead greater participation by individuals and groups.

In recent years, an increasing number of citizen volunteer programs have become allied with one or another phase of the criminal justice process. These are in addition to long-standing efforts of organizations like the Big Brother movement and Boys' Clubs. Remarkable have been certain programs utilizing citizen volunteers for probation supervision and guidance of juvenile and misdemeant offenders.[6]

Perhaps the most successful of private organizations in attacking the broad range of crime control problems through a public-private partnership is New York City's Vera Institute of Justice.[7] Its unique role in cooperation with the system has developed over eight years. Its nonbureaucratic approach has permitted it to test new programs, through experiments and pilot projects, in a way no public agency would likely find successful. Its core funding is entirely private; its individual project financing comes from federal, state, and private sources.

Vera has achieved a number of concrete successes. Its Manhattan Bail Project resulted in bail reforms so successful in New York City that they became the basis of the federal Bail Reform Act of 1966. Its summons project proved the practicability of permitting the police to issue station house citations for minor offenses, sparing both police and citizens the time-consuming process of arraignment and similar pre-trial court procedures.

There are a number of reasons why private organizations such as Vera can be successful where a public agency cannot. Because municipal agencies are chronically understaffed and underfinanced, they are unable to divert resources for experimental purposes except in the most limited manner. Private organizations do not pose threats to existing agencies and carry no residue of past misunderstandings. They can intercede with a city's power structure without being bound by chains of command. They can test programs through a pilot project carried out on a small scale, which can be easily dismantled if it proves unsuccessful. If it proves effective, it can be taken over as a permanent operation by the public agency and the private group can move on to a new area.

In the broader field of improving urban society, citizens' organizations have launched programs in a number of major cities to stimulate both public and private efforts to improve housing, schools, and job opportunities for the urban poor, to identify and treat the juvenile offender, and to improve relations between the police and residents of the inner city.[8] These efforts are of vital importance, because improvements in the criminal justice machinery, isolated from improvements in the quality of life, *e.g.*, education, housing, employment, health, environment, will merely return convicted offenders to the hopelessness from which they came.

The successes of such groups have demonstrated that public institutions are receptive to changes proposed by private organizations. Organizations such as these should receive maximum encouragement and every effort should be made to extend their influence on the broadest scale. Of particular importance is the potential supporting role which private groups can have in relation to the new offices of criminal justice we have recommended.

We urge the creation and continuing support—including private and public funding—of private citizens' organizations to work as counterparts of the proposed offices of criminal justice in every major city in the nation.

A catalyst is needed at the national level to help in the formation of such local citizen groups.

We therefore recommend that the President call upon leading private citizens to create a National Citizens Justice Center.

A similar presidential initiative led to the formation in 1963 of the Lawyers Committee for Civil Rights Under Law, a private group which has enlisted the organized Bar in the effort to make civil rights into a working reality.

The membership of the Center could be drawn from many sources, such as the National Council on Crime and Delinquency, the Amercan Bar Association, and the members, staffs and consultants of the four federal commissions which have recently studied the problems of crime, violence, and social disorder—the President's Commission on Crime in the District of Columbia, the President's Commission on Law Enforcement and Administration of Justice, the National Advisory Commission on Civil Disorders, and this Commisson.

The Center would supplement rather than duplicate the promising and important work of existing private entities. Following the successful precedent of Vera, the Center would concentrate on the various aspects of the criminal justice system, from crime prevention and arrest to trial and correction, including the specialized treatment of actual and potential juvenile offenders. We would expect it to receive financial support from foundations, business and labor sources, as well as from the legal profession.

The Center would help to form and support local private counterparts of Vera in our major urban areas, to work alongside local governmental agencies on specific operating and administrative problems. It would act as a clearing house for transmitting news of successful innovative procedures developed in one city to the attention of agencies faced with similar problems in another. It would cross-fertilize new approaches, and provide continuing public education about the complexity of crime prevention and the treatment of offenders. It would offer workable answers to the persistent citizen question—what can I do to help? Not least important, it might lessen the future need for *ad hoc* presidential commissions in this field, by assuring greater use of the findings and recommendations of the many commissions that have gone before.

IV. CONCLUSION

The levels of funding and the various public and private mechanisms we have suggested could go a long way toward organizing our criminal justice agencies into an effective system; our recommendations of additional legal services for the poor and new citizens' grievance agencies could do much

[6] Example programs in this area include those outlined by Volunteers in Probation, Inc. (formerly Project Misdemeanant Foundation), Royal Oak, Michigan, and the Juvenile Court of Boulder, Colorado.

[7] The Vera Institute was founded in 1961 by industralist Louis Schweitzer and named for his mother. Until 1966, it was funded entirely by the Schweitzer family. In 1966, in order to expand and start special projects, Vera was given a 5-year grant from the Ford Foundation, and since then it has also received other federal, state and private grants earmarked for special projects. Herbert Sturz has been the Director of the Institute since 1961.

[8] Among the leading national organizations working in these fields are the League of Women Voters, the Urban League, the American Friends Service Committee, the National Council on Crime and Delinquency, the Lawyers Committee for Civil Rights Under Law, the Urban Coalition, and the Legal Defense Fund of the N.A.A.C.P.

to strengthen respect for legal processes and for the institutions of government.

The injection of federal funds into state crime control programs in 1968 was an important step, and the Law Enforcement Assistance Administration is doing a commendable job with limited resources. Much more money must be provided, and must be injected into research, development, and pilot projects, if the outdated techniques of yesterday are to be converted into an effective criminal justice system tomorrow.

Until more funds are committed, and until staffed organizations—public and private—are developed to assure wise investment and monitoring of new funds, the control of violent crime will be a campaign fought with bold words and symbolic gestures, but no real hope of success. The mobilization of private and public resources toward an ordered society—one in which the rights of all citizens to life, to liberty, to the pursuit of happiness and safeguarded by our governing institutions—deserves a high priority for the decade of the 1970's.

SEPARATE STATEMENT

Commissioner Ernest W. MacFarland notes that many of the findings and recommendations of the Commission Chapter on Violence and Law Enforcement were addressed largely to the problems and needs of the larger cities. He does not believe that all the recommended changes are needed or are applicable to Arizona and some of the other less urbanized states even though definite change and improvement are required in the larger cities. Upon this basis, he stated he was willing to vote for the recommendations, hoping they would be carefully studied by all the communities and states to determine whether, even if not wholly applicable, some part might be helpful in meeting their needs.

Mr. McCLELLAN. Mr. President, the underlying assumption behind the amendments offered by the distinguished Senator from Michigan, in my judgment, is wrong. The first amendment, of which the Senator spoke, assumes the urban areas are not now getting funds that they need. Of course, that may be true. The whole program may not be getting all the funds it needs or could use, but that is not the case in the context that the Senator makes use of it. They are getting the benefit of the program, comparable to all other sections of our country.

The Attorney General testified before the Subcommittee on Criminal Laws and Procedures as follows:

[His] studies show the nation's 411 cities of 50,000 persons or more have fared well under the federal anticrime effort.

Under the law, 40 percent of the planning grant money must go to local governments and at least 75 percent of the action grant money must go to local governments. As a matter of fact, many states have exceeded the 75 percent requirement with some states redistributing to local governments as much as 90 percent of the federal funds.

The nation's 411 cities of 50,000 contain less than 40 percent of the total population and have 62 percent of the serious reported crimes. It is our initial estimate that these cities have been granted 60 percent of all FY 1969 action funds distributed to local governments by the state governments. The block grant funds for FY 1970 were only recently awarded to the states and are currently being redistributed to local governments.

In addition, the fiscal 1970 budget contained $32 million in discretionary funds, of which a major share was distributed by LEAA directly to cities. At least $10 million went to 125 cities with major crime problems. These awards ranged from a maximum of $250,000 for cities of more than one million to a maximum of $150,000 for those under one million [Senate Hearings at 491.]

Mr. President, I point out that much of the initial work of the program has to be planning. Just appropriating the money without a program or plan worked out as to how the money is going to be spent is no answer to the crime problem.

There is another, perhaps just as important, objection to this provision. It would circumvent the comprehensive approach to law enforcement that is presently embodied in the Safe Streets Act. Criminal justice systems in this country are not local systems but are statewide systems embodying the elements of police, courts, and corrections and must be dealt with on a statewide basis. This was the intention of the Congress in requiring the establishment of the State planning agencies under the Safe Streets Act and the development of comprehensive plans covering all aspects of the criminal justice system.

In many jurisdictions, the corrections and courts systems are statewide and must be treated at the State level. They are not limited to urban areas in the State. By giving money directly to the cities—the hope of this amendment—the problems of the corrections and courts systems will not be solved. We may improve for a time the law enforcement problems in an urban area. More arrests might be made. More crimes might be solved, but unless we at the same time reduce the backlog in the courts and improve the correctional functions, we will lose the ground we temporarily gained by improving the operation of the police. We will have thrown good money after bad. Indeed, the Urban Coalition in its recent report, "Law and Disorder II," noted that more money must be spent on courts and corrections and less in police operations.

Mr. President, this attempt to replace the present statutory arrangements for the division of action funds going for project grants to individual State agencies and local jurisdictions is well-meaning but mistaken. All wisdom does not reside in Washington. The State planning agency is in the best position to supervise, direct, and coordinate the efforts of local governments, regional units, and State agencies in formulating and updating a statewide comprehensive law enforcement plan.

This proposal, if enacted, will prove to be disruptive. It will prevent the coordination of the various parts of the act that contemplate the channeling of this money through State planning agencies. It is a fact that cities can be given direct grants to implement and supplement what they may be getting under the State distribution plan. I believe it would be a mistake now to disrupt this process, this program as presently established, certainly until there has been more experience and something is developed to demonstrate that the State planning system is not effective and not working.

Once State, regional, and local law enforcement and criminal justice needs have been identified, priorities have been determined, timetables have been worked out, and interrelationships have been established, the State is much better equipped than a Federal agency to translate these plans into action programs and to oversee and assist in their implementation. The Federal Government simply is not prepared to mesh separate crime control plans and to evaluate the individual project proposals submitted by possibly 50 State and approximately 18,000 municipalities, 3,000 counties, and 40,000 police departments.

We have this program well established and I think if we tamper with it and try to change it before we get a real test, we are going to create confusion and not contribute to effective results. If we did this, we would have 50 States, approximately 18,000 municipalities, 3,000 counties, and 40,000 police departments eligible, all coming here to the Federal Government with their particular plans.

Since crime is not confined to jurisdictional boundaries, only the State can weigh local priorities against regional and statewide needs. And only the State can mesh planning and action efforts under the Safe Streets Act with other States as well as regionally and locally administered and financed anticrime programs. Bypassing the State, then, would reinforce rather than reduce the fragmentation which currently exists among the various components of the law enforcement and criminal justice system.

I most respectfully urge rejection of this amendment.

Again, I plead with my colleagues not to start tampering with this bill and tearing it apart, detracting from the overall concept of this assistance program in the law enforcement field. Let us test what we have done, get the experience, find where the weaknesses are, and then remedy them. But let us not try to change the system and change the program before we have given it a proper test and given ourselves a proper opportunity to learn the benefits that can be derived and are being derived from the program we have already established. When I say "program," I mean also the procedures that are already established and that are now in use.

As to the second amendment the distinguished Senator offers to increase the amount of authorizations, again I warn my colleagues that money alone is not the solution to crime. If another $1 billion, if another $5 billion, if another $10 billion, or if any amount of money would solve the crime problem, I know that the Congress would appropriate the money. There would not be a dissenting vote. Congress would pass it tonight even if we had to borrow the money and increase the national debt or make some sacrifices somewhere else. I dare say every Member of Congress would vote to wipe out the crime problem if the appropriation of money alone were the answer and the solution.

I do not believe it is necessary at this time to further raise the authorization for the programs of the Law Enforcement Assistance Administration. The Committee on the Judiciary—note this, Mr. President—has already, in the bill now before us, which the distinguished Senator seeks to amend, increased au-

thorizations for fiscal 1972 and 1973 in the amounts of $150 million and $250 million respectively, above the figure which was first authorized by the House.

We raised it, hoping that we could come in here with the bill and get the support of our colleagues in the Senate, go to the House with these differences, and get as much approved as we could. I would like to see it all approved. I do not think it would be excessive.

But I point out that, notwithstanding a proposed authorization of $650 million for this fiscal year—and we have already passed the appropriation bill—only $480 million is appropriated, or $170 million less than this authorization. But it does give some leeway. When we come back in January and these funds have been distributed and allocated under the present law, and there are State plans that have been approved where additional funds can be expended judiciously and effectively during the remainder of this fiscal year, there is no reason why Congress cannot, and there is no reason why the administration should not, submit an additional budget for further appropriations up to the amount of this authorization.

I am sure if the administration does that, if it comes here with a proposal for another $100 million, and makes a case, the Appropriations Committee would not hesitate one moment to make the funds available. But there can be no point in simply raising these authorizations in such a fashion that it may simply give false hope to some overambitious agency or community to say, "Well, there is a lot of money up there. We had better get our share. Let us grab." That is not the way the program is going to be successful.

There is every indication that the $480 million—and we have appropriated every dollar of it—requested by the President is a sufficiently large amount to meet the needs of States and local units of government for this fiscal year—as much, apparently, as can be prudently expended.

It is just not necessary at this time to further increase the amounts of authorization over those amounts which have been authorized by the House of Representatives, and particularly over the amounts by which we have increased the House authorization. Indeed, it seems clear that the law enforcement system is absorbing about all the funds it is capable of at the present time. Over 50 percent of the money already allocated to projects on the local level remains unspent by the cities themselves. The simple truth is that it takes time to spend funds wisely even where the needs are great. There is more to fighting crime than authorizing the spending of money. It must be spent well, and it must be spent where it is needed. It must be spent when it is needed. It must be spent when it can get results. Other than that, Mr. President, we are wasting money.

Again I hope we will not have to go to the House of Representatives with an issue of greater difference in these figures. It would be my hope that the House will accept the figures that we now have in this bill. If it does, Mr. President, I say that we will have every dollar that can be effectively expended.

If a situation arises at any time during that period, as I pointed out a while ago as to the remainder of this fiscal year, when this program proves to be working effectively and efficiently, and the States and local governments have their machinery developed to the point where they can receive and spend more of these moneys constructively, again I say I do not believe there will be the slightest hesitancy on the part of Congress, not only to increase the authorization upon a showing being made to that effect, but to appropriate the money immediately.

I do not believe Congress would hesitate 1 minute, as I said earlier, to appropriate a billion dollars, $1.5 billion, $2 billion, or even $10 billion, if we were going to get value received from its expenditure in this war on crime. But I think that simply raising the authorization, under these circumstances, while it could not do a great deal of harm, would simply be uncalled for, and might create false hopes, and cause pressures to be applied to get a fair share of the inflated appropriation, or to get Congress to appropriate more money than the States and localities could effectively spend.

I hope that the amendment will be rejected. I have no personal interest in it. I would like to support more money. I would like to appropriate more money. Because when we talk about dangers to our country, I think there is far more danger to America's survival today from within than there is from any foreign source. I think crime, corruption, and the revolution that is being formented in this country create a greater danger to our country than does the prospect of any missile or bomb from any foreign country.

I hope we will keep our balance here and reject these amendments. Let us go to the House of Representatives with the increase we have already allocated, and try to persuade them that this bill, with the amounts we have in it, is a good balance and should be accepted. We think it is adequate, and that further authorizations at this time are not needed.

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to propound the following unanimous consent request, after having discussed it with the principal parties thereto:

Mr. President, I ask unanimous consent that debate on each amendment, with two exceptions, be limited to 30 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill, the first of the two exceptions being the amendment to be offered by the able Senator from Massachusetts (Mr. KENNEDY), time on that amendment to be limited to 1 hour, the time to be equally divided and controlled by the offerer of the amendment and the manager of the bill, the other exception being the pending amendment and the subsequent amendment to be offered by the Senator from Michigan (Mr. HART); with the further proviso, Mr. President, that the time on the bill be limited to 1 hour, the time to be equally divided between the manager of the bill (Mr. MCCLELLAN) and the ranking minority member (Mr. HRUSKA); it being further ordered that either of the two Senators in control of the time on the bill may allot such time to any Senator on any amendment, if need be.

Mr. HRUSKA. Mr. President, reserving the right to object, is it understood that the time limitation on the Hart amendments will commence at the conclusion of the remarks by the Senator from Nebraska?

Mr. BYRD of West Virginia. There would be no limitation on the amendments to be offered by the Senator from Michigan (Mr. HART).

Mr. MCCLELLAN. Mr. President, reserving the right to object, does the Senator from Michigan desire any further time on the two amendments he has already discussed?

Mr. HART. Mr. President, as I have explained to the acting majority leader, I am willing to act on the pending amendment and the amendment immediately following without any further discussion.

Mr. MCCLELLAN. Why do we not vote on those amendments immediately, then, and let the request apply only to the amendment of the distinguished Senator from Massachusetts? I know of no other amendments. If there are any, I would like to know it.

Mr. BYRD of West Virginia. Mr. President, the request applies to the amendment to be offered by the Senator from Massachusetts and any and all other amendments, except the amendments by the Senator from Michigan.

I have discussed this with the Senator from Michigan, and it was his feeling that we would get along faster without having any limitation on his amendments.

Mr. MCCLELLAN. I just asked for information. I thought probably the Senator was about through discussing the two amendments he has.

As I understand the request, it is for 30 minutes on any amendment that may be offered, the time to be equally divided, after these two amendments are disposed of, except as to the amendment to be offered by the Senator from Massachusetts (Mr. KENNEDY), and that will be one hour, the time to be equally divided; and that thereafter there will be one hour on the bill, the time to be equally divided?

Mr. BYRD of West Virginia. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Michigan.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, I rise in opposite to the amendment offered by the Senator from Michigan, number 1037. Its essence is that the discretionary funds in the appropriation available to the Law Enforcement Assistance Administration would be changed, in percent-

age, from the present 15 percent to 33⅓ percent of the total.

Mr. President, in considering the wisdom of this change, we ought to bear in mind that the amendment would bring about an erosion of the block grant concept upon which this program has always been funded. That concept has been firmly implanted within the Law Enforcement Assistance Administration ever since it inception, and also for the current fiscal year. In the other body, in its committees as well as on its floor, it was thus considered, and of course in this instance, on this side of the Capitol, in the Committee on the Judiciary.

It ought to be pointed out that the discretionary funds and the percentage thereof were considered in depth in 1968, and it was thought that 15 percent was the wisest percentage, for a number of reasons.

One of the reasons is this: That this program is one for comprehensive planning of the various law enforcement agencies within each of the several States.

Another factor is that the object of the appropriations under this bill is not to fund ongoing and existing systems, as we call them; the object is to find improvements and innovations, to find pioneering, new approaches in the field of law enforcement.

Furthermore, in order to raise the cities' percentage of law enforcement funds, we should bear in mind that the cities do not have jurisdiction over courts and corrections, in the main. The cities do find their chief expenditure in the field of police work—the actual man on the beat, in the patrol car, and in similar activities. Therefore, when we speak of high incidence of crime within any metropolitan area, it does not necessarily mean that there is great expenditure in the police work alone. There are other expenditures, chiefly in the category of the State's expenditures for courts, for parole and probation officers, for corrections, and so forth.

To adopt the amendment would tend to throw off balance the program in which we are now engaged, and it is in its incipient stages. We are now in the second complete year of the program, and to devote up to 33⅓ percent in direct discretionary allotments by the Law Enforcement Assistance Administration to the cities would mean that the cities would be getting a disproportionate share for the activities of the police force proper.

There is one further objection which is quite fatal, in my judgment, and it is this. If the amendment is adopted, it would mean that the Law Enforcement Assistance Administration will have to become the planner for each of the municipalities which would make application for discretionary funds. As has already been indicated, there are some 18,000 municipalities in the United States. In addition to the statistics just recited, there are more than 400 cities that have a population of 50,000 or more. In order to make a proper allocation of the 33⅓ percent of the moneys available for discretionary funding, the Law Enforcement Assistance Administration would have to become an expert in the situation of each of those applicants from the ranks of 18,000 municipalities and of 400 cities with 50,000 population or more.

In our hearings, we discovered that there was testimony to the effect and opinion to the effect, among those in charge of this program, that such a program, with such a large percentage of discretionary funds, would literally bog down the administration of this program. It would collapse under its own weight.

That is one of the considerations that led Congress, back in 1968, to adopt the block grant system of allocation of funds—to get away from the necessity of innumerable pipelines leading from the Attorney General's office to each of the many municipalities that would like to participate in these funds.

So it is the hope of this Senator—and I concur fully with these and the additional arguments recited by the Senator from Arkansas—that we reject the Hart amendment which would change the 15 percent discretionary funds to a total of 33⅓ percent.

Linked with this amendment, with the first amendment which was discussed, is the second amendment proposed by the Senator from Michigan, Amendment No. 1036, the burden and essence of which is to increase the authorizations for fiscal years 1971, 1972, and 1973.

There is this basic proposition in connection with authorizations and appropriations: Both authorizations and appropriations should grow at a speed and at a degree to adjust to the seasoned progress and development of the program. It would be idle to authorize $1 billion for fiscal year 1971, ending June 30 in that year. It would be idle—in fact, it would be harmful—to do that; because by no stretch of the imagination can that much money or any amount approximating it be intelligently and effectively spent under the terms of this bill and under the law. It just is not in the pattern and in the realm of practicality.

The amounts contained in the bill are more than ample. They are $650 million for this fiscal year, $1.150 million for next fiscal year, and $1.750 million for fiscal 1973. This is only a 3-year span, and that is as far as the committee felt we could go in outlining and approximating the moneys that conceivably could be used in this program effectively and intelligently. But if the estimates of authorizations should develop to be too light, if they should be inadequate, if they prove to be too small, the remedy is simple. Congress is now in session virtually for 12 months of the year. There is every indication that we are going to be here until the month of December this year.

If the necessity arises for an increase in the authorization, the legislative processes are very readily available to increase the amounts—not only the amount of the authorization but also the supplemental appropriation that would be required—at any time.

One might say, "Why not put these amounts into the category called for by the amendment of the Senator from Michigan?" The answer is simple, Mr. President, and I believe it is quite irrefutable.

First of all, it is more realistic and it is more fair. It is more realistic because the amounts mentioned are far beyond what can be practicably spent. It is more fair becaue it makes for sound fiscal management, it makes for better budgeting, and it will also avoid false hopes and disappointment—the disappointment that will be generated and created when there is the realization that the hope created was a false one.

To have a figure of $1 billion for fiscal 1971 floating around in the minds of the public generally is almost cruel. It is a hoax, in fact, considering that both bodies of this Congress have now agreed upon the total appropriation for this fiscal year of $480 million. That amount is not in conference. In fact, the conference report has been approved, and the bill is on its way to the President for signature. To approve an amount of $1 billion for authorization with that background is nothing short of cruel and a hoax, really. I suppose a Senator could vote for it and favor it and then go back to his native State and say, "I really favor law and order. I support the plans for law enforcement to the tune of a billion dollars," knowing full well all the time that that simply was not in the cards.

It is not something that will be realized, and it cannot be realized, because in the next 6 months there is no possibility of our reaching a development in the progress of this program that would call for the expenditure of that money.

With all these considerations in mind, it seems to those of us on the committee who have followed the development of this program so carefully and so assiduously during the last 2 years that we are on the right track. We do have a plan which, as time goes on and as experience is gathered, we will be able to authorize and appropriate an increasing amount. But it would have to be funded upon the progress that is made. The idea of statewide crime plans is new. Up until a year ago we did not have such a thing in every State in the Union. We do now. But it is a new concept. It is a new idea. Virtually all of the States will require the passage of time to prove the validity of the existing plans. It will require the passage of time in order to find out what adjustments will be necessary and what increases can be indulged in and what reductions can be made in the premises.

So, in sum and substance, we have here two amendments which deal with the fiscal management of the program. It has been the considered judgment of the Judiciary Committee by a good margin, that the decisions made by this body and the decisions made by the majority on the committee, in the case of the 15-percent discretionary funds last year and 2 years ago, as well as the judgment of the House and its committee, was deliberately made, and made following hearings and consideration of the evidence adduced at the hearings.

Mr. President, I urge that both amendments be rejected.

Mr. HART. May I clarify the purpose of second amendment, so that it will be completely clear. It would increase the authorization from the committee in the first year by the sum of $350 million, in the second year by another $350 million, and in the third year $250 million.

I am reasonably satisfied that if we could get the mayors of the 10 biggest cities in the United States here tonight and say to them, "Look, if we gave you an additional $35 million for law enforcement the first year, and another $35 million the second year, and $25 million the third year to support police work, could you use it?" they would say, "Yes, of course."

And certainly if we had the 100 mayors of the 100 major cities and said to them, "Could you use an additional $3.5 million a year extra," of course they would say. "You bet." Of course another $3.5 million could be used prudently by them in each city. Many of these cities have criminal justice budgets close to $100 million dollars. So we can see in this perspective how relatively modest the commitment of our resources to this fight on crime really is.

This is why I hope the Senate will agree to both the first and the second amendments.

Mr. HRUSKA. Mr. President, let me say briefly, it has been suggested that if we get the mayors of the 10 big cities here tomorrow morning or even tonight, and put them in a room and ask them if they could use $100 million, $200 million more, they would say, "Yes." The reason they would say that, is, at the present juncture, it would mean simply the funding of the present system of law enforcement. But that is not the purpose of the act. It is to find new methods, to have innovation, pioneering methods, and modern methods in fighting crime.

The second answer is this: Nationwide, only approximately 50 percent of the fiscal year 1969 funds have been expended by the cities and States. Generally, the cities have been slower in using the money pursuant to the provisions of this law than the States. The States have been using the money, not the cities.

For example, on the 1969 awards to the large cities, Detroit, for example, for an electronic robbery stakeout system, was awarded $100,000 as of June 30, 1969, but its expenditures up until June 30, 1970, were only $1,572.

Mind you, Mr. President, $100,000 for an award and expenditures of less than $1,600.

In the city and county of San Francisco, there was an award for a digital communication unit, $100,000, as of June 30, 1969. As of March 31, 1970, a little over half has been spent, but not more.

Mr. President, I ask unanimous consent to have a list of certain 1969 discretionary awards to large cities printed in the RECORD.

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

1969 DISCRETIONARY AWARDS TO LARGE CITIES

	Amount	As of—
1. DF 006 City of Detroit, Mich.: Electronic robbery stake-out system:		
Award	$100,000.00	June 30, 1969
Expenditures	1,572.05	June 30, 1970
2. DF 007 City and County of San Francisco, Calif.: Digital communication:		
Award	100,000.00	June 30, 1969
Expenditures	57,562.20	Mar. 31, 1970
3. DF 009 City of Houston, Tex.: Opportunity House program:		
Award	99,815.00	June 30, 1969
Expenditures	55,705.00	June 30, 1970
4. DF 016 City of Los Angeles, Calif.: Closed circuit TV:		
Award	50,000.00	June 30, 1969
Expenditures		June 30, 1970
5. DF 017 City of Los Angeles, Calif.: Management development program:		
Award	50,000.00	June 30, 1969
Expenditures	8,982.00	May 26, 1970
6. DF 019 City of Dallas, Tex. 1st offender project:		
Award	18,752.00	June 30, 1969
Expenditures	3,410.00	Mar. 31, 1970
7. DF 013 City of New York, N.Y.: Operation Quick Make:		
Award	98,596.00	June 30, 1969
Expenditures		Aug. 22, 1970
8. 307B Grant City of New York, N.Y.: Motion picture film production:		
Award	[1] 40,000.00	
Expenditures	[2] 5,000.00	Sept. 23, 1970
9. 307B Equipment City of Los Angeles, Calif.: TV in helicopter:		
Award	55,100.00	June 12, 1969
Expenditures		Sept. 23, 1970
10. 307B Los Angeles County, Calif.: Information project:		
Award	47,300.00	Apr. 23, 1970
Expenditures		[3]

[1] Oct. 1, 1968, extended to June 30, 1970.
[2] Drawn only $15,000, charged to written material.
[3] Extended, start date: Oct. 1, 1970.

Mr. HRUSKA. Mr. President, let me say, in closing, that we are not ready for the spending under the act. We cannot possibly be, unless we want to participate indiscriminately in funding the system that we have. That is not the purpose of this law.

Mr. THURMOND. Mr. President, the role of the law enforcement agent is more important today than ever before. The last 20 years have seen this country grow into a complex society with all of the societal ills this complexity generates. We have had civil disturbances before, but nothing to match the violence in our cities of recent years. We have also had crimewaves before, but none have clogged our courts as has the crime rate of recent years.

Today's policeman requires a special kind of man. He must be the strong arm of the law and at the same time be an understanding and compassionate individual. He must make on-the-spot difficult legal decisions without the benefit of being able to retreat to a law library for quiet research. He must be able to restrain himself when confronted with unjust abuse and criticism from those who would destroy the very principles on which this country was founded.

In order to attract this kind of individual to the field of law enforcement, we must make it possible for our States to find a means of upgrading their law enforcement facilities and programs.

However, in doing this we must be careful that the Federal Government does not assume the responsibilities of operating our local police forces through the manipulation of the purse strings. I am in favor of giving financial aid to the States so that they may upgrade their law enforcement program, but in my judgment the use and distribution of these funds should be left to the individual States.

I therefore urge the Senate to retain the block grant approach to State funding.

Mr. NELSON. Mr. President, the continued increase of crimes of violence and forceful destruction or theft of property in this Nation is perhaps the major threat to our domestic security and freedom. The 1968 toll of 12,000 killed, 200,000 hospitalized, and loss of property in excess of $1 billion due to criminal activity has sounded a national alarm. This justified public concern over the apparent inability of our institutions of government to deal with criminal actions has also taken a terrible toll in decreased public confidence and trust—in their public bodies and officials, in attempts to make progress in other aspects of social justice, and even a growing mistrust between neighbors.

It is in this dangerous and emotionally charged atmosphere of fear that we must carefully put together the best efforts and resources of our system and society to meet the problem of crime head on without exacerbating the dark forces and furies of repression and retribution. Crime in this country will not be stopped by pitting group against group, or through passionate charges and countercharges on any one individual's "tough stance on crime."

The crime problem of this country is of such magnitude that it will require the commitment and coordination of all people and all levels of government. It will also require the recognition that our criminal justice system has stagnated through years of national neglect.

We must begin to realize, as was pointedly stated by the National Commission on the Causes and Prevention of Violence, that our national concerns and priorities for the last three decades have been the national defense, wars and foreign affairs, economic growth, and the conquest of space. While these issues have commanded more than two-thirds of our Federal budget, and about half of the expenditures of all governmental units, the requirements of a social justice system and the needs of law enforcement agencies have been given secondary support. Because the burden of law enforcement activities have also been the traditional perogative of state and local government, the financial resources which have been needed to combat criminal activity have been woefully inadequate. With local tax revenues unable to support even basic law enforcement activities at a satisfactory level, there has also been a growing gap in the development and implementation of innovative programs and modern methods of police work.

Needless to say, not only has there been a failure to adequately support the police function of crime control, but there has been steady deterioration in the

other aspects of an effective criminal and social justice system as well. Courts with decaying, antiquated facilities, and not enough judicial manpower are years behind in their backlog of court cases in many jurisdictions. And our prison systems which are meant to rehabilitate those convicted of crime, are instead very successful training institutions which produce hardened criminals because of the lack of resources for modern penology.

Under our form of government and concepts of society, law enforcement and the administration of justice must remain the basic responsibility of State and local governments. But it is imperative that our local police departments and State courts and correctional facilities be given adequate and up-to-date tools, budgets, and the manpower to do their jobs.

The main vehicle by which the Federal Government assists the States and local governments in fighting crime is the Omnibus Crime Control and Safe Streets Act of 1968. Through the Federal Law Enforcement Assistance Administration, Federal aid is channeled to local agencies of law enforcement and criminal justice.

After 3 years of experience with this program it is apparent that this Federal program of assistance has not reached its potential. The basic reasons for the inability of LEAA to demonstrate much impact upon our national crime efforts have been twofold: First, failure to focus assistance programs in our major metropolitan areas where the highest rates and total numbers of crime occur; and, second, the failure to provide the financial support needed to make more than a token gesture against crime.

There is no doubt that crime is not spread uniformly throughout the Nation. For example, Wisconsin, my home State, had the 11th lowest rate of crime in the Nation in 1968, while our largest State had a total crime index that was almost three times the total crime index of Wisconsin, and more than six times the crime per capita of other States.

Within the States, the concentration of crime within the cities is even more extreme. Thus half of the total violent crimes in this country occur in our 26 largest States, but these cities account for only 17 percent of national population. It is therefore unreasonable to base a law enforcement assistance program upon a set financial amount per capita. It is necessary to concentrate the resources where the high crime rates are located. And high crime rates are concentrated in this Nation's urban centers.

Recent studies of the Urban Coalition and the National League of Cities/U.S. Conference of Mayors, as well as the Advisory Commission on Intergovernmental Relations have shown that the present Federal crime assistance program has not been successful in getting the necessary funds to the areas of our country with the greatest crime problems.

New York City accounts for 75 percent of the crime in the State of New York, but it receives only 43 percent of the LEAA funds. Detroit accounts for almost half the crime in the State of Michigan, but receives only 18 percent of the LEAA funds for the State of Michigan. In Florida, only 2.7 percent of LEAA funds for action program of law enforcement went to the five largest cities in the State which, between them, account for 34.4 percent of the crime in Florida.

The State of Wisconsin has been quite successful in the administration of its State program and has been diligent in putting the resources available to them through the LEAA program to the high-crime areas in the State. 43.9 percent of the LEAA action funds given to Wisconsin are passed through to the four largest cities in my State—Milwaukee, Madison, Green Bay, and LaCrosse. These four cities account for 41.1 percent of the crime reported in Wisconsin, so, as you can see, the State of Wisconsin has actually concentrated their greatest emphasis on the areas of high-crime incidence.

This, unfortunately, is an exception to the program, and while commendable as an example to LEAA and other States, does not obviate the need to make the necessary legislative changes to insure that our Federal crime-fighting efforts are focused where the greatest need exists. I do not think that the residents of Wisconsin would be in disagreement with this approach, since they have adequately demonstrated their concurrence with this through their own program.

I am therefore supporting both of the approaches which are offered by Senator HART and Senator KENNEDY to put LEAA financial impact where it can do the greatest good—in the cities with the greatest crime problem. Both of the approaches suggested by the amendments of the Senators from Michigan and Massachusetts are reasonable methods to accomplish this goal. By increasing the discretionary funds available to the LEAA administrators to 33⅓ percent as in the Hart amendment, more funds would be made available for high impact action programs in the cities. This would also be accomplished through Senator KENNEDY's approach of setting up a special block grant program for cities and counties over 100,000 population.

Neither of these two amendments detract from the block grant approach in the bill since an increased authorization will enable the States to receive as much funds as they would have otherwise. It merely directs an increased emphasis on assisting high-crime areas—which has always been the stated purpose of this legislation and program.

Mr. CRANSTON. Mr. President, the Omnibus Crime Control and Safe Streets Act was enacted 3 years ago to help local police combat the continuing increase in urban crime.

This past spring I conducted a survey of California law enforcement officers to find out how they thought the law was working and how they would like to see it improved.

I received more than 80 lengthy responses from sheriffs, chiefs of police, and district attorneys from all sections of the State.

While all of the law enforcement officers who responded supported Federal aid to improve local law enforcement, more than half of the replies were critical of the operation of the LEAA program as it had been administered in California.

The most persistent criticism of California's LEAA program was that it delayed grant application in an endless series of bureaucracies.

A southern California chief of police described the application process in the following way:

A unit of government interested in applying for an action grant must submit a request at the local level, and the request must receive approval from a regional task force, and the sub-regional advisory board, a regional advisory board, a State task force operations committee, and finally the California council on criminal justice.

In each case there is a chance that the action grant will be denied.

California police officials have also criticized the LEAA program for its State and regional emphasis.

They alleged that program plans devised by State officials do not account for the needs of local police forces, that regional task force review of local applications submerge local needs under regional considerations, and that local areas with high crime rates are not receiving a proportionate share of State action funds.

California's troublesome experience with the LEAA program is not unique.

The National League of Cities and the U.S. Conference of Mayors have reported that the problems which have plagued the California program have occurred in many other States.

They have suggested that the Congress bypass the States and increase direct grants to local governments for law enforcement purposes.

The National Governors' Conference, responding to this criticism has acknowledged the failure of many State-administered LEAA programs.

They have argued, however, that it is premature to drop the programs and replace them with direct grants to the cities.

They assert that State governments should be allowed to work out the problems which have beset their LEAA programs.

I agree with the Governors' Conference.

States should be given the opportunity to correct mismanagement of their LEAA programs.

California has already taken major steps to correct the misadministration of its crime control program.

But while States are given this chance, cities should not be ignored.

They should be provided with direct interim funding to help them cope with their pressing crime problems.

I therefore support the amendment offered by Senator HART.

The necessity of providing cities intrim funding while States correct past and persisting mistakes was made clear by the city manager of Inglewood, Calif., during testimony on the LEAA before the House Judiciary Committee.

He stated:

I am still hopeful that the several states can pull themselves together and administer a true block grant program.

But even sophisticated California is having extreme difficulties.

There is hope but little time.

I would like to give the states a chance, but we have a crisis situation on our hands, I am looking for money.

He then concluded:

The present system doesn't work.

Maybe it will, maybe it won't.

We cannot afford to gamble waiting for inexorable data, computers and cool men.

As this official points out, we cannot afford to gamble with the needs of our cities.

We cannot wait 3 more years to find out whether States can remedy misadministration of LEAA programs.

Increasing crime in our urban centers will not wait for us.

The crime problem in our cities is pressing and immediate.

We must provide immediate assistance.

Interim aid should be granted to our major urban centers, so they can start needed programs to combat crime.

If the States can get their LEAA systems to work, this interim aid should be terminated.

But in the meantime, we must end the delay.

The PRESIDING OFFICER (Mr. EAGLETON). The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART).

Mr. HRUSKA. Mr. President, a parliamentary inquiry. Is that the first amendment, No. 1037?

The PRESIDING OFFICER. The Senator from Nebraska is correct.

Mr. HRUSKA. I thank the Chair.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana, (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Minnesota (Mr. MCCARTHY), are necessarily absent.

I also announce that the senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG), the Senator from Nevada (Mr. CANNON), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. JAVITS) 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 Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from New York would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 18, nays 42, as follows:

[No. 370 Leg.]

YEAS—18

Brooke	Hollings	Muskie
Case	Hughes	Nelson
Cranston	Kennedy	Pastore
Eagleton	Magnuson	Proxmire
Harris	McGovern	Ribicoff
Hart	Mondale	Spong

NAYS—42

Allen	Curtis	Miller
Allott	Dole	Packwood
Anderson	Ervin	Pearson
Baker	Hansen	Percy
Bennett	Hatfield	Randolph
Bible	Holland	Schweiker
Boggs	Hruska	Scott
Burdick	Jordan, Idaho	Smith, Maine
Byrd, Va.	Long	Stennis
Byrd, W. Va.	Mansfield	Stevens
Church	Mathias	Talmadge
Cook	McClellan	Thurmond
Cooper	McIntyre	Williams, Del.
Cotton	Metcalf	Young, N. Dak.

NOT VOTING—40

Aiken	Eastland	Goodell
Bayh	Ellender	Gore
Bellmon	Fannin	Gravel
Cannon	Fong	Griffin
Dodd	Fulbright	Gurney
Dominick	Goldwater	Hartke
Inouye	Mundt	Symington
Jackson	Murphy	Tower
Javits	Pell	Tydings
Jordan, N.C.	Prouty	Williams, N.J.
McCarthy	Russell	Yarborough
McGee	Saxbe	Young, Ohio
Montoya	Smith, Ill.	
Moss	Sparkman	

So Mr. HART's amendment (No. 1037) was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MCCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. MCCLELLAN. There is no time on this amendment.

AMENDMENT NO. 1036

Mr. HART. Mr. President, briefly, an amendment which I now call up was discussed prior to the vote we just took. I shall ask the clerk to state the amendment. I have nothing further to say; others may have something to say, but I think we are ready to vote. This amendment increases the authorization of money to the Law Enforcement Assistance Administration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 33, line 3, strike "$650,000,000" and insert "$1,000,000,000" in lieu thereof,

On page 33, line 5, strike "$1,150,000,000" and insert "$1,500,000,000" in lieu thereof, and

On page 33, line 7, strike "$1,750,000,000" and insert "$2,000,000,000" in lieu thereof.

Mr. HART. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator request that the amendments be considered en bloc?

Mr. HART. Yes.

OCCUPATIONAL SAFETY AND HEALTH LEGISLATION

Mr. ALLOTT. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that there be printed in the RECORD a document entitled "Comparative Analysis of Significant Provisions of the Occupational Safety and Health Bill, S. 2193, reported by the Senate Committee on Labor and Public Welfare, and S. 4404, the Substitute Occupational Safety and Health Bill." It is my understanding that a substitute amendment identical to S. 4404 will be offered by the Senator from Colorado (Mr. DOMINICK) when S. 2913 is considered and this comparative analysis is intended to aid in the consideration of the substitute.

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

COMPARATIVE ANALYSIS OF SIGNIFICANT PROVISIONS OF THE OCCUPATIONAL SAFETY AND HEALTH BILL, S. 2193 REPORTED BY THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, AND S. 4404, THE SUBSTITUTE OCCUPATIONAL SAFETY AND HEALTH BILL

COMMITTEE REPORTED BILL, S. 2193	SUBSTITUTE BILL, S. 4404
I. Coverage	*I. Coverage*
Covers all employers engaged in business affecting interstate commerce, excluding as employers both Federal and State and local Governments (secs. 2–3).	Same (secs. 2–3).
II. Exemption and Variance	*II. Exemption and Variance*
Employers may apply to Secretary of Labor for a variance from specific standards if employer provides working condtions just as safe as Federal-standard conditions. (sec. 6(d)).	Same, except substitute bill calls it an "exemption" and not a variance; also employer applies to the *Board* and not the Secretary for the exemption. (sec. 6(1)).
III. Standards	*III. Standards*
1. Authority to issue standards. Secretary of Labor (secs. 6–7).	1. Authority to issue standards. National Occupational Safety and Health Board, separate and independent of other Federal agencies. Board is composed of five members, all qualified by previous training, education, or experience in the field of occupational safety and health; appointed by, and serve at the pleasure of the President. (secs. 6 and 8).
2. Types of mandatory standards	2. Types of mandatory standards
(a) *Early standards of three types:* (1) national consensus standards; (2) already existing Federal standards; and (3) standards also promulgated prior to the date of enactment of this Act by national organizations but by a non-consensus method. The first two types of standards must be issued by the Secretary as soon as practicable within 2 years following the effective date, unless Secretary determines that their promulgation will not result in improved safety or health for certain employees. During the same period, the Secretary may also promulgate the non-consensus standards. (sec. 6). The Secretary, under his authority to set permanent standards, is empowered to "promulgate, modify or revoke any standard." (sec. 6(b)).	(a) *Early standards of two types:* (1) national consensus standards; and (2) already existing Federal standards. The standards must be issued by the *Board*, as soon as practicable within 3 years following the effective date, unless the Board determines that these standards will not assure safer and more healthful working conditions. (sec. 6(b)). There is a specific provision that the early standards remain in effect until superseded by permanent standards.
(b) *Emergency temporary standards* must be promulgated by the Secretary if he determines that they are needed to combat grave danger from toxic or *physically harmful substances*, or from new hazards. These standards stay in effect until replaced by permanent standards which the Secretary is required to issue within six months after emergency temporary standards are issued. (sec. 6(c)).	(b) *Emergency temporary standards.* Same, except *Board*, and not the Secretary, would promulgate them; and under the substitute bill the grave danger would be one which results from "exposure to substances determined to be toxic or from new hazards resulting from new processes . . ."
(c) *Permanent standards.*	(c) Also provides for permanent standards.
3. Procedures for setting the different types of standards	3. Procedures for setting the different types of standards
(a) *Early standards* are promulgated by the Secretary by rule. APA does not apply, except in the case of non-consensus standard where informal APA rulemaking procedures apply; that is, submission of written views with informal hearing in the Secretary's discretion. (sec. 6(a)).	(a) *Early standards*, the same, except as pointed out above, no non-consensus standards are isued under the substitute bill. The *Board*, of course, issues these standards, not the Secretary. (sec. 6(b)).
(b) *Emergency temporary standards* become effective immediately on publication in the Federal Register. (sec. 6(c)(1)).	(b) *Emergency temporary standards*, same, (sec. 6(i)(1)).
Committee Reported Bill, (c) *Permanent standards* are promulgated by the Secretary under informal rulemaking procedures of APA; but a *hearing is required*, if an interested person objects to a proposed standard. The use of advisory committees is authorized, but not mandatory. Secretary is required to issue a standard within 60 days after the expiration of the period provided for the submission of views (as required in informal APA rulemaking), or within 60 days after the hearing (required where an objection is made) ends.	*Substitute Bill, S. 4404* (c) *Permanent standards* are set by the Board, using *formal rulemaking* procedures of APA which include the protection afforded by sections 7 and 8 of the APA. Same as reported bill as far as use of advisory committees is concerned. Board is required to promulgate a standard 60 days after the formal hearing ends (if advisory committee is utilized), and 120 days afterwards (if no advisory committee is used). Also, Secretary of HEW or Secretary of Labor may request the setting or modification of a standard, and the Board *must* commence standard-setting procedures within 60 days after request is made (sec. 6 (j) through (m).
4. Tests for standards	4. Tests for standards
In setting standards, Secretary is required to set the ones which most adequately and feasibly assure that no employee will suffer any impairment of health or functional capacity, or diminished life expectancy even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life (sec. 6(b)(5)).	No comparable provision.
5. Labels, warnings, monitoring or measuring, and medical tests	5. Labels, warnings, monitoring or measuring, and medical tests
Provides that standards shall prescribe the use of labels, warnings, and where appropriate, employer monitoring or measuring of employee exposure to hazards, plus types and frequency of medical examinations or other tests which shall be made available by the employer or at his cost, to employees exposed to hazards. Where medical examinations are in the nature of research, such examinations may be furnished at the expense of HEW. (Sec. 6(b)(6)).	Provides that standards must prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazard and of suggested methods of avoiding or ameliorating them. (sec. 6(m)). Standards promulgated under the substitute bill may also provide for medical examinations and the monitoring or measuring of employee exposure to hazards. Contains provision authorizing an appropriation for the Secretary's purchase of equipment for such monitoring or measuring. (sec. 6(h)).
6. Judicial review of standards	6. Judicial review of standards
Judicial review of standards is provided in the various United States Courts of Appeals. This right may be exercised up to 60 days after the standard is promulgated. (sec. 6(f)). Judicial review of standards would also be possible in enforcement proceedings.	Similar provision, except the United States Court of Appeals for the District of Columbia is the only forum. Unlike the reported bill this judicial review of standards is made an *exclusive* remedy. The time-period for reivew is *30* days after publication of the standard. (sec. 13(b)).
IV. General duty	*IV. General duty*
Contains a general requirement that employers shall furnish employment "which is free from recognized hazards so as to provide safe and healthful working conditions." (sec. 5(a)(1)).	Contains a more detailed general requirement that employers furnish employment free from *readily apparent* hazards *which are causing or are likely to cause death or serious physical harm.* (sec. 5).

COMPARATIVE ANALYSIS OF SIGNIFICANT PROVISIONS OF THE OCCUPATIONAL SAFETY AND HEALTH BILL, S. 2193 REPORTED BY THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, AND S. 4404, THE SUBSTITUTE OCCUPATIONAL SAFETY AND HEALTH BILL—Continued

COMMITTEE REPORTED BILL, S. 2193—Continued	SUBSTITUTE BILL, S. 4404—Continued
V. Specific duty	*V. Specific duty*
Contains specific duty that (1) *employers* shall comply with safety and health standards and that (2) *employees* shall comply with standards which are applicable to their own conduct and actions. (sec. 5(b)).	Same as to employers but imposes no duty on employees, although the "purpose" section speaks of "employers and employees having separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions." (sec. 2).
VI. Enforcement	*VI. Enforcement*
1. In general	1. In general
Enforced by the Secretary of Labor before Labor Department hearing examiners. Where necessary, the Secretary's orders would be enforced in the United States Courts of Appeals. (sec. 10).	Enforced by Secretary of Labor before an independent Federal agency, the Occupational Safety and Health Appeals Commission set up under section 11. Where necessary, corrective orders of the Commission may be enforced by the Secretary in the United States Courts of Appeals. (sec. 10, 11, and 13).
2. Inspections and investigations	2. Inspections and investigations
(a) *In general* Secretary of Labor is authorized to make inspections and investigations to enforce the Act.	(a) In general, same as reported bill.
(b) *"Walk-Around."* Subject to regulations of the Secretary, permits employees or their authorized representative to accompany the inspector during his inspection, for the purpose of aiding the inspection. If no authorized representative is available then the inspector shall consult with a reasonable number of employees.	(b) Also has "walk-around" provision but the right of an employee-authorized representative to accompany an inspector on inspection is contingent upon the employer's exercising his option to accompany the inspector. There is no provision for substituting a reasonable number of employees where no employee-authorized representative is available. (sec. 9(b)).
(c) *Demand for Inspections.* Permits employees or their representatives to request the Secretary in writing to make an inspection where they believe (1) that a violation of a safety and health standard exists that threatens physical harm, or (2) that an imminent danger exists. If the Secretary determines that there are reasonable grounds to believe that the alleged violations or danger exists, then he is *required* to conduct a special investigation as soon as practicable. (sec. 8(f)(1)). Also, employees may demand a written explanation from the Secretary in cases of his failure to issue a citation. (sec. 8(f)(2)).	(c) No such provision.
3. Citations and civil penalties	3. Citations and civil penalties
Reported bill provides that the Secretary shall issue a citation for every violation unless de minimis, but in de minimis cases he shall issue a "notice."	The substitute bill also provides that the Secretary shall issue a citation for every violation of the Act's requirements unless de minimis, and he must do so within 45 days of the occurrence of the violation; and no citation may be issued after the expiration of three months after the occurrence of a violation. (sec. 10).
Any employer who violates a specific standard, or other requirements of the Act, such as record-keeping, and has received a citation for it, is liable to a civil penalty of up to $1,000 for each violation.	A *willful* or *repeated* violation of the Act's requirements carries a possible civil penalty of up to $10,000 per violation. It is *mandatory* in the case of a serious violation that the citation include a civil penalty of up to $1,000 per violation; and ordinary violations carry a discretionary civil penalty in the same amount. A violation of a final order (or of a citation which has become a final order through an employer's failure to appeal a citation within 15 days of its issuance) carries a possible civil penalty of up to $1,000 per violation. Each day of continued violation in this case is a separate offense. (sec. 17).
Any employer who fails to correct a violation for which a citation has been issued within the time specified or who fails to comply with a shut-down order in an imminent-harm situation is liable for a civil penalty of up to $1,000 for each day such a violation continues. This penalty would, of course, be applicable to citations issued where the general requirement has been violated.	
Any willful violation of a specific standard or of certain other requirements of the Act is liable to a fine of up to $10,000 plus up to six months in jail; and $20,000 and up to a year in jail for a second conviction of a willful violation. (sec. 14). (See criminal penalty section of this chart).	
4. Enforcement procedures	4. Enforcement procedures
Where Secretary issues a citation, employer has 15 days within which to contest it by requesting Secretary to hold administrative hearing before Labor Department hearing examiners. On the basis of the hearing, Secretary issues corrective orders. If not timely contested citation becomes final order not subject to review. Secretary may enforce his orders in the United States Courts of Appeals where employers may also seek review, unless the order is one which became final because it was uncontested. (sec. 10).	Establishes Occupational Safety and Health Appeals Commission, composed of three members appointed by the President. When Secretary of Labor issues a citation, employer has 15 days to notify the Secretary of his intention to contest the citation. If employer so contests, Secretary notifies Appeals Commission which shall afford employer with opportunity for a hearing. Enforcement of Commission's orders, where necessary—or review of those orders—would be in United States Courts of Appeals. If citation is not contested within 15-day period, it is deemed a final order of the Commission.
5. Criminal penalties	5. Criminal penalties
(a) Makes it a *misdemeanor* ($10,000 fine and up to six months in jail) to *willfully* violate any specific standard and certain other of the Act's requirements; this sanction is doubled in the case of a second conviction.	(a) No such penalty.
(b) Makes it a *misdemeanor* for any person to give advance notice of an impending inspection.	(b) No such provision. Under the substitute bill the problem of advance notice would be handled administratively by the Secretary (sec. 2(b)(10)); and the States would handle this the same way. (sec. 18(c)(3)).
(c) Amends sec. 1114 of title 18, United States Code to make it a Federal offense to assault or kill Labor Department inspectors. Various penalties including the death penalty would be possible under this provision.	(c) Contains express provisions making it a Federal offense (felony, with varying degrees of fines and jail terms) to assault, to assault with a dangerous weapon, or kill inspectors carrying out the duties *under the Act*. Maximum penalty is life sentence.
(d) Makes it a *misdemeanor* to make a false statement or record etc. (sec. 14).	(d) No express provision; but substitute bill relies on section 1001 of title 18, United States Code, as the means of punishment for false statements etc.
(e) No criminal penalty in cases of discrimination against employees for availing themselves of the protection of the Act. Instead, Secretary holds administrative hearing and orders restitution of employment, back pay, etc. (sec. 10(f)).	(e) Makes it a *misdemeanor* to discriminate against an employee for availing himself of protection under the Act. (civil penalty also provided). (sec. 17).
VII. Imminent danger	*VII. Imminent danger*
Permits Labor Department to order the shut-down of plants or industrial processes where imminent danger exists. However, before such power is exercised, the Secretary must be assured that in such circumstances there is not time to obtain a court order first. And where the Secretary delegates his authority to an inspector, the inspector must first check with his superiors in the Labor Department before exercising his authority.	Provides *only* for United States district court injunctive relief as remedy in imminent-harm situations. Rule 65 of the Federal Rules of Civil Procedure applies, except relief granted by the court without notice is effective for only 5 days. Inspector *must* notify both employer and employees that he is going to recommend to the Secretary that relief be sought.

COMMITTEE REPORTED BILL, S. 2193—Continued

VII. Imminent danger—Continued

The administratively issued shut-down order may remain in effect for only 72 hours. (sec. 11(b)).

Also authorizes the Secretary to seek injunctive relief in the district courts in imminent danger situations. (sec. 11(a)).

VIII. Mandamus vs. damages

(a) If the Secretary *arbitrarily* or *capriciously* fails to issue an order or seek relief to abate an imminent danger, the employees, or their representatives may seek a *writ of mandamus* to compel the Secretary to issue the order or seek relief in the courts. (sec. 11(c)).

(b) No comparable provision.

IX. Relationship to other laws administered by the Labor Department

(a) Provides that standards under Acts administered by the Labor Department (Walsh-Healey Act, Service Contract Act, the Maritime Safety Act, etc.) are superseded by standards issued under the Occupational Safety and Health Act. (sec. 4(b)(2)).

(b) "Construction Safety Act" (P.L. 91-54) is treated the same way as the Walsh-Healey Act. (see above)

X. Relationship to other Federal programs

Makes the Act inapplicable to working conditions of employees with respect to which any Federal agency other than the Secretary of Labor exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health. (sec. 4(b)(1)).

XI. Confidentiality of trade secrets

Assures confidentiality of trade secrets. (sec. 13).

XII. Variations, tolerances and exemptions

Variations, tolerances and exemptions from the Act's provisions may be granted by the Secretary in order to avoid "serious impairment of the national defense." (sec. 15).

XIII. Federal-State relationship

(a) Where no Federal standards exist, State standards would apply and be enforced.

(b) *State Plans,* States which desire to set their own standards, in order to replace Federal ones, may submit a plan to the Secretary of Labor. If approved by him, the State standard and its enforcement by the State would control. However, the Secretary may apply the Federal law in whole or in part in the plan-approved State until he determines, not later than 3 years after the initial approval, that the plan is operating effectively. But in no event is the Secretary precluded from making inspections at any time to evaluate a State's operations under its plan. (sec. 16).

(c) *Judicial Review of State Plans* may be obtained in the United States Court of Appeals in the circuit in which the State is located of the Secretary of Labor's decision to reject or withdraw approval of a State plan. Court's test would be whether the Secretary's action was arbitrary or capricious. (sec. 16(g)).

XIV. Federal employee safety

Provides safety and health programs to be established by agency heads; programs will be consistent with standards developed under the Act. Consultation with employee representatives is required. (sec. 17).

XV. Research, employee training, safety-health personnel education, and grants to the States

Provides that the HEW Secretary (1) conduct research (directly or by grants or contracts) in the field of occupational safety and health; (2) produce criteria to assist Secretary of Labor in developing standards; (3) issue regulations requiring employers to measure, record, and make reports on the exposure of employees to substances which the HEW Secretary believes to be dangerous; (4) set up programs of medical examination and tests; (5) publish lists of toxic substances; (6) make industrywide studies of matters of health in the workplace; and (7) set up educational programs for safety and health personnel. Provides that Labor Secretary (1) set up short-term training for safety-health personnel; (2) set up educational programs for employers and employees concerning how to avoid accidents, etc.; and (3) to make planning grants to the States (90% Federal participation) and program grants (50% Federal participation).

SUBSTITUTE BILL, S. 4404—Continued

VII. Imminent danger—Continued

VIII. Mandamus vs. damages

(a) If there is an *unreasonable failure* on the Secretary's part to seek relief to abate an imminent danger, the *employees* who are injured either physically or financially by such failure may recover *damages* in the United States Court of Claims.

(b) Employer-damages are also provided for. Damages for employers are determined by the United States district court which sets a sum certain which may be recovered as damages by the employer. This method is modeled on Rule 65(c) of the Federal Rules of Civil Procedure (bonding provisions). Thus, the same court which grants the injunctive relief in imminent danger situations would also determine the amount of damages. (sec. 12(e)).

IX. Relationship to other laws administered by the Labor Department

(a) Essentially the same, but Maritime Safety Act is not mentioned. Therefore, Maritime Safety Act would continue to be administered and enforced just as it has been. (sec. 25(c)).

(b) In keeping with the recent policy of Congress with respect to protecting construction workers, the substitute bill would place all construction workers under the protection of the "Construction Safety Act" (Public Law 91-54). Therefore, the substitute bill expressly provides that the Occupational Safety and Health Act would not apply to employers in construction work. The substitute bill would also amend Public Law 91-54 to provide that all construction workers would come under the protection of standards developed by the Secretary of Labor under the procedures of Public Law 91-54.

The substitute bill amends Public Law 91-54 to permit the Secretary of Labor to bring cases of alleged violations of construction safety and health standards before the Occupational Safety and Health Appeals Commission, created under the Commission's orders would be enforced in the same way they are enforced under the Occupational Safety and Health Act.

The additional sanctions of contract debarment and cancellation now provided for under the "Construction Safety Act" would remain. (sec. 25).

X. Relationship to other Federal programs

Essentially the same, except added to "Federal agency" are "State agencies acting under section 274 of the Atomic Energy Act of 1954 . . ."

XI. Confidentiality of trade secrets

Has essentality comparable provisions. (sec. 15).

XII. Variations, tolerances and exemptions

Same (sec. 16).

XIII. Federal-State relationship

(a) Same.

(b) *State Plans,* same (sec. 18).

(c) Same (sec. 18(g)).

XIV. Federal employee safety

Same (sec. 19).

XV. Research, employee training, safety-health personnel education, and grants to the States

Essentially the same, but with some differences, i.e., the substitute bill *does not have any express provisions* under which an employer could be required to measure exposure to toxic substances. Instead, the substitute bill has a provision (sec. 9(h)) authorizing funds to enable the Secretary of Labor to purchase equipment which he deems necessary to measure exposure of employees to working conditions involving ill effects from exposure to toxic substances. Also, the substitute bill does not expressly provide for medical examination, but these could be provided for in standards issued by the Labor Secretary in consultation with the HEW Secretary. In short, the major difference between the research provisions in the reported bill and those in the substitute bill is that the reported bill spells out in detail what could be included in the standards administratively developed by the Board.

COMPARATIVE ANALYSIS OF SIGNIFICANT PROVISIONS OF THE OCCUPATIONAL SAFETY AND HEALTH BILL, S. 2193 REPORTED BY THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, AND S. 4404, THE SUBSTITUTE OCCUPATIONAL SAFETY AND HEALTH BILL—Continued

COMMITTEE REPORTED BILL, S. 2193—Continued	SUBSTITUTE BILL, S. 4404—Continued
XVI. Economic assistance to small businesses	XVI. Economic assistance to small businesses
Would amend the Small Business Act to permit loans to small businesses as are necessary and appropriate to assist them in meeting certain costs resulting from the enactment of the Occupational Safety and Health Act (sec. 24).	Same (sec. 22).
XVII. Statistics	XVII. Statistics
Has provisions similar to substitute bill (sec. 20).	Contains a separate section to set up a full statistical program in response to one of the greatest needs in the field of occupational safety and health; that is, the lack of adequate statistical data to gain a clear picture of the nature and extent of job hazards. Program would include grants to the States; and the Federal share may be up to 50% of a State's total program cost (sec. 24).
XVIII. Observance of religious beliefs	*XVIII. Observance of religious beliefs*
Essentially the same as substitute bill. (sec. 18(a)(3)).	Provides that the Act shall not be deemed to authorize or require medical examination, immunization, or treatment for those who object on religious grounds, except where such medical procedures are necessary for the protection of the health or safety of others.
XIX. National Institute For Occupational Safety and Health	*XIX. National Institute For Occupational Safety and Health*
To carry out the HEW Secretary's responsibilities under the research section, the reported bill sets up a National Institute for Occupational Safety and Health within the HEW Department. The HEW Secretary appoints the Institute's Director who serves a 6-year term.	No provision.
XX. National Commission on State Workmen's Compensation Laws	*XX. National Commission on State Workmen's Compensation Laws*
Sets up a temporary National Commission to study the subject of workmen's compensation in all its facets and problems. The Commission will make a report to the President and thereafter cease to exist.	No provision.
XXI. Appropriation	*XXI. Appropriation*
Such sums as may be necessary.	Same.
XXII. Additional Assistant Secretary of Labor	*XXII. Additional Assistant Secretary of Labor*
Provides for an additional Assistant Secretary of Labor for Occupational Safety and Health.	No provision.
XXIII. Effective date	*XXIII. Effective date*
First day of the first month which begins more than 30 days after date of enactment.	120 days after enactment.

OMNIBUS CRIME CONTROL ACT OF 1970

The Senate continued with the consideration of the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Mr. HOLLAND. Mr. President, I would like to ask one question of the manager of the bill, the distinguished Senator from Arkansas. Is the leadership, which is handling this bill, supporting or opposing the pending amendment?

Mr. McCLELLAN. This Senator and the distinguished Senator from Nebraska, the ranking minority member of the subcommittee, have both spoken against the amendment. The amendment was presented in full committee. My recollection is that it received two or three votes in committee.

I have explained the amendment and discussed it at some length. I realize some Senators were not present.

We have increased in this bill the authorization of the House bill by $400 million—$150 million for next fiscal year and $250 million for the next fiscal year, and that raises the authorization for 1971 fiscal year to $1.15 billion, whereas the authorization for this year which is contained in this bill is $680 million.

Mr. HART. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HART. What we are talking about is an amendment that would add $350 million to this year's authorization, raising it to $1 billion; $250 million in each of the succeeding years, which would raise it to $1.5 billion and $2 billion for the next succeeding years as the amount of money to give the Law Enforcement Assistance Administration, involving the subject about which we all make speeches today, the war on crime.

Mr. McCLELLAN. We already have appropriated for this fiscal year $480 million, but the committee has placed in this bill an authorization for $650 million for the present fiscal year, which is partially gone, with the view that if the administration of this agency finds it does need and can use more money, they will have the authorization. If it comes in with the supplemental request. The Senator from Michigan would raise that amount to $1 billion, whereas we have $170 million leeway to play with if they come in with a request for the balance between now and next July 31.

For the next fiscal year the Senator from Michigan (Mr. HART) would raise it to $1.5 billion, whereas we have in this bill $1.15 billion, which is $500 million over and above what we are authorizing for the present fiscal year.

For the next fiscal year we have in this bill $1.750 billion, which is $250 million over the House bill. The amendment of the Senator from Michigan would raise that to $2 billion.

Our position is that the authorizations we have provided are more than adequate, taking into account the necessity for the new agency to get experience and for the several States, towns, and municipalities that are going to receive this grant-in-aid money to get organized and formulate plans.

It would be an illusion to say, "We are going to appropriate $2 billion. Here is $2 billion." I do not think we are going to spend it. I do not think it can be spent judiciously or prudently until we get the machinery organized and operating efficiently.

That has been my position. So far I have been sustained by the committee.

Mr. HRUSKA. Mr. President, the funds authorized for this and the next 2 years are more than ample. The illustration given by the chairman is very spectacular and dramatic.

The authorization under the amendments would be $1 billion for fiscal 1971. The fact is that yesterday or the day before we sent to the President a bill appropriating for this fiscal year $480 million. Even under the present authorization we have a latitude of $275 million if we have to come back for a supplement. The amendment seeks to add $350 million.

The amounts for 1972 and 1973 are ample. If they should, by some stretch of the imagination, prove inadequate, the remedy is simple. It will be available. We can always increase the authorization. We can always get a supplemental appropriation if the need is there.

The amendment should be rejected because it would falsely raise the hopes of the States that they are going to get more than they possibly can.

Mr. HOLLAND. Mr. President, I thank the Senators from Arkansas and Nebraska for their clear explanation of the situation. I had heard part of the argument that preceded the last vote, but it did not cover this particular matter. I am sure other Senators had the same experience. I think the Senators have made the situation clear, and I am indebted to them.

Mr. McCLELLAN. Mr. President, I thank the Senator. I am glad to make the explanation to Senators present who were not here when this authorization was discussed.

As I said before, I believe, in all sincerity, that there is not a Member of Congress who would not vote to spend $2 billion, $5 billion, or $10 billion if the money could be used effectively against crime. It is not a matter of money, and there is no rationality in going to extremes and making a big splash without getting results. Let us get the results, and then we can always provide the money.

Mr. HART. Mr. President, since there were also some Senators who did not hear our side, let me say just think of next year. This amendment would increase by $350 million the sum that would be available. Is it or is it not practicable to conceive of beneficial uses for $350 million as an assist to local units of government to fight crime?

Let us just think of the 10 largest cities in this country, and divide those 10 into $350 million. Do Senators think there is a police chief in any one of those 10 cities who would say, "I cannot, fellows. I would not know what to do with the money" Or take 100 cities and divide them into the $350 million. Do Senators think there is any mayor in them who would say, "Thanks, but the problem is not serious enough here that we can use $3,500,000"?

Mr. PROXMIRE. Mr. President, the Omnibus Crime Control Act we are considering makes authorizations for the Law Enforcement Assistance Administration in the amount of $650 million for the current fiscal year, $1.15 billion for 1972, and $1.75 billion for 1973. This is a great deal of money, and a very rapid expansion of a program which received $270 million last year, and only $60 million the year before that. We all want to see effective action taken to reduce the incidence of serious crime. It is entirely proper that we are increasing the amount of Federal resources devoted to crime control and that we are doing so rapidly. I support these increased authorizations.

Unfortunately, money alone will not do the job. I wish I were confident that this money will be effectively utilized to achieve major improvements in our criminal justice system. However, based on my present knowledge of the law enforcement assistance program, it is not possible to have any such confidence. The Subcommittee on Economy in Government recently held 2 days of hearings on the effectiveness of the criminal justice system. Several of our witnesses discussed the law enforcement assistance program. The deficiencies they pointed out seem to me so serious that I want to bring them to the attention of the whole Senate. My purpose in doing so is to emphasize the need for continued congressional oversight of this program and continued efforts to bring about improvements. Without such efforts, much of the money we are authorizing in this bill may be wasted—a tragic waste in view of our very urgent national need for an improved criminal justice system.

The witnesses who testified before my subcommittee were well qualified to comment on the law enforcement assistance program. One was police chief in the city of New Haven, Conn. Another had been for 3 years the head of the criminal justice planning agency in Massachusetts. A third had held responsible positions in the Law Enforcement Assistance Administration itself. The brunt of their testimony was that the law enforcement assistance program is not succeeding in encouraging new and more effective approaches to law enforcement and the administration of justice. It is not creating incentives to innovation. Despite the establishment of planning agencies in every State, the quality of criminal justice planning is showing little improvement.

I would like to quote the testimony of Chief James Ahern of the New Haven police in support of the proposition that these Law Enforcement Assistance funds should be spent more innovatively:

> I would encourage them to be sure that State planning agencies in awarding grants promote innovation, promote some kind of research, promote kind of forward moves in police departments, say in courts and corrections, rather than support some past practices that are really horrible. In fact, that is the way the money is being spent now, and it is being spent to reinforce the very worst things in the criminal justice system.

And this is what Mr. Ahern has to say about what the police in this country really need if they are to do a better job:

> Police departments in this country are desperately in need of new talents, improved policies and modern approaches to solving their problems. Yet few, if any, suggestions are offered either from the Federal Government or the State planning agencies on how best to obtain these goals.
>
> Funds provided by the Federal Government can be most effective if efforts were made to develop guidelines that realistically helped localities—cities and regions—meet their needs. The Federal Government should closely monitor how money is used to insure that it does not supplant a city's normal budget expenditures but rather stimulates innovations, develops new programs and allows the components of the criminal justice system to expand and grow.

Nor do we, in Chief Ahern's judgment, have any reason to be satisfied with the police training programs which LEAA is funding. Again, I quote:

> The Law Enforcement Education Program (LEEP) also is a disappointment. It is a system of direct Federal grants to colleges where police and others in the criminal justice system attend school. What this large program has resulted in is a crop of new courses designed more to attract Federal dollars than to be relevant to the student's needs. The money spent on those efforts has produced a second rate system that has more training than education. In fact, the police science courses supported have tended to segregate police on campuses and limit severely their educational experience.

And finally let me quote Mr. Ahern's conclusion concerning the extent to which the law enforcement assistance program has profited by its 2 years of experience:

> . . . And, unfortunately, there is no indication that the patterns established in the past two years are being rethought or changed in the light of operating experience. What began as one of the most important steps by the national government to meet the most urgent urban problems is being diminished by layers of bureaucracy and lack of direction. Unless immediate steps are taken, ones that will encourage police to experiment with new types of staff, improve training and recruitment of new kinds of people, much of the money being spent at present will be wasted. . . . The Federal guidelines are very rigid and very inflexible. It is actually a bureaucracy that has grown old very quickly and may be dying, I think.

Chief Ahern's indictment of the law enforcement assistance program is a powerful one. Let me add that I did not take time to quote what Chief Ahern had to say about our criminal justice statistics or about our tragically inadequate programs to prevent juvenile delinquency. This discouraging evaluation comes from someone who has to deal directly and continuously with the problems of law enforcement. I ask unanimous consent that Mr. Ahern's statement before the Subcommittee on Economy in Government together with excerpts from the subsequent discussion be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROXMIRE. It seems clear to this Senator that if we are to obtain the results we want from increased expenditures on law enforcement assistance; if we are to really do something effective about crime, we must work closely with the executive branch to obtain major improvements in this program. The legislation we are considering today will remove some of the stumbling blocks which have to date prevented effective administration. Unfortunately, they will not remove them all. One of the most serious weaknesses is the paucity of funds which are being allocated to research and to planning and evaluation.

The law enforcement assistance program is new. Few people are accustomed to thinking of the criminal justice system as a whole. We have few experts trained to analyze its workings and to plan for more effective programs. Yet despite this newness, despite our shortage of trained personnel, only a tiny fraction of the total being expended under this program is being devoted to planning, to research, to evaluation, or to improvements in our totally inadequate criminal justice statistics.

Of course, we must go ahead with an action program now. I am not proposing that we wait until we have all the answers before we start doing something about crime. I am proposing that as we proceed with our action program, we also provide for adequate evaluation and for the research which will lead to a more effective program in the future.

The authorization bill which we are considering does not set aside any specified amount for planning or research functions. And I think it is proper that the authorization contain flexibility with respect to the allocation of funds. However, the appropriation for this year does impose limits. Out of a total appropriation of $480 million, only $7.5 million, 1½ percent, is to be spent on research and on improving our statistics. Only $26 million, 5½ percent, is to be spent on the comprehensive planning process which is supposed to be fundamental to this pro-

gram. $411.5 million is to go for action grants. These allocations are not well balanced, especially in a new and rapidly growing program.

The appropriation bill for this year has already been enacted. We approved it yesterday. I suppose we must live with it. I presume, however, that there may be a request for a supplemental appropriation, occasioned by the fact that the authorization is substantially above the appropriation and provides for a new program for correctional facilities, which would have to be funded.

So I would urge, that in any supplemental request, attention be given to more adequate funding for the research and evaluation activities of LEAA. I would certainly urge that in appropriation measures for future years, we work out a more balanced allocation among research, planning, and action expenditures.

Mr. Richard Velde, Associate Administrator of the Law Enforcement Assistance Administration, is testifying before my subcommittee on Monday. I am looking forward to getting his views on improving the allocation of funds and to exploring ways in which the program can be made more effective. It is imperative that we have an effective criminal justice system. The legislation we are considering today must be regarded as only the beginning of the effort.

EXHIBIT 1

REMARKS OF CHIEF JAMES F. AHERN BEFORE THE JOINT CONGRESSIONAL SUBCOMMITTEE ON ECONOMY IN GOVERNMENT, SEPTEMBER 23, 1970

I am honored by the invitation to speak before the members of this sub-committee. I am especially anxious to share with you my thoughts about the Federal Government's Omnibus Crime Control legislation and how its implementation has affected local police departments.

I would also like to offer several suggestions on how the law can be changed to better able the country's Criminal Justice System to meet its pressing needs.

For nearly two years the national government has provided substantial financial support for expanded and new programs to the various agencies in what is commonly called the "Criminal Justice System."

To date, nearly one billion dollars has gone to support the creation of 50 new state bureaucracies to administer the program. In addition, they perform long-range planning for police, courts and corrections and fund action programs to meet whatever needs are determined at the state level.

The law has created a new federal agency—LEAA—to oversee state activities and provide financial assistance for various programs.

What these funds have produced should be looked at and some assessment of their impact made. But any hard look at so-called "results" must be done in light of the law as written by Congress, and the condition of the system prior to the Act, especially the police.

The Criminal Justice System in this country, including the police, is in a sad condition. There are serious questions whether in fact the system is capable of acting in the best interests of justice. The police have been ignored by the communities they serve for decades. The courts, log-jammed with cases, are rapidly reaching the point of total collapse. Correctional institutions are under financed with meaningful rehabilitation still a utopian concept.

More bluntly, little attention has been paid to the nation's Criminal Justice System. And when it is given, it has sometimes been less than helpful.

The police, with which I am most familiar, have tended to be used by local and state politicians more responsive to partisan needs than professional goals and criteria. Not only have local police agencies been starved financially and not encouraged to improve, but they also have been manipulated in the worst way. No other major local service has been so obviously subject to political intervention and control. Small wonder that police are a target of the young and others concerned with governmental change.

When "Law and Order" became an important political issue—one that nearly every politician irrespective of his party or beliefs attempted to use—it was clear that police had an opportunity to make the important improvements so long needed. For the first time there was broad concern and attention to begin adequate financial support of police service. Of course, change and improvements for the courts and prisons also become possible.

One penalty for the years of community neglect and disinterest, at least for the police, was that when legislators became interested they did not know what to do. Instead of writing a bill that helped focus the problem and suggest solutions, a grant-in-aid program was developed that provided money for a series of unknown efforts.

The law gave broad indications of courses for action that missed the target rather than provide a mandate for substantial change in how the system operates and the types of skills required to make it run effectively.

While I am not suggesting that Federal funds be legislatively earmarked for a narrow range of projects, I am saying that more direction and clarity could have been written into the law. Several provisions also were written into the act that resulted in largely unworkable planning and administrative requirements on an improperly and inadequately prepared level of government—the states.

The Omnibus Crime Control Act of 1968 established the worthy goals of planning while never appearing to take into account whether or not there was a capacity to accomplish such a task.

It assigned this duty to states which, in the vast majority of cases, had never been responsible for solving the problem nor evidenced any inclination to do so.

The law also imposed heavy matching requirements on already over-burdened cities where many of the new programs were expected to take place. The experience of the past several years has clearly shown that cities are not able to produce new sources of income; that somehow the state's and federal government must help them out of a financial crisis. Nevertheless, the Crime Control Act requires local agencies to provide two-fifths—40 per cent—of the cost of nearly all programs. In addition, the law says that any request for personnel be matched on a 50–50 basis, with the locality contributing one dollar for each the Act provides.

One result of the law has been confusion. And this lack of clarity has resulted, I think, in a number of serious problems that must be remedied if the police, specifically, and the criminal justice system, in general, are to meet today's needs.

The confusion of which I speak has been on each level of government. Its results have been poor planning, mundane programs and certainly a high level of frustration among user agencies. Compared with other Federal grant programs, I know of few individuals or groups that defend the Crime Control legislation. Even the expected constituency of self-interested parties has not developed.

I have heard some criticism about alleged heavy expenditures of these Federal funds for hardware or consultants. Some commentators have implied that Crime Control means purchasing tanks, guns and other implements of destruction. Yet, in Connecticut for example, I know of no program for police that has supported armaments or heavy "riot" equipment. I am aware, however, of the great need for new radios, computers and other equipment items. I am also aware of the difficulty in obtaining them, not because there is no money but because the delays in getting the funds from Washington through the state planning agencies to cities are immense.

Equipment needs are paramount to agencies that have been poorly supported over the years. A large number of equipment projects also reflect the need for assistance to develop more meaningful programs and the lack of either direction or assistance by the Federal government or state agencies.

Police departments are required in most cities to recruit from the high school level. From this body of manpower they are expected to produce chiefs, top level administrators and specialists such as systems analysts and trainers. Police departments are relatively unsophisticated agencies yet they are expected to solve problems similar to those facing any large bureaucracy and business. They desperately need planners with new skills, for example. Yet the Crime Control Act allocates 60 per cent of the planning funds to the state level and only 40 per cent of the planning funds to help bring skills and talent on the local level where it would have the most impact and make for substantial change.

Under this arrangement, no matter how much is given to the states, no matter how large a staff is hired there to develop grandiose schemes, when their plans filter to the local level they will be rejected, misused or misunderstood. Change cannot be imposed without participation and access to individuals able to accomplish it.

Police departments in this country are desperately in need of new talents, improved policies and modern approaches to solving their problems. Yet few, if any, suggestions are offered either from the Federal government or the state planning agencies on how best to obtain these goals.

Funds provided by the Federal government can be most effective if efforts were made to develop guidelines that realistically helped localities—cities and regions—meet their needs. The Federal government should closely moniter how money is used to insure that it does not supplant a city's normal budget expenditures but rather stimulates innovations, develops new programs and allows the components of the Criminal Justice System to expand and grow.

Those guidelines should not be rigid and inflexible, but developed with the awareness that change and innovation is a relative phenomenon. The use of advanced techniques or highly skilled staff in one city may be normal; but having a civilian planner, for example in Jackson, Mississippi surprisingly innovative.

The state of the art differs dramatically from city to city, state to state. The Federal government must be aware of this and be flexible but demanding, understanding yet firm in the pursuit of these goals.

Perhaps one of the greatest failings of the current law, in addition to limitations written into it, is the lack of imagination and poor administration of it from Washington.

No other important Federal agency is run on a day-to-day basis by three administrators, Yet the Law Enforcement Assistance Administration (LEAA) has a "Troika" of equally powerful administrators, each with full veto power over the other two.

I suppose it is unrealistic to believe an organization operated in such a fashion could provide imaginative and forceful leadership for 50 newly created state planning agencies and the 40,000 local and state police agencies in this country.

Although most of the action funds in the law area allocated to the states for local distribution, 15 percent is left at the national level for discretionary purposes. To date these funds have been granted for a series of projects without any apparent strategy or focus. There seems, no where within the funding pattern, either nationally or at the state level, a commitment to modernizing police service.

The Law Enforcement Education Program (LEEP) also is a disappointment. It is a system of direct Federal grants to colleges where police and others in the Criminal Justice System attend school. What this large program has resulted in is a crop of new courses designed more to attract Federal dollars than be relevant to the student's needs. The money spent on these efforts has produced a second rate system that has more training than education. In fact, the police science courses supported have tended to segregate police on campuses and limit severely their educational experience.

My comments today must belie the deep sense of frustration that I as a chief of police feel about the Crime Control Act. These feelings are compounded as I serve on my State's planing committee, a group responsible for allocation of Connecticut's action funds.

As in many other States, the police are under-represented on this board, with largely inexperienced administrators making recommendations about what police departments should be doing. Too often, state planning agencies are created for political purposes, with many of its members uninterested in changing an already poorly functioning system. Although the vast bulk of the money allocated to Connecticut is spent by local law enforcement agencies, there are only two local police officials on the 28-member board. Only two other members represent urban areas. The vast majority of the members are attorneys, with a particular point-of-view that is not balanced by others. No one at the national level has moved to remedy this situation, not a unique one.

My frustration with the Crime Control Act and its administration stems, in large part, from the fact that for too long the police of this country have been the forgotten child of municipal services. That police departments are in need of substantial change and improvements is not the question. But that they are unable to fully utilize the support offered by the Federal government for the first time in our history is difficult to accept.

The Federal law does not promote the kind of programs and approaches that police departments must take in order to meet today's demands for service. Funds coming through state agencies—ones unfamiliar with urban problems—are seldom shaped in a way that deal effectively with city police problems.

The law, the Federal and state agencies administering the funds, also do not promote the kinds of changes necessary for today's police agencies. Law and order is not, nor should it be, limited to simply reducing crime. A police department is no longer best characterized by smooth talking detectives in snap brim hats.

Today's police officer deals with some of the most complex human problems facing our cities. He, and the agency he works in, must be equipped to handle a family dispute or the teenager experimenting with drugs. To accomplish such an important objective means that money must be available for a wide-range of programs and these programs will differ from community to community, city to city. No so-called statewide comprehensive plan, as put together by most states, and encouraged by the Federal government is sensitive to these needs. And, unfortunately, there is no indication that the patterns established in the past two years are being re-thought or changed in light of operating experience. What began as one of the most important steps by the national government to meet the most urgent urban problem is being diminished by layers of bureaucracy and lack of direction. Unless immediate steps are taken, ones that will encourage police to experiment with new types of staff, improve training and recruitment of new kinds of people, much of the money being spent at present will be wasted.

Several steps can be taken on the Congressional level to begin to solve the problems I have outlined. These include: reduction of the matching requirement from 40 per cent in most cases to a more realistic 10 per cent. Moves to have states contribute matching funds for local efforts should not be imposed immediately, but phased in so that legislators have adequate time to consider the proposition.

Unworkable restrictions on personnel (especially civilian staff members) should be eliminated from the current law.

Planning funds, heavily weighted toward state planning bodies, should be made available to major cities in each state. Funds for planning also should be increased. At the same time, a national effort to attract capable people into the field and train them to be planners should be made. Planning requirements should be re-thought and made more realistic, in line with local capabilities.

Direct action grants should be made to cities and other major population centers. These should be from both the national and state funds available through the Act.

These suggestions, if implemented, would at least provide a framework for police departments to begin making changes. They should also receive technical assistance and support from the Federal government.

Much time has already been lost. Police departments are not measureably improved despite the notion that much has been done. It simply has not. Unless the Congress and the people you represent come aware of the problems facing police and provide the support they need, past practices will continue.

EXCERPTS FROM SUBSEQUENT DISCUSSION

Senator PROXMIRE. Chief Ahern, there seem to be some very fuzzy questions about how federal law enforcement system funds are allocated. These funds are growing, as we know, rapidly. I do not know if you were here when I pointed out the statistics to the terrific increase since 1969, an increase of about eightfold. Do I understand your position to be that the Federal Government should offer more guidance rather than just accepting whatever plan the state may put together?

Mr. AHERN. I think what I am saying is that they ought to be sensitive to the various problems that differ from one locality to another. The federal guidelines are very rigid and very inflexible. It is actually a bureaucracy that has grown old very quickly and may be dying, I think.

The courts and police are surprisingly different from California to Connecticut to Mississippi, let's say. Yet this same kind of application is made on a nationwide basis.

I would encourage them, at the same time, to be sure that state planning agencies in awarding grants promote innovation, promote some kind of research, promote kind of forward moves in police departments, say in courts and corrections, rather than support some past practices that are really horrible. In fact, that is the way the money is being spent now, and it is being spent to reinforce the very worst things in the criminal justice system.

Senator PROXMIRE. Why is that? Is that because the local pressure from the local people is that they want to continue, as they always do, what they have been doing and want to continue it and apply pressure to congressmen and senators?

Mr. AHERN. I think it works something like this. The police department is told to make an application. That is a new ball game to them. They have very few skills to do this. They will generate very pedestrian requests for such things as equipment. The state planning body, which is itself fairly unsophisticated and fairly unequipped to deal with these situations, particularly police department problems, rather than working with localities and providing the skills or the planning momentum at the local level, will just react to those applications and they wind up funding very bad things. There is absolutely no thrust, from my personal experience, to change the system. Rather, it is to support it.

In Connecticut, for instance, we have minimum standards for police. That is five weeks of training, which is absolutely ridiculous, considering the scope of activities that a patrolman handles and considering the very tense kind of scene.

Senator PROXMIRE. How does that compare with the national average of various states?

Mr. AHERN. I think planning for police is a fraud—I mean training for police is a fraud. I do not know of any department that has one that is really relevant to what a policeman does.

Senator PROXMIRE. But five weeks is not untypical?

Mr. AHERN. Five weeks, you could not really start.

Senator PROXMIRE. I know that, but I say this is common throughout the country?

Mr. AHERN. I would say so, yes. That is probably the norm. In Connecticut, for instance, 12 weeks of training is required for a hair dresser. It gives you some indication of the type of concern for police. Yet that same 5-week training program, which trains suburban and urban police departments, which have different ranges of activities, is reinforced and supported by federal money, without any demand for change, without any demand for new kinds of people, without any demand or reassessment to see how effective it is. I can tell you very personally it is not effective at all.

Senator PROXMIRE. It would seem to me that especially Connecticut—Connecticut, as I understand it, is not the second richest state or the third or the fourth, it is the richest, per capita; right at the top, at least on many statistics I have seen. If any state can afford to carry the load, it would seem to me it ought to be Connecticut.

Mr. AHERN. You have to make the distinction.

Senator PROXMIRE. You were telling us, you were kind of weeping about how you are having a terrible time getting along with local funds and you have to have the Federal Government assist because you just do not have the funds available to provide the kind of pay, the kind of training, the kind of equipment that you need and this is what the Federal Government should do in a substantially bigger way. At least that is what I got from part of the flavor of your testimony. It is most effective coming from you because you are not the poorest state. As I say, you are richest, the very richest.

Mr. AHERN. I think you have to make the distinction that per capita wealth is not necessarily reflected in city or state budgets.

Senator PROXMIRE. It ought to be.

Mr. AHERN. That is personal wealth. Very little of that personal wealth goes into police departments.

Senator PROXMIRE. Do you have a state income tax?

Mr. AHERN. No, we do not.

Senator PROXMIRE. In our state, we are of average income, but we have a very high state income tax, a sales tax, we have the works, as well as a very big property tax.

It is partly whether the citizens in the state really are concerned enough about law enforcement to make this kind of an effort, is it not?

Mr. AHERN. It is also partly the political structure and the legislative bodies that do set budgets. It is how they perceive priorities and how serious the problem is. It is also how they perceive the criminal justice system, and police in particular.

Senator PROXMIRE. You see, no matter how you try to safeguard this, and I think all of us want to do so, I have found in the years I have been here that power does follow the dollar. If we provide money for any kind of a program, we want to have something to say about how it is done. We will provide our standards and our control.

Now, you can look at it in several ways. Some people are very concerned about the possibility of a federal police system. They think it can be very dangerous for a democracy. Others are concerned, as you seem to be, that you will get the dead hand of a federal bureaucracy. That is a very healthy and wholesome concern. Either way, you lose.

It would seem to me that of all of our local spending, this is one that should be, as much as possible, funded on a local basis or at least a state basis, rather than a national basis, except in a research area, where we can provide some innovation and some checking of what works and what does not, but not where we would have the power, rather, because of our appropriations, to control police policy and police activity.

Mr. AHERN. Senator, I do not think it is really a problem in terms of federal control of local police departments. I would not sit here and argue the bloc grant system as being effective or ineffective. But I think the Federal Government can demand some kind of demonstration of effectiveness for their money. That demand can be made on state planning committees to see that their money is spent effectively. I do not see that as control of the local police departments or a national police department.

One of the problems with police departments in this country is that there are 40,000 of them. They all differ very much. There is no profession per se. There is nobody who speaks for local police. There is no major body pushing for improvement, which they need drastically. You can witness some of the things that have happened around the country.

I think, you know, to dimmish the number of police departments in this country would be a very healthy thing, either to regionalize them or find some way of coordinating their activities. It is a very mobile society, as was demonstrated by the Chancellor's comments and the police departments really are not equipped to handle the kind of society we live in.

Senator PROXMIRE. This seems to me to be both unrealistic—and I am not sure it would be desirable to work toward a 90/10 allocation of the kind you request. There is lots of unhappiness about the highway funds. There you have the rationalization that it is a user tax, anyway, that the person who uses the highway buys his gasoline and that tax money should go back into building his road. But if you have a 90/10 funding of police programs, it would seem to me that in the first place, you would get a lot of resistance here. In the second place, you are likely to get federal domination that neither you nor I would want.

Mr. AHERN. The amounts of money that the Federal Government will put into local police departments is really dissipated. It would come to a fraction of the existing local budget. So I doubt very much whether there is any serious problem of control. But police departments, urban police departments, faced with the financial crisis that cities have, have a bare-bones operating expense. It is absolutely just rubber tires and gasoline and there is no money in there for innovation or experimentation. I would expect that the Federal Government should support those kinds of things.

Now, I think the Federal Government has a vested interest in good and proper law enforcement in this country. If cities are faced with the kind of tense scene and the kind of social crunch that they really are faced with and police departments handle these things in inept ways or ways that contribute to the escalation of violence, then it affects everybody and not just states and localities. I would encourage you to look very closely at the 90/10, because without that, I know in the City of New Haven, I in fact can't make application for additional money this year because I have not the matching requirements. I think you are going to find that a good deal of that money is just going to sit there and wait. Because cities just do not have it to spend.

Senator PROXMIRE. It sounds as if they do not have that much interest in improving your police operations.

Mr. AHERN. I would agree with you. I think police departments traditionally have been the step-children of city government. An awful lot has been demanded of them with very little attention given to their needs. I think things have caught up with cities. They would be more inclined to give you additional cars, more inclined to support operational measures. That kind of thing is coming only out of necessity.

What I am advocating is more federal money, not to replace the budget, but to supplement it, to bring the kinds of skills into the police department that they desperately need, give them the planning capabilities so they can at least spend that money in a worthwhile way. If those matching requirements are not changed, I think the Federal Government is going to find itself at the end of this fiscal year with a good deal of money lying at state bureaucracies, not being able to be spent.

Senator PROXMIRE. You speak feelingly and it certainly makes sense that the Troika administration of the LEAA is unworkable and should be changed. Would the amendments now before Congress take care of that?

Mr. AHERN. I am not that familiar with them, Senator. I believe there is one that has passed the House to have a single administrator.

Senator PROXMIRE. Has this administration by committee really been a major factor in inhibiting development of an effective LEAA program?

Mr. AHERN. I believe it has. I base that on information I have received from employees of LEAA who face tremendous problems in getting programs pushed into the operational stage. I think there is some ideological and philosophical difference between the two members who are there now, or three members who were there. I do not think that is a bad thing itself, but I do not think you can operate an action kind of agency, funding agency, and keep it dynamic and keep it responsive to the user agencies with that kind of system. I think you need a single administrator.

There have been a number of problems on discretionary grants and money sent directly by the federal agency to the cities because of these difficulties. I can speak of this personally.

Senator PROXMIRE. I want to ask both of you gentlemen about the number of crimes committed by young people. We know they are dissatisfied, restless, having trouble finding jobs—16 percent unemployment this summer, 30 percent among black people. They are exposed to drugs as our generation never was, increasingly exposed to temptations of that kind. What has happened to the federal youth programs and programs to prevent delinquency? As I recall, Congress passed a juvenile delinquency prevention control act in 1968 which contained some requirements for comprehensive planning parallel to the safe streets act requirement. It gave responsibility to Health, Education, and Welfare as well as to Justice.

Our witnesses yesterday said that these programs just never got off the ground. What should the Federal role be? What do we have to do to get these programs moving and effective?

Mr. AHERN. Very honestly, Senator, in terms of youth or juvenile problems, I think we really are in a disastrous situation. I can speak only for the State of Connecticut on this side.

The juvenile courts—if you think there are problems with the criminal court system, the juvenile court system is so bad as to be actually not functioning at all—not functioning. The caseload for youth social workers in the juvenile court system in Connecticut is something like 150 per individual. Recommended by the Crime Commission, and at the time it was thought to be quite high, was 35. It is just a system that marks a young person deviant, marks him bad, and then rejects him.

The only alternative is freeing him, which 90 percent of them are, with a letter to their parents—very few ever go before any kind of tribunal. Very few are ever offered any kind of psychiatric or social help in solving their problems. The State of Connecticut, which puts it in the forefront in terms of what is going on around the country, just at this point, just two months ago, decided to give psychiatric help to young people on a part time basis—two psychiatrists for the entire state. How much help can they really be? But that is an advanced step by the standards of the juvenile system.

I do not know what is going to become of that. I do know that on the state level and certainly in an urban environment, it presents tremendous problems to a police department, because that is the only way we have to turn. That is the only system we can plug kids into.

I can say that the social service agencies have become more interested in themselves than in their clientele. An urban police department is faced with this—when the city comes alive at 5 o'clock in the afternoon, every social service agency closes down, a very odd scene. There is very often no support, no help, for a police department. They can only handle it in one way.

I admit that we make too many referrals, some of them for violations that would not be violations if they were adults, for instance.

I think the police are at fault by putting too large an input in there. I think that certainly ought to be changed, and we are making some attempt to change it. Juvenile delinquency is not a problem that the police departments can handle alone. You need the concentrated support of every social service agency, and you need the support of the courts. Those courts, themselves, to the best of my knowledge—and that problem seems to be pretty much the same around the country—just are not working.

Senator PROXMIRE. I would think this kind of situation would lead to a completely ineffective police operation with regard to those kinds of juvenile crime, so that pretty soon the kids would get the word that they are going to be talked to by policemen, have a letter written to their parents, who, if they cared, the kids would not be in trouble in many cases, at least, and that is the end of it.

So there is no real deterrent, and they have a contempt for the law because it is not enforced, there is no punishment. They hear a lot of stuff about how they are going to go to prison or something and suffer real punishment, but they are not, they know their friends are not.

So I would think this would be a very demoralizing kind of situation.

Mr. AHERN. It certainly does nothing for the police department's relationship with young people, and it certainly does nothing particularly in terms of minority groups. Because we become the first hand, the first that reaches out and grabs them and puts them into a system that does nothing to support them, nothing to help them.

Senator PROXMIRE. All it does is keep them from getting a job.

Mr. AHERN. It just marks them down.

Senator PROXMIRE. As you say, marks them as deviants, as bad.

Mr. AHERN. That is right.

* * * * *

Senator PROXMIRE. I would like to ask you gentlemen, one function of the Law Enforcement Assistance Administration is supposed to be to improve our statistics on the incidence of crime, on the effectiveness of crime prevention and rehabilitation efforts. What is wrong with the existing crime statistics and what needs to be done to improve those statistics?

Mr. AHERN. No. 1, Senator, it is a voluntary method of reporting. Very honestly, crime rates go up and down according to political pressures, and it is done with a pencil.

Senator PROXMIRE. Is it really that, so that what you can do——

Mr. AHERN. In all candor and all honesty—I do report honestly; I will make that as a flat statement. I question whether all states and all cities report honestly. There are all kinds of factors that come into play on that.

For instance, when is a burglary a burglary; when does attempted burglary come into it? When is a theft a theft? Was a door open?

Police departments say they gave a general order to all precincts to cut the crime rate. You can just expect——

Senator PROXMIRE. So they cut the crime rate by not reporting their crimes.

Mr. AHERN. The crime rate, astoundingly, does go down. Any precinct commander with half a grain will do the same if he likes his job and wants to get along well with the boss. It is that inflexible and that consistent.

There is no indication, for instance, of the narcotics problem in the crime rate. That is really the nub of the crime problem, as I see it, or the increasing crime problem. There is absolutely no way of gauging that. There is no way of reporting on it, it does not figure into the statistics at all.

Senator PROXMIRE. Are there not reports of arrests for narcotics violations? Would that be helpful?

Mr. AHERN. They are not included in the crime rate, that I know of. Certainly narcotics offenses are not included.

Senator PROXMIRE. That is astonishing.

Mr. AHERN. It is, especially to me.

Senator PROXMIRE. We have been told again and again, by Jerry Wilson, for instance, who I think is a very fine police chief——

Mr. AHERN. I do, too.

Senator PROXMIRE. He has said that if he could find some way of cutting the crimes of the two or three hundred hardcore drug users and abusers in the District, he would have a great drop in crime.

Mr. AHERN. That is right.

Senator PROXMIRE. And we do not have any statistics on this at all.

Mr. AHERN. You have very raw statistics, and nowhere is it assembled in cumulative fashion.

Senator PROXMIRE. After all, this is a violation of law. Why is that not kept as a statistic? When you pick somebody up as a violator, a user or possessor or pusher of heroin, is that not entered as an arrest for violation of the narcotics laws?

Mr. AHERN. I think we are talking about two different things. We are talking about arrests, and we are talking about the incidence of crime, which is offenses reported, which does not necessarily mean there has been an arrest. What I am saying is that the crime rate has no way of reflecting the tremendous impact that the narcotics problem has on crime.

Senator PROXMIRE. I see.

Mr. AHERN. Therefore, it is irrelevant.

Yes, we have information on how many arrests were made for different kinds of narcotics by age groups. I am not even sure that is in the FBI report—it is. But it does not, when the FBI annual report comes out and gives a city-by-city rundown with some kind of an index of crime, it really does not tell you very much.

You really do not know, for instance, about Buffalo, New York, whether they do in fact use the criteria that the FBI said. You do not know whether they shade it for political reasons. There is no way of holding you accountable for it. So consequently the different levels in the police departments, some of it will not be dishonesty, just inefficiency or incompetence.

Then, given that crime rate, you have no way of gaging what the total impact of narcotics is on that. That, in itself, makes it kind of irrelevant.

Senator PROXMIRE. In view of the great variation of reporting crime statistics, and I assume the tendency is to report them more as time goes on, and we have more law enforcement officials, could it possibly be argued that incidence of crime may not have increased at all? This may simply be a statistical illusion?

Mr. AHERN. I very honestly, and this is only a personal belief, I do not think it has increased to the extent that the case has been made. I think there is better reporting now and I think the public is more apt to report crimes to police, which has put a greater burden on the police department in terms of service provided. I also think the public is apt to report more things that they would have overlooked prior to this.

I also think that some police departments use it as a budgetary device, a way of getting additional money into their budget, which may or may not be legitimate. I think it is good to get increased budgets, but not necessarily to tamper with the crime rate.

Mr. HANSEN. Mr. President, for the last 4 years, during which I have been a Member of the U.S. Senate, I have tried to encourage respect for lawful authority.

Recognizing that many laws are not popular with everyone, I believe that good citizens nevertheless willingly obey all of our laws. They understand that without the imposition of a police state, with its concomitant denial of freedom, unless most people obey the law, anarchy will surely follow.

In voting against the amendment offered by the distinguished Senator from Michigan, I do not mean to imply any equivocation about my support of duly constituted authority. Rather, Mr. President, I submit that my record of voting against permissiveness, against ever more tolerant attitudes toward wrongdoers, my insistence for quick apprehension, speedy trials, and appropriately severe sentences underscores my conviction that a continuing fight against crime has great merit.

I have not condemned the police; I have not excused the rioters; I have not found the arsonists and bombers blameless. I have defended the system.

More than money is required to restore security to America—one of the necessary ingredients is unequivocal condemnation of wrongdoing.

More than money is required to assure progress, to guarantee against the infringement of the rights of every citizen.

What is required is a rejection of violence; the acceptance of majority rule; and respect for the law and officers of the law and the courts.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 1036. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are officially absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Nevada (Mr. CANNON) would each vote "yea".

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. JAVITS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from New York would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Florida (Mr. GURNEY) is paired with the Senator from Texas (Mr. TOWER). If

present and voting, the Senator from Florida would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from New York would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 18, nays 42, as follows:

[No. 371 Leg.]

YEAS—18

Byrd, W. Va.	Hart	Metcalf
Case	Hughes	Mondale
Cranston	Kennedy	Muskie
Eagleton	Magnuson	Nelson
Fulbright	Mansfield	Pastore
Harris	McGovern	Ribicoff

NAYS—42

Allen	Dole	Pearson
Allott	Ervin	Percy
Anderson	Hansen	Proxmire
Baker	Hatfield	Randolph
Bennett	Holland	Schweiker
Bible	Hollings	Scott
Boggs	Hruska	Smith, Maine
Brooke	Jordan, Idaho	Spong
Burdick	Long	Stennis
Church	Mathias	Stevens
Cook	McClellan	Talmadge
Cooper	McIntyre	Thurmond
Cotton	Miller	Williams, Del.
Curtis	Packwood	Young, N. Dak.

NOT VOTING—40

Aiken	Gravel	Pell
Bayh	Griffin	Prouty
Bellmon	Gurney	Russell
Byrd, Va.	Hartke	Saxbe
Cannon	Inouye	Smith, Ill.
Dodd	Jackson	Sparkman
Dominick	Javits	Symington
Eastland	Jordan, N.C.	Tower
Ellender	McCarthy	Tydings
Fannin	McGee	Williams, N.J.
Fong	Montoya	Yarborough
Goldwater	Moss	Young, Ohio
Goodell	Mundt	
Gore	Murphy	

So Mr. HART's amendment was rejected.

Mr. SCOTT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCOTT. Mr. President, I ask uanimous consent that further reading of the amendment be dispensed with, and I shall explain the amendment.

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

Mr. SCOTT's amendment is as follows:

After the final title add the following title:

Section 1. This title may be cited as the "Stricter Sentencing Amendment of 1970".

SEC. 2. Section 924(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year or more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. SCOTT. I yield myself 5 minutes.

Mr. President, last year, Senator MANSFIELD and I sponsored S. 849, a bill to provide stricter sentences for criminals using firearms in the commission of Federal felonies. I worked with Senator MANSFIELD to steer this bill through the Senate Judiciary Committee and to the floor for approval. Unfortunately, the House Judiciary Committee does not seem disposed to act on this important measure.

Available statistics easily prove that the incidence of violent crimes is on the rise. According to the Federal Bureau of Investigation, 19 percent more violent crimes were committed in 1968 than in 1967. Last year's uniform crime report shows that 34 percent more armed robberies were committed, assaults with a firearm increased 24 percent. Ninety-six percent of the 411 policemen killed between 1960 and 1967 were killed by gunfire. Recent hearings of Senator MCCLELLAN's subcommittee indicate a dire threat to law enforcement officers from extremist elements in our society.

We must discharge our responsibility to protect society from criminals who misuse firearms and resort to violent crimes. My amendment would provide mandatory consecutive sentences of up to 10 years for criminals who use or carry firearms during the commission of Federal felonies. It would also require judges to mete out 25-year minimum sentences to second offenders.

U.S. sportsmen have repeatedly called for punishment of the real offenders in firearms crimes. These offenders are the criminal element who think nothing of violating existing ammunition and firearms sales registration laws. We must hit this criminal element and hit it hard. Therefore, I ask my colleagues to join with me in passage of this necessary amendment.

I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished minority leader has brought this amendment to the attention of the Senate.

I would point out that this amendment has passed the Senate twice already, once in the form of a bill, unanimously, and the second time as a part of the District of Columbia crime bill; and now, if it is accepted by the Senate tonight, which we both devoutly hope it will be, it will have a chance of becoming a part of our national anticrime program.

As the Senator has pointed out, what this does is to make it a crime itself the mere carrying of a gun in the commission of a crime. The sentence imposed will be in addition to and not concurrent, with the sentence for the underlying crime.

Furthermore, the first offender—with some leeway given the trial judge—is liable to a stiff sentence of up to 10 years, for a second offense a mandatory sentence of 25 years is provided with no leeway given the court.

This legislation is long overdue. I hope that the Senate will agree to it tonight. I hope that the House will concur when it goes to conference. And I hope above all that this will become a part of our national effort against crime.

Mr. SCOTT. I thank the distinguished majority leader. I have discussed this matter with the distinguished chairman of the subcommittee, the Senator from Arkansas (Mr. MCCLELLAN), and I hope that the Senator will see fit to accept the amendment.

Mr. MCCLELLAN. Mr. President, I have also mentioned the amendment briefly with the distinguished ranking minority member of our subcommittee (Mr. HRUSKA), and I find no objection to it. In fact, I strongly support it.

I remembered that the bill had been passed by the Senate, but I did not realize that it had been languishing in the House of Representatives also, like S. 30, which was passed just this week by the House of Representatives after being there since the 23d of January of this year.

We can accept the amendment. The bill on which we are working has to go to conference.

Mr. SCOTT. I so understand.

Mr. MCCLELLAN. It will be my hope, by accepting this amendment—and I do not think it is necessary to have a rollcall on it, unless the Senator wants it——

Mr. SCOTT. No, I have not asked for a rollcall.

Mr. MCCLELLAN. That we will be able to persuade the conferees of the House of Representatives also to accept this amendment to the pending bill.

Let me say this: I know this is a campaign year, and some politics gets into these things, but this Senate has a record that should absolve it from any blame with respect to expediting consideration and passage of important anticrime legislation.

Mr. SCOTT. I would hope that this amendment would escape the cemeterial aspects which have dogged it heretofore in the other body.

Mr. MCCLELLAN. This would be a good opportunity to really have the House members of the conference consider it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. MANSFIELD. The Senator has raised the question of this being a political year. I would hope that the Vice President of the United States, the Presiding Officer of this body, as he travels up and down the country, would recognize that the body over which he presides has an exemplary record on crime, on pornography, and on drug addiction legislation. If anyone should know what the Senate has done, it is the Vice President of the United States, the Presiding Officer.

To the best of my knowledge, come this evening, we will have passed just about every proposal advanced by the President, except one, and that proposal,

having to do with preventive detention, is being delayed because of constitutional questions involved and also because the measure is being tested as part of the new District of Columbia crime program.

Furthermore, this Senate has passed nine additional measures in the field of crime, pornography, organized crime, and drug addiction on the basis of its own initiative.

So I would hope that this record would be remembered by all Senators. The record is not a Democratic record or a Republican record, because all of us together have helped to achieve it, and all of us should be given credit. So far as I am concerned, I am very proud of what the Senate has done in this Congress. And I will continue to point with great pride to this record.

Mr. McCLELLAN. Mr. President, the only reason why I mentioned this is that the Subcommittee on Criminal Laws and Procedures, which I have the honor to chair, and its staff, has worked hard and diligently and faithfully, and we have made concessions and compromises where we could in order to expedite needed legislation.

I just did not want any onus to fall on this body, if there is one anywhere, for failure to get anticrime legislation enacted expeditiously, as has been the hope of many of us that it would be. This body, in my judgment, has acquitted itself in an exemplary manner and should receive commendation for its labors in this field.

Mr HRUSKA. Mr. President, I rise to concur with the Senator from Arkansas in the wisdom of accepting the amendment proposed by the Senator from Pennsylvania. I take this occasion to commend the Senator from Pennsylvania for offering it at this point.

Mr. SCOTT. I thank the distinguished Senator from Nebraska.

Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. HRUSKA. I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT and Mr. McCLELLAN moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. HRUSKA. Mr. President, I have an amendment at the desk, and I ask for its consideration at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HRUSKA. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 53, line 22, after "Report" add "Wiretap Commission".

On page 54, between line 20 and the attestation insert:

"SEC. 30. (a) Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 211) is amended by striking subsection (g) of section 804 and inserting the following:

"'(g)(1) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

"'(2) In the case of contumacy or refusal to obey a subpena issued under subsection (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

"'(3) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code for the purpose of granting immunity to witnesses.

"'(4) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.'

"(b) Such title is further amended as follows:

"'(1) In Subsection (h) of Section 804, strike "one-year" and insert "two-year", and

"'(2) In subsection (k) of Section 804, strike "six-year" and insert "fifth year."

"'(c) Section 1212 of the Organized Crime Control Act of 1970 is hereby repealed.'"

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, in June of 1968 Congress passed a law which set the standards for Federal and State use of electronic surveillance. Section 804 of that law established a National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance which will come into existence in 1973 and file its final report in 1974. At the time the Commission amendment was added to Public Law 90-351, the Commission was not granted subpena, hearing, or immunity powers. In addition, it was, as I noted above, given only 1 year within which to organize itself and study the problem.

Mr. President, this amendment provides that there will be a granting to the Commission of greater flexibility in the filing of its report and also the granting of hearing, subpena, and immunity power. It also assures that the Commission will come into existence as the Congress intended in 1968. I am hopeful that the Senator from Arkansas, who has been given a chance to peruse this amendment and to consider it, will accept it and take it to conference.

Mr. McCLELLAN. Mr. President, I have considered the amendment. I have no objection to accepting the amendment—at least, taking it to conference and hoping that we can have some success with it there.

Mr. HRUSKA. I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 948

Mr. KENNEDY. Mr. President, I call up amendment No. 948, the Urban Crime Amendment of 1970, and I should like to make the following modifications in it.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CHURCH). Without objection, it is so ordered.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I should like to modify my amendment along the following lines.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. KENNEDY. On page 1, line 7, delete the word "of".

On page 3, line 1, insert a comma after the word "offenders".

On page 3, line 18, delete the comma.

On page 2, line 11, delete the word "county" and insert the words "any of the ten largest counties".

On page 2, line 15, after the word "censuses," insert "computed to the nearest thousand".

The modified amendment reads as follows:

After the final title add the following title:

SECTION 1. This title may be cited as the "Urban Crime Amendment of 1970".

GRANTS FOR COMBATING CRIME IN CITIES

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by redesignating part E and part F of such title as part F and part G respectively and by inserting immediately after part D the following new part:

"PART E—GRANTS FOR COMBATING CRIME IN CITIES

"SEC. 451. It is the purpose of this part to provide matching Federal financial assistance to urban areas in order to enable them to accelerate the initiation or expansion of programs and projects designed to cope with the unique and growing problem of urban crime.

"SEC. 452. (a) The Administration shall make a grant under this part to any eligible unit of general local government in the amount of $5 per person multiplied by the population of the eligible unit as determined by the most recently available decennial census, for expenditure by the recipient for the purposes and under the conditions of this part, subject to the limits stated in this part.

"(b) For the purpose of this part the term 'eligible unit of general local government' means any city or any of the ten largest counties of any State, including the District of Columbia and Puerto Rico, having a population of one hundred thousand or more persons as determined by either of the two most recently published decennial censuses computed to the nearest thousand, but the population of any eligible city or part thereof within a county shall be excluded in computing the eligibility of such county: *Provided*, That if a State does not have a city with a population of one hundred thousand or more persons, its largest city shall be an eligible unit.

"SEC. 453. (a) Grants under this part may be used to match expenditures by the grantee from non-Federal funds to initiate or expand any allowable program or project designed to prevent, reduce, or control crime, including the operation of the criminal justice system and the rehabilitation of offenders, within the area under the jurisdiction of the eligible unit of general local government, including programs or projects of coordination and sharing with neighboring jurisdictions.

"(b) For the purpose of this part the term 'allowable program or project' means any program or project meeting one or more of the following descriptions:

"(1) the establishment or support of a criminal justice coordinating and planning agency with full-time staff;

"(2) the coordination or sharing of law enforcement functions with neighboring jurisdictions;

"(3) the establishment of the position of legal advisor to the chief of police;

"(4) drug abuse and narcotic addiction prevention, information, and rehabilitation activities;

"(5) work release programs;

"(6) community-based treatment and rehabilitation services and facilities for those charged with or convicted of criminal offenses, including half-way houses;

"(7) high intensity street lighting in high crime areas;

"(8) pretrial and presentence diagnostic services;

"(9) court administrators;

"(10) implementation and support of procedures and facilities for diverting cases from the criminal justice system;

"(11) bail reform, including summons projects, stationhouse release, and enhanced supervision of bailed arrestees;

"(12) intensive short term programs to reduce court backlogs;

"(13) innovations in court procedures and machinery to accelerate permanently the flow of cases;

"(14) crime and delinquency prevention programs involving education, training, employment services, and the establishment of youth service bureaus;

"(15) police-community relations training;

"(16) the recruitment, training, and support of community service officers;

"(17) enhancement of parole and probation services and related functions;

"(18) short term programs to attract and recruit personnel for criminal justice agencies;

"(19) intensive enforcement of firearms control measures;

"(20) use of mental health agencies and personnel to assist criminal justice agencies;

"(21) establishment or improvement of diagnostic, rehabilitation, education, training, legal, and mental health services in local detention and jail facilities;

"(22) provision of full-time staff in prosecutor or defender agencies, whether through use of city personnel or reimbursement of State, county, or private agencies;

"(23) establishment and support of a centralized criminal justice information system to record progress and outcome of every case proceeding through criminal justice agencies; and

"(24) such other types of programs as the Administrator and Associate Administrators shall unanimously designate no sooner than forty-five days after publication in the Federal Register of the terms proposed designation.

"(c)(1) No portion of a grant received under this part may be used for the construction of buildings or other physical facilities or for the acquisition of land.

"(2) The amount of any grant received under this part expended on nonpolice functions must equal or exceed one-half the amount spent on police functions.

"(3) No portion of a grant received under this part may be used for projects or programs which would be eligible for Federal grants in the amount of 75 per centum of the costs of such project or program under section 301(c) if such grants were made under part C.

"SEC. 454. (a) Any eligible unit of general local government desiring a grant under this part shall submit to the Administration at such time in such manner and accompanied by such information as the Administration may provide, an application which—

"(1) Sets forth a program for utilizing the grants so as to carry out the purposes and meet the conditions set forth in section 453, and describes the source of the funds to be expended by the applicant on new or expended programs or projects, which the Federal grant will match.

"(2) Sets forth information demonstrating that a local criminal justice coordinating agency with representation from all parts of the criminal justice system, and from the public, and with an adequate full-time staff, is in operation in the applicant's area, or that such agency will be immediately established with the grant received under this part, or other available funds.

"(3) Sets forth the manner in which the public and the State planning agency have been informed of the proposed program for utilizing the grant, describes generally the views of the public and the State planning agency toward the proposed program, and sets forth the applicant's response to any adverse views.

"(4) States that such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this title will be provided.

"(5) Provides for making an interim report on the actual expenditures under the grant not later than ninety days before the end of the fiscal year for which the report is made, and a final report not later than thirty days after the end of the fiscal year, in such form as the Administration may prescribe; and provides for keeping such records and for affording such access thereto as the Administration may find necessary to assure correctness and verification of such reports.

"(b) An application for a grant under this part may be approved only if the application or any modification thereof meets the requirements set forth in subsection (a).

"SEC. 455. If the sums appropriated for any fiscal year for making grants pursuant to this part are not sufficient to pay in full the total amounts which all eligible units of general local government are eligible to receive under this part for such year, then the amount available for grants to such eligible units shall be ratedly reduced if necessary.

"SEC. 456. There is authorized to be appropriated $290,000,000 for the fiscal year ending June 30, 1971 for the purpose of carrying out the provisions of this part, and such amounts for the fiscal years ending June 30, 1972 and June 30, 1973, as the Congress shall appropriate."

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I do not think that this amendment, at least from my point of view, should take very much time. I will explain it briefly.

This amendment would leave the present State block grant and discretionary grant provisions intact, but would authorize, in addition, a system of block grants to the highly populated localities where the crime problem is most serious and most concentrated. Under this plan we would be able to provide the additional resources for local crime control which the high crime areas so badly need, and which we are willing to spend, but without placing substantial additional burdens on the Federal and State agencies which administer the present block grant and discretionary programs, and which, for the time being, are not sufficiently prepared to handle the urgently needed increments in Federal anticrime assistance, according to the testimony we received in the Criminal Laws Subcommittee.

Under the urban crime amendment some 170 cities in all 50 States, Puerto Rico, and the District of Columbia, containing about 60 million people, and in which 55 percent of the FBI crime index crimes in the United States occur, and certain counties, will be eligible to receive a block grant of up to $5 per capita, assuming adequate amounts are appropriated. The grants will go to all cities over 100,000 in population, the largest city in States without such cities, and certain counties over 100,000 in population—excluding the population of eligible cities. They will be used to match any local expenditures in 23 types of crime prevention and control programs ranging from high intensity street lighting in high crime areas to recruitment programs for police department expansion.

The full list of allowable uses appears on page 3 of the amendment, and the 23 different categories include:

First. The establishment or support of a criminal justice coordinating and planning agency with full-time staff. This is being done in New York, among many other cities, and is tremendously successful.

Second. The coordination or sharing of law enforcement functions with neighboring jurisdictions. This was one of the key recommendations of the National Crime Commission.

Third. The establishment of the position of legal adviser to the chief of police. The District of Columbia found this especially useful and helpful.

Fourth. Drug abuse and narcotic addiction prevention, information and rehabilitation activities. The police chiefs in my State have begged me to provide funds for this purpose.

Fifth. Work release programs.

Sixth. Community-based treatment, and rehabilitation services and facilities for those charged with or convicted of criminal offenses, including halfway houses.

Seventh. High-intensity street lighting in high crime areas. The Federal system should really lead the way in this area, and could help provide high-intensity street lighting such as, for example, that now installed on Seventh Street here in the District of Columbia, which contributed dramatically to a feeling of safety and a reduction in the crime rate in that area.

Eighth. Pretrial and presentence diagnostic services.

Ninth. Court administrators.

Tenth. Implementation and support of procedures and facilities for diverting cases from the criminal justice system.

Eleventh. Bail reform, including summons projects, station house release, and enhanced supervision of bailed arrestees.

Twelfth. Intensive short-term programs to reduce court backlogs.

Thirteenth. Innovations in court procedures and machinery to accelerate permanently the flow of cases.

Fourteenth. Crime and delinquency prevention programs involving education, training, employment services, and the establishment of youth service bureaus.

Fifteenth. Police-community relations training.

Sixteenth. The recruitment, training, and support of community service officers.

Seventeenth. Enhancement of parole and probation services and related functions.

Eighteenth. Short-term programs to attract and recruit personnel for criminal justice agencies.

Nineteenth. Intensive enforcement of firearms control measures.

Twentieth. Use of mental health agencies and personnel to assist criminal justice agencies.

Twenty-first. Establishment or improvement of diagnostic, rehabilitation education, training, legal, and mental health services in local detention and jail facilities.

Twenty-second. Provision of full-time staff in prosecutor or defender agencies, whether through use of city personnel or reimbursement of State, county, or private agencies.

Twenty-third. Establishment and support of a centralized criminal justice information system to record progress and outcome of every case proceeding through criminal justice agencies.

Most of the items in this amendment derive from recommendations of the National Crime Commission, and most are programs which are in existence in some cities, or have been tested as pilot programs, and are worthy of consideration by the localities around the country. It is a generous recommendation in terms of numbers and variety. Many city or county areas could find within that list several worthwhile programs that could help and assist them in their battle against crime.

The list of permissible projects could, under the amendment, be expanded by the Law Enforcement Assistance Administration beyond the initial list of 23, so as to provide an even wider range of choices to the localities.

The choice among alternative uses will be left to the discretion of the grantee city or county. The prospective grantee will be required to disclose its proposed uses of the funds to the public and to the State law enforcement planning agency for comment before the application and proposed use plans are submitted for action by LEAA, but otherwise funding will be virtually automatic.

The authorization for the first year is $290 million, and the authorization would continue for only 2 additional years, in the hopes that the Federal and State machinery might then be sufficiently developed to handle the much higher level of funds contemplated.

It was interesting, during the course of the hearings, to have the Attorney General testify that the principal reason why the President had not requested additional funds beyond the $450 million level was that the LEAA Administration and the State anticrime planning agencies were ill-prepared to accept administratively and use effectively such additional resources or funds. I think by providing direct bloc grants to the cities themselves, we can give them the resources they need, and that they are perfectly prepared, willing, and eager to expend in the battle against crime. We would be fulfilling, I think, a great need in the country today.

But the thrust of the amendment is to limit this avenue of funding to the 3-year period in hopes that by then the administration of LEAA would be sufficiently developed so that these special urban bloc grants would not be necessary, and we could follow the existing formulas within the original bill itself.

This amendment should meet with the approval of both those who support the bloc grant system, since it leaves that system intact and does not reduce its funding, and those who recognize the urgent need for sizable increments of funding to high crime areas, since it makes those increments possible.

Mr. President, the cities covered by this bill recorded 70 percent of the violent crime in the United States in 1969, including 81 percent of the robberies and 62 percent of the homicides. They are the cities where many Americans from other areas go to shop, tour, attend cultural events, and do business. They are the key to reversing the trends in crime, and with this amendment we can accelerate this process by 2 or 3 years.

Mr. President, I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, while the amendment does not directly parallel the amendment on which we had a vote earlier, as offered by the Senator from Michigan, in large measure, the consequences and the results would be the same.

The objective sought in the amendment is substantially the same as was sought in that amendment which the Senate rejected.

The proposed amendment to title I of the Safe Streets Act would add a new section, to authorize LEAA to make block grants for law enforcement purposes in cities and counties having a population of 100,000 or more. The amendment would authorize an expenditure of $290 million for these grants.

Now, Mr. President, this is the beginning of a chopping up of the program. Again, it would bring about a disruption of the program as now authorized and as now being administered. I predict that if we make this authorization of $5 per person for each town of 100,000 population, next year we will be back, or soon thereafter, with another request that we reduce the 100,000 to 50,000 and then down to 25,000.

Let me emphasize that the best thing to do with the program is to give it adequate financing as now established and authorized, and give it the opportunity to demonstrate its effectiveness and how it will operate; and when we have had the experience then we can move in other fields and remedy any flaws or defects there may be.

The program is simply too young. It has not been in operation long enough. Under the circumstances, where it has been in operation, with the change of administration and so forth, it requires a little more time to get effective results.

I said, when the bill was up 2 years and when we passed it, that it would be 4 or 5 years before it would level off and we could begin to get real benefit from it. I still say that is true. To come in here and just add more money will not add efficiency or effectiveness to the program, until the program gets in operation and the administration of it is firmly organized and operating.

Attorney General Mitchell in our hearings on H.R. 17825 before the Senate Subcommittee on Criminal Laws and Procedures, of the Committee on the Judiciary, was asked for his comments on the suggestion that large grants of money be given directly to major urban areas. The Attorney General stated:

> I think that is a mistake that has been made in the past, of just adding more money on top of more money without changing the criminal justice system. And that is what this program would do.
>
> I would point out that for the fiscal year 1969, which is the only one we have figures on, the law enforcement agencies got 60 percent of the money. We have to address

ourselves to the problems of corrections and recidivism, and we have to change or expedite our court trials and update our court system, so that we have a total picture of criminal justice.

Mr. President, that is a statewide problem. That is not local to any particular city.

The Attorney General said further:

Now, we just cannot ignore the fact that there are other facets to this problem than just plain law enforcement, and adding more of the same on top of what has not proved to be productive in the past would not solve anything. [Senate Subcommittee Hearings at 553.]

The Attorney General's rationale, it seems to me, clearly applies to the suggested amendments. The money should be given to the State to be spent in accordance with comprehensive plans developed by the State planning agencies for the entire State, including the urban areas.

Finally, and perhaps more important, many of the major urban areas have not spent much of the money which they have received through the State planning agencies under the LEAA program, and there is no reason to believe that they will be better able to spend the money that they would receive under the proposed amendments. Senator HRUSKA has already inserted in the RECORD a list showing the amounts of money that 10 major cities in the country have been granted, but have not drawn out of the Treasury. These cities are typical of the national picture.

Mr. President, I would also like to point out that all of the agencies and officials of the States do not subscribe to this proposed change.

I have here a telegram—and in all fairness to my distinguished colleague who offered the amendment I want to read this telegram, so that the Senator might reply to it.

The telegram is addresed to Charles Byrley, director, Federal State Relations Council of State Governments; De Sales, Northwest, Washington, D.C.

The telegram reads:

The following telegram sent this date to Senator Edward Brooke and Senator Edward Kennedy Senate to vote on amendments to omnibus crime control act today I urge you to support the Senate Judiciary Committee version and to oppose possible floor amendments creating direct grants for cities, etc.

ROBERT H. QUINN,
Attorney General and Chairman Committee on Law Enforcement and Administration and Administration of Criminal Justice.

The great majority of the communications I have received as chairman, not only from my own State but also from across the country, clearly support the committee's position.

I have received 150 telegrams and letters from 35 States; 21 of them from Governors, 10 from attorneys general, 64 from members of State law enforcement commissions or agencies.

I have also received three other telegrams: one from the National Governors Conference, one from the National Association of Attorneys General, and one from the National Legislative Conference.

I have received no strong appeals, Mr. President, for changing this program as this amendment would do.

I know that if we do this, we break over the line and hereafter we are going to have appeals and requests for special grants here and special grants there.

I point out again that there is a discretionary fund here of 15 percent of the appropriation that this administration in Washington can use in those most critical areas of crime incidence. They are at liberty to use this money to give special aid in some of these cases where they may, in their discretion and wisdom, feel it is needed.

I hope that we will not start now tampering with this program as it is created and established and it is beginning to function.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator from Arkansas has used 9 minutes of his time.

Mr. HRUSKA. Mr. President, will the Senator yield me 5 minutes?

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, we find in the amendment a further illustration of an attempt to erode the block grant concept. The history of the block grant concept has already been recited here. It is sound and is very firmly planted in the Law Enforcement Assistant Administration and in both bodies of Congress in 1968 and 1969, and so far this year in the other body, as well as in the full Committee of the Judiciary of this body.

One thing to remember again is this idea that this program is for a comprehensive planning of the improvement of law enforcement facilities. Those facilities and the component parts of the law enforcement system in America are to be found, in the cities, chiefly devoted to police work as opposed to corrections system, court system, and other activities within law enforcement.

The courts and the corrections system generally are financed and funded, and they are jurisdictions of the States, not of the cities.

To adopt this amendment would tend to throw the program off balance because there would be a disproportionate share allotted to the cities which have to do principally, and almost exclusively, with actual police work.

But there is a more persuasive reason, it seems to me, why this amendment should be considered defective and therefore not acceptable. That is that there are 411 cities in America with a population of 50,000 or more. This involves about 50 percent of the population of the country.

Sixty-two percent of the crimes actually occur within these municipalities. That is 50 percent of the population and 62 percent of the crime. They are now receiving 60 percent of the funds under the Law Enforcement Assistance Administration.

So, there is a ratable proportion, and that proportion would almost be high. It might be considered high, perhaps too high, considering that some of the features of the law enforcement system in America are not funded and are not the responsibility of these cities.

It represents money that is just about as much as they can use. In fact, pursuant to the chart that had been earlier printed in the RECORD by this Senator and referred to by the Senator from Arkansas, there are many instances of awards made to municipalities—and particularly the large ones—where the awards are large and where the awards have not been utilized in full, and, in some respects, a relatively small proportion of them have been utilized.

This illustrates, Mr. President, that the cities are getting as much as they need and, if anything, they are getting more than they can expend upon the basis of the provisions of the law as we have it now.

It is suggested that more money should be granted to large metropolitan areas in an effort to fight crime. It is also suggested that a greater emphasis is needed on courts and corrections. Nevertheless, when a careful examination is made of the way in which the various levels of Government have spent Federal assistance, it seems clear that if we wish to emphasize courts and corrections, assistance should be directed toward State and county governments rather than metropolitan areas. This is borne out by an analysis of the expenditures by unit of Government and functions of the 12 States included in the Urban League's study, "Law and Disorder." Excluding Illinois—which received an extraordinarily large police grant—State governments spent their funds 49 percent police, 21 percent courts, and 30 percent corrections, while county government spent their funds 75 percent police, 8 percent courts, and 16 percent corrections. In contrast, local government spent 83 percent police, 3 percent courts, and 14 percent corrections.

I ask unanimous consent that a chart on this matter be placed at this point in the RECORD.

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

ANALYSIS OF EXPENDITURES OF STATES INCLUDED IN "LAW AND DISORDER"

(California, Florida, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas)

	Amount	Percent of total
All 12 States expenditures by type of government for 1969:		
State government	$6,452,329	42
County government	3,564,689	23
Local government	5,186,374	34
Total	15,203,392	
All 12 States expenditures by function:		
Police	11,848,972	78
Courts	1,138,908	7
Corrections	2,215,512	15
Total	15,203,392	
State government expenditures by function:		
Police	4,840,149	75
Courts	677,101	10
Corrections	935,079	14
Total	6,452,329	

	Amount	Percent of total
County government expenditures by function:		
Police	62,694,082	76
Courts	928,007	8
Corrections	572,600	16
Total	3,564,689	
Local government expenditures by function:		
Police	4,314,741	83
Courts	163,809	3
Corrections	707,833	14
Total	5,186,374	
County and local combined expenditures:		
Police	7,008,823	80
Courts	461,807	5
Corrections	1,280,433	15
Total	8,751,063	
All 12 States expenditures by type of government: [1]		
State government	3,164,229	27
County	3,564,689	30
Local	5,186,374	40
Total	11,915,292	
All 12 States expenditures by function:		
Police	8,560,872	72
Courts	1,138,908	10
Corrections	2,215,512	19
Total	11,915,292	
State government expenditures by function:		
Police	1,552,049	49
Courts	677,101	21
Corrections	935,079	30
Total	3,164,229	

[1] Eliminating Illinois State grant to police, $3,288,100.

Mr. HRUSKA. Mr. President, it is my hope that the amendment will be rejected.

I yield the floor and I reserve the balance of my time.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes in response to some of the observations by our distinguished chairman of the Subcommittee on Criminal Laws and by the ranking minority member.

First of all, in terms of the telegram to the Governors Conference that the Senator has read, I assume this came in response to the bulletin which the conference had issued, and of course one of the real problems with that bulletin was that it was a complete distortion of my amendment.

That bulletin, which I assume went out to all the States had language to the effect that:

Senator KENNEDY is expected to push in the Senate on about September 30 for an amendment of his which will weaken the block grant system.

I believe that piece of misinformation led to this and similar responses by some of the Governors and some of the State attorneys general.

Of course, the amendment I have introduced does not weaken block grants at all. We are not varying the formula one bit. We are only trying to provide resources, over and above the existing mechanisms, where they can do the most good in attacking the problems of crime. The record is replete with examples by non-Federal witnesses and statements by the U.S. Attorney General that neither the Federal Government nor the States now have adequate professional personnel to administer large amounts of additional money for block and discretionary grants, and get it out to be effective in the fight against crime. The Attorney General said, for example:

LEAA is a new agency and we do find that in order to use this amount of money properly, we would have to build on the organization of this new agency and get it started and make sure that these moneys are used appropriately.

* * * * *

And it does take time to provide the funding for the State planning agencies and for them to get the expertise that is necessary to work in the field.

And, as you are probably well aware, there is a great shortage of expertise in this area to implement these plans, to put them together.

This amendment does not change the formula; it respects the formula. We are trying to provide resources to assist those who know the situation best in their cities, the mayors. They know the situation best. That is where the crimes of violence are. They can use this money effectively.

The Department of Justice will still be able, under the terms of this amendment, to insure that this money will be expended effectively, which we are all trying to do. But for the 3-year period, as LEAA administrative machinery is beginning to take hold, we will be providing resources to the cities and counties which have a critical need for these resources to help meet the problems of crime.

This amendment is supported by the League of Cities, and it is supported by the National Association of Counties. It has the support of those two great organizations which fully understand the problems of the cities and the counties in this particular area. They want it. They say there is a great need for it. They support it and I hope my colleagues will support the amendment as well.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PASTORE. Is it not a fact that this problem of crime is best understood at the grass roots level and that those who understand in the city the problems of crime are the mayor and the city council. The same is true in the town. In the town it is the town council.

All the Senator from Massachusetts is trying to do is to place this money where it will do the most good. Is that the purpose of the Senator's amendment?

Mr. KENNEDY. The Senator is correct. And that is exactly the situation. That is where 70 percent of the violent crimes are.

Mr. PASTORE. Mr. President, I wish to commend the distinguished Senator from Arkansas (Mr. MCCLELLAN) for the fine job he has done on all of the crime legislation. I supported him every time and I shall support him. There is no question about that.

I suppose chances are that coming from a State like he does, in a State like mine and a State like Massachusetts it is hard for him to understand what the problem is. We have this crime in the streets and it is the responsibility on the city and town level to solve it.

In my State I do not think it makes much difference because our Governor is very amenable to the cities and towns. But there is an aloofness between the State government and the city government, and we are trying to put the help where it will do the most good.

I support the Senator's amendment.

Mr. KENNEDY. I thank the Senator.

Mr. MCCLELLAN. I want to thank the distinguished Senator from Rhode Island for his complimentary references to the work I have tried to do. I do want to share any credit I am due with members of the committee who have worked diligently. I include the Senator from Massachusetts. Some of these things are a matter of opinion as to the best approach and the best means of getting results. I find fault with no one who may disagree with the position I take, but I am apprehensive. We could chip away at this and the first thing we will have a program that is not properly organized. I would rather keep it organized and systematized as we have it now.

Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. 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 of the Senator from Massachusetts. 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). Mr. President, on this vote I have a live pair with the Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Having already voted in the negative, I now withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Wisconsin (Mr. NELSON), are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are officially absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Washington

(Mr. JACKSON), the Senator from Ohio (Mr. YOUNG), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Alaska (Mr. GRAVEL), and the Senator from Rhode Island (Mr. PELL), would each vote "yea."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Kansas, Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. JAVITS) 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), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from Florida (Mr. GURNEY) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Florida would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Kansas (Mr. DOLE). If present and voting, the Senator from New York would vote "yea" and the Senator from Kansas would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 16, nays 41, as follows:

[No. 372 Leg.]

YEAS—16

Anderson	Hart	Mondale
Brooke	Hughes	Muskie
Case	Kennedy	Pastore
Cranston	Magnuson	Ribicoff
Eagleton	Mansfield	
Harris	McGovern	

NAYS—41

Allen	Hansen	Percy
Allott	Hatfield	Proxmire
Baker	Holland	Randolph
Bennett	Hollings	Schweiker
Bible	Hruska	Scott
Boggs	Jordan, Idaho	Smith, Maine
Burdick	Long	Spong
Byrd, Va.	Mathias	Stennis
Church	McClellan	Stevens
Cook	McIntyre	Talmadge
Cooper	Metcalf	Thurmond
Cotton	Miller	Williams, Del.
Curtis	Packwood	Young, N. Dak.
Ervin	Pearson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—42

Aiken	Dole	Fong
Bayh	Dominick	Fulbright
Bellmon	Eastland	Goldwater
Cannon	Ellender	Goodell
Dodd	Fannin	Gore
Gravel	McGee	Saxbe
Griffin	Montoya	Smith, Ill.
Gurney	Moss	Sparkman
Hartke	Mundt	Symington
Inouye	Murphy	Tower
Jackson	Nelson	Tydings
Javits	Pell	Williams, N.J.
Jordan, N.C.	Prouty	Yarborough
McCarthy	Russell	Young, Ohio

So Mr. KENNEDY's amendment was rejected.

Mr. HRUSKA. I move to reconsider the vote by which the amendment was rejected.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BURDICK). The bill is open to further amendment.

KENNEDY LAW ENFORCEMENT INTERNS AMENDMENT

Mr. KENNEDY. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. KENNEDY's amendment is as follows:

On page 25, between lines 2 and 3, add the following:

"(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding $50 per week to any person, to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program."

Mr. KENNEDY. Mr. President, this amendment would provide authorization for the LEAA to make contracts with colleges and universities to help fund internships for their students in police departments, courts, corrections agencies, or other agencies falling within the broad definition of "law enforcement" in the Safe Streets Act. Of course, the agency itself would have to express a desire for and willingness to accept young people as interns for their summer recesses, or for an entire quarter or semester. The university would provide up to $50 per week from the Federal funds for subsistence to the interns. The university or college or the agency could, of course, add to this amount if other funds were available.

Mr. President, I think this amendment would be extremely helpful in getting young people interested in criminal justice careers, and would provide assistance to criminal justice agencies in attracting young people. I hope the Members of the Senate will agree that it is useful and helpful, and that the amendment will be accepted by the manager of the bill.

Mr. McCLELLAN. Mr. President, I have no objection to the amendment. We will accept it and take it to conference.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1035

Mr. STEVENS. Mr. President, I call up my amendment No. 1035.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. I ask unanimous consent that further reading of the amendment be waived.

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

Mr. STEVENS' amendment is as follows:

AMENDMENT NO. 1035

TITLE .—PRESIDENT'S AWARD FOR DISTINGUISHED LAW ENFORCEMENT SERVICE

SEC. . This title may be cited as the "Distinguished Law Enforcement Service Act".

SEC. . There is hereby established an honorary award for the recognition of outstanding service by law enforcement officers of State, county, or local governments. The award shall be known as the President's Award for Distinguished Law Enforcement Service. Each award shall be suitably inscribed and an appropriate citation shall accompany each award.

SEC. . The President's Award for Distinguished Law Enforcement Service shall be presented by the President, in the name of the President and the Congress of the United States, to law enforcement officers, including corrections officers, for extraordinary valor in the line of duty or for exceptional contribution in the field of law enforcement.

SEC. . The Attorney General shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing this function, the Attorney General shall review recommendations submitted to him by State, county, or local government officials, and shall decide which of them, if any, warrant presentation to the President. The Attorney General shall transmit to the President the names of those persons determined by the Attorney General to merit the award, together with the reasons therefor. Recipients of the award shall be selected by the President.

SEC. . There shall not be awarded in any one calendar year in excess of twelve such awards.

SEC. . The Department of Justice shall list in its annual budget request a sum of money equal to that necessary to carry out the provisions of this Act.

Mr. STEVENS. Mr. President, I yield myself 5 minutes on the amendment.

Mr. HRUSKA. Mr. President, will the Senator yield me 30 seconds?

Mr. STEVENS. I am happy to yield.

Mr. HRUSKA. Mr. President, I should like to inquire of the chairman of the subcommittee as to the number of amendments remaining. Is it true that this is the last amendment of which we

have knowledge, and that it will be followed by a rollcall vote on passage, with very brief, if any, discussion on the merits of the bill?

Mr. McCLELLAN. Mr. President, as far as I know, this is the last amendment that will be offered except an amendment that will be offered by myself.

I propose—if I may say this while we have a number of Senators present and listening—to offer as an amendment to this bill the four bills that the Senate has passed this afternon by unanimous vote on each one.

The reason we have some problem in getting expeditious action, as has been demonstrated here this evening by the distinguished minority and majority leaders, in connection with the amendment that they have offered to this bill, is that the Senate crime control bill passed earlier this year, but has been languishing over in the House of Representatives, with no action taken on it.

We think that these bills we have passed this afternoon are important. If we put them on this bill, the House conferees will have the opportunity to accept them. If so, they will become law. They can reject them, of course, and if they do, then it is up to them, before adjournment of this session of Congress, to move on the bills we have sent over there; otherwise, they will have to go over. But the Senate will have taken every action that it can, within its power, to try to get these important bills passed.

Mr. HRUSKA. I thank the Senator.

Mr. STEVENS. Mr. President, my amendment would add to the bill an award program to be known as the President's Award for Distinguished Law Enforcement Service. There would be a maximum of 12 such awards per year to law enforcement officers of the State, county, or local governments, for extraordinary valor in line of duty, or exceptional contributions in the field of law enforcement.

The Department of Justice has reported on the bill I introduced previously (S. 4193) to establish such a program, and urged its prompt and favorable consideration.

I have discussed the matter with the ranking minority member and with the chairman of the subcommittee handling the bill, and after my discussions with them I am prepared to yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

I have examined the amendment. I think it is meritorious. I think the Senator should be commended for offering it. I have noted that the letter from the Deputy Attorney General says:

> This legislation will serve as an affirmative, public declaration by the Congress which enacts it, and the President who approves it, of the esteem in which the American people hold law enforcement officers.

In view of the courage that they manifest today, and the dangers that they incur in the performance of their duty, I think this is a very small gesture indeed, but certainly one that is deserved, and I strongly support the amendment.

Mr. STEVENS. I thank the Senator. I ask unanimous consent to have printed in the RECORD a letter to the chairman of the Committee on the Judiciary from Richard G. Kleindienst, Deputy Attorney General, dated August 26, 1970.

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

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., August 26, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on S. 4193, "To establish the President's Award for Distinguished Law Enforcement Service."

This bill establishes an honorary award program to recognize outstanding service by State, county and local law enforcement officers. A maximum of twelve awards annually will be presented by the President for extraordinary valor in the line of duty or for exceptional contribution in the field of law enforcement. The Attorney General will advise and assist in the President's selection of award recipients by reviewing recommendations made by State, county and local officials. The cost of carrying out this award program will be listed in the annual budget request of the Department of Justice.

This legislation will serve as an affirmative, public declaration by the Congress which enacts it, and the President who approves it, of the esteem in which the American people hold law enforcement officers.

The Department of Justice urges its prompt and favorable consideration.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's Program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. 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. 1035) of the Senator from Alaska.

The amendment was agreed to.

Mr. DOLE. Mr. President, in his state of the Union message of January 22, 1970, President Nixon proposed that—

> As we enter the seventies, we should enter also a great age of reform of the institutions of American government.

The President continued:

> The first principle of reform is that government programs and institutions should be effective. They should deliver what they promise.

Many of President Nixon's legislative proposals have been directed toward making government more responsive to the needs of the American people.

Today, we are considering H.R. 17825, proposed amendments to the Omnibus Crime Control and Safe Streets Act of 1958. The law enforcement assistance administration created by title I of that act has been one of the most successful efforts "to develop," in President Nixon's words, "A new sense of partnership between the Federal Government and State and local governments." It has shown that we, as a Nation, are determined to do more about the crime problem than simply label it, lament it, or place blame for it. We will not accept it as one of the unalterable hazards of the 20th century.

As a former county attorney, the chief prosecutor in my home county, it is encouraging that there has been a real involvement at all levels of government, the universities, and concerned citizens in the formulation of our approach to the critical problem of crime control.

In the 2 years since the passage of the Omnibus Crime Control and Safe Streets Act, we have seen the establishment of the initial phases of a truly integrated system of criminal justice. For the first time in our Nation's history the elements of that system—police, courts, and corrections—are communicating and working together. For the first time every State has prepared a comprehensive crime control plan—gathering the statewide data it probably never collected before, identifying specific problems, setting goals and priorities, and developing programs to cope with these problems. For the first time, on a statewide scale, and consequently on a nationwide scale, we are identifying the full extent of criminal justice problems and taking the initiative to correct them.

And the program has another important effect. Many in this country have felt personally threatened by the magnitude of crime increases. This program is designed to restore their faith in government and their criminal justice agencies.

And while it may be premature to evaluate the program's total success, it is not too soon to assess the preliminary implementation of that program.

Let me relate the effect on Kansas.

Although Kansas was once primarily a rural and agricultural State, industry has grown, population has shifted to urban areas, and crime—as elsewhere in the Nation—has increased. From 1966 to 1969, crime in Kansas rose 29 percent. There were these increases: 89 percent for robbery, 56 percent for auto theft, 50 percent for larceny.

After the LEAA program came into being, our State created its State law enforcement planning agency—the Governor's Committee on Criminal Administration. The Federal funds—over half a million dollars the first year and $2.5 million in the fiscal year that ended June 30—have enabled Kansas to map a detailed plan for crime control and to launch improvement programs.

Of that $3 million the State has received in 2 years, a major portion is being used to improve law enforcement communications and equipment and to upgrade personnel through higher education and training. Funds from the fiscal 1971 grant are being made available to some 300 local law enforcement agencies to buy equipment such as radio base stations, mobile units, walkie-talkies, and various riot control gear. As part of the education and training effort, our State is developing new college programs: Four county community junior colleges will offer associate degrees in law enforcement; Washburn University will offer a baccalaureate degree in penology; and Wichita State University will offer a baccalaureate in police science.

Kansas also developed a unique sum-

mer internship program providing funds for law students to work in the offices of various county attorneys, the chief prosecutors in Kansas counties. This program was developed by our law schools at the University of Kansas and Washburn University. After receiving 1 week of training, each intern is placed in one of the participating county attorney's offices where he assists the county attorney in fulfilling his responsibilities.

The state is also funding programs that will involve citizens in crime prevention programs, a study to determine whether Kansas should create a unified court system, probation services for a number of lower courts, jail treatment programs, and community treatment for juvenile offenders.

Finally, I want to point out another development in Kansas that has been greatly enhanced by the LEAA program. We have cooperative arrangements among many law enforcement agencies that will effectively and economically improve public safety. An elite metropolitan police squad serves seven counties in the Kansas City, Kans.—Kansas City, Mo., area. A similar squad has begun in Topeka. In several areas, the county sheriff's department and the police department are combining facilities—jails, communications, records systems, and dispatching capabilities. With LEAA funds, the Kansas league of municipalities is now studying the need for, and effect of, combining law enforcement agencies.

The same interest in coordinated services applies to corrections. Under a small grant—slightly over $12,000—that LEAA awarded from its special action funds, the county attorney in Goodland is directing a preliminary study to decide whether a tri-state correctional facility would be possible and practical. This correctional and rehabilitation center could serve 32 counties in three States—Kansas, Colorado, and Nebraska—and might also serve parts of Texas and Oklahoma.

While such cooperative efforts have not been impossible in the past, they are being encouraged under the national LEAA program.

In its first year of operations, in fiscal 1969, LEAA had only a $63 million budget. The Nixon administration, realizing the need for greater funding of the program, increased LEAA's budget to $268 million in fiscal year 1970.

Under the proposed budget for fiscal year 1971 of $480 million, Kansas can expand the ambitious programs that have begun to take shape in the past 2 years. The anticipated allocation for Kansas in fiscal year 1971 includes $332,000 for planning grants and $3,955,000 for action grants. Other money will probably be made available through the law enforcement education program or the discretionary fund programs.

This bill also proposes various changes in the original act rising out of the experience gained in the past 2 years. The modification in the matching requirements for the State should provide substantial relief.

The programs I have mentioned are by no means the total of Kansas' efforts. There are many others, all helping to shore up an overburdened criminal justice system. Each is important because each element of the system—police, courts corrections—must be improved if we are to reduce crime. I am proud of these programs and believe they typify what is happening throughout the Nation. I am gratified that we are making progress against one of the Nation's most tenacious problems.

I urge support of H.R. 17825.

Mr. McCLELLAN. Mr. President, I send to the desk an amendment consisting of the four bills that have been passed by the Senate this afternoon. They are S. 3650, the antibombing bill; S. 2896, to protect the President; S. 642, to protect Senators and Representatives; and S. 3132, the Criminal Appeals Act.

I ask unanimous consent that this amendment be considered en bloc, consisting of the four bills that we have passed this afternoon as one amendment, and I ask unanimous consent that they be numbered in separate titles and placed at the appropriate place on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the reading of the amendment will be waived.

Mr. McCLELLAN. Yes; everyone knows what is in them. We have discussed them here today, and know the action that we have taken, and I ask that further reading of the amendment be waived.

We are getting to the close of this session. We are going to recess and go home. When we come back, we will be crowded.

The bill on which we are acting tonight will be in conference. If we think the bills we have passed this afternoon are important, let us put them on here as an amendment to this bill, take them to conference, and give the House of Representatives an opportunity, if they, too, think they are good and should be enacted, to do so before this Congress adjourns.

If they feel otherwise, they can reject them in conference, any one or all of them. They have over there the bills previously passed by the Senate and awaiting their action. I hope my colleagues will agree, and go along with me on this vote.

Mr. HRUSKA. Mr. President, will the Senator yield me 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the parliamentary course of the Senate bills on criminal procedure and having law enforcement aspects has been a little rocky and sticky, to say the least, this last year. Our majority leader has correctly portrayed the situation, however, and I say, with utmost respect for the other body, that we have been fairly diligent and very productive in this area in this Chamber, and I think the work that has been done here today is a clinching proof of it.

The technique which is described by the Senator from Arkansas for the purpose of advancing expeditiously and yet in duly deliberative fashion the four bills we passed earlier today is a good one. It leaves the options open to the other side. They may either join us in the judgment that these bills are important and that they should be enacted soon—in fact, as soon as possible—or, if they choose, they can reject them and consider them separately as bills already enacted by this body.

I earnestly recommend that the amendment be adopted, so that we may proceed along that route.

Mr. COOPER. Mr. President, is there another crime bill, which was passed by the House yesterday, coming before the Senate?

Mr. McCLELLAN. That was a Senate bill that was passed by the House. That is going to conference.

Mr. HRUSKA. S. 30 was enacted yesterday. That will be here today.

Mr. McCLELLAN. That is right. They took S. 30 and substituted their language for the Senate bill. So that bill will be in conference.

Mr. HRUSKA. Unless the Senate accepts the bill with the House amendments.

Mr. McCLELLAN. In other words, it is not subject to amendment.

Mr. HRUSKA. That is correct. But it is not suitable material to attach to this bill as an amendment. It has independent status of its own.

Mr. McCLELLAN. That is correct.

Mr. COOPER. That bill will still come before the Senate for consideration?

Mr. McCLELLAN. It will—either to ask for conferees or to ask that the Senate accept it.

While I am discussing it, I may say to the Senator that I hope to have my examination of it completed by tomorrow, possibly tomorrow at noon, and be in a position then to recommend to the Senate whether it is to be accepted or to ask for a conference. In the rush of things, in the stress of this work today and yesterday, I have not had time to give that the consideration I had hoped to give it.

Mr. President, I yield back the remainder of my time on the amendment.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT and Mr. McCLELLAN moved to lay the motion on the table.

The motion to lay on the table was agreed to.

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 of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

PROGRAM

Mr. ALLOTT. Mr. President, while Senators are present, I should like to address an inquiry to the majority leader as to the legislative schedule for the remainder of the day and for tomorrow.

Mr. MANSFIELD. Mr. President, I am delighted to respond to the distinguished acting minority leader.

Tomorrow we will spend some time on the Equal Rights Amendment. I had hoped that there would be some amendments which could be voted on tomorrow, but unfortunately the rumor has gotten around that no final action will be taken on the Equal Rights Constitutional Amendment until we come back next month. I say it is most unfortunate because what it does is to hold up the consideration of amendments which ought to be voted on while the Senate has time, and this is an important enough resolution to be worthy of consideration.

So we will do the best we can, spend as much time as possible; but I must say, in all candor, that up to this time the Senate has shown extremely little interest, by and large, in the Equal Rights Amendment, which I think is very important.

Tomorrow we will also take up Senate Resolution 399, relating to the creation of a world environmental institute, and S. 4432, to revise and restate certain functions of the Comptroller General of the United States.

On Monday, the occupational health bill will take some time; also, women's rights.

On Tuesday, women's rights; military construction appropriations.

On Wednesday, Labor-HEW appropriations; and sometime in between, the continuing resolution on appropriations and what matters may come on the calendar in the meantime or may be cleared for consideration as well.

Mr. ALLOTT. May I ask the distinguished majority leader whether this means that we will not be able to take up the Defense appropriations bill before we adjourn?

Mr. MANSFIELD. We will give it consideration, but I understand they are not going to take it up in the House until Tuesday. I will make some inquiries. It looks as though there will be too much debate on it, and I think it would be futile.

Mr. ALLOTT. I thank the distinguished majority leader.

OMNIBUS CRIME CONTROL ACT OF 1970

The Senate continued with the consideration of the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The PRESIDING OFFICER (Mr. BENNETT). Do Senators yield back their time?

Mr. HRUSKA. I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it 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. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. YOUNG), the Senator from New Mexico (Mr. MONTOYA), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. JAVITS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senators from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. GURNEY), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote yea.

The result was announced—yeas 59, nays 0, as follows:

[No. 373 Leg.]

YEAS—59

Allen	Hansen	Muskie
Allott	Harris	Packwood
Anderson	Hart	Pastore
Baker	Hatfield	Pearson
Bennett	Holland	Pell
Bible	Hollings	Percy
Boggs	Hruska	Proxmire
Brooke	Hughes	Randolph
Burdick	Jordan, Idaho	Ribicoff
Byrd, Va.	Kennedy	Schweiker
Byrd, W. Va.	Long	Scott
Case	Magnuson	Smith, Maine
Church	Mansfield	Spong
Cook	Mathias	Stennis
Cooper	McClellan	Stevens
Cotton	McGovern	Talmadge
Cranston	McIntyre	Thurmond
Curtis	Metcalf	Williams, Del.
Eagleton	Miller	Young, N. Dak.
Ervin	Mondale	

NAYS—0

NOT VOTING—41

Aiken	Gore	Murphy
Bayh	Gravel	Nelson
Bellmon	Griffin	Prouty
Cannon	Gurney	Russell
Dodd	Hartke	Saxbe
Dole	Inouye	Smith, Ill.
Dominick	Jackson	Sparkman
Eastland	Javits	Symington
Ellender	Jordan, N.C.	Tower
Fannin	McCarthy	Tydings
Fong	McGee	Williams, N.J.
Fulbright	Montoya	Yarborough
Goldwater	Moss	Young, Ohio
Goodell	Mundt	

So the bill (H.R. 17825) was passed.

Mr. McCLELLAN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. HRUSKA. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that in the engrossment of the amendments on H.R. 17825 the Secretary of the Senate be permitted to make any necessary clerical and technical corrections and that the act be printed as it passed the Senate.

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

Mr. McCLELLAN. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed by Mr. McCLELLAN, Mr. ERVIN, Mr. HART, Mr. EASTLAND, Mr. KENNEDY, Mr. BYRD of West Virginia, Mr. HRUSKA, Mr. SCOTT, Mr. THURMOND, and Mr. COOK conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I need not again reiterate the outstanding record of the Senate with regard to its handling of crime legislation. The passage of these measures today—the antibombing proposal, the presidential protection, and Member of Congress proposals, the local law enforcement assistance authorization—all serve to demonstrate again the deep commitment of every Member of this body to the prob-

lem of crime. Rising crime is a fact. It is not a political fact. It is a fact of life in the United States. Particularly, it is a fact of life in our large, congested metropolitan areas where those who suffer the ravages of crime cry out for help day after day.

I can say, without doubt, that the Senate has heard that cry and it has responded. As I said before, the Senate has passed every major crime proposal—save one, that is shrouded in constitutional ambiguity—that it has had before it. And it has been the efforts of many Senators, if not all Senators on both sides of the aisle, that have been responsible for such an outstanding record.

Noteworthy have been the efforts of the senior Senator from Arkansas (Mr. McCLELLAN), the chairman of the subcommittee on Criminal Laws and Procedures. His splendid handling today of these latest anticrime measures speaks abundantly for his commitment to this grave problem. His crime fighting record is unsurpassed.

Joining Senator McCLELLAN to assure the swift and efficient passage of these and all anticrime proposals was the distinguished Senator from Nebraska (Mr. HRUSKA). The Senate is deeply grateful.

The Senate is grateful as well to the distinguished senior Senator from Michigan (Mr. HART). His long devotion to solving the problems of crime is well known. Again today he exhibited his deep understanding of the great needs involved.

Many other Senators are to be equally commended. The distinguished Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from Wyoming (Mr. HANSEN), and many others joined to contribute immensely to the discussion. We are grateful.

To the Senate as a whole goes my deepest thanks for again cooperating so splendidly to assure the disposition of more crime-fighting tools on the highest priority basis.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

SENATE RESOLUTION 474—RESOLUTION SUBMITTED AND AGREED TO EXPRESSING SUPPORT FOR THE NEW U.S. PEACE INITIATIVE

Mr. PERCY (for himself, Mr. AIKEN, Mr. ALLOTT, Mr. BAKER, Mr. BROOKE, Mr. CHURCH, Mr. COOPER, Mr. GRIFFIN, Mr. HANSEN, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. McGOVERN, Mr. PACKWOOD, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mrs. SMITH of Maine, Mr. SMITH of Illinois, Mr. THURMOND, and Mr. WILLIAMS of Delaware) submitted a resolution (S. Res. 474) expressing support for the new U.S. peace initiative, which was considered and agreed to.

(The remarks of Mr. PERCY when he submitted and discussed the resolution appear later in the RECORD under the appropriate heading.)

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY:

S. 4451. A bill to establish a National Transportation Trust Fund, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

S. 4451—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL TRANSPORTATION TRUST FUND

Mr. KENNEDY. Mr. President, I introduce today a bill to establish a single National Transportation Trust Fund for comprehensive planning and carrying out of transportation programs in the United States. Trust funds which presently exist for highways, airports, and airways and other specific categories would be terminated and absorbed into the more comprehensive fund proposed in my bill.

Mr. President, the state of transportation in the United States today is an absolute mess.

Especially in our urban areas, coordination between the different modes of transportation—highway, rail, air, mass transit, and so on—is rare. Comprehensive planning is rare. Efficient use of limited resources is rare.

The essential problem is that programs have developed separately for the different modes of transportation. A region, or a State or a local community does not have the option of obtaining a certain amount of funds and spending it on whatever modes would fit the particular needs of the area. The outmoded Federal policy of categorical programs has denied the badly needed flexibility in transportation policy.

As a result, at present the Federal Government devotes a disproportionate amount of resources to highways, and not enough, for example, to mass transit. States and cities often face the possibility of either obtaining money for highway construction or getting no money at all. So they are building highways when their needs may really be for other transportation facilities.

Two or three decades ago, the categorical programs made more sense. The primary need was for interregional transportation, for long-distance highways, for airport and air travel development.

But the situation today has changed. Increasingly, our population is bunched into metropolitan areas. And as metropolitan areas expand, they are merging with one another into heavy population corridors—such as the "Northeast Corridor" in my own section of the country.

So while we have to a great extent succeeded, through categorical programs, in moving people between metropolitan and regional areas, we have failed to develop successful programs to move them within metropolitan and regional areas. Meeting the short- and intermediate-range needs is all the more important when we consider that less than 10 percent of all intercity passenger trips are for more than 500 miles.

Any lasting solution to the transportation problems in our society today must view them as just that—transportation problems, not simply highway problems, or air problems, or railroad problems. And it must recognize that regions and States and local communities are better able to evaluate their specific needs than the Federal Government. While we can set overall policy on transportation at the Federal level, the best allocation of resources between different modes to meet those needs can best be carried out by appropriate governmental bodies in the areas involved.

The essential purpose, then, in setting up a national transportation trust fund is to permit greater flexibility to the regions, States, and local communities in meeting their transportation needs.

The national trust fund would receive the revenues going into the Highway Trust Fund and Airport and Airway Trust Fund recently established by the Congress. Also to be paid into the National Trust Fund would be revenues from the excise taxes imposed on the sale of new highway vehicles. The new fund would be established on July 1, 1972, and the existing highway and airport and airway trust funds terminated at that time.

It is the intent of this bill to overcome some of the objections to trust fund financing frequently voiced by the Office of the Budget and the Department of Transportation by preserving to the President and Congress in the annual budget process the determination of the total amounts to be budgeted for expenditure from the trust fund. Also there is a provision in the bill which requires the President to review expenditures from the fund every 3 to 5 years. A surplus above a certain amount would be returned to the general fund of the Treasury.

This procedure will assure that the President and Congress have the opportunity in the budget process to relate expenditures from the transportation trust fund to other Federal expenditures. On the other hand it will also provide for retention for a period of time in the trust fund, revenues received from the various taxes. In this way considerable flexibility can be maintained for the President and Congress to respond to changing priorities, while States are assured a continuing flow of funds for transportation purposes. The trust fund would receive interest payments from the Treasury on the occasion of moneys being temporarily put to other uses.

Allotments to the States from the trust fund will be on the basis of State populations as determined in the most recent decennial census. It would appear that today when population pressures—rather than the vast distances which traditionally have governed American transportation policy—are the source of the most acute transportation problems, fund allotments should be based on populations in the several States.

The most important provisions in the bill center on the encouragement given to the regions, States, and metropolitan areas with populations of 50,000 or over to prepare and maintain comprehensive transportation plans. No State will

be granted annual allotments unless it has in existence a comprehensive State transportation plan which has been approved by the Governor and by the State legislature and which includes comprehensive plans for transporation in each metropolitan area of 50,000 or more. The Governor of a State would be able to reject a plan prepared by a metropolitan area but he would not be able to amend it. The prospective loss of funds for failure to develop a comprehensive transportation plan for a whole State and its metropolitan areas will encourage the Governor, the State legislature, and the State's metropolitan areas to reach agreement.

The allotments to the States would require that adequate amounts be spent on developing and maintaining the States comprehensive transportation plans. In turn, a substantial part of the States' allotments for planning would be passed on to metropolitan areas of 50,000 or more population.

The bill also stresses the notion that two or more States might get together to plan and carry out their transportation programs on a regional basis. This extremely important approach could further avoid duplication and inefficiency. I would hope that States would move in that direction.

Mr. President, Congresman KOCH of New York has introduced a somewhat similar version of this bill in the House of Representatives. We have worked together on development of a National Transportation Trust Fund, and I commend Congressman KOCH for his work.

Mr. President, this bill is certainly not intended to be the final or only mechanism for setting up a National Transportation Trust Fund. I realize that there will not be time for hearings or action this year. But I am hopeful that introduction of the bill at this time will set the stage for prompt action next session. And I look forward to the further comments and suggestions in this interim period from those who I know are so concerned and interested in this serious need.

Mr. President, I ask unanimous consent for the bill to be printed in the RECORD. I also request that the following supporting materials be included in my remarks for the RECORD: "The State Role in Balanced Transportation Planning and Development," from the Policy Positions of the National Governors' Conference, August 1970; my testimony before the Senate Commerce Committee in support of S. 2425, the National Transportation Act, on April 14, 1970; and my testimony before the Senate Public Works Committee on the National Highway Act of 1970, on July 14, 1970.

The PRESIDING OFFICER (Mr. BENNETT). The bill will be received and appropriately referred; and, without objection, the bill and other matters will be printed in the RECORD, as requested by the Senator from Massachusetts.

The bill (S. 4451) to establish a National Transportation Trust Fund, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

[The bill will be printed in a subsequent edition of the RECORD.]

The matters, presented by Mr. KENNEDY, are as follows:

EXCERPT FROM POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE, AUGUST 1970

THE STATE ROLE IN BALANCED TRANSPORTATION PLANNING AND DEVELOPMENT

The Governors of the States pledge their continued action to deal with the expanding and changing transportation needs in the decade of the Seventies.

1. We commend the U.S. Transportation Department for its development of a National Transportation Policy which centers the responsibility and power for priority decision-making in the chief executive of the States.

2. We call upon all States to study the need to develop administrative and legal mechanisms to plan, develop, finance, construct, administer and regulate the comprehensive transportation system which the citizens of our States deserve. Many States have taken such action by creating state departments of transportation.

3. We strongly endorse the continuation of the Highway Trust Fund as an inviolate source of revenues to the States. We strongly urge the early completion of the Interstate System, with funds thereafter being available to the States for the updating and renewal of our primary and secondary highways, as well as urban systems.

4. We endorse the creation of the Airport/Airways Development Trust Fund, supported by a separate fund source and not from the Highway Trust Fund.

5. We urge the creation of an Urban Transportation Trust Fund, supported by a separate fund source and not from the Highway Trust Fund.

6. We urge the continuation of federal financial assistance programs dealing with railroads, waterways, and highway safety.

7. Each State should be guaranteed that its proportionate share of funds under each trust fund will not be reduced. Furthermore, the Federal Government should not be permitted to divert any trust funds.

8. The Governor, as the elected chief executive of his State, is in the best position to determine the transportation needs and priorities of his own State. Therefore, the Governor must be free from federally imposed restrictions in determining transportation priorities. Federal legislation should be amended to allow each state chief executive the flexibility to carry out the state-determined priorities and needs for transportation development. The Governor should be permitted to exercise his executive prerogatives in meeting the needs of his State by having the ability to transfer, upon a limited basis, funds among the various federal transportation trust funds and grant programs to meet his own State's priority transportation needs.

TRANSPORTATION AND THE ENVIRONMENT

The National Governors' Conference pledges a continued fight against the pollution of our environment by the wastes and by-products of our growing transportation system.

The Governors believe the following problems should be the subject of a sustained antipollution effort by the States and the Federal Government:

1—air pollution caused by gasoline powered automobiles, diesel trucks, locomotives and ships, and aircraft fueled with kerosene and gasoline;

2—water pollution caused by the spillage from vessels of untreated sewage, oil from machinery and bilges, and crude petroleum spills from tankers;

3—land pollution caused by sewage from railroad trains, by abandoned automobiles, by litter, and the scarring of landscape from removal of coal and other fuel sources;

4—noise pollution and nuisance caused by aircraft, autos, trucks, railroad trains, and ships, and by heavy construction associated with transportation.

Perhaps in no other aspect of transportation is there a greater need for States to be free from restrictive federal pre-emption. The Governors call upon the federal government to provide effective minimum standards to protect the basic health and safety of every citizen, while leaving state governments free to deal with problems that have reached extra-ordinary severity, or to respond to citizen demands for a higher level of environmental quality than that which would be supported nationwide.

The Governors pledge a sustained effort to develop a combination of laws and programs which will punish pollutors of the environment, while providing incentives where necessary to those whose efforts can combat environmental decline. The Governors call upon the Federal Government to join with the States in a vast research effort to measure pollution and to apply innovative technology in discovering new sources of energy and new techniques of reducing and disposing of wastes produced by our transportation system.

The Governors pledge increased emphasis in the design of highways and other transportation systems so that these facilities complement rather than conflict with the total environment in both its natural and man-made aspects. Further, programs for the preservation and development of historic and scenic vistas along transportation corridors should be encouraged by the reward of additional federal financial assistance for increased state and local action, rather than by the present threat contained in the Highway Beautification Act, of a ten percent penalty in highway funds.

TESTIMONY OF SENATOR EDWARD M. KENNEDY BEFORE THE SENATE COMMERCE COMMITTEE IN SUPPORT OF S. 2425, THE NATIONAL TRANSPORTATION ACT

(Senator Edward M. Kennedy today called for the establishment of a National Transportation Trust Fund to provide the financing needed for the development of a balanced, intermodal transportation system for the seventies.

(The Senator cited the transportation crisis facing the major urbanized sectors of the nation as the most pressing evidence for the establishment of such trust fund.

(In describing the need for a balanced intermodal transportation system for these sectors of the country, Senator Kennedy stated that "What we have today is a non-system. A non-system which grew from our unplanned reaction to the new technologies developed in this century. A non-system which, while failing to meet the transportation needs of these regions, has succeeded in polluting their environment and in adding to the deterioration and dehumanization of their cities."

(The Senator made his recommendations in testimony before the Senate commerce Committee which is considering S. 2425, The National Transportation Act.

(A complete text of the Senator's testimony is attached.)

I consider this legislation important and far-reaching in its intent to provide for comprehensive transportation planning. I consider its provision to establish a broad research and development effort in the transportation field a necessity. And I applaud its emphasis on a regional approach to these programs and on the development of balanced transportation systems for the future.

Today, this nation faces a transportation crisis of unprecedented magnitude in its urbanized centers. In these regions, the demand for the transportation of people and

products has outstripped the system's capacity. The viability of these large regions—which are the most rapidly growing regions of the country—is clearly at stake in the resolution of this crisis.

The economic life of this country revolves around the ability of the transportation system to carry workers to their jobs; to carry raw materials to industry; to carry food to the marketplace; to carry finished products to the consumer. Many parts of the transportation network that now provide these services are inefficient, unbalanced, costly, slow and frustrating.

The problem is that these economically complex, highly urbanized regions, demand an overall transportation *system* to meet their needs. What we have today is a non-system. A non-system which grew from our unplanned reaction to the new technologies developed in this century. A non-system which, while failing to meet the transportation needs of these regions, has succeeded in polluting their environment and in adding to the deterioration and dehumanization of their cities.

S. 2425 gives us the opportunity to do what we should have done thirty years ago—an opportunity to plan, develop, and execute rational regional transportation systems that are linked coherently to a comprehensive national transportation policy.

Nowhere is the failure of our present transportation policies and programs more apparent than in the Northeast Corridor section of the country. The word "megalopolis" was coined to describe the densely populated, highly developed area spanning the central east coast of the nation—from Massachusetts to Virginia, one continuous industrial and residential development. The transportation required by the emergence of these corridors is different from that required in the past. Within megalopolis, the major need is for short-distance transportation service. But at the same time, adequate terminal access is important for the long distance needs of the population and for the corridor's import and export needs.

The Northeast Corridor, today, is characterized by over-crowded highways in urban areas; inadequate public transit; underused and deteriorating railroad facilities; and inefficient air travel systems. The national emphasis on transcontinental and even intercontinental transportation over the last several years has delayed the resolution of these problems of such importance to the majority of the traveling population. The need is for a more balanced and coordinated system. To achieve such a system, advanced planning to determine the most effective use of the new technologies already available in the transportation field—high-speed rail vehicles, tracked air cushion vehicles, short take off and landing aircraft, vertical take off and landing aircraft—is necessary. It is imperative that decisions about the use of these new transportation modes be made in light of the overall transportation needs of the corridor—not independently by individual-Federal agencies, states or cities.

Such independent decisions in the past led to many of the problems besetting the transportation situation in magalopolis today. For example, in the Northeast Corridor—and in other major urbanized sectors of the country—the automobile has been both a blessing and a burden. Automobile traffic and highway construction programs create a serious drain on the resources available for the development of transportation facilities. Although we continue to construct highways at a record pace, we have slowly come to realize that private automobile transport is the most inefficient and costly method of inner-city and inter-city transportation. Citizen preference, however, indicates that it is this method which is most satisfactory to the short distance traveller.

After only a brief appraisal of existing public transit systems and of the difficulty and delay involved in the use of air transport for short distance travel, is not difficult to understand such preference. However, recognition of this preference should not dictate that we concentrate our construction programs on highway development as we have done for the past twenty years. Instead, we should be improving other modes of transportation to make them more attractive to the short distance traveler. The Metroliner, from Washington to New York, and the Turbo-train, from Boston to New York, are examples of the creative alternatives to the automobile that can be developed for inter-city transport. Commuting problems within megalopolis are more difficult to resolve. If I may, I would like to insert in the record of the hearings an article from the *Boston Sunday Globe* which outlines one of the problems faced by the Boston metropolitan area in any attempt to encourage commuters to utilize railroad services as a means to get to and from the core city.

Examination of the specific, or the overall, transportation problems in urbanized areas quickly leads to the recognition of the value of the regional transportation authorities suggested in S. 2425. Establishment of such authorities in the Northeast Corridor is, to my mind, essential. And, in some respects, this sector of the country is already moving in the directions emphasized in S. 2425.

Since 1964, the Department of Commerce and then the Department of Transportation, have been involved in a comprehensive study of transportation in the Northeast Corridor. I know that Mr. Robert Nelson, former Director of the project, has testified before the Committee and outlined some of the conclusions and recommendations of this study.

Publication of the full report is, as I understand it, expected shortly. This report will serve as a firm and comprehensive foundation for determining the transportation needs of the region. In addition, the corridor boasts one existing regional commission. The New England Regional Commission was established under an amendment I offered to the Public Works and Economic Development Act of 1965. (Because the New England states form a contiguous economic unit, they have a long history of inter-state cooperation.) The New England Regional Commission has already completed two comprehensive studies of the transportation needs of this portion of the Northeast Corridor.

The establishment of other regional authorities within the corridor will be necessary. However, I hope that the Committee will recommend the authorization of the existing New England Regional Commission as a Regional Transportation Planning Authority, I also hope that the final legislation will allow representatives of one authority membership in other, related authorities. Without such participation, total cooperative planning will not be possible in the Northeast Corridor. Mr. Chairman, I want to take this opportunity to commend Senator Magnuson and the members of this Committee for their long and dedicated work in this most important field. However, I would hope that in its deliberation of the need for a national transportation policy, the Committee would recognize that the Congress itself contributes to the inefficiency plaguing current attempts to develop such a policy.

I have focused my remarks on the Northeast Corridor thus far in my testimony for two reasons. First, because as a Senator from Massachusetts, I am most familiar with the problems and the transportation needs of this section of the country. However, I am sure that the Committee will agree that these problems and needs are emerging, or already exist, in other parts of the country as they form into separate corridors of continuous industrial and residential development. The situation in the Northeast Corridor is more acute at this time, however, the seriousness of the situation in these other areas should not be questioned.

TRUST FUND

No fewer than three Committees in each House of the Congress share in the responsibility for the drafting and consideration of legislation in the transportation field. Thus, instead of a national transportation trust fund to give greater flexibility to the financing, development, and construction of needed intermodal transportation facilities, we now have a National Highway Trust Fund, a $14.5 billion National Airport Development Trust Fund, and a $3.1 billion urban mass transit program. We have not, in the past, provided for the coordinated development of these different transportation modes.

The House is currently considering an amendment to the Senate passed Urban Mass Transportation Act to allow the use of monies from the Highway Trust Fund for the financing of the mass transit program. And, while citizens support for this measure is becoming increasingly apparent, its chances for adoption are limited. Unfortunately, supporters of highway development programs are not necessarily supporters of mass transit. Different modes of transport tend to compete with each other or funding under our present laws. And decisions by the Federal government concerning each mode are made in a vacuum without consideration of the effect of those decisions on the overall transportation system for a city or a region.

May I respectfully suggest that this Committee, in concert with other Congressional Committees, give careful consideration to the establishment of a National Transportation Trust Fund to replace existing funds and to provide the financing needed for the development of a balanced, intermodal transportation system for the seventies. Without Congressional action to establish such a fund, I fear that the programs authorized under this legislation and the goal it sets for the achievement of a national transportation policy are doomed to failure. We must recognize the fact that separate trust funds, almost necessarily, are self-perpetuating. They continue long after they have fulfilled the purpose for which they were established. Who can predict today that an airport trust fund will be needed thirty years from now? Who can argue convincingly that we must continue the highway trust fund in its present form?

I urge this Committee to give immedate consideration to the establishment of a National Transportation Trust Fund to ensure the realization of the goals established under the legislation you consider today.

Mr. Chairman, S. 2425 addresses itself to another aspect of the total transportation planning effort which has been neglected to date—the need for an on-going, comprehensive research and development program related to the needs of urbanized regions. I would like to comment briefly on this provision of the bill.

There can be no question that serious research and development efforts should be a part of every major Federal program designed to deal with the quality of American life. Without such a program, we find ourselves reacting to new technologies, rather than creating them. We find ourselves shackled with the unwanted side effects of technological advancement, rather than planning to offset them. We find ourselves spending scarce resources on projects that don't work, rather than allocating these resources to tested and proven programs.

Today, with the current de-emphasis in the field of defense-related research and de-

velopment which has as its purpose the development of more sophisticated weapons of war, we must act to take advantage of the scientists and engineers who have lent their skills to these programs. This nation has a large investment in the education and training of these professionals. It also has an important vested interest in the maintenance of a viable scientific community. It is our responsibility to see that the funds cut from the Defense budget's research and development programs are distributed to other Federal agencies with responsibilities for programs designed to enhance the quality of life here in America.

S. 2425, in establishing a broad transportation research and development program is a step in the right direction. Also, the recent announcement by the Administration conveying the former NASA Research Center at Cambridge, Massachusetts to the Department of Transportation, indicates the Administration's recognition of the importance of a transportation research and development effort. I hope that the Committee will be in touch with the Department to learn how the center at Cambridge can best be utilized in concert with the program suggested by S. 2425. I sincerely hope that this center is not geared to research which merely satisfies a wish to extend our engineering capabilities. I think it is apparent that our immediate transportation needs are for the improvement of inner-city and inter-state transport. The Transportation Research Center at Cambridge should serve as an adjunct to the Regional Transportation Authorities established under this bill. It should devote its efforts to the resolution of the problems facing the major traveling population.

In concluding, Mr. Chairman, may I state that I have long recognized the need for the approach which would be authorized by S. 2425. I have urged the New England Regional Commission to place transportation high on its list of regional priorities. The region's distance from the major industrial and food study areas of the nation contributes significantly to the overall economic problems of the region. Its smaller metropolitan centers—always the basis of the economic viability of New England—find themselves—in this day of the large jet aircraft—increasingly remote from the major commercial travel routes of the country and therefore at a growing economic disadvantage. The legislation you consider today would offer new hope for the resolution of the region's transportation problems. I urge its favorable consideration and I offer my support during Senate consideration.

In concluding, Mr. Chairman, I would like to make two additional suggestions for consideration by the Committee.

First, the absence of Trust Fund financing, I suggest further study of the financing mechanism suggested in S. 2425. Recognition of the long-term and costly nature of the task the bill proposes to undertake, prompts me to recommend that the Committee make every effort to eliminate the need for yearly Congressional consideration of appropriations. I would also recommend that the Committee provide for the allocation of appropriated funds in block grants to the various Regional Authorities. I make these recommendations in response to my concern about the frustration and delay created by the yearly appropriation procedure; and the need for wide latitude at the local level in determining the allocation of funds for priority projects.

Second, I would ask the Committee to reconsider the role of the Federal Co-Chairman in the Regional Authority decision making process. Since the intent of the Act is to place full responsibility for transportation planning at the regional level, I question the wisdom of conferring veto power on the Federal Co-Chairman. His role should be more one of an advisor who ensures that project proposals conform to the minimum standards required by the Department of Transportation. He should, of course, participate fully in the decision making process of the Authority. However, his vote should not have the power to overrule a unanimous opinion.

Mr. Chairman, I want to thank you again for the opportunity to appear before you today. S. 2425 is a bill of far-reaching import to the nation. It's emphasis on the decentralization of Federal authority in the transportation field reacts to the demands of our citizens for increased local participation in the planning of programs affecting their communities and their regions. Because of this emphasis I would hope the bill will receive the support of this Administration which has called time and again for such decentralization, under the rubric of "the New Federalism." And, finally, its approach to the resolution of existing transportation problems and the development of new, balanced transportation systems, offers the best hope we have for the attainment of these goals.

TESTIMONY OF SENATOR EDWARD M. KENNEDY BEFORE THE SENATE PUBLIC WORKS COMMITTEE ON THE NATIONAL HIGHWAY ACT OF 1970

Mr. Chairman: I am pleased to have this opportunity to testify before the Committee as you consider the preparation of the National Highway Act of 1970. I want to express my appreciation to you and to the members of the Committee for giving me this chance to express my views on the future of our national transportation policy.

There can be no question that the programs authorized under this legislation have contributed significantly to the economic well being of this nation. The Interstate highway system is the cornerstone of our national ground transportation network and the vital link among our states and our people. However, it is imperative that we review existing legislation in light of today's needs and today's problems.

As a Senator from Massachusetts—one of the nation's most densely urban and highly industrialized states—I urge the Committee to consider the programs of the National Highway Act in terms of the urban transportation crisis. This crisis is most acute in the Northeast Corridor Section of the country. However, the recently published report of the Northeast Corridor Transportation Project indicates that similar corridors or megalopolitan areas are developing in other parts of the country, and unless we plan adequate transportation systems now, they will face the problems of the Northeast Corridor in a very short time.

These economically complex, highly urbanized regions demand an overall transportation system to meet their needs. What we have today is a non-system: a non-system which grew from our unplanned reaction to the new technologies developed in this century; a non-system which, while failing to meet the transportation needs of these regions, has succeeded in polluting their environment and in adding to the deterioration and dehumanization of their cities.

The automobile has been both a blessing and a burden. Highway construction programs create a serious drain on the resources available for the development of inter-modal transportation facilities. Although we continue to construct highways at a record pace, we have slowly come to realize that private automobile transport is the most inefficient and costly method of inner-city and inter-city transportation.

This Congress has done much to recognize the need for new approaches to the resolution of our national transportation problems. The Senate has considered and passed legislation creating an Airport Development Trust Fund, a $3.1 billion mass transit program and a rail passenger bill. And so, as we begin deliberation of the National Highway Act, I ask the Committee to keep these new efforts in mind and amend the existing act to reflect our new emphasis on the development of a balanced, inter-modal transportation system for the seventies.

Mr. Chairman, I would like to take this opportunity to express my views on the need for a National Transportation Trust Fund to replace the existing Highway Trust Fund, Airport Development Trust Fund, and rail and mass transit financing mechanisms. I feel it is particularly appropriate to bring this matter up before this Committee because of its responsibilities for highway development. I have expressed similar views before the Commerce Committee and will do so before the Finance Committee. Without Congressional action to establish such a fund, I fear that our attempt to resolve existing transportation problems and plan for the development of a national transportation system is doomed to fail. We must recognize the fact that separate trust funds are self-perpetuating. They continue long after they have fulfilled their original purpose. Who can predict today that an airport trust fund will be needed thirty years from now? Who can argue convincingly that we must continue the highway trust fund in its present form after the completion of the interstate system in the late 1970's?

I urge this Committee, in concert with the Commerce Committee, the Banking and Currency Committee, and the Finance Committee, to give immediate consideration to the establishment of a National Transportation Trust Fund to ensure the realization of our transportation goal.

In addition to the development of a National Transportation Trust Fund, I submit, for your consideration, the following proposals to improve our national highway legislation.

First: The National Highway Act should require comprehensive inter-modal transportation planning at the state level. Such planning should be the responsibility of the Governor or of the Department of Transportation in those states where such a department has been established. For too long we have made highway decisions in a vacuum. Wherever adequate access to a community or a city was lacking, we have responded by paving a portion of that city or community. We have separated neighborhood from neighborhood and people from employment. We have eliminated housing when we should be building houses; and we have polluted our environment to the point where the air we breathe is a public health hazard.

A state-wide transportation plan would mean that highways would be constructed only when other forms of transportation such as mass transit or public transportation could not satisfy the need of the community. Such state planning processes must include the consultation and approval of local government officials before any method of transportation development is approved.

Second, Section 128 of Title 23, USC should be amended to require that public hearings held in accordance with this section be held by local officials and that the transcript of such hearings be submitted to the Secretary along with the application for corridor approval. It has been my experience, Mr. Chairman, that the public hearings required by the law are being held but that the information obtained receives little or no consideration. By requiring that the transcript of such hearings be presented to the Secretary, it would be his responsibility to see whether a proposal for corridor designation reflects the view and the needs of the local community.

Third, additional expenses incurred by constructing a depressed highway through densely populated areas should be shared by the Federal Government in the same ratio

as it participates in primary and secondary road construction costs.

Mr. Chairman, the citizens of Massachusetts, and especially those in the Bsoton area, have been required to make great sacrifices in the name of the inter-state highway system. In Cambridge, Somerville, Brookline and Roxbury, much of the opposition to the so-called Inner Belt could have been avoided if these communities had played a significant role in route determination and if the Massachusetts Department of Public Works had had the authority to incur the additional expense of depressing the proposed Belt. Until these communities have the opportunity to see their views and their needs represented in the state's proposal for the Inner Belt, I will continue to oppose its construction at every opportunity and at every level of the Federal government.

Fourth: Trust Fund monies should be used to pay the cost of replacement housing. The problem of replacement housing is again, Mr. Chairman, especially acute in our urban areas. Most often, highways are constructed through older neighborhoods where residents live in single unit dwellings. Traditionally, alternative single dwelling accommodations for these residents cannot be obtained merely at the cost of their present housing. Most often, these residents are forced to look for housing in new sections of the community where prices are significantly higher than the value of their present housing.

Again, Cambridge is a good example of this problem. Residents of Cambridge who live in single unit housing facilities are being forced to look for homes valued at $10–20,000 more than the value of the homes they now own. We must recognize our responsibility to these citizens. We cannot force such families into public housing or multi-family housing. In many cases, their families are too large to be accommodated in apartment type dwellings. Authorization of the use of Trust Fund monies for replacement housing would allow us to be of more assistance to these citizens who have been displaced in the name of progress and overall community benefit.

Finally, Mr. Chairman, I recommend in the strongest terms that Trust Fund monies be authorized for use in the expansion of existing mass transit systems in our core cities and urban areas. I have long voiced my concern about the need for improved mass transit systems for our cities. We can no longer continue to build highways through and around our core metropolitan areas. Such highways only further contribute to an already impossible and unmanageable traffic problem in these cities. We must look to mass transit for the solution to this most difficult and important problem of meeting the needs of our mobile society. As this nation experiences the population growth of the next few decades, we will come to the time when seventy-five percent of our population lives in urban areas. We must plan for their transport. It is obvious that our cities cannot accommodate much more in the way of private transportation.

The nation's cities are being strangled by traffic congestion and immobility, which is only increased as we continue to pave our metropolitan areas. Mr. Chairman, this year the Senate adopted legislation to establish a $3.1 billion mass transit program. These funds will be used to construct new mass transit systems and to improve existing systems. The money is woefully inadequate to meet the demand for such systems. Authorization of the use of Trust Fund monies for the expansion and improvement of existing systems would go far to augment these funds. The National Highway Act should be amended to allow the Secretary when he determines that the highway needs of any urban area of more than 50,000 can be significantly reduced by applying highway funds to the improvement and expansion of existing public transit systems to release Highway Trust funds for such purposes.

In conclusion, Mr. Chairman, I want to thank you again for affording me this opportunity to express these views. I know that you will give them your most careful consideration and I hope that the bill reported will contain the intent of these recommendations.

SENATE RESOLUTION 474, EXPRESSING SUPPORT FOR THE NEW U.S. PEACE INITIATIVE

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, we would like at this time to ask the Chair to recognize the distinguished Senator from Illinois (Mr. PERCY), who has a resolution to offer which, so far as we can determine, has the almost unanimous, if not the unanimous, approval of the Senate.

Mr. SCOTT. Which the distinguished majority leader and I enthusiastically support, Mr. President.

Mr. PERCY. Mr. President, on behalf of myself and Senators AIKEN, ALLOTT, BAKER, BROOKE, CHURCH, COOPER, GRIFFIN, HANSEN, HATFIELD, HUGHES, INOUYE, JORDAN of Idaho, MANSFIELD, MCGOVERN, PACKWOOD, PROXMIRE, RIBICOFF, SCOTT, Mrs. SMITH of Maine, Mr. SMITH of Illinois, Mr. THURMOND, and Mr. WILLIAMS of Delaware, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BENNETT). The resolution will be stated.

The assistant legislative clerk read as follows:

Resolved, That it is the sense of the Senate that President Nixon's peace initiative of October 7, 1970, is fair and equitable and lays the basis for ending the fighting and moving toward a just settlement of the Indochina war.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

Mr. SCOTT. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. PERCY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Illinois (Mr. PERCY) for taking advantage of a situation and achieving a piece of legislation which will indicate a spirit of cohesiveness and a feeling of unity which we all hope will be useful in implementing the President's proposal seeking to achieve a just peace and an end to the fighting in Indochina.

I commend once more the distinguished Senator from Illinois for his initiative in this regard.

Mr. PERCY. Mr. President, I wish to express my deep appreciation to the majority leader as well as to the minority leader for their support.

I feel that we do have differences of party and we do have differences of ideology. But when we in the Senate, and the country, are confronted with a difficult situation, frequently we can speak with one voice.

I believe that at this time it is very important that we speak with one voice for the President of the United States in the initiatives he has taken—initiatives for which he should be highly commended.

We wish the negotiators in this effort Godspeed in the work that they are carrying forward to end this tragic war in Indochina.

WORLD ENVIRONMENTAL INSTITUTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the unfinished business, the equal rights amendment, be temporarily laid aside and that the Senate proceed to the consideration of Calendar No 1274, Senate Resolution 399.

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

BUDGET AND ACCOUNTING IMPROVEMENT ACT OF 1970

Mr. MANSFIELD. Mr. President, following that, I ask unanimous consent that, on tomorrow, the Senate proceed to the consideration of Calendar No. 1282, S. 4432, and that it be laid before the Senate and made the pending business.

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

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. MANSFIELD. Mr. President, following disposition of that bill, I ask unanimous consent that the unfinished business, the equal rights amendment for men and women, be made the pending business on tomorrow.

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

ORDER OF BUSINESS

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

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

ORDER FOR ADJOURNMENT FROM MONDAY, OCTOBER 12, 1970, TO 10 A.M. TUESDAY, OCTOBER 13, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, October 12, 1970, it stand in adjournment until 10 a.m. Tuesday, October 13, 1970.

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

ORDER FOR ADJOURNMENT FROM TUESDAY, OCTOBER 13, 1970, TO OCTOBER 14, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business on Tuesday next, October 13, 1970, it stand in adjournment until 10 a.m. on Wednesday, October 14, 1970.

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

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the disposition of the reading of the Journal on tomorrow morning and the disposition of any unobjected-to items on the legislative calendar, that there be a period for the transaction of routine morning business of not to exceed 30 minutes, with the statements therein limited to 3 minutes.

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

ADJOURNMENT UNTIL 10 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 10 o'clock tomorrow morning.

The motion was agreed to; and (at 8 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Friday, October 9, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 8, 1970:

U.S. COAST GUARD

The following named officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

Newton L. Bennett	Franklyn C. Rogers, Jr.
William S. Merchant	Ralph D. Deloatcha
Larry W. Fulkerson	George J. Whiting
James C. Perry	Richard D. Clark
Frank E. Lange	Leo T. Weyenberg
James A. Murphy	Guy Taylor, Jr.
Dean G. Roath	John Perez
Salvador Romo, Jr.	Carl E. Wolcott
Zacarias S. Chavez	Daniel E. Norman
Merritt E. Hall	Thomas W. Pearson, Jr.

The following named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade indicated:

To be lieutenant commander

Eugene E. Morgan
John B. Armstrong

To be lieutenant

Dennis R. Robbins	Bruce S. Washburn
Stephen E. Goldhammer	Robert A. Yubas
Peter A. Luistro	

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be colonel

Pinto, Ralph D., [redacted]

To be major

Muntz, David C., [redacted]

To be captain

Dodd, Edwin N. Jr., [redacted]
Mercado, Robert K., [redacted]

To be first lieutenant

Butler, Craig D., [redacted]
David, James R., [redacted]
Doty, Richard D., [redacted]
Freeley, Douglas A., [redacted]
Griffin, Robert F., [redacted]
Hubert, George P., [redacted]
Jackson, Joseph P., Jr., [redacted]
Jenna, Russell W., Jr., [redacted]
Mooney, Darrel L., [redacted]
Reed, Podge M., Jr., [redacted]
Rogers, Jack A., Jr., [redacted]
Savory, Carlton G., [redacted]
Stalker, William H., [redacted]
Wheeler, Leigh F., Jr., [redacted]
Williams, Robert K., [redacted]
Wilson, Lynnford S., Jr., [redacted]
Wilson, Torrence M., [redacted]
Zych, Kenneth A., [redacted]

To be second lieutenant

Aker, Alan B., [redacted]
Besanceney, Charles F., [redacted]
Billingsley, Michael L., [redacted]
Coogler, Arthur C., Jr., [redacted]
Cummings, Douglas M., [redacted]
Curl, Walton W., [redacted]
Duff, William P., [redacted]
Garcia, Victor F., [redacted]
Grabowski, William S., [redacted]
Henry, Joseph R., [redacted]
Kremenak, Kenneth J., [redacted]
Laswell, George H., [redacted]
Potter, Michael W., [redacted]
Roberts, Donald L., [redacted]
Romash, Michael M., [redacted]
Sweet, Ross B., [redacted]

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 lieutenant colonel

Keeling, William M., [redacted]

To be major

Auth, Richard W., [redacted]
Barner, John V., [redacted]
Brennand, Thomas C., [redacted]
French, William C., [redacted]
Nowicki, John C., [redacted]
Quinones, Antonio, [redacted]
Smith, Frank H., Jr., [redacted]

To be captain

Barker, Jack L., [redacted]
Batten, Gail N., [redacted]
Bither, Rodney D., [redacted]
Bowring, Louis T., [redacted]
Burleigh, William M., [redacted]
Cannon, David A., [redacted]
Carey, Carl D., [redacted]
Carlton, Melvin W., Jr., [redacted]
Carmichael, Herry G., III, [redacted]
Christopher, John C., [redacted]
Clark, Carlton L., [redacted]
Crew, David E., [redacted]
Culver, Lester A., Jr., [redacted]
Dillon, Robert M., [redacted]
Evans, Loyal G., Jr., [redacted]
Flory, Alan J., [redacted]
Fujito, Wayne T., [redacted]
Gough, David C., [redacted]
Guthrie, Jack N., [redacted]
Herre, Thomas A., [redacted]
Humphreys, Carl L., [redacted]
Kane, Thomas M., Jr., [redacted]
Kidd, John B., [redacted]
Kimes, Kenneth E., [redacted]
Lagrua, Brooks B., [redacted]
Malebranche, Reginald, [redacted]
Markee, Joseph E., Jr., [redacted]
Martin, George C., [redacted]
Mayon, George E., [redacted]
Measels, David A., [redacted]
Miner, Denison W., Jr., [redacted]
Moe, James B., [redacted]
Narbuth, Benjamin L., [redacted]
Nichols, Charles R., [redacted]
Pierce, Francis D., Jr., [redacted]
Rockwell, Richard F., [redacted]
Turlington, Philip B., [redacted]
Varley, James E., [redacted]
Wilson, Otis G., [redacted]

To be first lieutenant

Accardo, Wilbert J., [redacted]
Albee, Donn J., [redacted]
Alexander, Duane R., [redacted]
Alexander, John B., [redacted]
Ammann, Marie T., [redacted]
Anderschat, Richard W., [redacted]
Anzalone, Russell J., [redacted]
Ashby, Richard E., [redacted]
Aubuchon, William F., Jr., [redacted]
Baker, Robert J., [redacted]
Baldridge, James H., Jr., [redacted]
Beasley, Lonnie S., Jr., [redacted]
Beauchamp, George R., [redacted]
Bell, William L., [redacted]
Berry, Jerry L., [redacted]
Billings, Darryl R., [redacted]
Bolin, Daniel H., [redacted]
Breed, Rolla M., [redacted]
Broussard, Harry L., [redacted]
Butler, Gary R., [redacted]
Buzby, Brian, [redacted]
Calloway, Thomas C., [redacted]
Canfield, Lawrence J., [redacted]
Canon, Charles M., III, [redacted]
Carden, Charles H., [redacted]
Cardinal, Gary W., [redacted]
Cepak, Charlie J., [redacted]
Chamberlin, Richard H., [redacted]
Chee, Francis K., [redacted]
Chiaramonte, William V., [redacted]
Christian, Stanley, Jr., [redacted]
Coats, Landis R., [redacted]
Collins, James L., [redacted]
Combs, Darrel T., [redacted]
Cook, Billie R., [redacted]
Coonradt, Leo J., [redacted]
Cooper, Claude E., Jr., [redacted]
Cosand, Charles L., [redacted]
Cowings, John S., [redacted]
Crown, Francis J., Jr., [redacted]
Cryblskey, Harry E., [redacted]
Cunningham, Bobby J., [redacted]
Curley, Stephen P., [redacted]
Denson, Herbert A., [redacted]
Dobbins, Raymond H., [redacted]
Dowd, Douglas L., [redacted]
Drew, Frederick A., [redacted]
Earley, Michael W., [redacted]
Evans, Gordon E., [redacted]
Evans, James P., [redacted]
Faulk, Albert W., Jr., [redacted]
Fitch, Logan D., [redacted]
Foley, Dennis R., [redacted]
Fritts, Richard O., [redacted]
Froat, Edward F., [redacted]
Graham, Benjamin W., [redacted]
Graham, James E., [redacted]
Greer, Harold E., Jr., [redacted]
Gritz, John P., [redacted]
Grubbs, Judson B., II, [redacted]
Gunter, Terry A., [redacted]
Haag, Donald E., [redacted]
Halbrook, Earl L., [redacted]
Hanks, Douglas T., [redacted]
Hansen, Howard K., Jr., [redacted]
Haramoto, Donald I., [redacted]
Hardy, John T., Jr., [redacted]
Harrelson, Joe F., [redacted]
Harris, Betty J., [redacted]
Hearrell, Jack L., II, [redacted]
Henry, Thomas F., [redacted]
Hoffman, Melvin, [redacted]
Holbrook, James R., [redacted]
Hyder, Charles F., [redacted]
Jewell, Neal A., [redacted]
Johnson, Richard L., [redacted]

Jones, Noel E., xxx-xx-xxxx
Jurgevich, Nancy J., xxx-xx-xxxx
Kaiser, Dennis A., xxx-xx-xxxx
Kawka, Louis R., xxx-xx-xxxx
Knight, Lonnie E., Jr., xxx-xx-xxxx
Kossman, Albert J., Jr., xxx-xx-xxxx
Kronitis, Ivars I., xxx-xx-xxxx
Lee, Roger B., xxx-xx-xxxx
Leisy, Jelrod W., xxx-xx-xxxx
Magasin, Michael R., xxx-xx-xxxx
McDonald, James R., xxx-xx-xxxx
McIver, Walter R., xxx-xx-xxxx
McKenzie, James B., Jr., xxx-xx-xxxx
Miller Darrell M., xxx-xx-xxxx
Mobley, Larry L., xxx-xx-xxxx
Moreno, Francisco G., xxx-xx-xxxx
Moseley, James H., xxx-xx-xxxx
Mostella, Kenneth E., xxx-xx-xxxx
Mullen, Edward J., xxx-xx-xxxx
Neil, Robert S., xxx-xx-xxxx
Newbill, John L., xxx-xx-xxxx
O'Brien, Robert M., xxx-xx-xxxx
O'Neal, Bobby G., xxx-xx-xxxx
O'Sullivan, Peter C., xxx-xx-xxxx
Oszczakiewicz, Walter M., Jr., xxx-xx-xxxx
Peebles, David L., xxx-xx-xxxx
Pflaster, Darrell J., xxx-xx-xxxx
Porter, Steven J., xxx-xx-xxxx
Pummill, David L., xxx-xx-xxxx
Quirk, Charles D., xxx-xx-xxxx
Ramirez, Carlos A., xxx-xx-xxxx
Robinson, Glen E., xxx-xx-xxxx
Roix, Robert J., xxx-xx-xxxx
Russell, Robert B., xxx-xx-xxxx
Salinas, Carlos R., xxx-xx-xxxx
Shannon, Edward J., xxx-xx-xxxx
Simmons, John R., xxx-xx-xxxx
Spillane, Joseph A., xxx-xx-xxxx
Spinetto, John D., xxx-xx-xxxx
Strange, Theodore R., Jr., xxx-xx-xxxx
Stringham, Glenn P., xxx-xx-xxxx
Taylor, James A., xxx-xx-xxxx
Timar, Joseph J., xxx-xx-xxxx
Turmenne, Paul E., xxx-xx-xxxx
Tuton, Beauford W. III, xxx-xx-xxxx
Vasey, Dennis P., xxx-xx-xxxx
Warren, Larry D., xxx-xx-xxxx
Webb, Thomas J., xxx-xx-xxxx
Zegarski, John J., xxx-xx-xxxx

To be second lieutenant

Booton, Paul M., Jr., xxx-xx-xxxx
Brock, Clifford L., xxx-xx-xxxx
Brock, Robert W., xxx-xx-xxxx
Cleaver, Ronald H., xxx-xx-xxxx
Dietz, Thomas A., xxx-xx-xxxx
Garoutte, Michael D., xxx-xx-xxxx
Geis, Craig E., xxx-xx-xxxx
Hardin, Steven L., xxx-xx-xxxx
Harris, James W., xxx-xx-xxxx
Hayden, Nolen M., xxx-xx-xxxx
Hesters, Allan E., xxx-xx-xxxx
Hodge, Henry E., xxx-xx-xxxx
Huffman, Walter B., xxx-xx-xxxx
Kirby, Robert F., xxx-xx-xxxx
McAvoy, Kevin J., xxx-xx-xxxx
McCabe, Laurence W., III, xxx-xx-xxxx
Mensch, Eugene M., II, xxx-xx-xxxx
Osmundsen, John R., xxx-xx-xxxx
Paniak, Walter T., xxx-xx-xxxx
Peacock, Robert C., xxx-xx-xxxx
Piller, Jerry L., xxx-xx-xxxx
Snedeker, Donald C., xxx-xx-xxxx
Stafford, James B., xxx-xx-xxxx
Suggs, William J., III, xxx-xx-xxxx
Theobald, Arthur E. Jr., xxx-xx-xxxx
Thorne, James R., xxx-xx-xxxx
Wallace, John A., xxx-xx-xxxx
Wood, Kenneth R., 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 provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Abernathy, Julian R. III, xxx-xx-xxxx
Allis, Charles D., Jr., xxx-xx-xxxx
Anderson, Phillip R., xxx-xx-xxxx
Bastian, Robert K., xxx-xx-xxxx
Batizy, Botond G., xxx-xx-xxxx
Batson, Charles F., III, xxx-xx-xxxx
Beam, Aaron E., xxx-xx-xxxx
Bely, Dennis C., xxx-xx-xxxx
Boladeres, Guillermo A., xxx-xx-xxxx
Bowers, James E., xxx-xx-xxxx
Bray, Robert M., xxx-xx-xxxx
Britt, Robert E., xxx-xx-xxxx
Buchanan, Douglas L., xxx-xx-xxxx
Busch, Louis A., xxx-xx-xxxx
Cashore, Thomas J., xxx-xx-xxxx
Chidester, Earl J., xxx-xx-xxxx
Clark, Robert T., xxx-xx-xxxx
Crissey, William F., xxx-xx-xxxx
Desmond, Joseph G., xxx-xx-xxxx
Devine, Charles V., Jr., xxx-xx-xxxx
Domino, Joseph V., xxx-xx-xxxx
Downing, Thomas A., xxx-xx-xxxx
Druva, Ronald S., xxx-xx-xxxx
Duke, Ransom B., xxx-xx-xxxx
Easter, Jack C., xxx-xx-xxxx
Eckrich, Gilbert H., xxx-xx-xxxx
Edwards, Jerry D., xxx-xx-xxxx
Englin, Robert G., xxx-xx-xxxx
Faulkner, John R., xxx-xx-xxxx
Frye, Curtis B., xxx-xx-xxxx
Gandy, William F., Jr., xxx-xx-xxxx
Gardner, Allan O., xxx-xx-xxxx
Germany, Joseph L., xxx-xx-xxxx
Gilbert, Raybon, xxx-xx-xxxx
Gray, Danny T., xxx-xx-xxxx
Gray, Kenneth E., xxx-xx-xxxx
Gulgowski, Paul W., xxx-xx-xxxx
Gunlicks, James B., xxx-xx-xxxx
Gunning, Joel L., xxx-xx-xxxx
Hehn, Quinton R., xxx-xx-xxxx
Hemingway, David F., xxx-xx-xxxx
Holcomb, Robert M., xxx-xx-xxxx
Jenkins, Daniel C., xxx-xx-xxxx
Jessup, Bruce E., xxx-xx-xxxx
Johnson, Steven E., xxx-xx-xxxx
Kloster, Martin G., xxx-xx-xxxx
Lane, Thomas M., Jr., xxx-xx-xxxx
Lockhart, Stephen C., xxx-xx-xxxx
Maki, Orville A., Jr., xxx-xx-xxxx
McConnaughhay, Donald G., xxx-xx-xxxx
Merz, Michael P., xxx-xx-xxxx
Middlemiss, Ivan R., xxx-xx-xxxx
Miller, James E., xxx-xx-xxxx
Mitten, Terry L., xxx-xx-xxxx
Moman, Frankie L., xxx-xx-xxxx
Neal, Kent C., xxx-xx-xxxx
Nunnelly, William H., xxx-xx-xxxx
Oglesby, Forrest E., Jr., xxx-xx-xxxx
Orecchia, Paul M., xxx-xx-xxxx
Parker, Larry M., xxx-xx-xxxx
Parvin, Gary F., xxx-xx-xxxx
Plante, Quentin R., xxx-xx-xxxx
Rawlings, Thomas C., xxx-xx-xxxx
Redd, Don S., xxx-xx-xxxx
Ritchey, Robert J., xxx-xx-xxxx
Roberts, John T., xxx-xx-xxxx
Schmittner, Lester C., xxx-xx-xxxx
Schexnayder, Michael C., xxx-xx-xxxx
Shaw, James E., xxx-xx-xxxx
Sherwood, Richard W., xxx-xx-xxxx
Sparks, Charles E., xxx-xx-xxxx
Strait, Larry F., xxx-xx-xxxx
Summerhays, Richard T., xxx-xx-xxxx
Summers, John W., xxx-xx-xxxx
Swenson, Daniel L., xxx-xx-xxxx
Symanski, Michael W., xxx-xx-xxxx
Tarr, Ronald W., xxx-xx-xxxx
Townsend, Lawrence C., xxx-xx-xxxx
Urness, Steven V., xxx-xx-xxxx
Uselton, Billy D., xxx-xx-xxxx
Veazey, William W., xxx-xx-xxxx
Weatherly, Eugene M., Jr., xxx-xx-xxxx
Weiss, Thomas W., xxx-xx-xxxx
Williams, Karl B., xxx-xx-xxxx
Wilson, Ronald W., xxx-xx-xxxx
Winn, Thomas E., xxx-xx-xxxx
Wood, Thomas B., xxx-xx-xxxx
Worrell, Homer W., xxx-xx-xxxx
Wright, Clyde K., xxx-xx-xxxx
Wright, James E., xxx-xx-xxxx
Yancey, Carlton W., xxx-xx-xxxx

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Elliott, Richard P., xxx-xx-xxxx
Guerra, Karl E., xxx-xx-xxxx
Hall, Johnnie B., xxx-xx-xxxx
Hoon, John M., xxx-xx-xxxx
Irick, Edward F., III, xxx-xx-xxxx
Jones, William C., II, xxx-xx-xxxx
Miller, John E., xxx-xx-xxxx
Walker, David J., xxx-xx-xxxx

IN THE NAVY

The following-named officers of the Navy for permanent promotion to the grade of lieutenant as indicated:

LINE

Aardal, Marvin Roy
Abbey, Donald Lewis
Abbey, James Robert
Abbott, Ernest Lee, Jr.
Abbott, John Charles
Abbott, Richard Lercy
Abel, Warren Robert
Abrahamsen, David Lloyd
Abrams, Steven Selby
Adair, Roy Ernest, Jr.
Adams, Alton Lee
Adams, Charles Edward
Adams, John Robert
Adams, Robert Frederick
Adams, William Victor, Jr.
Adaschik, Anthony Joseph
Addicott, Raymond Walter
Addison, Michael Robert
Adell, James M.
Adkerson, Roy Gene
Afdahl, Darwin Frank
Agamaite, James Norbert
Agle, Roy Lindsay
Agnew, Afred Howard
Ahern, David Gaynor
Ahlborn, Edward Richard, Jr.
Aiken, William Paul
Akita, Richard Mitsuo
Albers, Steven Conn
Albright, Richard Charles
Albright, Robert Ernest
Alexander, Marion Romaine, Jr.
Alford, John Warren
Alich, John Arthur, Jr.
Allen, Harry Benjamin
Allen, Henry Carter
Allen, Henry Dewar
Allen, Noel Matthew
Allin, John Wilfrid
Allison, William Stuart, III
Almond, John Warren, Jr.
Althouse, Thomas Stephenson
Amos, Robert Edward
Amundsen, Rickard Oliver, Jr.
Anastasi, George Martin
Anawalt, Richard Arthur
Anciaux, Louis Navin
Andersen, Franklyn Dayle
Andersen, Kenneth Eugene
Andersen, Robert Viggo
Anderson, Cecil Charles
Anderson, Daniel Stonewell
Anderson, Gerald Lee
Anderson, Harold Murray
Anderson, Philip Crawford
Anderson, Raymond Charles
Anderson, Richard Glenn
Anderson, Robert Louis
Anderson, Ross Kay, Jr.
Anderson, Thomas Patrick
Anderssen, Arthur Harald
Andrews, James Randolph
Andrews, Larry Joe
Andrews, Michael Keeney
Andridge, Phillip Carl
Anselmo, Philip Shepard
Anson, Robert, Jr.
Antrim, Benjamin Franklin, III
Apple, Lester Arthur
Aquizap, Bruce Fall
Armstrong, Arthur John, Jr.
Armstrong, William Louis
Arnest, Charles Sherman
Arnold, David Phillips
Arnold, Larry James
Arnold, William Tamm
Arnold, William Knowles, Jr.

Arnswald, Richard Joseph
Arny, Louis Wayne, III
Arrison, James Matthew, III
Arthur, John Robert
Asher, John Wilson, III
Asher, Philip Gillepsie, Jr.
Astor, Lawrence Ira
Atchley, Brian Kay
Athanson, John Wayne
Atherholt, William Bradshaw
Atkinson, Sid Eugene
Atwell, Felton Gerard
Aubuchon, Robert George
Aucella, John Paul
Auer, James Edward
Aulenbach, Thomas Harry
Austin, Donald Gene
Austin, Marshall Harlan, Jr.
Austin, Michael Gaylord
Austin, William Miri
Avery, Donald William, Jr.
Avery, Robert Young
Axtman, Darold Steven
Badger, Rodney Reid
Baffer, Roger Alexander
Bagby, James Lovelace, Jr.
Bailey, James Lindsey
Bailey, Jerry Robert
Bailey, Larry Weldon
Bailey, Larry Wayne
Bain, Paul Stevenson
Baird, Don Wilson
Baker, Brent
Baker, David James
Baker, John Lee
Baker, John Sherman
Baker, William Henry
Bakewell, Richard Bergen
Baldwin, John Milton III
Baldwin, Richard Charles
Balian, Alexander George
Ball, Harry Francis, Jr.
Ball, Kent Alden
Ball, Robert Harold
Ballard, Don Eugene
Ballard, Michael Hitchcock
Ballard, Robert Clayton
Ballback, Leonard John, Jr.
Baloga, Stephen Joseph
Baltutis, John Stanley, Jr.
Balut, Stephen John
Bane, Thomas James
Barber, Stanley Duane
Barbour, Richard Elwood
Bard, Albert Eugene
Barker, Edward Phillips
Barker, Herbert Calvin
Barker, Kenneth Dale
Barker, Ross Daniel
Barlow, Wayne Cooper
Barnes, Edwin Ray
Barnes, Thomas Raymond
Barnett, David Israel
Barnett, Thomas Joseph
Barnett, William Richard
Barney, William Clifford
Barnum, Charles Edward
Barrows, Blair
Barry, James Anthony, Jr.
Barry, Robert Francis
Barsosky, John Joseph
Barstad, David Deland
Barthold, Todd Alan
Bartlett, Robert Charles
Bartol, John Hone, Jr.
Bartolomei, Marino James
Barton, Harry Leroy
Barton, William Robert
Bassett, Larry Allen
Bates, Allen Webster, Jr.
Bates, Robert Carroll
Batie, Howard Franklin
Batts, Charles Jackson
Batzel, Thomas Joseph
Bauer, Maurice Dean
Bauer, Wayne Edmund
Baumhofer, William James
Baumstark, James Schilling
Beall, David Albert
Beall, James Mandaville, Jr.
Bealle, William Edgar
Beals, Robert Orville, Jr.
Bean, Charles Dunbar
Beard, Tommy Hugh
Beard, Travis Newton
Beardsley, John William
Beasley, Fenn Coffin
Beasley, Robert Lee
Beaton, John Hudson
Beaudry, Frederick Howard
Beaver, Jerald Colbert
Becker, Dennis Edward
Becker, Richard Earl
Beckham, Robert Frederick
Beddingfield, James Otis
Beedle, Ralph Eugene
Begley, Jerry Noonan
Behrend, Robert Michael
Belnad, Conrad Lucien
Belanger, Raymond Louis
Bell, Corwin Allan
Bell, Dennis Joseph William
Bell, Duncan William James Jr.
Bell, John Martin
Bell, Merlin Gene
Bell, Richard Moilan
Bell, Robert Stevens
Bell, Ronald Irving
Bellamy, Gary Storme
Bellingham, Herbert John
Bellis, James Richard
Belmore, Richard Kenneth
Belser, Richard Baker, III
Belton, David Calvin
Belyan, Michael Paul
Benepe, John Wesley
Benner, Francis Joseph
Bennet, David Hughes, Jr.
Bennett, Bobby Elton
Bennett, David Cushing
Bennett, Denis Franklin
Bennett, Paul Lawrence
Bennett, Richard Allan
Bennett, Robert Gordon
Bennitt, Brent Martin
Benson, Jeffrey Lloyd
Benson, Paul Eugene
Berg, John Stoddard
Berkey, Thomas Joe
Berkowitz, Michael Charles
Bern, Russell Harry
Bernstein, William Peter, III
Berrio, William John, Jr.
Berry, Billy W.
Berry, John David
Berry, Russell Elliott, Jr.
Berry, William Lee
Bewick, James Stephenson
Beyer, Dean Harder
Beyman, David Earl
Bezrutch, Rudolph Art
Biddle, James Edward
Bienlien, Daniel Edward
Bieraugel, Eugene Edwin
Bierig, Frederick Arthur
Bignell, James Patrick
Bilbrey, Harlan Kenneth
Billingsley, Christopher
Billue, Sidney Kent
Bingham, Glenn Stevenson
Bingham, John Edward
Bishop, Bruce Byron
Bishop, Joseph Brooke
Bishop, Richard Kilgus
Bishop, Robert Willis
Bissonnette, Laurence Arthur
Biswanger, Charles Theodore, III
Bivins, Howard Vernon
Bjorkner, Arthur Charles
Blackwelder, James Michael
Blackwell, Bert Eugene
Blakeley, William Robert
Blakely, Donald Ray
Bland, Robert Fulton, II
Blank, Gilbert Casey
Blankenship, Monte John
Blesch, Jerry Morgan
Blevins, Ladelle F.
Bloom, John Lester
Blumberg, Lawrence Bertram
Boasberg, Robert, Jr.
Bobo, Wilton Cornelius, Jr.
Bogard, Thomas Hugh
Boggess, Randolph Cowan
Bohley, Carl Martin
Bolan, Robert Stuart, Jr.
Bole, Robert Fulton, Jr.
Bolger, Robert Kevin
Bolster, James John
Bondi, Robert Carl
Bonds, John Bledsoe
Bonewitz, Richard Frederick
Bookhultz, John Wesley
Boone, George Junior
Boorda, Jeremy Michael
Borchers, Carl Bruce
Borghoff, Francis A.
Boss, Ronald Arthur
Boston, Michael Rhodes
Bosworth, Robin
Boucher, Charles Eugene
Boughton, Louis Charles
Bourdo, John David
Bowden, Peter Klaus
Bowers, Fred Forest
Bowers, Richard Claude
Bowes, William Charles
Bowman, Gene Melvin
Bowman, William Toft
Boyce, Robert William
Boyd, John Theodore
Boydston, James Laymance
Boyen, Richard Edward
Boyer, Bruce Alden
Boyer, Philip Albert, III
Boyle, Robert Scott
Bracht, Steven Edward
Brackx, Omer Maurits
Bradford, William Evans
Bradshaw, Wilton Drexel
Brady, Carl Owen
Brady, Charles Raymond
Brady, Timothy Sterling
Bragunier, William Edwin
Braham, Donald Francis
Braly, Sam Walter
Branch, Allen Drue
Brearton, Gerald Arthur
Breeland, Loran Virgil
Bremner, Bruce Barton
Brennan, William John
Bretz, Benjamin Craig
Bricker, Havel Duane
Brickett, John Francis
Brickman, Edward Perry
Briggs, Steven Russell
Briggs, William Allan
Brink, James Andrew
Brittain, Ronald Marvin
Brittingham, Edward Michael
Brodehl, Richard Brian
Broesamle, Robert Roger
Brokaw, Charles Roger
Bronson, Marshall Wilkes
Brooks, Edward James
Brooks, Leon Preston, Jr.
Brough, Robert Franklyn
Brouwer, Frederick Paul, II
Brown, Boyd Paterno, Jr.
Brown, Buell Leroy, Jr.
Brown, Carroll Dean
Brown, Charles Franklin
Brown, David Melton
Brown, David Charles
Brown, Emory Worth, Jr.
Brown, George Elliott, Jr.
Brown, Jeffrey Lynn
Brown, Joseph Richard
Brown, Joseph Zachariah
Brown, Noel Warren
Brown, Paul Frederick
Brown, Roger Donald
Brown, Ronald Lee
Brown, William Bruce
Browne, Peter Aidan
Brucato, Philip Edward
Bruce, John Henry
Brugh, Lon Edgar
Bruins, Berend Derk
Brunelle, William Thomas
Bryan Herbert Francis
Bryant, Herbert Victor

Bryant, James Culver
Bryant, Leon Cullen
Buck, Arthur Edwin, Jr.
Buck, Earl Franz
Buckley, Peter Patrick
Buckley, Robert Farrell, Jr.
Buckley, Russell Henry, Jr.
Buckley, Thomas Daniel
Buckley, William Francis
Buell, Kenneth Richard
Buescher, Stephen Meredith
Bugg, William Edmunds
Bunker, Michael George
Bunnell, Melvin Leroy
Burch, Othney Phelps
Burcham, Devirda Houston, II
Burges, Rufus Thurman, Jr.
Burgess, Clifford Thomas, Jr.
Burke, Alan Britton
Burke, Charles Russell
Burke, Gary Leigh
Burke, Kevin James
Burke, Michael Edward
Burman, George Alfred
Burnham, John Lansing
Burns, James Leslie
Burns, Richard James
Burns, Robert Louis
Burr, David Shepherd
Burrell, Donald Overton
Burritt, James Graham
Burroughs, Gerald Clark
Burroughs, Lawrence David
Burrow, James Barrington, Jr.
Burrows, John Shober, III
Burton, Hurshel Bruce, Jr.
Bushnell, Earle Scott
Bussey, Laurence Throckmort
Bustamante, Charles Joseph
Butler, Francis Wayne
Butler, John Harrison
Butler, Richard Montague
Buttram, Robert Henry
Byerly, James Hampton, Jr.
Byerly, Kellie Sylvester
Byers, John Arthur
Byrne, Donn Howard
Byrnes, David Thomas
Byrnes, James Daniel
Byster, Martin Benjamin
Cablk, Steven Richard
Cacchione, David Americo
Cahill, Allen Lewis
Calande, John Joseph, Jr.
Calder, Michael D.
Caler, John Earl
Calhoun, David Larche
Calhoun, Ronald Joel
Callahan, Gary Wilson
Callahan, Paul Lawrence
Calloway, Charles Lee
Calvano, Charles Natale
Cameron, John Ross
Cameron, V. King
Camp, Norman Thomas
Campbell, Cletus Leroy
Campbell, David Russell
Campbell, Edward Lee
Campbell, Guy Reeder, III
Campbell, James John
Campbell, John Angus, Jr.
Canaday, Carlton Weaver
Canady, Paul Allen
Canepa, Louis Robert
Cannon, Olin Charlie, Jr.
Cantele, John Anthony
Capewell, John, Jr.
Caple, Donald James
Carey, David Jay
Carey, James Robert
Cargill, Lee Bruellman
Carl, Lester William
Carlmark, Jon William
Carlsen, Kenneth Leroy
Carlson, Eric
Carlson, James Leeroy
Carlson, John Algot
Carmichael, William Reginal
Carney, James Allen
Carolan, James Cummings
Carpenter, Allan Russell
Carroll, Hugh Edward, II
Carroll, Joseph Francis
Carson, Wiliam Henry, II
Carswell, Herschel Ronald
Carter, Clyde Louis
Carter, James O'Neill
Carter, Lynn Dewey
Carter, Ronnie Gene
Cash, Roy, Jr.
Cashin, Joseph William, Jr.
Caskey, Maurice Russell
Cass, Dudley Eugene
Cassiman, Paul Arthur
Cate, Eugene Noel, Jr.
Cebrowski, Arthur Karl
Ceckuth, Richard Edward
Cepek, Robert Joseph
Cerruti, E. Richard Joseph
Chace, Alden Buffington, Jr.
Chadwick, Stephen Kent
Chafin, Thomas Lee
Chalkley, Henry George
Challender, Jack Lee
Chamption, Robert Harold
Chandler, James Francis
Chapman, Austin Eugene
Chappell, James Reid
Chappell, Stephen Francis
Charles, David Montgomery
Charlton, Anthony William
Chasey, August Anthony
Chastain, Max Ivan
Chasteen, Robert Wayne
Chatsworth, Thomas John
Chauncey, Gregory Arthur
Chenault, David Waller, II
Cherin, Antony Cyrus
Chesbrough, Geoffrey Lynn
Chesser, Marvin Brooks, Jr.
Chinnes, Bennie Allen
Chotvacs, Charles Julius
Christensen, Charles Leslie
Christensen, Clyde Vernon
Christensen, Edward Louis
Christensen, Ernest Edward, Jr.
Christensen, George Ainsworth
Christian, George Frederick
Christian, Michael D.
Christie, Warren Byron, Jr.
Churbuck, James Forrest
Church, James Arthur
Cinco, Raymond, Jr.
Ciszewski, Robert Allen
Claassen, Steven Hurley
Clair, Robert Arthur
Clarey, Stephen Scott
Clark, Arthur Doron
Clark, Arthur
Clark, Christopher Michael
Clark, David George
Clark, Henry Herman
Clark, Hiram Ward, Jr.
Clark, Howard Bowman
Clark, Jackie Lee
Clark, James Ward
Clark, Ralph Belmont, Jr.
Clark, Ronald Woodrow
Clark, Vady Robert
Clark, Walter Thomas
Clarke, Edward Joseph
Clarke, Frederic Tomlinson
Clason, Aryl Benton
Clayton, Vincent John, Jr.
Cleary, Francis Paul
Cleater, John Francis
Clemenger, John William
Clemmer, Everett Dean
Cline, Robert Neil
Clough, Geoffrey Armstrong
Clow, Wallace Gilbert, Jr.
Cloward, Richard Stuart
Clugston, Joe Edward
Clyma, Dale Curtis
Coady, Philip James, Jr.
Coburn, Clarence Dowell, Jr.
Cochran, Frederick Franklin
Cochran, John Robert, Jr.
Cockrell, Milford Norman, Jr.
Coe, Dana Alden
Coffey, Edward Charles
Cohen, Steven Robert
Cohen, William David
Colavito, Thomas Joseph
Cole, Legrande Odgen, Jr.
Coleman, Jon Suber
Collier, Arthur Hugh
Collins, James Alexander
Collins, Marshall Barb
Collins, Michael Raymond
Collins, Richard Xavier
Collins, Walter Sever
Collins, William Gerard, Jr.
Collman, Charles Bonham
Colthurst, Wallace Richardson
Colucci, Anthony Robert
Colvin, Clarence Earl
Combe, Andrew John
Comfort, Anthony Jerome
Comfort, Richard Lawrence
Compton, Andrew Jerome
Comstock, George Alfred
Conant, Edward Harvey
Conaway, Larry Joseph
Conley, Dennis Ronald
Connell, Daniel Edward
Conner, Bryan Thomas
Connolly, Michael Brian
Conrey, Thomas Rolland
Conroy, John Dennis
Conway, Frank Mark, III
Cook, Bruce Conrad
Cook, Chandler, Lewis
Cook, Douglas Watkins
Cook, James Ray
Cook, John Francis, Jr.
Cook, Raymond Lee
Cooke, Oren Boyd
Cooper, George Thomas
Cooper, Samuel Allen, Jr.
Cope, Alfred Lovell, Jr.
Copeland, Aaron Clifford
Copley, David Ronald
Coppola, Ernest James
Corbin, Floyd Eugene
Corcoran, Joseph Francis
Corgan, Michael Thomas
Corgnati, Leino Bart, Jr.
Corn, Robert Holt
Cornforth, Clarence Michael
Corsette, Richard Bemis
Coshow, George Horace, II
Costarakis, Dennis Andrew
Costello, John Patrick, II
Coulon, Maurice Walker
Coulter, William Laurence
Counts, Jimmie Allen
Coupe, Jay, Jr.
Cousins, Belmont William
Covey, Robert Wesley
Covington, William Ellerbe
Covitz, Andrew John
Coward, Asbury, IV
Coward, Jimmie K.
Coward, John Michael
Cox, Charles Claude
Cox, John Hannan
Cox, Landon Greaud, Jr.
Cox, Virgil Glenn
Craddock, John Raymond
Craig, Norman Lindsay
Craig, Philip Charles
Crane, Mark Francis
Crane, Stephen Herman
Crawford, Charles Russell
Crawford, Frederick Roberts
Crawford, Leslie Paul
Creecy, Carson Henry, Jr.
Creighton, Charles Benson
Creps, Stephen George
Cressy, Peter Hollon
Crews, Thomas Walter, III
Crisafulli, Miguel Joseph
Croix, Larry Edmond
Croll, Larry Richard
Crombie, Kenneth Michael
Cronin, Michael Paul
Cronin, Robert Redmond
Crooks, Stephen Chapman
Cross, Robert Clinton, Jr.
Cross, Stanley Owen
Crossman, Alan Edward
Crossman, Walter Augustine

Crowe, Lucious Brannon
Crowley, Edward Joseph
Croy, Paul Alan
Crumly, Jerry MacLean
Culbertson, Charles Francis, Jr.
Culler, David Allen
Culver, John Bergen, III
Cunha, George Daniel Martin
Cunningham, Melvin Dennis
Curley, Richard Charles
Currey, John Michael
Currie, Daniel Lee, Jr.
Curtin, Andrew James
Curtin, Peter Maxime
Curtis, Donald Lee
Curtis, Richard Bradford
Curtis, Robert Edwin
Cushing, John Scott
Custodi, George Louis
Cybul, Harvey John
Dade, Thomas Brodrick
Dahl, Dennis Kay
Dahlvig, Alan Lee
Daisley, Richard Avery
Dalager, Neil Robert
Dalberg, Richard Leo, Jr.
Daley, Michael James
Dallas, Stephen Walter
Dalton, Clem Edward
Dalton, Gerard Holbrook
Dalton, Henry Frederick
Dambaugh, John Arthur
Dambrosio, Robert Joseph
Dangel, John Henry
Daniels, James Edward
Daniels, John Henry
Dannheim, William Taylor
Dansker, Alfred Steven
Dantone, Joseph John, Jr.
Daramus, Nicholas Thomas, Jr.
Darsey, Edgar Bruce
Dau, F., III
Daugherty, Shaun Michael
Daughters, Milo Philip, II
Davidson, Alan Norton
Davidson, Edward Raymond
Davidson, Wayne Fred
Davies, William Edgar, Jr.
Davis, Alden Carter
Davis, Aubrey, Jr.
Davis, Dean Dudley
Davis, Edward Anthony
Davis, George Harrison, Jr.
Davis, George McMillan
Davis, Gerald, Jr.
Davis, Henry Hooper, Jr.
Davis, James Willard, Jr.
Davis, James David
Davis, John Paul, Jr.
Davis, Martin Dorner
Davis, Milton Edwin, Jr.
Davis, Ralph Richard
Davis, Richard Edward
Davis, Richard Clinton
Davis, Robert Lee
Davis, Ronald Lewis
Davis, Theron Lee
Davis, Thomas Cahill, Jr.
Davis, Walter Barry
Davis, William Edward
Dawson, Richard Wesley
Day, Charles James
Day, J., Jr.
Day, Patrick Arthur
Dean, Victor Edwin
Deboer, James Keith
Deburkarte, Donald Eugene
Decarli, Wiley Paul
Decker, Russel Herd, Jr.
Decker, Wilbur Leon
DeClercq, Keith Laverne
Deevy, Thomas Joseph
DeFloria, Joseph George, Jr.
DeFries, Melton Ellis, Sr.
Dehnert, Charles Eugene
Deitrick, Jack Lee
Dekker, Jon Karel
Deklever, Vaughn Gerard
Dekshenieks, Vidvuds
Delgaizo, Theodore John
Dell, Julius Bloxhem, Jr.
Demchik, Robert Paul
Demech, Fred Ralph, Jr.
Denault, Donald Raymond
Denbow, Kenneth Duane
Dennenberg, Harvey Allen
Denning, William James, III
Dennis, James Augustin, Jr.
Derf, Tad Arlen
Deroco, Alan Preston
DeRousie, William Louis
Deselms, Verl Dean
Desens, Robert Bruce
DesRosiers, Richard Albert
Dettman, Bruce Maxwell
Deutermann, Peter Thomas
Dewey, John Robert
Dias, Gerald Freitas
Diaz, Donald Gilbert
Dick, Albert Gano
Dick, Allen Howard
Dickson, James William
Diehl, Robert Walter Johns
Dietz, Gary Conrad
Dietzler, Andrew John
Dill, Donald Lloyd
Dillon, John W., Jr.
Dillon, Leo Glenn
Dirren, Frank Matthew, Jr.
Ditchey, Robert Louis
Ditmore, George Walter, II
Dixon, Douglas Mack
Dixon, Thomas Earl
Dobberteen, James David
Dobbins, William Peyton, Jr.
Dodd, James Lloyd
Doherty, Dennis Carl
Dollard, John Anthony
Dommers, Richard Walter
Donahue, Drake Allen
Donahue, James John
Donahue, John Cliff, III
Donaldson, William Jay
Donegan, John Joseph, Jr.
Doneux, Dennis Craig
Donnelly, John Thomas, Jr.
Donnelly, William Wise, Jr.
Donovan, Charles Anthony, Jr.
Dopson, Michael Imler
Dorman, Craig Emery
Dorman, Merrill Herrick
Doroshenk, Theodore
Dorrenbacher, John Stewart
Doswell, Eugene Varlon
Doty, Wells Blakeslee
Dougherty, Robert Joseph
Dow, Paul Richard
Dowd, James Lawrence
Dowling, Edgar Joseph, Jr.
Downs, Charles Patrick
Doyle, Joseph Leo
Doyle, Michael William
Doyle, Thomas Francis, Jr.
Drake, Albert Wayne
Draper, Robert Albert
Dreifke, Hilmer William
Drennan, Arthur Paul
Drew, James Joseph
Driscoll, Kurt Allen
Driscoll, Thomas John
Droste, James Bentley
Dryden, Victor Duane
Duda, Daniel Martin
Duffy, James Michael
Dufresne, Michael Paul, Jr.
Duhamel, Philip David
Dukat, Frank
Dunagan, Jerry Mac
Dunbar, Perry Joseph
Duncan, Duane Stewart, Jr.
Dunham, Donald Tolbert
Dunlap, Calvin Ray, III
Dunn, Michael Edward
Dunne, Gerald William
Dunstan, Richard Alan
Dunton, Lewis Warren, III
Durbin, James Lanius, Jr.
Durden, John Delano
Durfee, David Loyd
Durham, Andrew Canton
Durham, Dan Wilson
Durham, Jere Carlton
Dyches, Fred Dennis
Dykeman, Paul Richard
Eakin, Brian Sidney
Earner, William Anthony, Jr.
Earnest, Richard Lee
Earnhardt, John Baughn
Easley, George Alfred
Easton, Robert William
Eckstein, Eric Rockhill
Eddy, Rodman Michael
Edgar, James Raun, Jr.
Edge, Jacob, II
Edington, Donald Edwin
Edleson, Stuart Kaufmann, Jr.
Edmiston, James Benjamin
Edrington, Frank Roberts, II
Edwards, Harry Sanford, Jr.
Edwards, Henry Banks, Jr.
Edwards, Joseph William
Edwards, L. Vernon, Jr.
Efird, William Alexander
Egg, William Charles
Ehlers, Theodore Jay
Ehret, Howard Charles
Eidenshink, Gerald Michael
Eischen, Gerald Nicholas
Eissing, Frank Eugene, III
Ek, Roger Wayne
Ekins, Harvey Horton
Elberfeld, Lawrence George
Eldred, William Alexander
Elkins, Frank Callihan
Elkins, Roger Neil
Eller, John Christian
Ellis, George Jeremiah
Ellis, John Richard
Ellis, Richard Hoff
Ellis, Samuel Henry
Ellis, Winford Gerald
Ellison, William Theodore
Ellsworth, Thomas Burpee, Jr.
Elrod, Stephen Anthony
Elsasser, Thomas Charles
Emarine, Larry Lee
Emerson, David Charles
Emerson, Norman Perry
Emery, George Williams
Emrich, Roger Gene
Endrizzi, Raymond Louis
Engman, Lee Mathew
Engwell, Darrell Wayne
Ennis, Michael Kirby
Epstein, Joseph Lawrence
Erickson, Lawrence Einar
Ericson, Walter Alfred
Erlandson, John Lyle, Sr.
Erskine, Donald Alexander
Esbeck, Leonard John
Estell, William Andrew, Jr.
Estes, Donald Harold
Etheredge, Jerry Maurice
Eubanks, Glen Earl
Eustis, David Leeds
Evanguelidi, Cyril Gregory
Evans, Gerard Riendeau
Evans, Irvin Christopher, Jr.
Evans, Jimmie Wayne
Evans, John Morgan
Everett, Jack Wilcox, Jr.
Ewert, Lawrence Edward
Ewing, Donald Ralph
Fabac, Blair Henry
Faddis, Jack Harvey
Faddis, Walter Huston
Fagaley, Donald Clifford
Falcon, Michael Francis
Fant, Glenn Ernest, Jr.
Fant, Robert St. Clair, Jr.
Fantin, Jonnie Ronald
Farber, Donald Joseph
Farmer, Claude Smith, Jr.
Farmer, Michael Arthur
Farrar, David Wayne
Farris, Robert Owen, Jr.
Faticoni, John Anthony
Fegan, Robert Joseph, Jr.
Fenner, David Lynn
Feeney, Harry Joseph, III
Felps, Lowell Douglas
Fenton, Paul Herbert
Ferguson, James Beaty, III

Ferguson, Jerry Edward
Ferguson, Robert Lee
Ferguson, Robert Dale
Ferguson, Thomas Edward
Fernald, James Gordon
Fernandez, Leabert Roberts, Jr.
Ferraro, Robert Vito
Ferrell, John L.
Ferris, Jeffrey Elwell
Ferriter, Nicholas Mark
Feuerbacher, Dennis George
Field, John Burke
Fields, David Dean
Fields, James Richard
Filippi, Richard Anthony
Finch, Parker Thomas, Jr.
Finley, John Cain
Finn, Edward Stephen
Finney, Donald Wayne
Finney, James Hardin
Fiori, Mario Peter
Firnbach, James Donald
Fischer, Ernest Collis
Fischer, John North, Jr.
Fish, Donald Eugene
Fishburn, Charles George
Fisher, Charles Kellas
Fisher, Gordon Everett
Fisher, Marty Robert
Fister, George Rodwell
Fitrell, Stuart James
Fitts, Joel Rea
Fitzgerald, John Allen
Fitzgerald, James Richard
Fitzgerald, John Edward
Fitzpatrick, Gregory Daniel
Fladd, Wirt Ross
Fleeger, Russell Burnett
Fleming, Richard Thomas
Flentie, David Lee
Fletcher, Paul Reed
Fliegel, Robert Aalbu
Flint, Lewis Ware
Florio, Michael Charles
Flower, Roger Paul
Foerster, Bruce Somerndike
Fogerson, Arron Stephen
Folsom, John Harold
Fones, James Milton, Jr.
Fontana, James David
Fooshee, Terry Warren
Ford, Henry, IV
Ford, Jack Charles
Ford, William John, Jr.
Forsberg, Gary Lee
Forster, Robert Douglas
Forsyth, Robert Larry
Fortner, Michael Thomas
Forys, Michael George
Foster, Brent Dean
Foust, James Eldridge, III
Fox, Brett Herschel
Fox, James Charles, Jr.
Foy, Basil W., Jr.
Fraine, Robert Howard
France, Frederick Michael
Francis, Wayne Hampton
Francis, William Charles
Frank, Allen Jesten
Franklin, Ted Gary
Franson, Alvin Laverne
Franz, David
Franz, Rodney Crane
Frazer, Paul David
Fredericks, Roy Charles
Freeman, Christopher Kitt
Freeman, Ernest Raymond
Freeman, James Wilson, Jr.
Freet, James Francis
Freibert, Ralph William
French, Charles Everett
French, Gary Lester
French, John C., Jr.
French, Thomas Penn, Jr.
Frenzel, Joseph William, Jr.
Frenzinger, Thomas Walter, II
Frick, Dean Earl
Frick, Frederick Mark
Friedman, Marcus Velvil
Friedrichsen, Lewis Johnson
Fritz, Thomas Wayne
Fritz, Thomas Clifford
Froehlich, Edward William, Jr.
Froehlich, Jacob Clare
Frost, David Eugene
Frost, John Allen
Fry, John Lunny
Fryer, James Norman
Fugard, William Harvey
Fuge, Douglas Paul
Fujimoto, Toshio
Fulbright, Terrell Woodrow
Fulkerson, Grant Dale
Fuller, John Paul
Fuller, Robert Davis
Fulton, Rodney Gene
Fulton, Stephen Howard
Fulton, William Lawrence, II
Fulton, William James
Funk, Roland Clement
Futch, George Wiley
Gabriel, Thomas Oscar
Gabryelski, Richard Marion
Gail, Carl Frederick, Jr.
Gaines, George L.
Gaines, William Andrew
Gainor, John Wesley, III
Galanti, Paul Edward
Gallagher, Lawrence Ambrose
Gamboa, Jose Carlos
Gamrath, James Carl
Gapp, Donald Robert
Garber, John William, Jr.
Garde, James Christopher
Garmon, Gerald Sutherland
Garns, Keith Merrill
Garrett, Garland Waddy
Garrett, Philip Trafton
Gates, Jonathan Hubert
Gaudiano, Antonio William
Gaul, James Howard
Gautier, James Berry
Gawne, John Charles
Gaynor, Cornelius William
Geddie, John McPhail, Jr.
Gee, George Nicholas
Gee, John Claude
Geise, Barry Russell
Geissler, Richard Frank
Gemmill, John Wiley
Gender, John Edmond
Gensler, Robert Lewis
Genson, Gary Leroy
Gentry, Donald Gunn
Genung, Edward Noland, Jr.
George, Harold Wayne
George, Paul John
Georgenson, Ronald George
Georgius, David Russell
Geppert, Robert Charles
Gerwe, Franklin Henry, Jr.
Ghirardi, Lawrence Frank
Ghrer, Grady Francis
Giannotti, Sterling Maurice
Gibson, Richard Allen
Giddens, Robert Gregory, Jr.
Gier, Edwin Frank
Gierman, Michael John
Gifford, Corydon Rouse
Gilbert, James Don
Gill, Gary Edward
Gill, James Edward
Gill, Russell Carter
Gilleece, Peter Gerard
Gilmartin, John Thomas
Gilpin, Girard Harold
Gilson, James Donald
Gingras, Peter Southworth
Giorgio, Frank Arthur, Jr.
Gist, David Moore
Given, Robert Ole
Gladwin, Harold Russell
Glaes, Roger Burton
Glasier, Peter Keith
Glass, Arnold Lee
Glenn, Danny Elloy
Glenn, Walter Lewis, Jr.
Glennon, Robert Clifford
Glevy, Daniel Francis
Glover, Jimmy Neal
Glover, William Ferguson Hu
Gluck, John Milton
Gnilka, Charles William
Gobbel, James Thomas, Jr.
Godbehere, Richard Gerald
Godfrey, William Thomas
Goebel, David Maxwell
Gold, Bennett Alan
Goldman, Dan Edgar, Jr.
Goldman, Robert Barry
Gomez, John Ferdinand, Jr.
Gomez, Luis Vilas
Gompper, James Harold
Gonatos, Michael John
Goodgame, Billy Donald
Goodlett, Wallace Duane
Goodloe, Robert Vannerson, Jr.
Goodman, Jerry Edward
Goodwin, James Harvey
Googins, Bruce Russell
Goolsby, Richard Edwin
Gordon, Richard Scott
Gormly, Robert Anthony
Gosnell, Charles Edward
Gottlieb, William Albert
Gottschalk, Gary Ward
Gower, Leon Haskell
Graber, Harold Frederick
Grable, Joe Fuller, Jr.
Graef, Peter John
Graf, Karl Rockwell
Graff, Russell John
Graft, George William
Graham, Clark
Graham, Edward Mary
Graham, Walter Harry
Granger, Alan William
Grant, Donald Edd
Grant, Richard Francis
Grant, Stephen Irving
Grantham, Wiley George
Granuzzo, Andrew Aloysius
Grasser, Philip Farr
Graue, Kenneth Gregory
Graves, George William, Jr.
Graves, John Davis
Graves, William Thomas
Gravely, Thomas Wayne
Gray, Francis David
Gray, Myron Paul
Green, Daniel Ernest
Green, George Leblanc
Green, Norman Richard, Jr.
Green, Robert Leonard
Green, Thomas Ray
Green, William Jennings, Jr.
Greenan, Edward Joseph
Greene, David Lockwood
Greene, Friedel Clarance
Greene, James Bernard, Jr.
Greene, Patrick Ernest
Greeneisen, David Paul
Greenman, Robert Pruyn
Greeson, Bernard Dandridge
Greeson, Tommy Darell
Gregory, Francis Carl
Grieve, James Edward
Griffey, David Rowland
Griffin, Charles Donald, Jr.
Griffin, Harold Craven, Jr.
Griffin, Paul Adolph
Griffith, David Howard
Griffith, Douglas Kent
Griffiths, David John
Grigg, Lewis Wallace
Griggs, Carlton Albert
Griggs, Stanely David
Groman, Alphonse Winslow, Jr.
Grosser, Harold John, Jr.
Grossman, Arthur John, Jr.
Grotenhuis, John Henry
Grove, Frank Henry
Grunwald, Gerald Max
Grzymala, Thomas Chester
Gubbins, Philip Stanley
Guerin, Gerald Welker
Gullett, Fred Wayne
Gunning, James Anthony
Gushaw, Gregory Vance
Gustavson, Michael Anton
Guthrie, Stephen Duane
Gyle, Robert Bentley, III

Haan, Dale Everett
Habermeyer, Howard William, Jr.
Hack, David Faustin
Hadley, Allan William
Hagy, James Henry Dixon, Jr.
Hahn, William Dillon
Haines, William Robert
Hair, Lester Allen
Hall, James Otto
Hall, James Benjamin
Hall, Thomas Forrest
Hall, William Lowell
Hall, William Ervin
Hallahan, Edward Thomas Jr.
Halperin, Mark Israel
Halpin, Francis John
Hamilton, David Leland
Hamilton, Gerald Kent
Hamilton, Jack Edward
Hamma, John Francis
Hammer, George Charles
Hammer, John Levering, III
Hammond, Thomas Jerry
Hand, William Edward
Handberry, John Edwin
Hanley, James Joseph
Hannam, Donald Charles
Hannsz, Donald Alvin
Hannum, Edmund Pennell, Jr.
Hansen, Carl Kristen
Hansen, Laurence Russell
Hanson, Claude Lee
Hanson, Dale Eugene
Hanson, Donald Edison
Hanson, Robt. T., Jr.
Harder, Ronald Erwin
Hardy, James Cecil Clayborn
Hardy, Richard Wayne
Harken, Jerry Lynn
Harlan, Richard Lavergne
Harley, James Harold
Harms, John Henry
Harrell, George Edmund
Harris, Arthur Charles, III
Harris, Floyd Stevenson
Harris, James Partech
Harris, Jon Richard
Harris, Michael Jon
Harris, Robert Harlan
Harris, William Ronald
Harris, Wilson Francis, Jr.
Harrison, Edward James, Jr.
Harrison, Gilbert Arthur
Harrison, Russell Winfield, Jr.
Hart, Harvey Hicks, Jr.
Hart, Ronald John
Hartinger, Ronnie Joe
Hartman, Charles William, II
Hartman, Richard Henry
Hartman, William Ray
Haskins, John Bryant
Haskins, Toner Charles, Jr.
Hassell, Benny Kyle
Hassett, Daniel Francis
Hassler, Bobby Vernon
Hastings, Steven Chad
Hatfield, Philip Neal
Hauck, Frederick Hamilton
Hauert, Patrick Charles
Haugen, Ronald Gilbert
Hauhart, James Norval
Hausmann, Gerald Leo
Havey, Brian Joseph
Hawley, John Garland
Hawley, John Alfred III
Hayes, Cornelius Charles, Jr.
Hayes, Richard James
Hays, George Elden, Jr.
Hays, James Malcolm
Heath, Charles Maples, Jr.
Heath, William John
Heatherly, Sherman Luther
Heffernan, Richard Francis
Heinecke, Walter Richard
Heins, Raymond Rice
Heins, Roger John
Heintzelman, Thomas Gary
Heinz, Michael Kasper
Heist, David Wesley
Helbig, Raymond Allan
Helle, Frederick Allan
Helsper, Charles Frederick
Helt, James Franklin
Helyer, Gordon Durward
Henderson, Willie B., Jr.
Hendon, Jerry Edwin
Hendren, Jasper Paul
Hendrick, William Smith
Hendricks, John Neil
Hendricks, Peter Lee
Hennessy, William Joseph, Jr.
Henry, Russell Jones
Hensley, Roy Leo
Herbert, Michael Jay
Herbert, William George
Hering, Frederic Shriver
Hermann, Kermyn Jerome
Herring, Arthur Eugene, Jr.
Herriott, Jack Adair
Herriott, Robert Paul
Herrmann, John Severin
Herron, Francis Joseph
Hershey, David G.
Hess, Gerald R.
Hess, Lee Raymond
Hewett, Harvey Jackson, Jr.
Hewitt, George Michael
Hewitt, John Francis
Hewlett, Harold Eugene
Hey, Donald Bradford
Heyer, Robert Ward
Heyse, Frederick Hugh
Hickman, Aubrey Wayne, Jr.
Hickey, Robert Philip
Hickox, Oscar Jonathan, Jr.
Hicks, Norman Keith
Hicks, Robert Louis
Hicks, William Lloyd
Hiestand, Frank Hilty
Higgins, Edward P.
Hildebrandt, John L., III
Hill, Richard David
Hillis, Robert J.
Hilton, Francis Warren, Jr.
Hilton, Jay Ingrisch
Himbarger, Robert Lee
Himchak, William Alexander
Hinckley, Robert Messinger
Hinds, James Judson
Hines, Henry Lee, Jr.
Hingsberger, Andrew John, Jr.
Hinkle, John Calvin
Hinkley, William Leslie
Hitch, James Harvey
Hitchborn, James Brian
Hoag, David Wesley, Jr.
Hobbs, Marvin Edward
Hodell, John Charles
Hodgdon, Walter Graham
Hodgell, Tolin Wesley
Hoferkamp, Richard Allan, Sr.
Hoff, Robert Glenn
Hoffman, Calhoun Earl, III
Hoffman, Carl Walter
Hoffman, David Wesley
Hoffman, William St. Clair
Hogan, James Joseph, III
Hogan, Jerry Franks
Hohlstein, Julian Geoffrey
Hoivik, Thomas Harry
Hokanson, Anders, Jr.
Holian, James Everett
Holihan, David Helm Miller
Holliday, Harley Junior
Hollinger, Merlin Bruce
Hollingsworth, William Louis
Hollis, Robert Eugene
Holme, Thomas Timings, Jr.
Holmes, Frank Clayton
Holmes, John McBride
Holmes, Milburn Jasper
Holmes, William Clay
Holt, Philip Nelson
Holt, Robert Bryan
Holton, Wilbur Earl
Holz, Arthur Frederick
Holzapfel, Alan Kepler
Homer, James Joseph
Honhart, Daivd Crosby
Hood, John McCoy, Jr.
Hood, John Timothy
Hood, William Thomas Taylor, Jr.
Hooper, Harold Danny
Hooven, Harry Clifford
Hopkinson, Rodney
Horner, Donald Walter
Horst, Rudolph Albert
Horton, Charles Oliver
Horton, Douglas James
Hoshko, John, Jr.
Hotch, John Newell, Jr.
Howard, James Willoughby
Howard, Mark Warren
Howarth, Paul Edward
Howe, Michael Edward
Howell, James Dorn
Howell, Melvin Clay
Howell, Robert Lawrence
Howie, Robert John
Howle, Kenneth Monte
Howson, Richard John
Huber, Donald Henry
Huchthausen, Peter Anthony
Huchting, George Arthur
Hucks, Jerry Pierson
Hudnor, Francis Lee, III
Hudson, Lyndon Ray
Huffman, Kenneth Alan
Hufford, Philip Thomas
Hughes, Faust Francis, Jr.
Hughes, Frank Weber
Hughes, Michael Bryant
Hughes, William Charles, Jr.
Hughes, William Allen
Hulick, Timothy Peter
Huling, John McKee, Jr.
Hull, Kent Sherwood
Hulsey, Virgil Glennwood
Humphrey, David Deane
Humphreys, Wayne Ives
Hunt, Clark Harvey
Hunt, Donald Bayard
Hunt, Paul Delton, Jr.
Hunt, Paul Dean
Hunter, Gordon Waterman
Hunter, Robert Stanley
Hupp, Arnold Jay
Hurd, Michael Fuller
Hurley, Robert Francis, Jr.
Hurst, Cecil Roy, Jr.
Hurst, Paul Drake
Hurvitz, Sheldon Philip
Huss, Jerry Francis
Hutcheson, James Edward, Jr.
Hutmaker, Matthew Aaron, Jr.
Hutt, Gordon William
Hutter, George Richard
Hutton, Joseph John, Jr.
Hydrick, Harry Winfield
Hyland, John Joseph, III
Hyland, William Walker, Jr.
Hynes, Robert Frank
Hynes, William Richard
Iaconis, John Francis, Jr.
Iannone, Niles Alexandar
Iber, William Randolph
Idleberg, Norman
Ince, Joe
Ingram, Alan Falconer
Ingram, Isom Irvin
Ingram, Luther Gates, Jr.
Isaacs, Phillip Warren
Ishiguro, Guy Akira
Ison, William Bradley, Jr.
Itkin, Richard Ivan
Iverson, Michael Martin
Jacanin, John Andrew
Jackson, Grady Lee
Jackson, James Barrett
Jackson, Marshall Neil
Jackson, Robert Joseph
Jackson, Virgil Frank, Jr.
Jacobs, Brent W.
Jacobs, Philip Henley
Jacobs, Philip Roberts
Jacobs, Ralph Edward
Jacobson, Herbert Adolph
James, Charles Lee
James, David, III
James, David Ray
James, Franklin Wilson
Jameson, Clarence Hayes, Jr.

Jampoler, Andrew Christophe
Janssen, Kenneth Lavern
Jardine, David Andrew
Jarecki, Stephen Allen
Jarvis, Gary Thomas
Jaudon, Joel Bates
Jenkins, Alan Kent
Jenkins, James Alan
Jenkinson, William Raymond
Jenks, Jack Norman
Jennings, James Leslie
Jensen, Jack James
Jensen, Michael George
Jensen, Richard Arthur
Jensen, Roger Chris
Jessel, David George
Jessup, Frederick Don
Jetton, James Robert, Jr.
Jewell, Robert Michael
Jiannas, John Stergos Emman
Joa, William Ray
Johnsen, Bruce R.
Johnsen, William Alfred
Johnson, Alan Joseph
Johnson, Allan Leroy
Johnson, Arne Edward
Johnson, Bradley
Johnson, Charles Bernard
Johnson, Charles Edward
Johnson, Earl Paul
Johnson, Edwin Allen
Johnson, Elton Wendell
Johnson, Francis
Johnson, Gerald Arthur
Johnson, James Frederick
Johnson, John Robert
Johnson, John Lewis
Johnson, John David
Johnson, Kenneth Maine
Johnson, Melvin Ernest
Johnson, Patrick Woodruff
Johnson, Paul Kenneth
Johnson, Philip Homer
Johnson, Raymond
Johnson, Richard Leroy
Johnson, Robert Lawrence
Johnson, Terry Lowell
Johnson, William Spencer
Johnston, George Raymond
Johnston, Glen Edwin
Johnston, Thomas Franklyn
Johnston, Thomas McCorvey
Johnstone, Richard Ober
Johnwick, Robert Leon
Jokela, Carl Richard
Jolley, Ronald Scott
Jones, Dennis Richard
Jones, James Voland
Jones, Kenneth Earl
Jones, Martin Joseph
Jones, Robert Charles
Jones, Robert Drake
Jones, Robert Eugene
Jones, Stephen Howe
Jones, Thomas Leon
Jones, William Dean
Jones, Winslow David
Jontry, Michael Joseph
Joplin, James Edward, Jr.
Jordan, James Alton
Jordan, James Francis
Jordan, Jerry William
Jordan, John Alton
Jordan, John Franklin, Jr.
Jordan, Wesley Earl, Jr.
Josefosky, Kenneth Martin
Joyner, Thomas Woodrow, Jr.
Juarez, David Victor
Judd, Raymond Joseph
Juengling, Robert George
Juerling, James Robert
Justis, Edward Tabb, Jr.
Kaeser, Karl Heinz
Kafka, William Joseph
Kahn, William Morris
Kahrs, J. Henry, III
Kaiser, David Gordon
Kaiser, John Martin
Kaiserian, Harry, Jr.
Kaiss, Albert Lee
Kalal, Lindsey Edward
Kalinoski, Edward Francis
Kalleres, Michael Peter
Kalyn, Richard Adrian
Kammerdeiner, Roger Neil
Kampf, Michael, III
Kane, Charles Roy
Kane, David Charles
Kanning, David Warren
Kantor, William Paul
Kaplan, Murray Arthur
Karl, George John, III
Karns, Norman Milton, Jr.
Karp, Leonard
Karr, Kenneth Richard
Kastel, Bruce Allen
Katona, John Bernard
Katz, Richard Gordon
Kaup, Karl Lee
Kaupas, Thomas Richard
Kautz, Norman Norris
Kay, Norman Bruce
Kearns, Walter Edward
Keating, Michael Lawrence
Keck, Leland Stanford, Jr.
Keefer, James Francis
Keeler, Robert Wendell
Keeling, Robert Austin
Keen, Walter Robert
Keenan, Richard Calvert, Jr.
Keene, Russell Alfred, Jr.
Kehrli, Lynn Clifford
Keim, Edward Franklin
Keith, Roy Edward
Keithley, Charles Leon, Jr.
Keithly, Roger Myers, Jr.
Keleher, John Allen
Kell, Richard Edward
Kellem, Carl William
Keller, Douglas George
Kelley, Thomas James
Kelley, William Emanuel
Kellner, Gary Earl
Kelly, John Patrick
Kelly, William Charles, Jr.
Kelsey, John Paul
Kemple, Morris Michael, Jr.
Kenneally, Thomas Daniel
Kennedy, John Richard
Kenslow, Michael Jay
Keogh, Hugh Dwyer
Kerley, Thomas Owen
Kerns, Kenneth Harper
Kerr, Frank Leigh
Kersey, Paul Conrad
Kesel, Philip Garland
Kesler, Kenneth Lowell
Kesler, Walter Wilson
Key, William Hunter, Jr.
Key, Wilson Denver
Keyser, Carey Stocker
Kidd, George Norman
Kiely, Richard Krake
Kiem, Robert Lang
Kiess, Dean William
Kilby, Kent Thomas
Kile, Thomas Joseph
Kiley, Dennis William
Killam, Kent Hannaford
Killian, James Edward
Kilmer, Ronald Warren
Kimball, Darrell Hiram
Kime, Steve Francis
King, Edward Francis
King, George Leonard, Jr.
King, John Barry
King, John David
King, Preston Baker, Jr.
King, William Henry, Jr.
King, William Walter
Kinne, William Burton
Kinnear, Richard James
Kinsey, David Lawrence
Kinsley, Dudley Joseph
Kipp, John Lowell
Kiraly, Joseph Stephen
Kirk, Gary Lee
Kirk, Kerry Elvin
Kirkebo, John Arnold
Kirkland, Richard Geoffrey
Kirkpatrick, Max Howard
Kisiel, Roger Walter
Kisieleski, Kenneth Raymond
Kislack, Arthur
Kitchen, George Allen
Klein, John Frederick
Klein, Karl Manly, Jr.
Klemm, Richard Eller
Kleyn, Frederick Gilbert, II
Klintworth, Philip George
Klippert, Richard Hobdell, Jr.
Klocek, Kenneth Duane
Knight, David Michael
Knight, John Michael
Knight, William Eugene
Knight, Windall Ray
Knosky, Michael Joseph, Jr.
Knostman, Paul Brayton
Knubel, John Albert, Jr.
Kobar, Michael Louis
Koch, Dean Henry
Koch, Frank Charles
Kochert, Gary Lee
Koczur, Daniel Joseph
Koeber, Charles John
Koenig, Harold Stephen
Koepke, William Reimers
Kohler, Charles Louis
Kolata, John Dennis
Kolipano, Dante Anthranich
Kopel, Jerome Michael
Korhonen, Kenneth Roger
Kost, John Gregory
Kotchka, Jerry Allen
Kott, James Richard
Kottke, Robert Arthur, Jr.
Kozlowski, Neil Lee
Kraft, James Nicholas
Kraft, James Clinton
Kramer, Lawrence Joseph
Kramer, Robert Lawrence
Kreinik, Eugene Gerard
Kreitzburg, John Walter
Krekich, Alexander Joseph
Krieger, Eric Weston
Knippes, Donald Edward
Krohne, Theodore Karl
Krommenhoek, Jeffrey Martin
Krotz, Charles Kit
Krueger, Dan William
Krueger, Roger William
Krueger, Rudolph Vince
Kruger, Richard Wayne
Krupp, Marvin Mack
Kruse, Harry Rudolph
Kunsky, David Allen
Kutch, Raymond Anthony
Kyzar, Sammy Berton
Laabs, Stephen Kermit
Labyak, Peter Stephen
Lachata, Donald Martin
Lacher, Richard Gray
Ladek, Kenneth Eugene
Ladwig, James Calvin
Lagassa, Robert Edward
Lagreek, Paul William
Laib, Ronald John
Laidlaw, Charles Edward
Laine, Lawrence Leroy
Lamasters, Edward Reid
Lamay, Thomas Vincent
Lamb, Charles Howard
Lamb, James Joseph
Lamb, John Peter
Lambert, John Frederick
Lambrecht, Marvin Wayne
Lamond, John Franklin, Jr.
Lamping, James Richard
Land, Clinton Dale
Landeck, Albert William
Landers, Michael Francis
Landon, John Larue
Lankford, Hugh Kelly
Lantzer, Lawrence Arthur
Laplante, John Baptiste
Larkin, Robert Rene, Jr.
Larsen, Donald Mark
Larsen, Kenneth James
Laskey, Charles Edwin
Lasswell, James Bryan
Latham, Peter Richard
Lauer, John Nikolaus
Lautenbacher, Conrad Charles, Jr.

Lautrup, Robert William
Laverty, William Kenneth
Lawlor, John Patrick
Lawrence, David Wilson
Lawson, Joseph Hamilton, Jr.
Lawson, Urbie Allen
Lawton, Roy Elwood
Lea, Frank Gannaway
Lecroy, Floyd Garland
Ledoux, Lawrence James
Lee, Charles Richard
Lee, Joe Ramon
Lee, John Douglas
Lee, Richard Neyman
Lee, Ronald Alvin
Leeke, Howard Warfield, Jr.
Leever, George Robert
Lefavous, David Anthony
Lehnus, Ronald Karl
Lehrfeld, Phillip Roy
Leightley, Albert Lewis, II
Lemke, Anthony Michael
Lemon, Frank Michael
Lemons, Doyle Ray
Lennox, Richard John
Lents, John Michael
Leon, Kenneth Francis
Leonard, Edwin Walter
Leonard, Emery Stapleton, Jr.
Leone, Anthony David
Lepak, Ronald Roman
Lesemann, Donald Frederick
Lesh, Vincent Edward
Lessard, Norman Raymond
Lester, David Brent
Lester, Edwin Thatcher
Letart, Laurin Harold
Letourneau, Charles Edward
Lett, Austin Sherwood, Jr.
Levangie, James Clement
Levi, George Elston
Levings, William Headingto, III
Lewis, Eben Willingham, Jr.
Lewis, Ernest Lamar
Lewis, Frederick Lance
Lewis, Jary William
Lewis, Jerry Allen
Lewis, John Huntington
Lewis, Leland Grant
Lewis, Lyle Eugene, Jr.
Lewis, Robert Joseph
Lherrault, David John
Liechtiy, Kenneth Raymond
Liedel, George Anthony
Liemandt, Michael Jerome
Lierman, John Stephen
Lies, Niel Ernest
Lieske, Harvey Arthur
Life, Richard Aaron
Lilly, David Edmund
Limongelli, Joseph Louis
Limstrom, Kenneth Rodger
Lind, Carl Victor, Jr.
Lindell, Colen Richard
Lindeman, John Burton
Linder, Michael Alton
Lindsay, James Henry, Jr.
Lindsay, Lowell Edward
Lingley, Gordon Stewart
Linn, Larry Eugene
Linn, Richard Walter
Lippincott, Richard Jay
Lipscomb, Calvin Duane
Lipscomb, David, II
Litrenta, Peter Louis
Little, Edwards Sanford
Little, Robert Douglas
Littlefield, Gaston Dale
Litvin, Frederick Daugherty
Livesey, James Eugene
Livingston, Donald Joseph
Lockhart, Albert Lewis
Lockhart, Theodore Charles
Lodge, Charles David
Lodge, Raymond Francis
Logan, Carl Flack
Lojko, Boley Alfred
Lombardo, Stephen William
Long, Harry Hoyt
Long, Herman James, Jr.
Long, John Andrew
Long, Michael Darrah
Longcore, Duane Maclyn
Longeway, Kenneth Leighton, Jr.
Longfellow, Dennis Ray
Longshaw, Jeffrey Scott
Lonsdale, Paul Taylor
Lord, William Fred
Loring, William Joel
Losoya, Rodolfo
Losure, Edward Ronald, Jr.
Loucks, Steven Jay
Louk, John David
Lounsberry, William John
Love, George Paul, III
Loveland, Richard Stroud
Lovett, Billy Ray
Lovig, Lawrence, III
Lowell, Bobbie Ray
Lowman, Richard Whitmore
Loy, Michael Howard
Lucas, George Monroe
Lucey, John Francis
Luck, David Lee
Ludlow, Ronald Gene
Luft, John Charles
Lugo, Frank John
Luke, John Davidson
Luksich, John William
Lunde, Roger Kenneth
Lundquist, Dallas Earl
Lundy, George Willis, Jr.
Lunneberg, Thomas Alvin
Lutz, Gilbert Martin
Luxford, Bruce
Lyford, George, Jr.
Lyman, Melville Henry, III
Lynch, Anthony Joseph
Lynch, Charles William
Lynch, Charles Stephen
Lynch, Floyce Matthew
Lynch, James Richard
Lynch, Thomas John
Lynch, Thomas Charles
Lynch, William Benton
Lynge, Oscar Eugene, Jr.
Lyons, Robert Woodrow
Lytikainen, Robert Carl
Mabery, Lester Richard, Jr.
Mabie, Harold Charles
MacAuley, Phillip Hardin
MacDonald, Hugh Huntington, II
MacDonald, Michael John, III
MacDonald, Timothy Angus
MacDonald, William Robert
MacDougall, Donald Gerrad
MacFadyen, Bruce Alan
MacGregor, John Andrew
Mackaman, Bert James
Mackin, Jere Gene
Maclin, Charles Sidney
Macomber, David Blair
Maddocks, Ronald James
Maddox, George Nelson
Madigan, Paul James
Madison, Russell Lee
Magruder, Peyton Marshall, Jr.
Mahaffy, Lorrence Alger, Jr.
Maheu, John Chaisson
Mahon, Roy Oliver, Jr.
Mahoney, Patrick Francis
Maier, Robert Alex
Major, Watson Harris
Malave, Pedro Manuel
Malkus, Kenneth Charles
Mall, Phillip Joseph
Mallen, Frank Harshman
Malloy, Charles Joseph, Jr.
Malmros, Michael Hans
Maness, Anthony Ray
Manke, Joseph William
Manley, Jerry Bell
Mann, Alcide Steyr, Jr.
Mann, Charles Edward
Mann, Edward Bonner, Jr.
Mannarino, Mario Raffaele
Manning, Dennis Brian
Manning, Edward Francis
Mantei, Thomas Joseph
Marano, Augustine Carlo
Marchetti, Michael Joseph
Marciniak, Walter, Jr.
Marik, Charles Weldon
Marik, Rudolph Frank
Markoff, Nicholas Sotir
Marlowe, Gilbert Murray
Marquis, David Stanley
Marrical, Anthony Rolland
Marsden, Phillip Scherrer
Marsden, Richard Alan
Marsh, Charles Lee, Jr.
Marsh, Larry Roy
Marsh, William Lee
Marshall, James Allen
Marshall, John Stevenson
Martin, Barry Jay
Martin, Charles Benjamin
Martin, Daniel Howard, III
Martin, David Arthur
Martin, Edward Francis, III
Martin, Jerome Lawrence
Martin, Michael Joseph
Martin, Michael McNeal
Martin, Ralph Kenneth
Martin, Ronald Weldon
Martin, Ronald Edmund
Martin, Theodore Joseph
Martin, Walter Potts
Martin, Wayne Allen
Martinache, Charles Gilbert
Martinsen, Glenn Tracy
Masciangelo, Frederick John
Mascitto, Eddy Joe
Mason, Henry Boyd
Mason, John Allen
Massey, Scott Spencer, Jr.
Masters, David William
Matheson, Norm Keller
Mathews, Michael Frawley
Mathiowetz, Donald Ray
Mathis, Donald Wayne
Mathis, William Walter
Matjasko, Louis Stephen
Matlock, James Andrew
Matthews, John Garrett
Mattingly, Richard Lee
Mattson, Gary Harrison
Mauney, Louie Alton
Maurer, John Howard, Jr.
Maxey, Fred, Jr.
Maxwell, Malcolm Douglas
May, Cyril Victor, Jr.
Mayer, Luke Ferdinand, Jr.
Mays, Michael Everett
McAlister, Donald Lee
McAllister, James Peter
McAloney, Frank Edward
McAloon, Albert Joseph, Jr.
McAuley, John Anthony, Jr.
McBride, Michael Andrew
McBridge, William Richard
McCallum, James Archibald
McCammon, Peter Leverich
McCann, William Robert, Jr.
McCarthy, James Timothy
McCarthy, Michael James
McCleary, Joseph Raymond
McClellan, William Dean
McClement, Charles Christop
McCloskey, David Junius
McClung, Bernard Davis
McClung, Lonny Kay
McCollough, Ralph Alden
McColly, John Clark
McConnell, James Joseph
McCord, Dennis Marchant
McCormick, James Thomas
McCracken, Wallace Dewey
McCraith, Laurence Paul
McCrory, Donald Lee
McCrumb, James Brayton
McCulloch, David Hamilton
McCullough, Donald Charles
McCullough, William Lee
McCutchen, Frank Kelly, Jr.
McDanel, Brinley Kent
McDaniel, Howard Ray
McDaniel, Robert Bruce
McDaniel, Ronald Aubrey
McDaniel, Ted Owen
McDaniel, Vernon Dale
McDavitt, Frederick Harry
McDermott, Michael Nash

McDevitt, Michael Allen
McDiarmid, James Edward
McDonald, Jay Gale
McDonald, John Edward
McDonald, John Joseph, Jr.
McDonnell, Thomas Edward
McFeely, Thomas Edward
McGee, Robert Thomas
McGhee, Barry Lewis
McGinty, Patrick Eugene
McGonagle, Leo Edward
McGowan, Roy Dewayne
McGrath, John Michael
McGraw, Michael Leonard
McGuide, Jeremiah James
McGuire, John Francis
McGuire, Thomas Patrick
McHenry, John Walter
McHenry, Nicholas J.
McHenry, Wendell Carlton, Jr.
McHugh, Richard Gregory
McHunt, Vincent Joseph
McKay, Dennis Albert
McKay, John Douglas
McKearn, Michael Clark
McKechnie, Thomas William
McKenna, Richard Bernard
McKenna, Russell Edmund, Jr.
McKenney, Lynn Duard
McKinley, David Howard
McKinnon, Clark Davis
McLaren, James Malcolm
McLean, Robert
McManus, Paul Devenport
McMillan, John Hammack
McMillan, Robert Hugh
McMullen, Dale Arthur
McMunn, David James, Jr.
McNeeley, Ellis Eugene
McNeer, William Paul, Jr.
McNeill, Corbin Asahel, Jr.
McNeill, Donald Ray
McPhail, Eugene Bates
McQuown, Michael James
McRae, David, Albert
McRoy, Willie Clifford
McSherry, Bernard Patrick, Jr.
McTigue, John Lawrence, Jr.
McWhinney, John Loren
Meakin, John Deane
Mears, Edward Irving
Mecleary, Read Blaine
Medaglia, Cornelius Peter
Meddings, William Alan
Medley, James Robert
Meek, Danny Lee
Meisner, Julian Robert
Melampy, Ronald Francis
Melander, Errol Norman
Melanson, Alfred Joseph, Jr.
Melecosky, Timothy Stanley
Melendy, David Ray
Mellmer, Darrell Dean
Meneeley, William Thomas
Meno, Timothy Deming Barron
Mercer, David Sparks
Mercer, Thomas Alexander
Merchant, Michael Gordon
Merchant, Steven Lee
Meredith, Kenneth Allen
Merical, Larry Burton
Merrick, Fred Harold
Merrill, Hugh Anthony
Merritts, Michael Henry
Merz, Vincent Paul
Meserve, John Shackford, II
Messmer, William Leroy, Jr.
Meston, Stanley Sercomb
Metcalfe, James Ashford
Mettler, James Henry
Meyer, John Ferrandello
Meyer, Thomas Eugene
Meyer, Victor Alan
Meyers, David William
Meyers, John Moberg
Meyett, Frederick Elwood, Jr.
Mezmalis, Andrejs Modris
Michaels, Gregory A.
Michele, Dennis Allen
Michelini, Raymond Theodore
Mickelsen, Thomas Max
Midgard, John Danner
Mignogna, Rocco Dominic
Mikolajczyk, Ronald Joseph
Miles, Larry Edward
Miles, Richard Jeffrey
Milhiser, Robert Joseph
Milhoan, James Lewis
Milioti, Louis David, Jr.
Millard, August
Millard, John Warren
Miller, Albert Earl
Miller, Andrew Pickens, Jr.
Miller, Calvin George
Miller, George Morey, III
Miller, John Michael
Miller, John Roger
Miller, Luke Horrell, Jr.
Miller, Paul Anthony
Miller, Ralph Rillman, III
Miller, Raymond Paul
Miller, Robert Gordon
Miller, Thomas Hayes
Miller, William Clark, Jr.
Miller, William Charles
Millikin, Stephen Thomas
Millis, Archibald Edward, Jr.
Mills, Bill Lyndall
Mills, Robert Charles
Minard, Julian Edward
Miner, John Odgers, Jr.
Minnich, Richard Willis, Jr.
Minter, Charles Stamps, III
Mirkin, Howard Benjamin
Mister, Richard Woodie
Mitchell, Albert Hoyt, Jr.
Mitchell, Eugene Francis
Mitchell, George Franklin
Mitchell, John Thomas, Jr.
Mitchell, Michael George, Jr.
Mitchell, Robert Marvin
Mitchell, William J.
Mitchell, William Henry, Jr.
Mizner, Malvern Maynard
Moessner, Paul Carl
Moffat, John Wieber
Mohns, Karl Frederick
Moir, Weston Gavin
Moloney, Robert William, Jr.
Monash, Richard Frank
Mondul, Steven Michael
Money, Jack Loyd
Monish, Aubrey Richard
Monk, Clifton Felix
Monroe, Harry, III
Montana, Richard Thomas
Montgomery, Robert Creel
Monticello, John Daniel
Mooberry, William James
Moody, William Brooks Blais
Moore, Charles Leighton, III
Moore, David Baker Ames
Moore, Guy Carroll, Jr.
Moore, John Charles
Moore, Lorie Albert
Moore, Randall Melvin
Moore, Robert Brevard, II
Moore, Ronald Cullen
Moore, Warwick Breckinridge
Moored, Allen Wesley
Moran, Robert Colin
Moran, William Patrick, Jr.
Morawey, Michael Robert
Mordhorst, Rawson Boyd
More, Alan Robert
Morgan, Jerry Robin
Morgan, Joseph Henry, II
Morgan, Richard Keith
Morgan, Thomas Leeroy
Morgan, Thomas Edmund
Morgan, William Lee
Moritz, Carl Arthur, Jr.
Morley, Franklin Michael
Moroney, Joseph Maris
Morrill, Dennis Charles
Morris, David Noel
Morris, James Howell
Morris, Ricky King
Morrison, Vance Hallam
Morrissey, Thomas Kevin
Morrow, Emil David
Morrow, Gary Keith
Morrow, Granval Leroy
Morse, Clayton Kavanaugh
Morse, John Arthur
Morton, Norman Lee
Moseley, Leo Otto, Jr.
Moseley, Thomas James, Jr.
Moser, Alan Brown
Moses, Raleigh Warren
Mosher, Wayne Orville
Moulson, John Alfred
Mount, Donald Lee
Moynihan, Brian George
Mueller, James Walter
Mulholland, Lyle Jerry
Mulkerrin, Joseph Martin
Muller, George John
Mulligan, John Bernard
Mulligan, William James, Jr.
Mullins, David Lynn
Mullins, Willice Ralph, II
Mundell, Jack Lee
Mundhenke, David Jerome
Mundis, John Albert
Munsee, Stewart Frederick
Murphy, Andrew Joseph
Murphy, Charles Robert, Jr.
Murphy, Jerome Thomas
Murphy, Richard Lawrence
Murphy, Thomas Francis
Murray, Alan Adair
Murray, Richard Scott
Murray, Robert Louis
Murray, Thomas Osborne
Musick, George Meredith, III
Musitano, Charles Mario
Mustin, Thomas Morton
Myers, Collin Keith
Myers, James Bruce McIntyre
Myers, John Austin, Jr.
Myers, Richard Timothy
Myron, Terry James
Mysliwiec, Richard Joseph
Najarian, Moses Thomas
Nakayama, Homer Shiro
Naldrett, William John
Nash, Arthur Raymond
Nash, John Mitchell
Nash, Malcolm Peters, III
Nash, Michael Arthur
Navone, Peter Francis
Navoy, Joseph Francis
Neal, Jerome Birt
Neal, John Stephen
Neeb, Karl Anthony
Needham, William Peter
Negin, Jerrold Jay
Nelsen, Lynn Howard
Nelson, Arthur William, III
Nelson, Geoffrey Alan
Nelson, Harvey Gordon
Nelson, Jack Paul
Nelson, Richard Crawford
Nerup, Robert Kent
Neuberger, Douglas Francis
Neuman, Dennis Earl
Newby, Lewis Raymond
Newcomb, William Lee
Newell, Robert Bruce, Jr.
Newell, Thomas Lee
Newton, Eugene Dexter
Newton, Robert Chester
Newton, Roy Irwin
Ng, George Hong
Nicarico, Thomas Joseph
Nichols, Aubrey Allen
Nichols, Charles Lloyd
Nichols, Donald Frederick
Nichols, Douglas Russell
Nichols, Larry Allen
Nicholson, Edwin Parmelee
Nickelsburg, Michael
Nickerson, Robert Gordon
Nicklas, Charles
Niederstadt, Robert Grant
Nipper, Collin Daryl
Niss, Robert Jeffrey
Njus, Ingmar Joel
Noice, Gary Edward
Nolan, George Fred
Norfleet, Richard Norton
Norman, Warren Aubrey, Jr.

Norman, William Stanley
Norris, Dwayne Orange
Norris, Jerry David
Northcraft, Zane Wade
Norris, Jerry David
Northcraft, Zane Wade
Northrup, Paul William
Norton, Jack Trask, Jr.
Norton, James Larry
Norwood, Kenneth Edward
Norys, Robert Martin
Novak, Stuart Michael
Novitzki, James Edward
Nuernberger, John Allan
Nunn, James Willis
Nute, Charles Carter
Nutt, Richard Leverne
Nystrom, Stephen Curtis
Oakes, Charles White
Oakwood, John Phillip
Oates, Anthony Brent
Oatway, William Hanlon, III
O'Brien, John Joseph, Jr.
O'Brien, John Grant
O'Brien, Robert Clark
O'Brien, Robert James
O'Brien, Terence James
O'Brien, Thomas Joseph, Jr.
O'Brien, William George
O'Claray, Daniel George
O'Connel, Robert Leo
O'Connor, James George, Jr.
O'Connor, Kip
O'Connor, Michael Bernard, Jr.
O'Connor, Richard Dennis
O'Connor, Thomas Francis, II
Oden, Leonard Nelson
O'Donnell, Francis Xavier
Oertel, E. James
Oetinger, Mark
Oglesby, Douglas Alan
O'Keefe, Cornelius Francis
O'Keeffe, George Christopher
Okeson, James Clifford
Okeson, Lars Holman
Oldham, George Roberts
Oliphant, Gary Thomas
Oliver, David Edward
Oliver, David Rogers, Jr.
Oliver, Michael Frederick
Olsen, Dieter Heinz
Olsen, Glenn Ray
Olson, David Edward
Olson, Donald Milton
Olson, Harold Muschott, Jr.
Olson, Jerrold Elwood
Olson, Kenneth Paul
Olson, Phillip Roger
Olstad, Vincent Kenneth
Olwin, James Lee
Orejuela, Henry
Orlosky, Robert Andrew
Orluck, James Emmanuel
O'Rouke, Ed
O'Rourke, James Earl
Orriss, David Anthony
Orsburn, John David
Orth, Nelson Edward
Osborne, Ronald Drake
O'Shea, Donald James
Ostromecky, John Raymond
Otis, Robert Busby
Otto, Paul Eugene
Ounsworth, James Alexander
Overby, Rufus Donald
Overstreet, John Wesley, Jr.
Owen, Bruce William
Owen, James Edward
Owen, Kenneth Joseph
Owen, Robert Harrison
Owens, Robert Owen
Owens, Thomas
Owens, William Arthur
Oxboel, Eric Henry
Pagano, Frank Philip
Page, Bruce Dean
Page, Charles Wesley, Jr.
Palen, Don Gilbert
Palenscar, Alexander John, III
Palma, Richard John
Palmer, James M.
Palmer, Robert Earl
Palmer, William Allison, Jr.
Pancoast, Patrick Albert
Pannunzio, Thomas William
Paquin, James Edward
Parchen, William Robert
Parent, Donn Valentine
Parish, Charles Carroll
Park, John Prentiss
Parker, Brance James
Parker, Charles David
Parker, Charles Leslie, Jr.
Parker, Donald Wayne
Parker, Gerald Thomas
Parker, John Eugene
Parker, Raymond Francis
Parkhurst, Nigel Ernest
Parlier, August Emil, Jr.
Parnell, Allan Donald
Paron, John Richard
Parrie, Elman James
Parry, David Jon
Parry, Thomas Leighton, Jr.
Parten, Gary Lee
Patrick, Roger David
Patterson, Bernard Leo, III
Patterson, David Rufus
Patterson, Jeffrey Spear
Patterson, James Kelly
Patterson, Mervil Lafoy
Patton, William Thomas
Paul, Harold Wayne
Paul, Vernon Bennett
Pauling, David Robert
Payne, Charles Simmons
Payne, John Alfred
Payne, William Martin
Payne, William James
Peake, William Walter Franklin
Pearce, James Williams
Pearson, Dale Quimby
Pearson, James Earl
Pearson, Nils Alexander Silliman
Pedisich, John Anton, Jr.
Peebles, Robert Graham, Jr.
Pelot, Kent Barry
Pemberton, Leander Michael
Pendleton, Alan Ray
Penn, William Lyttleton
Pennington, Chad Allen
Penny, Douglas Corrigan
Pereira, Edward Humbert
Perez, Demetrio Jose
Perine, Philip Condit
Perisho, Gordon Samuel
Perkins, Ernest Della, II
Perkins, Henry Grady, Jr.
Perkins, James Blenn, III
Perkinson, Brian Thomas
Pernini, James Kanellos
Perron, Robert Arthur
Perry, Harold Eugene
Perry, Lonnie James
Perry, Rightly Ralph
Pesce, Victor Louis
Pessoney, John Thomas
Peters, Joseph Paschall
Peters, Victor Lee
Peterson, David Allen, Jr.
Peterson, Eric Laurence
Peterson, John Christian
Peterson, Ralph Duane
Peterson, Richard Sprague
Peterson, Robert William
Petrovic, William Kirk
Pettigrew, Kenneth William
Pewett, Robert Haywood
Pfeiffer, John Jacob
Pfingstag, William Carl
Pfister, William Campbell
Phaneuf, Joseph Theodore, Jr.
Phares, Danny Coleman
Phelan, Richard Harris
Phillips, Alexander Martin
Phillips, Jerry Abbott
Phillips, Joseph Larry
Phillips, Roger Vandorn
Phoebus, Charles Richard
Pickett, Larry James
Picotte, Leonard Francis
Pieno, John Anthony, Jr.
Pierce, Cole Jon
Pierce, David Irving
Pierce, Sidney Robert
Pierson, Bruce Kenneth
Pietrzykowski, Richard E.
Pignotti, Dennis Alexander
Pinto, Vito Joseph
Piper, Larry Warren
Pirnie, Morgan Scott
Pittenger, James Arthur
Plath, Richard Neil
Platt, David Van
Plott, Barry Merrill
Plumb, Joseph Charles, Jr.
Plummer, Galen Robert
Plunkett, Garry Ray
Poe, John Raymond
Poellnitz, Walter Durand, II
Polo, Arthur Donald
Pomykal, Glenn Waldo
Poole, James Louis
Pope, Carroll Gene
Popp, Arvel Jerald
Popp, Robert Leonard
Portenlanger, Stephen
Porter, John Dudley
Porter, Philip Edward
Porterfield, Gary Lloyd
Porterfield, James Harold, Jr.
Post, Warren Lee
Poteat, William Otto, Jr.
Powell, Robert Richard
Powers, Robert Lawrence
Powers, William Benton, Jr.
Pozzi, Robert John
Prath, Robert Lee Emerich
Prather, Jerauld Stuart
Pratt, Thomas Rolla
Press, Nicholas Leo
Preston, Joe Wayne
Price, Joseph Maurice
Price, William Woodrow, Jr.
Priest, Edgar Dolan, Jr.
Probst, Lawrence Everett
Procopio, Joseph Guydon
Proffitt, James Robert
Prueher, Joseph Wilson
Pryzby, Stanley John
Puariea, Donald Homer
Pulfrey, Charles Allen
Pulk, Allen Frederick
Pullen, James Robert
Punches, Robert Louis
Purcell, Darrell William
Purdy, Randolph Stanley
Putt, Kenneth Franklin, Jr.
Quade, Edward Lynn
Quanbeck, Brian Richard
Quarles, Herbert R.
Quinn, Jeffrey
Quinton, Peter Douglas
Rabin, William David
Rabine, Virgil Eugene
Raebel, Dale Virgil
Raetzman, Donald Patrick
Raggett, Michael Mark
Rainey, Hugh Thomas
Rainey, Peter Garland
Raiter, Friedrich Eric
Rakestraw, Howard Mickan
Ramm, Edward James
Ramsey, Roger Clinton
Ramsey, William Jasper
Ramskill, Clayton Robert
Rankin, Paul Lee
Rannells, Edward Warder
Ratcliff, John William
Rathjen, Arthur David
Rathsam, Richard Carl Frank
Ratzlaff, Richard R.
Rau, Morton David
Rawls, Hugh Miller, Jr.
Ray, Dennis Edward
Ray, Donald Joseph
Ray, Norman Wilson
Ray, Roy Lafayette, Jr.
Rea, John Paul
Read, David Wilford
Read, Ray Weldon, Jr.
Reader, Robert James
Reber, Peter Michael

Reddoch, Russell
Redford, Thomas Grayson, Jr.
Reed, Gary Allen
Reed, John Jesse
Reemelin, Thomas Edward
Rees, Bob Gary
Reeves, Robert Dulaney
Reff, Roger Gene
Regan, James Peter
Regan, John Thomas
Register, Mahlon Edmond
Reh, Robert Richard
Reich, Donald Gene
Reilly, Errol Francis
Reilly, John Thomas
Reinhardt, David Starr
Reiser, Phillip Douglas
Reistetter, Emery Andrew
Reitmeyer, David Joseph
Rejda, Dennis Paul
Renshaw, George Stephen
Restivo, Joseph Lawrence
Resweber, Owen Joseph, Jr.
Retz, William Andrew
Reumann, Richard Edward
Revesz, William, Jr.
Reynolds, Franklin Eugene
Reynolds, Keith Earl
Rhea, Kennedy J.
Rhode, John R.
Rhodes, Gerry Baxter
Ribolla, Romolo Thomas
Ricci, Enrico Angelo
Rice, Michael Gerard
Rich, James Earl
Richarde, Henry Morgan, Jr.
Richards, Stewart Whitney
Richardson, Earnest Wells
Richardson, David Paul
Richman, Thomas Nelson
Richmond, Frederick James
Riddell, Richard Anderson
Ridgel, Randolph Maurice
Ridgely, Philip Jay
Riess, James Richard
Riess, Joseph Raymond, Jr.
Riffle, Nathan Lucern
Riggle, Gordon Grant
Riker, Robert Townsend
Riley, David Richard
Riley, John Robert
Rinehart, Virgil Wright, Jr.
Ring, Henry Mark
Rinker, Robert Evans
Riordan, Robert Frederick
Risseeuw, Hugh Josias
Ristad, Arnold Clifford
Ritchey, Glenn Wendell, Jr.
Ritt, Dayton William
Ritter, John Erven
Rixse, John Henry, III
Roark, David Leroy
Robb, Thomas Walter
Robbins, Charles Bruce
Robbins, David Leroy
Robbins, Richard James
Robbins, William Arthur
Roberson, Bernard Gordon
Roberts, Keith Carlton
Roberts, Kim Morton
Roberts, William Ray, Jr.
Robertson, Charles Leonard
Robertson, Charles Lowry
Robertson, Neil Alan
Robertson, Thomas James
Robinson, David Brooks
Robinson, Keith Phillips
Robinson, Louis Norman
Robinson, William Burton
Robison, James Clifford
Rochelle, Balford Ray
Rock, Peter Frederick
Rodrick, Peter Thomas
Roeckner, Frank William
Rogers, Clyde William
Rogers, James Stewart
Rogers, Louis Anthony
Rogerson, Henry Porter
Rohm, Fredric William
Roll, Francis Patrick
Romer, Phillip Bruce
Rooney, Philip James
Roper, James Edward
Ross, Ernest Earl
Ross, James Andrew
Ross, Raymond Harper, Jr.
Rossa, Thomas James
Rosselle, William Trevett
Rossi, Joseph Lewis
Rosson, Vernon Lee
Roton, James Richard
Rowan, Donald James
Rowe, Paul Edward, Jr.
Roy, Bill
Roy, Richard Paul
Roy, Rudolph, John, Jr.
Rozelle, Edward Clair
Rubeck, James Thomas
Ruck, Merrill Wythe
Ruckner, Edward Aberle, Jr.
Rueff, James Louis, Jr.
Ruff, John Crawford
Ruff, Paul Gray, III
Ruffin, James Thomas
Ruliffson, James Howard
Runkle, William Auburn, Jr.
Rupprecht, Robert Philip
Russell, Charles Ellis
Russell, Jay Burton
Russell, Lawrence Mack
Russell, Robert Eugene
Rust, Gregory Bedell
Rust, Robert Stanley
Rutherford, Paul Findlay
Rutkiewicz, Richard Clemens
Ryan, Bruce Anthony
Ryland, Robert Baird
Rypka, Allan Edward
Saber, Gerald William
Sadamoto, Theodore Kanji
Safire, George Raymond
Sagerian, Ara
Salcedo, Frederick
Salkeld, Stephen Armstrong
Salmon, Harry Paul, Jr.
Samek, Dan Webster, III
Samford, Jack Wallis
Sampsel, Michael Martin
Sampson, Harry Burnell
Sampson, Neil Elwood
Sanders, James Elliott, III
Sanders, William Milfred
Sandstrom, John Fridolf, Jr.
Sanger, Kenneth Tisdale
Santamaria, Donald Frank
Santi, Ralph Louis
Sargeant, Harry, Jr.
Sargent, Ian Howland
Sargent, William Pierce
Sartoris, Joel Ross
Satrapa, Joseph Frank
Saul, Joe Michael
Saulnier, Steven Craig
Sawatzky, Jerry Dean
Sawert, Ulf
Sawyer, Merrill Clark
Saxon, Ross Elliott
Scanlan, Paul Timothy
Scearce, George Edward
Schaag, Frank Lewis
Schachte, William Leon, Jr.
Schaefer, Lyle Howard
Schafer, Carl Edward II
Schaff, James Carl
Schaller, Martin Nink
Schantz, John Malcolm
Schantz, Robert Edwin
Schardt, Delvin Leroy
Schatz, Arthur David
Schaus, Richard Harris
Schenck, William Herman
Schery, Ferdinand Michael
Schetter, Harry William
Schiffer, John Richard, Jr.
Schiffman, Marvin Cletus
Schiller, Frederick Conrad
Schlichter, Ralph
Schmauss, Henry William, Jr.
Schmeling, Leslie Lynn
Schmidt, Charles Thomas
Schmidt, Clemens Edward
Schmidt, Clifford Bartenhagen
Schmidt, Donahue Henry
Schmidt, Richard Harry
Schmidt, William Carl
Schmitt, Stuart Orin
Schneider, Wayne Eldred
Schrader, John Yale, Jr.
Schram, Richard Weaver
Schroeder, Arthur Frederick
Schroeder, David Donald
Schroeder, Gerald Mark
Schroeder, Roger Glenn
Schroller, Kermit Walter, Jr.
Schropp, John Warren
Schrupp, Manfred Sheldon
Schuerger, Richard Francis
Schufeldt, Coral Vance
Schultz, Henry Francis
Schultz, Peter Hutchisson
Schultz, Robert William, Jr.
Schuyler, Philip
Schwab, James Alexander
Schwartz, Henry William
Schwing, Emil Mark
Scott, Crawford Warick
Scott, David E.
Scott, Gerald Dean
Scott, Jon Paul
Scott, William Joseph
Scoville, Edward Noble II
Scully, Michael Charles
Searcy, Millard Jefferson, Jr.
Sebastian, Gary Frank
Secades, Vincent Cecil
Segal, Harold William
Segen, John Peter
Segrist, Edward Lewis, Jr.
Seiberling, Ronald Keith
Seidensticker, Stephen S.
Seifert, Philip Martin, Jr.
Seiler, Richard Wayne
Sekula, Basil, Jr.
Selden, Thomas Leonard
Seligson, Harold Edward
Sell, Charles Francis
Sellers, Alexander, III
Selzer, Bryan Edward
Senecal, Robert Percy, II
Settlemyer, Charles Talmad
Severin, Lawrence Raleigh
Shackelton, Norman John, Jr.
Shaffer, Howard Calvin, III
Shaffer, Lloyd E.
Shanahan, James Francis
Shanahan, Robert Christopher
Shank, Lewis Preston
Shapard, James Richard, III
Shapley, Frederick Easton
Sharer, Don Allen
Sharp, David Dean
Sharp, David Robert
Sharpe, Joseph Daniel, Jr.
Sharpe, Raymond Alexander, Jr.
Shaver, Raymond Joseph
Shaw, James Ashton, Jr.
Shea, Jerome
Shea, Richard Francis, Jr.
Sheafer, Edward David, Jr.
Sheehan, John Wilfred, Jr.
Sheffield, George Albert
Shepard, Michael Joseph
Shepherd, Gary Lee
Sheridan, Joseph Lawrence
Sheridan, Thomas Caulfield
Sheridan, Thomas Russell
Sherman, Allan
Sherman, Philip Kingsland, Jr.
Shields, Charles Daniel, Jr.
Shields, Donald Kent
Shields, Robert Joseph
Shiffer, William Thurston, Jr.
Shillingsburg, John William
Shindler, Glenn Eric
Shirley, Cloyce Eugene
Shirmer, Dan Armstrong
Shoemaker, Charles Lex
Short, Travis Earl
Shoup, Linn Tyler
Shriver, Ronald Eugene
Shumway, Geoffrey Raymond
Shunk, Robert Schuyler
Shurts, Richard Layne

Shutt, John Jay
Siddens, William Michael
Siebert, Herro Heiner
Siemer, John Robert
Sieren, Gerald Joseph
Silver, Eric Aaron
Silver, Lawrence Michael
Silvert, Robert Miller, Jr.
Simeone, Joseph Frederick
Simmons, William Thomas
Simon, William Frederick
Simpson, Michael Grant
Simpson, Troy Eugene
Singer, Edward Anthony, Jr.
Singler, James Charles
Singstock, David John
Sirmans, James Stanley
Sisson, Harold Denison, Jr.
Sisson, Robert Harsha
Sjuggerud, David Hilton
Skrzypek, John Anthony
Slack, William Michael
Slater, Thomas Stafford
Slaughter, Jimmy Ray
Sloan, Deward Vernon, Jr.
Sloan, William Thomas, Jr.
Sloat, James Walter, Jr.
Slover, William Alden
Small, Selden Matthew
Smalling, John Ambler
Smallwood, Frederick Kohler
Smelley, Allan Ray
Smith, Bradford Donald
Smith, Charles Henry
Smith, Charles Ray
Smith, Dan Howard
Smith, David MacNeill
Smith, Douglas Gould
Smith, Duane Richard
Smith, Ernest Mallory
Smith, Franklin Jerome, III
Smith, Fred William
Smith, Gerald John
Smith, Gordon Lee
Smith, Herbert Clive Lawrence
Smith, John Monroe
Smith, John William
Smith, Joseph Francis
Smith, Lary Don
Smith, Leighton Warren, Jr.
Smith, Leonard Henry, Jr.
Smith, Lyman Hibbard, II
Smith, Michael Ohalloran
Smith, Michael Steele
Smith, Philip Allen
Smith, Ralph Frederick
Smith, Randall Rutledge
Smith, Robert James
Smith, Robert Lynn
Smith, Robert Seaward
Smith, Roger Walter
Smith, Thomas Noel
Smith, William Earl
Smith, William Richard Hawe
Smith, William Steele, Jr.
Smith, Wilton Jeremain, Jr.
Smithlin, Michael James
Smittle, John Howard
Smyth, Gregory Stephen
Snodgrass, Donald James
Snyder, Christian Ross
Snyder, Donald Marshall
Snyder, Keith Reif
Snyder, Ronald D.
Sokol, Stanley Ernest
Soles, Thomas Edwin
Solon, James Davis
Soluri, Elroy Anthony
Soly, Edgar Charles, Jr.
Sootkoos, Donald Richard
Soto, Octavio
Sousa, Clarence Anthony
Southworth, Asahel Dimmick
Soverel, Peter Wolcott
Sowa, Walter, Jr.
Sowers, Joseph Alexander
Sowersby, Roger Lee
Spane, Robert Johnson
Spangenberg, Frank August, III
Spencer, James Luther, III
Spencer, Robert Elwood, Jr.
Spencer, Robert Cornelius
Spencer, Roger Barrett
Spencer, William Dean
Spetrino, David Arthur
Spigai, Joseph John
Spinello, John Anthony
Spofford, Barry Andrew
Spradlin, Dennis Richard
Spring, William Roger
Sprinkle, James Camp
Sprowls, George Franklin
Spruance, James Harvey, III
Spruitenburg, Fredrik Hendrix MA
Stacy, Edward Gerhard
Stahl, Dale Stough, Jr.
Stair, Sammy Dean
Stakel, Robert Wallace
Staley, Joseph Jarlathe, Jr.
Staley, Kevin Thomas
Staley, Richard Jonathan
Stalker, Earl Jr.
Stamper, Russell Clerk
Stamps, David William
Stansbury, Frederick Alexan
Staplin, Ralph Asa
Stark, John Wayne
Stark, William Carleton
Starkey, Russell Bruce, Jr.
Starnes, Phillip Van
Starritt, Douglas Robert
Starwich, Patrick Cullen
Stauffer, Barry Corbett
Steber, Forrest Eugene
Stegina, Robert Francis
Steinbruck, Charles George
Stender, Richard Henry
Stephens, Robert Scott
Stephenson, Gary Phillip
Sterner, David L.
Sterner, George Rudolph
Stevens, John Bradford
Stevens, Orville Lynn
Stevens, Paul Louis
Stewart, Jake William, Jr.
Stewart, Johnny Ballard, Jr.
Stewart, Robert Paul
Stick, Thomas Harold
Stiger, Robert David, Jr.
Stilwell, William Carter
Stinson, William Albrecht
Stmartin, Ronald Clayton
Stoakes, Richmond Bruce
Stock, George Henry
Stoddard, Howard Sanford
Stodulski, Richard Walter
Stolgitis, William Charles
Stonaker, Roland Huntley, Jr.
Stone, Charles Welborn, Jr.
Stone, Roy C.
Stone, Thomas Edward
Stone, Walter Fred
Storms, Kenneth Robert
Story, William Ferguson
Stoufer, Donald Andrew
Stout, Michael Dinsmore
Stowell, Ralph Henry, Jr.
Strand, Richard Charles
Stranick, Francis Joseph
Strasser, Joseph Charles
Stratton, Craig Arthur
Streeter, Donald Wesley, Jr.
Streit, Raymond Stanley, Jr.
Strickland, Walter Leonard
Strickler, James Wilson
Striffler, Paul John
Stringer, Thomas Chester, Jr.
Strole, Douglas Luther
Stromberg, David Lynn
Strong, Barton Dale
Struck, Allan Peter
Stubbs, William Olan, Jr.
Stubsten, Eugene Merrill
Stuckemeyer, John Andrew
Studeman, William Oliver
Sturvist, Gerald Hilding
Suarez, Ralph
Sufana, Ronald John
Sullivan, David Charles
Sullivan, James Edgar
Sullivan, Kenneth David
Sullivan, Michael Edward
Sullivan, Thomas Bernard
Surles, Billy Wayne
Sushka, Peter William, Jr.
Sutton, Gwynn Richard, Jr.
Sutton, Robert
Swan, James Ned
Swan, Thor Olof
Sweat, Arthur Jerome
Szopinski, Robert William
Tabb, Hugh Aurner
Tackney, Michael Oreilly
Taday, Alexander Anthony
Tahaney, Hubert Francis, Jr.
Tait, James Edward, Jr.
Talbot, John Henry, Jr.
Tammy, Michael Anthony
Tanner, Michael
Tansey, Philip Michael
Tasler, Robert Ernest
Tate, James Andrew
Tate, William August
Taulli, Frank Roger
Taylor, Anthony Rogers
Taylor, B. J., Jr.
Taylor, Donald Owen
Taylor, James Samuel
Taylor, John Francis
Taylor, John Mallory, IV
Taylor, Paul Frederick
Taylor, Robert Monard
Taylor, Steven Craig
Taylor, Thomas Lee
Taylor, Wade Hampton, III
Taynton, Lewis Frederick
Teague, Reginald Bailey
Telfer, Grant Richard
Templin, Erwin Benard, Jr.
Tenanty, Joseph Raymond, Jr.
Tenbrook, John Hollis
Tenney, Stuart Lowe
Terhune, Robert Johnson
Terry, Michael Roy
Terry, William Edwin
Testa, Ronald Fred
Testwuide, Robert Louis, Jr.
Thaxton, David Reuben
Theis, John Henry, Jr.
Thesing, Kenneth Lee
Thomas, Edward Curtis, Jr.
Thomas, Evan Foster, Jr.
Thomas, Frank Hughes, Jr.
Thomas, Gary Lee
Thomas, Norman Mattoon, III
Thomas, Peter Donald
Thomas, Peter William
Thomas, Raymond Morgan
Thomas, Stephen Langton
Thomas, William Akins
Thomason, Harper James, II
Thomassy, Louis Edward, Jr.
Thompson, Allan Medley
Thompson, Bryce Anderson
Thompson, Clifford Jackson
Thompson, Gary Ray
Thompson, Joseph Clemenger
Thompson, John Wooten
Thompson, Laile Hunter, Jr.
Thompson, Robert Gutz
Thompson, William Howard, II
Thoren, John Albin, Jr.
Thorn, John Charles
Thuente, John Fahey
Tidball, Douglas D.
Tiernan, Barry Vincent
Tiernan, Michael Connolly
Tilko, John, Jr.
Tillinghast, Theodore Voorhees
Tillotson, Charles Roger
Tillotson, Frank Lee
Timm, Richard Donald
Tinder, William Pete
Tinston, William John, Jr.
Tipper, Ronald Charles
Tisaranni, James
Tobergte, Paul Edwin
Tobey, Gary Harrison
Tobin, Paul Edward, Jr.
Tobolski, Donald Michael
Todd, James Norman
Todd, John Hendrick
Todd, Terrence Stephen
Tolbert, James Kirkland

Tolbert, William Haywood
Tolley, Richard Lyle
Tomlin, Joseph Mayhew
Tomlin, Kit Pearson
Tompkins, Paul Stuart
Tonti, Louis George
Toone, John Pierce
Torbit, Jerry Bert
Toreson, Arthur Harold, Jr.
Tortora, Carmine
Towers, Edwin Lydell
Townsend, Okey, Jr.
Tracy, Robert Nottingham, Jr.
Trafton, Robert Truman
Trahan, Edward Charles
Trapnell, Robert Gary
Traver, James Emery
Travis, David Timothy
Trease, Charles Jackson, Jr.
Treiber, Gale Edward
Trembley, Forrest George
Triebel, Theodore Wallace
Tripp, Richard Willis, Jr.
Trotman, George, Jr.
Truxell, Thomas Reed
Tryon, Robert Gene
Tsukalas, Denis Nicholas
Tucker, Albert Lee
Tucker, Ronald Dewey
Tudor, Richard A.
Tufts, Herbert William, III
Tuma, David Foster
Turbeville, Fred Morton, Jr.
Turley, Charles Walter
Turley, John, Jr.
Turnbull, James Laverne
Turner, David Andrew
Turner, Delano Franklin
Turner, James Richard
Turner, Laurence Hay, Jr.
Turner, Thomas Willard
Turner, Walter Scott
Tuttle, Arthur Jay
Twardy, Clement Robert
Tweel, John Alexander
Twomey, Daniel Timothy
Twyford, Lee Vernon, Jr.
Tynan, Douglas Michael
Tyner, Jimmie Cortez
Tyree, Edward Christian Glass, Jr.
Uber, Thomas Edward
Ulferts, John James
Ullman, Harlan Kenneth
Ulrich, William Stanley
Umphrey, Willard L.
Underwood, Walter Jo
Unger, Maurice Henry
Ungerman, Michael Kenneth
Unrau, Jerry Lee
Urice, Ronel Morgan
Ursprung, David Leo
Usborne, Roger Way
Ussery, David Lawrence
Vacin, Edward Michael
Vadopalas, Anthony Sharunas
Valenta, Normar. Glen
Vallance, Winfred Dan
Vanallman, Alfred Christ
Vanarsdall, Clyde James, III
Vanbrackle, Vernon Lamar, Jr.
Vance, Richard Moon
Vandergrift, Ronald William
Vandervelde, Kent Mills
Vanduzer, Roger Elliott
Vanhoften, Scott Adrianus
Vanhoy, William Lester, Jr.
Vanlue, Kenton Walter
Vannice, Robert Lawrence, Jr.
Vanpelt, Albert Murle
Vansaun, Arthur
Vanslyke, James Corbett, Jr.
Vanwinkle, Pieter Kingsland
Vaughan, Raymond Edmon
Vaupel, David Karl
Vaupel, George Benjamin
Vazquez, Raul
Veeck, Charles Richard, Jr.
Veith, Dennis Alan
Veleker, Donald Lee
Vercessi, George Peter
Verd, George Harris
Verdell, William Stephen
Vernallis, Samuel Larry
Vetter, David Allen
Viafore, Kenneth Michael
Vincent, William Lansing
Vogel, Raymond William, III
Volek, Andre Victor
Volk, John Stanley, II
Vollmar, Fredrick Joseph, Jr.
Vollmer, Ernst Peter
Von der Linden, Arthur Felix
Vonsydow, Vernon Hans
Vosilus, Robert Bruce
Wade, Shelba Henry, Jr.
Wagner, Frank
Wagner, George Francis Adolf
Wainscott, Robert Phillip
Walchli, John Clark
Walden, Kenneth Allen
Walkenford, John Herman, III
Walker, Jerry David
Walker, John Andrew, Jr.
Walker, Ronald Wallace
Walkup, Arthur Lee
Wall, James Herbert
Wallace, Roy Neil
Wallin, Steven Russell
Walsh, Bernard
Walters, Claude Justine
Walters, Jack, Jr.
Walters, John Bennett, III
Walters, Louis Alan
Walters, Ronald Francis
Walther, Arthur Ernest
Walton, Don Holland
Walton, Harold Alexander
Walton, James Allen
Wanamaker, Gregory
Wann, Charles Billy
Waples, Robert Everett
Ward, Allan, Jr.
Ward, John William
Ward, Robert Furman
Warn, Jon Christian
Warnken, Lawrence Francis
Warnock, Ray Arden
Warren, Ferrell Dean
Warren, John Edward
Warren, Roy Dale
Warthin, Jonathan Carver
Waterfield, Russell James
Waterman, George Russell
Watford, Jennings Clement, Jr.
Watkins, Donald Edward
Watkins, John Roquell
Watkins, Prince Luther
Watkins, Richard Smith
Watrous, Timothy Bennett
Watson, Mitchell Louis
Watson, Randolph Grant
Waugaman, Merle Alvin
Weal, Keith Irving
Weale, Gary Dean
Weatherly, Larry Morton
Weaver, Ben Alan
Weaver, Charles Thomas
Weaver, James Edward, Jr.
Webb, Bruce Collin
Weber, Gerald Warner
Weed, Wilson Geoffrey
Weeger, Carl Allen
Wehner, Joseph Louis
Weidman, Robert Hulburt, Jr.
Weidt, Roland Leonard
Weihmiller, Gordon Richard
Weiner, Martin
Weir, Russell Alexander
Weisenburger, Thomas Willis
Weisgerber, Donald Edwin
Weiss, John Nickolas
Welham, Walter Frederick, Jr.
Wellman, Donald Albert
Wells, Bruce
Wells, David Austin
Wells, Robert Mathew
Wells, William Edward
Welsh, Richard G. T.
Welsh, Robert Marvin
Welty, Charles Stephens, Jr.
Wemple, Christopher Yates
Wenger, Charles Albert
Weniger, Marvin Joseph
Werlock, James Peter
Werner, Keith Michael
Werner, Robert Mitchell
Wernsman, Robert Lee
Wertzberger, Charles Reid
West, Karl Grove
West, Walter David III
Westberg, Eric Leonard
Westbrook, Richard Evans
Westhaus, William Arnold
Whalen, Frank Richard
Wheeler, Gerard Charles
Wheeler, John Rutherford
Wheeler, Sidney Earl
Whisler, Glenn Edward, Jr.
Whitaker, Roger Brent
Whitaker, Ronald G.
White, Arthur Edward
White, Chester Gurnett, Jr.
White, Donald Clark
White, John Dwyer, II
White, Larry Raymond
White, Raymond Monroe
White, Robin John
White, Ronal Lee
Whitehead, Albert Edward
Whitehurst, Byron Paul
Whitney, Payson Rogers, Jr.
Whitt, Eugene Nye
Whitten, Audrey Ben, Jr.
Whitus, Ernest Ferrell
Wiggins, James Richard
Wiggins, William Frederick
Wilbourne, David Garner
Wilbur, Gene Leo
Wildman, Robert Alan
Wilkin, Howard Arthur
Wilkins, Joe Louis
Wilikns, Stephen Vincent
Wilkinson, John Glenn, Jr.
Willandt, Theodore August
Willard, James William
Williams, Billy Bryan
Williams, David Daniel
Williams, David Lee
Williams, David Irwin
Williams, Donald Edward
Williams, Gary Orr
Williams, John Henry, Jr.
Williams, Mitchell Lamar
Williams, Michael Vernon
Williams, Richard David, III
Williams, Ronald Lee
Williams, Thomas Dan
Williams, Thomas Jerome
Williamson, Gordon Morris
Willoz, Clifford Paul, Jr.
Wilson, Charles Edward
Wilson, Edmund Powell Anthony
Wilson, Gary Warren
Wilson, George Frischkorn
Wilson, Jack Wesley
Wilson, Richard Alexander
Wilson, Ronald King
Wilson, Stephen Ray
Wilson, Thomas Bryant
Wilson, Torrence Bement, III
Wilson, William Joseph
Winant, Frank Gerard
Winters, Curtis John
Wise, Aubrey Lavoid
Wise, Randolph English
Wisehart, Kenneth Martin
Wisely, Hugh Dennis
Wisenburg, Mark Roberts
Wissing, Frederick Mark
Witcraft, William Robert
Withey, Thomas Arthur
Witman, William Paul
Witt, John Omer
Witter, Ray Cowden
Witzenburg, Gary Martin
Wold, Norman Luther
Wolf, Rexford Elwood
Wolfram, Charles Barrett
Woller, Robert Harry
Womble, George Curtis, Jr.
Womble, Talmadge Anthony
Wood, Forrest Kent
Wood, Virgil West

Woodbury, Roger Lee
Woodka, Thomas Kenny
Woodroof, Olen C., Jr.
Woodruff, Peter Bayard
Woodruff, Robert Bruce
Woods, Dennis John
Woods, James Raney, Jr.
Woods, Paul Franklin
Woodworth, George Prebble, Jr.
Woolett, Jerry Fredrick
Wools, Ronald Joe
Worcester, John Bowers
Workman, James Franklin, II
Wright, Charles William
Wright, Daniel Andrew
Wright, David Riley
Wright, Donald Jay
Wright, James Joseph
Wright, John Richard
Wright, Julian Maynard, Jr.
Wright, Malcolm Sturtevant
Wright, Robert Ellis
Wright, Timothy Wayne
Wright, Webster Matting, Jr.
Wright, Will Royce
Wright, William Harry, IV
Wunderly, William Louis, Jr.
Wurts, Edward Vanuxem, III
Wyatt, Thomas Walden
Wynne, David Cowgill
Wyttenbach, Richard Harring
Yankura, Thomas William
Yanovsky, Allen John
Yarbrough, Hugh Weyman
Yarbrough, Milton Edward, Jr.
Yeatts, Thomas Reynolds
Yerkes, Alan Craig
Yonkers, David Peter
Yonov, Serge A.
Yost, Dennis Allen
Young, Bruce Albert
Young, David Gunter
Young, Gary Alan
Young, Kenneth Eugene
Young, Robert Allen
Yufer, Kenneth Lee
Yule, Robert Blakeley
Zabrocki, Alan Dale
Zagayko, Andrew Roy
Zanzot, Douglas Harold
Zaretki, John Philip
Zelfer, Gerald Thomas
Zetterberg, Forrest Larry
Zimmermann, Harold Karl
Zimmermann, Claus Erwin
Zint, Harold Oscar, Jr.
Zohlen, John Thomas
Zuberbuhler, William John
Zucca, Gary Joseph

MEDICAL CORPS

Almy, Gary Lee
Amis, Edward Stephen, Jr.
Amis, Edward Stephen, Jr.
Amundsen, Duane George
Anderson, Jim Douglas
Anderson, John Randall
Andrake, William
Anthony, James Alvin
Antle, Regg Vince
Apfelbaum, Jay Henry
Arendale, Stephen Sydnes
Ashley, Lillard G., Jr.
Babka, John Christopher
Bailey, Ralph Emerson
Barnwell, Grady Glenn, Jr.
Barvick, Edward James
Beal, Lowell Richard
Beatty, Hugh Tyrrell
Berryman, John David
Biesecker, Gary L.
Bigley, Harry Alan, Jr.
Bisbee, Allan Charles
Blackman, Edward Leonard
Blorestine, Stanley Aaron
Boardman, Sheffield, Jr.
Boffman, Harry Randolph, Jr.
Bogle, Lawrence Pierce, III
Bondurant, Robert Eugene
Bowie, James Dwight
Braun, Edward Michael
Brindley, Jack William
Britt, James Clyde
Broadrick, Gary Lee
Brotman, Sheldon
Brown, Forrest Carroll
Brown, Peter Wilcox
Brumfield, James Douglas
Bruther, William Francis
Cuchta, Richard Michael
Buckner, George Standley, Jr.
Burnett, John R.
Burns, Arthur Charles
Burrows, William Mead, Jr.
Butcher, Michael Dane
Caldwell, Craig Wilson
Campbell, Barry Blair
Campbell, James Anthony
Capell, Robert Donald
Carlisle, John Wesley, Jr.
Carr, William Alexander
Carson, Homer Shannon, III
Carter, Conwell Banton
Chalamidas, Steward Louis
Chambers, Robert Edward
Charles Clive Robert
Childers, Marvin Alonzo, III
Christensen, Mahlon Frank
Cibula, Lawrence Michael
Clark, Thomas Alan
Clyde, Harrie Robert
Coker, Joe Edward
Colgan, Diane Leslee
Colley, David Perkinson
Colosi, Nicholas Joseph
Conforti, Victor Alling
Cooley, William Emory, Jr.
Cooper, David Lawrence
Cooper, Edgar Shannon
Cornell, Cornelius John, Jr.
Cotton, John Bert
Cox, Joel Robert, Jr.
Crane, Lawrence
Credle, William Frontis, Jr.
Cross, David, Alan
Culp, Larry H.
Curry, John Lamar
Daniel, Howard Grady
Daniels, Bruce Lynn
Danzer, Dave Benjamin
Danziger, Franklin Samuel
Davis, Claude Dewey, Jr.
Dawsey, James Thomas
Decolli, Joseph Albert
Dehner, Louis Powell L.
Devore, Jay Samuel
Doberbower, Ralph Riddall
Donshik, Gary Ronald
Dorr, Lawrence Douglas
Duane, Lawrence Joseph, Jr.
Duckworth, Dyce Jerome
Duncan, Matthew Winfred
Durham, Cecil Tracy, Jr.
East, Samuel Reed
Eastridge, Ralph Robert, Jr.
Eckert, David William
Edwards, Bruce George
Ellwood, Leslie Clive
Emory, Warden Hamlin
English, Joseph Martin, III
Enoch, Tommy Errice
Ferrazzano, John Vincent
Fields, Marvin Harvey
Flanagan, Michael Cyril
Fleming, James Gregory
Forbes, Thomas William
Freisinger, Gerhard Martin
Gallagher, William Joseph
Gaudet, Paul Thomas
Geary, Brian David
Geraci, Kevin Thomas
Getz, Lawrence Gilbert
Giedraitis, John B.
Gillette, John Roger
Gilson, Mayo Dean
Gingrich, Samuel Philip
Glassman, Peter Michael
Glynn, Thomas William
Goldburg, Bert Richard
Golden, Richard Allen
Goldschmidt, Mark Norman
Gorske, Arnold Lowell
Gortner, David Allen
Granatir, Robert Francis
Greco, Richard Germano
Gregson, Michael James
Grotenhuis, Paul Willard
Gustavus, John Louis
Habib, Michael Anthony
Hageman, Dean David
Hageseth, Christian Ellis
Hall, Robert F., II
Halpin, Thomas Joseph H.
Ham, Charles Lindell
Hammersberg, Jon Robert
Hancock, George Gray, II
Harder, David Franklin
Harris, Richard Ernest
Harter, David John
Harter, Gary Lyon
Hash, Cecil Jackson, Jr.
Hassan, Robert Michael
Hawkins, Michael Lawrence
Hayes, Robert Preston Bushong
Hays, William Alton, Jr.
Hazlett, Donald Arthur
Heisler, Stephen
Hitt, Curtis Lee
Hodgers, John Henry
Hoglund, William John
Hood, Stephen Thomas
Horn, Michael D. D.
Horton, Douglas Leslie
Houghton, James Orville
Houk, William Michael
Howard, Noel Scott
Hubbard, Ronald Eugene
Hulsing, Darel John
Hunt, Hugh Blair
Hunt, Phillip Dean
Isenhart, George Edwin
Izzo, Joseph Leonard
Jackman, William Martineau
Jackson, David Lawrence
Jackson, Seth Huntington
Jacobsen, Paul Mill
Jacquet, James Martin, Jr.
Johnson, David Gary
Johnson, Paul Elmer
Jones, Garry Lynn
Juhala, Curtis Alfred
Kahle, Charles Thomas
Kaiser, Ralph Henry
Keegan, Gerald T.
Kelsey, Gerdi D.
Kimball, Michael William
Kimbrell, Fred Taylor, Jr.
Kindschi, George William
King, Charles Robert
Kleve, Roger Albert
Knapp, Robert Sinclair
Knepper, John Guyton
Knuff, Robert Joseph
Koenig, Harold Martin
Krasnow, Robert William
Krebs, Curtis James
Kunz, Arthur Ernest, Jr.
Labunetz, William Henry
Lambert, Robert McMillan
Lamberty, Leonard Kenneth,
Lee, John Paul
Leist, Frederick Douglas
Lenington, Jerry O.
Lesser, Philip Steven
Lewis, Ronald William
Lichtman, David Michael
Liscomb, Jesse Royal
Lodewick, Peter Alan
Lohner, Thomas
Lomax, William Roger
Louviere, Robert Lee
Love, Robert Alexander, III
Luppi, Lawrence Howard
Lutner, Lawrence
Lyman, William Michael
Lynch, Michael Hardy
Lynch, Thomas Patrick
Lytle, Gary Scott
Mabry, Nicholas Rivero
MacNabb, George Malcolm, Jr.
Mann, Ralph Jerry
Marshall, Larry Joe
Martinson, Alice Marie

Mason, Jack Fabian
Mattheis, Kenneth Robert
Maxon, Harry Russell, III
McAlary, Brian Gerard
McArtor, Robert Dennis
McConnel, Charles Stewart, Jr.
McCormick, Hugh Bernard
McCoy, Stephen Hartzell
McDaniel, Robert C.
McDonald, Harrison Robert
McDonald, Thomas Gerald
McGill, Willis Alexander
McKean, Joseph Dewey, Jr.
McKee, Edgar Geer
McKee, Paul Jay
McKinney, Douglas Edgar
McLamb, James Norwill
McMahon, Daniel Clayton
McMillan, Donald Malcolm
McMillan, Michael Reid
McMullan, John Barton, Jr.
Meade, Clyde Kingstone
Meek, Tom Joffre, Jr.
Meinecke, Henry Milton
Mendez, Prudencio
Michalko, Charles Harold
Mullen, John Owen
Murphy, David Michael
Murphy, James Aloysius
Muther, Daniel Davis
Nagy, Robert Eugene
Nelson, Fred Ritchie Trew
Nelson, Richard Arnold
Nemeth, Clifford John
Newton, Neil Albert
Niccolini, Robert
Nicholson, Thomas Cornell
Noel, Kenneth Robert
O'Brien, Michael Patrick
O'Connell, Kevin John
O'Hara, James Patrick
Oller, Dale William
Orsi, James Morgan
Parvin, Thomas Steve
Paul, Francis Ferdinand
Paul, Theodore Otis
Pautler, Thomas George
Pease, Gary Lee
Pekas, Michael Wayne
Pepine, Carl John
Petit, Paul Edward
Philips, Wallace Merritt, Jr.
Pohl, Stephen Eric
Pries, Richard Edwin
Pritham, Howard George
Prosin, Michael Allan
Pryor, Donald Edgar
Pryor, Norman Dale
Rader, Thomas Edward
Radnich, Robert Hays
Rainforth, Douglas Wayne
Rasmussen, Bruce David
Redmond, Roy Ernest
Reed, James Croft
Reed, William Jerome
Reynolds, Walter Joseph III
Rice, Charles Lane
Richardson, George Robert, Jr.
Robertson, William Craig, Jr.
Robinson, James Edmund
Robinson, Joseph Howard
Rodgers, Donald E.
Roduner, Gregory Kenneth
Roelofs, Bruce A.
Rosenthal, Myer Hyman
Routenberg, John Albert
Roy, Thomas Sherrard II
Rust, Robert Edward, Jr.
Ryan, Joseph Michael
Safley, Gary Hueston
Sanford, Frederic Goodman
Satko, Frank Gregory
Savin, Max
Sawyer, Ralph Alphonse
Schaefer, Walter Charles
Schang, Steven Jacob, Jr.
Schefsky, Harvey William
Schloemer, Richard Louis
Schmottlach, David Ralph
Schonauer, Thomas David
Schuler, Frank August III
Schweitzer, Robert Leonard
Scott, Kenneth Neal
Seal, William Clayborn
Seckler, Jerrold Howard
Severy, Philip Robert
Sheffer, Lee Allan
Shetterly, Roger Davis
Sibert, Scott Lee
Siegfried, George Earle
Sire, David John
Smith, Jerrold Rex
Smith, John James, III
Smith, William Roan
Snyder, David Michael
Snyder, John Michael
Spader, Bryan Dale
Sparks, Charles Edward
Spence, Clarence Howard
Spencer, Donald Lynn
Spenler, Charles William
Staker, Larry Victor
Stearns, James Michael
Steele, Samuel McDowell, Jr.
Stehr, Christian Hermann
Steinberg, Steven Marc
Steinkuller, Paul Gilbert
Stenberg, Michael Donald
Stevens, Bruce Lawrence
Stice, Richard Bell
Stickney, Roger Wilde
Stringer, Douglas Lynn
Stromberg, Murray Gage, II
Strong, David Burk
Stubblefield, Wayne
Stuckey, Charles Edward
Swart, Edwin Gifford, Jr.
Sweeney, John Charles
Talton, Brooks Mims, Jr.
Talton, Hugh Johnston
Taylor, Benjamin Thomas
Taylor, Gary Stevens
Templeton, Gilbert Walter
Tenney, Richard Dean
Thomas, Herbert Cushing, Jr.
Thomas, James McNeil
Tozer, James Michael
Turner, Tommy
Tuxill, Thomas Galster
Ulch, George Alan
Unsicker, Carl Lester
Vanderberry, Robert Carroll, Jr.
Volcjak, Edward Eugene
Voneschenbach, Andrew Charles
Voth, Gayle Vernon
Walsh, David Guy
Walsh, John Joseph, Jr.
Walsh, John Patrick
Ward, Franklin Ruel
Weaver, Clyde Marquis
Weaver, Jerry Octave
Werner, Leslie George
White, Matthew
Whitlock, Paul Austin, Jr.
Wilder, William Hamlin
Williams, Robert Raymond
Williams, Theodore Guy
Willmore, Luther James, Jr.
Wilson, Don Allen
Woodburn, Richard
Worthington, Richard Lee
Wyatt, Willie Glen
Yauch, John Allen
Young, Thomas Kemper

SUPPLY CORPS

Abbott, Gerald William
Abernethy, James Robert, Jr.
Actis, Charles Louis
Adams, Don S.
Aleva, David Andrew
Allbaugh, Charles Ulysses
Allen, Robert Francis
Amman, Delos Albert
Anderson, Louis Gary
Andrews, Ernest Lee, Jr.
Arehart, Robert Coffman
Armistead, William Bright
Atkinson, Larry Richard
Ayers, James Dennis
Atkinson, Larry Richard
Baird, Robert Bruce
Baker, Charles Edmund, Sr.
Baker, Roland Jerald
Baldwin, Seth Weaver, II
Barnes, Edmund Lee, Jr.
Bartel, Joseph Richard
Bary, David Sharp
Bates, Richard William
Bates, Richard Allen
Bauman, Thomas William
Bednar, Edmund Joseph
Beer, Robert Oakley, Jr.
Bergeron, Wilfred Joseph, Jr.
Bergquist, John Roy
Berndt, Phillip Albert
Bezanilla, David George
Bice, Fred Junior
Biegner, Frederick, Jr.
Bill, Robert Edward
Birindelli, James Benson
Bissett, John Lynn
Black, Bill Howard
Blankenfeld, Richard Kieth
Blaylock, James Sparkman
Blondin, Peter William
Boalick, Howard Russell
Bondi, Peter Albert
Boone, Paul Robert
Boyd, Terran Ray
Bradley, James Smith
Brandt, Craig Max
Braswell, Carmen Bruce
Breeding, Earnie Rowe
Briggs, Robert John
Brighton, Edward Earl, Jr.
Brochu, Robert Adelard
Bromen, Roger Raymond
Brown, Bernard Elton
Brown, Reed Eaton
Buhr, Joseph David
Bunch, Joseph Robert, Jr.
Burgess, Edward Lamar
Burnett, Michael Howard
Burnham, John Kenneth
Butler, Joel Lee
Canale, Vincent Timothy
Cangalosi, Davis Stewart
Cantrall, Edward Loren
Caplan, David Alan
Carr, William Neil
Carre, Darwin Beach, Jr.
Carroll, John Perry
Casanova, Kenneth Evelio
Ceo, Jerome Joseph
Chalupsky, Raymond Jerome
Chapman, Charles Melvin
Chapman, George Aubrey, Jr.
Chew, Edward Howard, Jr.
Cleary, Richard Thomas, III
Coburn, John Michael
Cole, Chester Benny
Collins, William Arthur
Cone, Bruce E.
Connelley, John Michael
Conner, Frank Hoyt
Conner, John Thomas
Conser, Richard Lewis
Cook, Kendall Raymond
Correll, Charles David
Cox, Thomas Peter
Crabb, Dal Ed
Cribbin, Thomas Michael
Crocker, William Guy
Crooks, Roger Ervin
Curran, John Charles
Dahm, Eugene Emile
Danforth, Lawrence Leo
Daniels, John G.
Danner, Glenn Richard
Davee, Francis William
Davenport, Marvin Eugene
Davidson, James Patrick
Davis, Fredric Cook
Day, James Keith
Dejanovich, James Peter
Delasfuentes, Jose, Jr.
Demetriou, Eugene Mitchem, Jr.
Dilger, Dean Edward
Dixon, Lloyd Arthur
Dominy, John Franklin
Donahue, John Richard
Doran, William Earl
Draper, John Vaughn

Driskell, James David, III
Drucis, Timothy John
Dunkle, Charles Thomas
Dunkle, James Allan
Dunn, Robert George
Duryea, Robert James
Eadie, Paul Warren
Earhart, Terry Lee
Earle, Samuel Broadus, III
Ebbesen, Preben Ehlers
Elledge, Ira Franklin
Erdahl, Eugene Stanley
Evans, George Albert
Evasovich, John James
Fellows, Fred Yates, III
Field, Leroy Frank, Jr.
Fields, Billy Joe
Fincke, Edwin August
Fischer, Charles Edwin
Fish, Herbert Ellsworth, III
Fisher, Gary Clay
Fitzgerald, Thomas Patrick
Fleming, James Alexander, Jr.
Flint, Ralph Quentin
Flowers, John Holder
Foley, Richard Lynde
Ford, Richard Paul
Foster, Donald Gregory
Fox, George Earle, Jr.
Franke, Donald Keith
Frantz Harold Wayne
Frassato, Robert Charles
Free, Willard Dean
Fuller, Franklin Barry
Gabor, John Bernard, Jr.
Gainey, John Michael, III
Galligan, David Richard
Gallion, Robert Zurill
Garmus, David Paul
Geary, John Paul
Gee Charles Daniel
Gent, Raymond Dale
Gibbins, Donald Bryant
Griffin, Donald Harry
Ginchereau, Eugene Hugh
Glenn, Michael
Glisson, Donald Jerry
Glovik, Richard Joseph
Gordon, John Edward
Gorham, Robert Loreaux
Grant, Robert David
Green, Harold Conrad, Jr.
Green, William Thomas
Grichel, Dietmar Fritz
Griffin, Jon Edward
Grim, James Woodrow
Gross, Royce Alan
Groves, William Dennis
Gushue, William, Jr.
Haas, James John
Habermann, William Frank
Hagerty, William Orme
Hale, Ronald Arthur
Hall, Kenneth Richard
Hall, Robert Gordon
Hamilton, Howard Harvey
Hamilton, James Bevington
Hanson, Harold Charles
Harms, Herbert Martin
Harper, Albert Eugene
Harrington, Phillip Henry
Harris, Christopher Bertram
Harshbarger, Eugene Burks
Hart, Charles Ashley
Hartwell, William Randolph
Hatcher, Robert Cary
Hawthorne, Richard Lee
Heeb, Benny Joe
Hekman, John Gilbert
Helme, Gordon Thomas
Helmuth, Robert Allen
Henderson, Andy Leroy
Henson, Verlin Charter
Hering, Joseph Florian
Hernandez, Edward Simon, Jr.
Hickman, Donald Eugene
Hildebrand, Jarold Ray
Hislop, Charles Edward
Hobbs, Wilbur Neal
Hodapp, Charles Aloysius
Hoffler, Robert Eugene
Hogan, Brian Thomas
Holland, Donald Lee
Holshey, Michael Leonard
Holtz, Richard Earl, Jr.
Hooker, James Stewart
Hopkins Bruce Allan
Hopkins, William Leslie
Howes, Joseph Darryl
Hoyt, Michael Campfield
Hubbard, Robert Edward
Huck, Lloyd Anthony
Hudson, Gary Joe
Hundelt, George Robert
Hunt, George Aloysius
Hunter, Curtis Stanley, Jr.
Hunter, Don Loren
Hurlbutt, James Wilbur
Hyman, William M.
Isaackson, Robert Kirk
Jackson, Thomas Avery, Jr.
Jaffin, Frederick Theodore, Jr.
James, William Don
Janse, Anthony Ludwig
Jarosz, Thomas James
Jarvis, William Edward
Jensen, Albert LaGrande
Jenson, Ronald Lee
Johnson, Jesse Benjamin
Johnson, Thomas Lawrence
Johnston, John Michael
Jones, Allan Herron
Jones, Eric Bywater
Jones, William Marcus
Jordan, Charles William, Jr.
Karosich, James Charles
Kasriel, Jerome David
Kaufman, James David
Kavanaugh, John Thomas
Kelly, Timothy Michael
Kerr, Harold Lewis, Jr.
Kieckhefer, Edward Herbert
King, James Marshall
King, William Delano
Kosch, Charles Arthur
Koselka, James Anthony
Koslovski, Michael
Kosmark, Alfred Christopher
Kowalski, Karl Aloysius, Jr.
Krehely, Donald Edward
Kuster, Ulrich Emil
Laehn, David Robert
Lafianza, Bernard John
Lafnitzegger, Frederick Alois
Lambright, John James
Larson, Richard Dean
Laurent, Daniel Henri
Lawrence, Phillip Leroy
Lebel, Robert Francis, Jr.
Leeper, James Edward, Jr.
Lenga, James Richard
Leverett, Guinn Osborne, Jr.
Lewis, James Joseph
Lidberg, Alfred Arden
Logan, Don Edward
Logan, Guy Beauregard, Jr.
Long, Douglas Allen
Lovett, Edwin Lyle
Lovstedt, Joel Mathies
Lutz, Alan Lee
Lutz, Gerald Gilbert
Lutz, Harold Gilbert, Jr.
Lynch, Michael Gerald
MacAulay, Charles Patrick
Mackenzie, Edward Hemond, III
MacMurray Michael McRoberts
Madison, Robert Louis
Magee, Joe Allen
Magrogan, William Francis, Jr.
Maitland, James Raisbeck
Maley, Michael Denton
Malloy, Joseph Michael
Mandel, Allan Lee
Manning, Gary Clifford
Manson, Walter Blaine
Mantonya, Robert Raymond
Marohn, Louis Norman
Marshall, William Baker, III
Mastrandrea, Gary Allen
McClure, John Marvin
McCowan, William Blake, Jr.
McDaniel, Hugh Hines, II
McDermott, John Edward
McDonald, John Francis
McGraa, John Robinson, III
McGray, Andrew Frank
McHaffie, Thomas Gaylord D.
McNutt, Beverly Daniel
Meneely, Frank Thomas
Merritt, Frank Wilbur, Jr.
Mesterhazy, Andrew Paul
Meyer, James Russell
Miller, James Rush
Miller, Richard Eldon
Minnis, Mel Wayne
Mitchell, John Wayne
Mizer, Robert John
Monroe, James Leslie Dukes
Monson, Jon Philip
Monteith, Gary Henry
Moore, Stephen Douglas
Moreland, Richard Dean
Morgan, George Parker, Jr.
Morgan, Ronald Dean
Morris, John David, III
Morris, John Glenn
Mortensen, John James
Mortrud, David Lloyd
Moum, Jerry Davis
Mueller, John Joseph
Murray, Michael Arthur
Murray, Thomas Oliver, Jr.
Musgrave, Alvin William, Jr.
Nair, Sterling Edward, Jr.
Natole, Robert Lester
Nemmers, Robert Stanley
Newton, Kenneth Ray
Nichael, Robert Harold
Nichols, Clifford John
Nichols, Edward Hamilton
Norris, David Carter
Oberg, Russell Carl
Oberle, Michael Joseph
O'Connor, John, Jr.
O'Connor, Joseph Andrew
Oehrlein, William Philip
O'Hara, Patrick Joseph
Olio, John Francis
Olsen, Robert Dean
Orahood, Douglas William
Overhalser, Dennis Dee
Owens, Joseph Frederick
Owens, Robert K.
Packard, Charles Alden
Paine, John Spaulding
Parker, James Fredrick
Parks, Leonard Cranford
Parrott, Ralph Condron
Parsons, Donald Sargent, Jr.
Patterson, Kenneth Leon
Pearson, David Edward
Pedersen, Carl Jens
Perrill, Fredrick Eugene
Perry, Bradford Kent
Perry, James Hilliard, Jr.
Peterson, Ronald Hokan
Phillips, James Donald
Pierce, John Hubert
Pinskey, Carl Walter
Pittman, Harold Sherrod
Ponder, Joseph Edward
Pope, Thomas James
Popik, Michael John
Porter, Robert Cleve
Pressley, Joseph Larry
Price, Clifford Ronald
Price, Robert Francis
Privateer, Charles Russell
Pugh, Richard Charles
Quigley, Patrick Joseph
Quinn, John Thomas
Quinn, Kenneth James
Quinton, Edmund Frank
Rasmussen, Kenneth Herman
Rasmussen, Paul Duane
Rebarick, William Paul
Redman, William Ernest, Jr.
Reynolds, Kevin Thomas
Reynolds, Marvin Dewitt
Rice, Richard Ray
Ricketts, James Beatty
Riedel, William Michael
Ringberg, David Allen

Rittenhouse, Ferness Levere
Rodgers, Gary Lee
Rooney, Leo Michael, Jr.
Rose, Frank, Jr.
Rosson, Bobby Joe
Rueckert, Jon
Rumsey, Charles Gary
Rutherford, David Owen
Ryder, Thomas Vanbrakle
Ryland, Charles Wayne
Sampson, Thomas Woodrow
Sandeen, John King
Sapera, Leonard Joseph
Sareeram, Ray Rupchand
Sattler, Roger Charles
Savola, Vernon Victor, Jr.
Schaefer, John Fowler
Scharff, Richard Darrell
Schewe, Norman Lee
Schiel, William Arron, Jr.
Schmiege, Thomas John
Schultz, Robert Arthur
Scroggs, Clifton Ray, Jr.
Seddon, Thomas Albert
Semmens, Thomas Perry, Jr.
Sewell, John Burdon
Shandy, Jerome Clifford
Shannon, William Northrop
Shapack, Richard Allan
Shay, Gary Edward
Sherman, Bruce Leslie
Shields, Edward Joseph
Siburt, Forrest Nile, Jr.
Sikes, James Eugene
Simpson, Steven Earl
Smith, Charles Edward
Smith, Olen Brown, Jr.
Smith, Richard Michael
Smith, Stanley Allen
Smith, William James
Sneiderman, Marshall Lewis
Spede, Edward Charles
Spiller, James Thomas
Spyrison, Joseph Akin
Stafford, Joe Roberson
Standish, John Alden
Stangl, Larry Francis
Stanley, John Anthony
Starnes, Bobby Franklin
Stebbins, Lynten Harvey
Steen, George Samuel, Jr.
Stocker, Vernon Dean
Stolark, Edward John
Straupenieks, Imants Alfred
Strickland, Robert Merrill
Sulek, Kenneth James
Summers, John Howard
Sussman, Richard Michael
Suter, David Floyd
Swab, James Robert
Swearingen, John Joseph, Jr
Sweeney, Dennis Campbell
Switzer, Harry Allen
Szalapski, Jeffery Paul
Taube, Arden Raymond
Tennant, Don Louis
Terwilliger, Bruce Kidd, Jr.
Tewelow, William Harrison
Thomas, Dudley Jerome
Thomas, Robert Louis
Thompson, Robert Howard
Tidball, Ronald Glenn
Titus, Robert George
Tomcheck, John Kenneth
Torrey, Tracy Everett
Trager, Douglas Henry
Trandum, William Irving
Trbovich, George Melvin
Treanor, Richard Craig
Trebatoski, Robert Stanley
Trotter, Edgar Stoker, Jr.
Trulli, Bruce Michael
Tully, Albert Paul, Jr.
Ullman, Robert Chester
Unsicker, David Wayne
Vandeveer, Charles Edward
Vanness, Robert Louis
Vantassel, Russel Dale
Vaughan, Woodrow Wilson, Jr.
Verhage, Ronald Glenn
Voyles, Clyde W.
Wagner, Gregory Leonard
Wagoner, John Deal
Walker, Francis Arthur
Walker, Francis David, III
Wallace, James Joseph
Wallace, William Warren
Walton, Joseph Leo
Warren, Robert Morris
Watrach, Dennis Kenneth
Weaver, Edwin Richard, Jr.
Webster, Bert Reed
Weekes, James Ernest
Welch, Kenneth Thompson
Wells, Michael Vance
Wells, Paul Denzil
Wellumson, Douglas Raymond
West, Karl Peterson
Wilde, Charles Lee
Wilkinson, Ronald Carr
Williams, Jilson Lea
Williams, Richard Hardy
Williams, Robert Joseph
Williford, David Allan
Wilson, Michael George
Windbigler, John J.
Wong, Dennis Wai Hung
Woodward, Joseph Albert
Wootten, John Francis
Worsena, Richard Francis
Young, Robert Reese
Zeppieri, Ronald James
Zitlau, Theodore
Zumbro, Sherrod Branson

CHAPLAIN CORPS

Bartholomew, Carroll Eugene
Bergsma, Herbert Leonard
Bruggeman, John Anthony
Cook, Elmer Dean
Coughlin, Conall R.
Curran, Wade Hampton, Jr.
Daly, R. John Raymond, Jr.
Depascale, Daniel Francis
Dorr, Charles Edward
Eckles, James Warren
Erick, Robert James
Fiorino, Alfred Lewis
Fullilove, Ray Weldon
Gibney, Robert George
Gill, Francis
Kuhn, Thomas Walter
Lauer, Robert Erwin
Lowry, Lawrence Raymond
Luebke, Robert Bingham, Jr.
Lyons, Richard Michael
McCoy, Charles Joseph
Meehan, Conon Joseph
Mitchell, Zeak Clifford, Jr.
Murray, Edward Kevin
Olander, Edward Alfred
Reese, Donald B.
Richards, Gerald Thomas
Riley, Robert Joseph
Rowland, William Alfred, Jr.
Roy, Raymond Armand
Smith, Jerry Ronald
Stewart, Lisle Edwin
Taylor, Francis Stuart, III
Winnenberg, John Oscar
Wishard, John William
Wright, John Milton

CIVIL ENGINEER CORPS

Aksionczyk, Leon
Andrews, Richard Earl
Baratta, Mario Anthony
Barron, Richard Maurice
Bass, William Martin, Jr.
Bergstrom, Robert Russell
Bersani, Robert Richard
Beuby, Stephen Charles
Black, Dorwin Clay
Bonderman, Warner Edward
Buckner, Ernest Wesley
Buffington, Jackson Eugene
Camden, Edward Brydges
Carnell, Donald Lee
Chapla, Paul Anthony
Clarke, Wilmot Fred
Clay, Joseph Valentine Franc, III
Clayton, James Busch
Crane, Thomas Clemson
Day, Norman Walter
Delmanzo, Donald Dewees, Jr.
Dillman, Robert Peter
Drennon, Patrick William
Driscoll, Francis John
Drouin, Leon Eugene Jr.
Eckert, James Watts
Edmiston, Robert Clair
Endebrock, Robert Neal
Estes, George Brian
Everett, Ernest James
Falke, John Whelan
Farlow, David Earl
Finn, James Robert
Fisher, Curtis Hoy
Fluharty, David Henning
Forestell, William Lawrence
Fowler, George Edward, III
Fowler, Richard Salsbury
Frankum, Stephen Douglas
Frauenfelder, Henry Roger
Fusch, Kenneth Ericson
Gallen, John James, Jr.
Gallen, Robert Michael
Goin, Paul Thurman
Green, Joseph Behler, Jr.
Greene, Carl Deforest
Gregg, Ronald Irvin
Griffith, Harry Gates
Hadbavny, Ronald Stephen
Hall, Fredrick Spencer, Jr.
Hanks, James Edward
Hansen, Robert Edwin
Harris, William Frank
Hartford, Edward Spaulding
Hathaway, James L.
Hatter, William Hood, Sr.
Haugen, James Arthur
Heffernan, Thomas John
Heine, Richard Frederick, Jr.
Heine, William Anton, III
Henley, John Steele
Henley, Joseph Leo
Hennings, Louis William, III
Herrell, Orval Glenn
Hosey, Gary Ronald
Hudspeth, Robert Turner
Hull, David Nelson
Hyland, Richard James
Jackson, Bruce Lawellin
Jacobs, Paul Francis
Jones, Lloyd S.
Kelley, Kenneth Clyde
Koepp, Gary Eugene
Konold, David William, Jr.
Leake, David Frederick
Leap, Joseph Brian
Long, Thomas Auburn, Jr.
Martinelli, Salvatore Aldo
McCahill, Dennis Francis
McCullagh, Paul William
McLaughlin, Terrence Adrien
Mellon, Paul Edgar
Michna, Thomas Benjamin
Miles, John Henry Thomas
Mitchum, William Ransome, III
Mohl, Roger Keith
Morrison, Paul Albert
Mountjoy, John Leigh
Nadolski, Michael Edward
Nakahara, Jitsuo
Norvell, James David
O'Connell, Brian John
Olsen, Ole Leigh
Olson, Harold Martin
O'Neill, Charles Patrick, Jr.
Pearson, Rufus Judson, III
Peppel, Robert Wayne
Pero, Michael Andrew, Jr.
Perrine, Robert Thomas
Perry, John Ellery, Jr.
Petty, Larry Kiningham
Rabke, Walter Edward
Rein, David Arno
Renzetti, Joseph Leo
Ringel, Duane Arthur
Robertson, William Edmond, Jr.
Rohrbach, Richard Magee
Ross, Gerald Harry
Rudy, Joseph James, Jr.
Rumbold, William Walter, Jr.

Runberg, Bruce Lee
Schneider, John David
Scott, Garry Hugh
Shalar, Alexander
Shaw, Arthur Robinson
Sheaffer, Donald Ralph
Sherman, Myron Bernard
Smith, Erik Theodore, Jr.
Smith, Homer Francis, II
Smith, Jack Michael
Smith, Ray Allen
Smith, Raymond Carlton
Smith, Sherrill Edwin
Smith, William Alfred
Stamm, John Andrew
Stark, James Reginald
Starr, Ronald Joe
Stevens, Joseph Michael, Jr.
Stewart, Allen Jack
Stewart, Stephen Edgar
Stokes, Stephan Robert
Street, Clifford Gail
Sturmer, Donald Charles
Swyers, Harry Merton
Vaudreuil, Wilfred Joseph, Jr.
Wells, Donald Raymond
Wheeler, David Earl
Woodford, Donald Lynn
Yoder, Dan Samuel
Woodford, Donald Lynn
Zane, Sheldon Sin Hee
Zimmermann, Gerard Alan

JUDGE ADVOCATE GENERAL'S CORPS

Bohaboy, Howard D.
Broussard, Barry David
Brush, James Dillon, II
Carroll, James Edward
Closser, Daniel Penn, Jr.
Coyle, Robert E.
Derocher, Frederic George
Ellis, Donald Porter, Jr.
Gall, William Dudley
Gilliam, Thomas Alfred, Jr.
Henkel, George Edward
Horst, Carl Henry
Hosken, Edward Watters, Jr.
Ise, William Henry
Kjos, Wendell Arthur
Kuhner, Robert Legier
Landen, Walter James
Little, Harvey Edward
Martens, John Jerry
McCoy, Dennis Frederick
McGovern, Peter John
Michael, George Lewis, III
Norgaard, Kenneth Ray
Patterson, Donald Ross
Pierce, Charles David
Rapp, Michael Duer
Rogers, James Nicholas
Rowley, Robert Deane, Jr.
Sanftner, Thomas Richard
Schrotel, John Thomas
Studer, John Armitage
Turner, Patrick Charles
Wheeler, Matthew Joseph, Jr.
Woods, Terrence Joseph
Wulf, Norman Alan
Young, Donald Paul

DENTAL CORPS

Almond, James Frederick
Bacon, William Harrison, III
Balsiger, Verlin Wesley, Jr.
Barton, Terry Lee
Bate, William Santford
Bauer, Myron John
Baycar, Robert Stephen
Bickenbach, Alan Paul
Birtcil, Robert Franklin, Jr.
Blank, Lawrence William
Bleeke, James Morris
Bonhag, Robert Charles
Bosley, James Edward
Bruns, David Joe
Cannon, Richard Leon
Carr, Alan Ralph
Carson, Robert Edward
Chapman, Robert James
Cholaki, George Christ
Coggeshall, William Thomas
Coker, Mack Elbert
Curreri, Robert Charles
Drab, Stanley, Sr.
Dunn, William Paul, Jr.
Ellenbecker, Richard Joseph
Finger, Richard B., Jr.
Fisk, Bruce D.
Fletcher, Ernest Clinton
Freeman, Joe Chris
Frieder, Dennis Allan
Garre, David Colfax
Goldblatt, Lawrence Ira
Goodrich, Clarence Paul
Hammer, Dennis David
Hancock, Everett Brady
Harnett, Jeffrey H.
Hartman, Gerald Lee
Haugen, Jan Clayton
Heilman, Mark Edwin John, IV.
Hensley, Larry Donald
Higgins, Joseph Patrick, Jr.
Hinman, Robert Winfield
Hirst, Robert Charles
Hix, James Ofallon, III
Horton, Charles Bunion
Ingraham, Richard Lewis
Iversen, William Walter
Jack, Robert William
Jucovics, Robert Lewis
Keeker, David Erwin
Kjome, Robert Louis
Lally, Edward Thomas
Leibowitz, Richard Benjamin
Lequire, Anton Kilgore
Licking, Thomas Charles
Macleod, George
Maddox, James Arthur
Maiorana, Joseph James
McIntire, William Oliver
Merlo, Thomas Joseph
Milford, Michael Louis
Mitchell, Donald Leo
Moe, Robert Clarence
Morrow, John Hobert, Sr.
Nagel, Norman John
Neal, John Clarence, Jr.
Nieusma, Gerald Edwin
Nowak, Joseph Paul
Olson, Robert James
Ostrowski, John Stanley
Parker, Richard Warren
Paulk, Glenn Lamar, Jr.
Paulus, Helen Marie
Pfeifer, David Lewis
Poirrier, Maxime James Peter
Rensch, Jerry Allen
Ridley, Michael Travis
Robertello, Francis John
Russell, John Thomas, II
Sepe, Walter William
Shoemaker, Philip Witherell
Smith, Gary Leslie
Stob, John Albert
Stone, Harold Eugene, Jr.
Stratton, Russell John
Sullivan, William Walter
Tagge, David Lee
Taylor, Kent Lee
Taylor, Ronald Norman
Tidwell, Eddy
Tooker, Darrell Thomas
Vanbelois, Harvard John, Jr.
Wiley, Wayne Myers, Jr.
Yavorsky, John Dennis

MEDICAL SERVICE CORPS

Anderson, Francis Glen
Armstrong, Joseph Cunningham
Bain, Donald Keith
Baird, John Robert
Baker, Donald Edward
Bazzell, Samuel Clinton
Beckner, William McCarty
Bell, R. Thomas, III
Bennett, Floyd Edward
Beuchler, Lamarr George
Bienkowski, Faustyn Joseph
Biersner, Robert J.
Bond, James Calvin
Briand, Frederick Francis
Brown, Gary Dale
Brown, Seth Edsel
Brown, Wayne Allen
Buckles, Richard George
Burke, Daniel Brian
Cannizzaro, John Silvio
Carnahan, Clarence Lee
Chatelier, Paul Richard
Coan, Richard Manning
Cook, Elvis Donald, Jr.
Cowan, Morris Joseph, Jr.
Curran, Patrick Michael
Cusick, Richard Allen
Deeter, Victor Raymond
Delaughter, John Douglas
Delisle, Gary Raymond
Denison, Neslund Edward
Devault, Richard Lee
Duley, John Wilbur, Jr.
Duncan, Alexander Robert
Ferguson, John Christian
Fullerton, Jack Gibboney
Funaro, Joseph Francis
Furr, Paul Arthur
Gaines, Richard Noel
Gay, Kenton William
Giard, Emile Normand
Gibson, Richard Stephen
Gillentine, James Donald
Gillespie, Franklin Delano
Gogel, Casper John
Gooch, Roy Lee
Green, Charles Madison
Gregoire, Harvey Gilbert
Hatten, Arthur Dallas, Jr.
Henderson, S. Douglas
Hill, Thomas Alfred
Hutchins, Charles Willis, Jr.
Johns, Jack Elton
Johnson, Jay Arthur
Johnson, Larry Wayne
Johnson, Paul William
Johnson, Robert Alton
Juda, Thaddeus Albin
Karch, Larry Lee
Kinsella, Lawrence Thomas
Lane, Norman Edward
Laughlin, Leo Lemuel, Jr.
McAllister, Robert George
McCroddan, Donald Matthew
McGuire, James Stuart
McIntosh, Wilton Wayne
McPeters, Roland Eudean
Meyers, Wessel Hugh
Morin, Richard Albert
Murrell, William Raymond
Nathan, Howard Wayne
Newell, Richard Lee
Owens, Norman Kenneth
Ozment, Bob Lee
Parrish, William Carroll
Patterson, Patrick Ross
Payton, Richard Alan
Peck, John Allen
Peterson, Warren Roger
Pitts, Lucius Loring, II
Rector, Douglas Eugene
Rhodes, Durward Leon
Rice, Richard Timothy
Robinson, Patsy June
Rosplock, Jerome Donald
Santana, Frederick Joseph
Saye, Clarence Boswell
Schweitzer, James Donald
Self, William Lee
Shackelford, Paul Richard
Shaughnessy, Mary Kay
Skelly, Robert Stanley, Jr.
Smith, James Dudley
Smith, Lamar Richard
Sonntag, Robert Richard, Jr.
Stayton, Richard Allan
Stockman, Roger Emanuel
Theisen, Charles Joseph, Jr.
Thomas, Thomas Edward
Tucker, John Russell, Jr.
Veckarelli, Donald Thomas
Walker, Jerry M.
Wilson, Jason A.
Winningham, Joe

Wood, Duell Eugene
Woods, Allen Oliver

NURSE CORPS

Ancelard, Madeline Mary
Arndt, Karen Irene
Bekkedahl, Marilyn Catherin
Beyerle, Doris C.
Boyle, Mary Maddock
Cascadden, Mary Lou
Caya, Barbara Anne
Coltharp, Dove Antionette
Cote, Clarence William
Curtis, Rose Marie
Darcy, Darlene Elizabeth
Darrah, Elna Ray
Dexter, Marion Caroline
Dillon, Dolores Jo
Dunn, Glenda Gale
Dyer, Alice
Flury, Beverly Joyce
Fox, Patricia Michele
Gallagher, Maryanne Theresa
George, Kay A.
Goodberlet, Joan Marie
Greff, Leah Sue
Handlin, Sondra Kay
Harding, Bonnie Ann
Hennessy, Jo Ann
Hicks, Shirlee Christine
Hill, Shirley Ann
Hubbard, Carol Ann
Huskey, Bobby Gene
Janik, Barbara Ann
Langley, Ann
Linehan, Patricia Ann
Marks, Alita Claire
McCaughey, Anne Marie
McClelland, Jerry Wayne
McDonald, Patricia Kathalee
McKown, Frances Carroll
Medina, Elida Delosangeles
Megonnell, Joann Helen
Newton, Katheryn Eleanor
Odom, Helen A.
Pack, Valaine
Peters, Shirley
Ricardi, Jean Cecilia
Russell, Susanne
Schneider, Blanche Margaret
Sheehan, Lona Wallace
Simler, Monica
Staley, Patricia Louise
Sulkowski, Mary Lee
Watson, Anita Caroline
White, Patricia Margaret
Wildeboer, Henrietta Mae
Witherow, Mary Ann
Word, Helena Mary
Yucha, Shirley Ann
Zuber, Frances Elizabeth

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of colonel:

Hugh S. Aitken
Ezra H. Arkland
Maurice C. Ashley, Jr.
George T. Balzer
John F. Barr, Jr.
George H. Benskin, Jr.
Charles W. Blyth
Edward J. Bronars
Charles F. Brunnell, Jr.
Richard E. Carey
George Caridakis
Harold L. Coffman
Raymond P. Coffman, Jr.
John D. Counselman
William G. Crocker
Earl M. Cunard, Jr.
Raymond C. Damm
Claude E. Deering, Jr.
Lewis H. Devine
Robert R. Dickey III
Jack W. Dindinger
Grover C. Doster, Jr.
John W. Drury
Robert B. Engesser
Loren T. Erickson
Richard B. Eykyn
Benjamin B. Ferrell
George C. Fox
Floyd K. Fulton, Jr.
Thomas H. Galbraith
James R. Gallman, Jr.
Thomas I. Gunning
Frederick M. Haden
John W. Haggerty III
James E. Harrell
Lawrence P. Hart
Harold A. Hatch
Bruce A. Heflin
Paul F. Henderson, Jr.
Kenneth W. Henry
Wallace A. Heyer
Edward Y. Holt, Jr.
Forest J. Hunt
Merton R. Ives
Mallett C. Jackson, Jr.
Charles V. Jarman
John M. Johnson, Jr.
Richard M. Johnson
Warren R. Johnson
Nick J. Kapetan
Paul X. Kelley
Calhoun J. Killeen
George C. Kilefoth
Randlett T. Lawrence
Gerald L. Lillich
Robert M. Lucy
Herbert V. Lundin
John F. Mader
Lawrence A. Marousek
James W. Marsh
Ronald A. Mason
William J. Masterpool
Daniel F. McConnell
Robert L. McElroy
George C. McNaughton
Ermine L. Meeker
John B. Michaud
John H. Miller
Thomas E. Murphree
Edward S. Murphy
Robert C. Needham
Minard P. Newton, Jr.
Keith Okeefe
Michael V. Palatas
Eugene J. Paradis
Tom D. Parsons
Rober W. Peard, Jr.
Arthur R. Petersen
Louis A. Rann
Thomas E. Ringwood, Jr.
Raymond E. Roeder, Jr.
Edwin M. Rudzis
Alexander S. Ruggiero
William F. Saunders, Jr.
Kenneth M. Scott
William Shanks, Jr.
Philip D. Shutler
Albert C. Smith, Jr.
George W. Smith
Robert N. Smith
Edward W. Snelling
Eugene O. Speckart
Charles E. Spence, Jr.
James W. Stemple
Reuel W. Stephens, Jr.
Vaughn R. Stuart
David O. Takala
Donald W. Tardif
Francis W. Tief
Nicholas M. Trapnell, Jr.
George W. Troxler
Leon N. Utter
Roy R. Vancleve
Floyd H. Waldrop
Joseph R. Wayerski, Jr.
William Wentworth
Harold B. Wilson
Edwin M. Young
James R. Young

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

John W. Alber
David L. Althoff
Edward R. Alves, Jr.
David H. Anderson
Richard C. Barrett
Douglas C. Binney
Charles H. Black
Richard R. Blair
Wyman U. Blakeman
Lawrence G. Bohlen
Robert D. Boles
Joe E. Bradberry
Virgil B. Brandon
Bernard B. Brause, Jr.
Ray E. Bright
Thomas D. Brooks
James C. Brown
Rangeley A. Brown
Talman C. Budd II
John J. Cahill
Jack R. Catt
Frank C. Chace, Jr.
Guy R. Chaney
Willard E. Cheatham
Holly Clayson
Arthur B. Colbert
Joseph E. Coleman, Jr.
James G. Collier
James J. Connolly
Donald E. Coombe
Eugene S. Courson
John E. Crandell
Robert W. Creighton
Warren G. Cretney
Duane D. Crews, Jr.
Samuel E. Dangelo III
Claude M. Daniels
Clyde D. Dean
Roland H. Dean
Chester P. Dereng
David K. Dickey
Wilbur W. Dinegar
Wales S. Dixon, Jr.
Joseph A. Donnelly
Lawrence T. Drennan, Jr.
Herbert W. Drescher
Thomas J. Dumont
Hollis T. Dunn
Randall W. Duphiney
James R. Eddy
George M. Edmondson, Jr.
Charles H. Egger
David J. Elam
Charles D. Emmons
Carl J. Eversole
Bob W. Farley
Louis I. Fein
Wells L. Field III
Walter D. Fillmore
Robert W. Fischer
John E. Forde, Jr.
Ralph Fortie
Roger D. Foster
James W. Friberg
John R. Fridell
Phillip B. Friedrichs
Robert L. Fry
Gerald F. Gallagher
Marvin T. Garrison
Donald G. Gascoigne
William J. Gash
Clarence U. Gebsen
Robert A. Gillon
Charles W. Gobat
Robert L. Goodall
James C. Goodin
Thomas T. Glidden
Herbert M. Gradi
Howard D. Gress, Jr.
Jerome T. Hagen
Vincil W. Hazelbaker
Richard F. Hebert
Donald C. Heim
John A. Herber
David G. Herron
Edward C. Hertberg
Herbert M. Herther
George A. Hieber
Jack D. Hines
William E. House, Jr.
William D. Hubbard
Earl R. Hunter
Leo J. Ihli
Harold J. Jackson, Jr.
Stanley C. Jaksina
Lewis W. Jarman
James Jaross
Harry E. Jenks II
Clifford H. Johnson
Conrad A. Jorgenson
Raymond C. Kargol
Louis K. Keck
Simon J. Kittler
John K. Knope
Charles H. Knowles
Ronald W. Kron
Bobby T. Ladd
Eddis R. Larson
Raymond F. Latall, Jr.
John B. Lavelle
Rodney H. Ledet
Richard P. Lee
Robert D. Leipold
Robert R. Leisy
Walter R. Limbach
Earle D. Litzenberger
Joseph J. Louder
Earl F. Lovell
William T. Lunsford
Thomas R. Maddock
Arthur O. Malovich
Joseph R. Marosek
Richard L. Martin
Frederick A. Mathews
Donald F. Mayer
John J. McCarthy
Douglas A. McCaughey, Jr.
Arthur T. McDermott
Oliver G. McDonald
Kent A. McFerren
John E. Mead
Clarence B. Miller, Jr.
Robert G. Miller
Thomas R. Moore
Clark S. Morris
Michael Mura
Robert H. Nelson
Buel B. Newman, Jr.
Duane F. Newton
John A. O'Brien
Bruce F. Ogden
Arnold J. Orr
Charles D. Overturf
Billy M. Owen
Richard L. Palmer
Eugene E. Paro, Jr.
Matthew B. Peck, Jr.
Bert W. Peterka
Thomas F. Qualls
Paul G. Radtke
Carroll G. Redman
Clifford E. Reese
John P. Reichert
Harvey T. Reiniche
Frederick J. Reisinger
Lane Rogers
Manuel Rojo, Jr.
William H. Ross, Jr.
Bruce B. Rutherford
Americo A. Sardo
Donald A. Schaefer
Jack E. Schlarp
Walter E. Sears, Jr.
Harry E. Sexton
Walter H. Shauer, Jr.
Speed F. Shea
James R. Sherman
Joseph Sieger, Jr.
Charles V. Smillie, Jr.
Allen H. Somers
Melvin A. Soper, Jr.
Allan J. Spence
Chester J. Stanaro
Ray N. Stewart
Peter L. Stoffelen
Thomas M. Stokes, Jr.
Donald H. Strain
Thomas L. Sullivan
Bennie W. Summers
David A. Teichmann
Dwight R. Timmons, Jr.
George E. Toyeas
Richard T. Trundy
Charles J. Tyson III
Albert J. Vidano
Willard G. Viers, Jr.
John B. Walker, Jr.
Guy W. Ward
George J. Waters
John R. Waterstreet
Donald S. Waunch
Robert J. Weiss
James A. Wells, Jr.
Frank K. West, Jr.
Kenneth H. Wilcox
Donald G. Williams
Frank P. Williams, Jr.
Frank B. Wolcott III
Charles D. Wood
Donald E. Wood
Don L. Yelek

The following-named officers of the Marine Corps for permanent appointment to the grade of captain:

Winfree M. Abernethy
Carl P. Ackerman
Chauncey C. Acrey
Charles N. Adams
Larry G. Adams
Wayne T. Adams
David G. Amey
Robert V. Ande
Donald F. Anderson
Gary M. Andres
Fred W. Anthes
Thomas D. Ashe
Dennis M. Atkinson
Clair E. Averill, Jr.
Larry A. Backus
Richard C. Bannan
Richard K. Bardo
Brent J. Barents
Robert O. Bartlett
Merrill L. Bartlett
Harry C. Baxter, Jr.
Dale S. Beaver
Thomas M. Beldon
George E. Bement
William H. Bennett
Allan E. Berg
Coy T. Best, Jr.
George R. Bettle
Lance V. Bevins
Richard L. Blanchino
Bradley W. Bluhm
Wichard H. Bode, Jr.
Jerome J. Bondanza
John W. Boyan
Thornton Boyd
Gerald P. Brackin
Walter J. Breede III
Anthony D. Brewin
Harold L. Broberg
Gary E. Brown
Raul B. Brown
Richard C. Brown
Robert D. Brown
Robert A. Browning
Curtis B. Bruce.
Clay A. Brumbaugh
Frederick T. Bryan, Jr.
Earl L. Bufton, Jr.
Charles E. Burin
Charles O. Burke
Arthur E. Burns III
Donald E. Burns
Thomas V. Burns
Ronald G. Burnsteel
Gerard J. Burrows
Peple M. Burton, Jr.
Roland E. Butler
Michael J. Byron
William L. Cadieux
Columbus P. Calvert, Jr.
Stephen F. Cappiello
James E. Carlton, Jr.
Kenneth L. Carter
Thomas C. Carter
John B. Caskey
Paul R. Catalogne
Robert C. Champion, Jr.
Kurt J. Chandler
Lonnie S. Chavez
Charles W. Cheatham
Jorel B. Church
Dennis Churchin
James A. Clark

Joe Clark
William B. Clary
Harry F. Clemence, Jr.
Richard W. Clifton
Richard V. Coffel
Michael H. Collier
Bernis B. Conatser
Ronald J. Condon
George M. Connell
Thomas C. Corbe
David C. Corbett
Jerry L. Cornelius
Larry R. Cornwell
Walter J. Costello
Harold W. Courter
Paul H. Courtney
David E. Cox
Wayne N. Crafton
Richard J. Craig
Robert R. Craig
Marvin L. Creel
Ronald R. Critser
Harvey F. Crouch, Jr.
Kenneth L. Crouch
Thomas B. Cullen
Paul W. Culwell
C. D. Cuny
James E. Curran, Jr.
Edward R. Curtis
Marshall B. Darling
James A. Davis
Carmine J. Delgrosso
Angelo C. Demeo
Arlio W. Demien, Jr.
Thomas F. Dempsey
Harris H. Dinkins
Elliott S. Dix
David B. Downing
Robert A. Doyle
Dorris A. Duncan
David S. Durham
William G. Dwinell
Ronald R. Eckert
Paul R. Ek
James F. Ellis
Richard W. Elsworth
John N. Ely
Patric S. Enright
Brian J. Fagan
Robert J. Faught
Peter B. Field
Victor K. Fleming, Jr.
Bert R. Francis
Donald R. Frank
Howard A. Franz
Luis R. Fresquez
Robert D. Fulcher
Sidney R. Gale
Joel R. Gardner
Albert R. Gasser, Jr.
Ronald L. Gatewood
Charles R. Geiger
Aultie G. Gerwig
Michael R. Getsey
James H. Gillespie
Bobby G. Girvin
Aloys A. Glose
Roger F. Gorman
Henry F. Gotard
Edwin T. Gray
Russell M. Greenfield
Donald A. Gressly
Jackie L. Grinstead
Kenneth L. Gross
Thomas H. Guerin, Jr.
John J. Gutter
Joseph S. Hack
Thomas M. Haddock
John F. Hales
Thomas L. Hampton
Francis T. Hankins
Joseph J. Hanley
James H. Hanson
Christian L. Harkness
John D. Harrill, Jr.
John C. Harrison
Everett D. Haymore, Jr.
Stanley E. Haynes
James D. Hayslip
Dennis L. Hellwig
Jerry G. Henderson
Jerry L. Henson
Dennis B. Herbert
Donald H. Hering
Jerome L. Hess
Jon C. Hill
Alan W. Hitchens
Harold M. Hitt
Daniel A. Hitzelberger
James V. Hoekstra
John W. Hogue
Vernon J. Holbrook
Richard J. Hooton, Jr.
Charles R. Huddleston
Walter F. Hudiburg, Jr.
William E. Hudson
Robert A. Hughes
Richard C. Hulit
Gerald Hunt
Robert M. Hunter
Raymond F. Incociati
Orlando Ingvoldstad III
Richard J. Jarlowski
Robert D. Jassem
Gilbert D. Johnson
Kenneth H. Johnson
Thomas L. Johnson
Harlan E. Jones
Robert E. Jones
Robert W. Joyce
Gerard T. Kalt
Dennis W. Kane
Thomas P. Keenan, Jr.
John A. Kelly
Rodney P. Kempf
Allan K. Kerins
Steven B. Kimple
Robert N. Kingrey
Michael P. Kingston
Hague M. Kiser
Francis T. Klabough
Timothy J. Klug
John E. Knight
Edward A. Kolbe
Dennis E. Kraus
Leonard R. Krolak
Wallace F. Krywko
Lawrence C. Kutchman, Jr.
Carlton E. Land
Andrew D. Larson
Linden T. Laviano
David C. Lecount
Corby F. Lewis
John R. Lindsay
Marvin H. Lippincott
David R. Little
Edward J. Lloyd
James F. Lloyd, Jr.
Hubert A. Locke
George P. Lombardo
Charles A. Lyle
Harry T. Mackin
Robert A. Madeo
Chris Madsen
Gerald G. Madson
Gerald R. Magliano
Rudolph J. Maikis
Phillip S. Makowka
Edward J. Manco
William S. Marshall II
Robert J. Martinez, Jr.
Thomas G. Martinson
Ronald R. Matthews
Jeffrey W. Maurer
Tommy L. McCarty
Harry M. McCloy, Jr.
Richard R. McCormick
John J. McCoy
Michael D. McCulley
Kenneth D. McCurry
James J. McDonald
Daniel B. McDyre
Bruce S. McKenna
William H. McKinley
Dennis C. McMahon
Donald M. McVay
Laurence R. Medlin
Bion E. Merry
Perry W. Miles III
Donald J. Miller
James G. Miller
Michael K. Milligan
Terry L. Miner
James R. Mires, Jr.
Robert L. Mitchell
Robert J. Mockenhaupt
Edgar R. Moore
Richard W. Moore
William O. Moore, Jr.
John R. Morgan
Joseph G. Morra
Edward W. Motekew
Charles H. Mulherin, Jr.
Joseph F. Mullane, Jr.
John T. Murphy
Philip J. Murphy
James M. Myatt
James W. Nall
David R. Nay
Eugene T. Nervo
Joseph Q. Nesmith, Jr.
Carl J. Neubig
Ken W. Nisewaner
David N. Noble
Ernest G. Noll, Jr.
Paul W. O'Brien
John P. O'Connor
Loren J. Okrina
Robert V. Olson
Ronald G. Osborne
Jeffrey W. Oster
William R. Otto
John F. Palchak
Alex M. Patterson, Jr.
Jerome T. Paull
Paul D. Payne
William F. Percival
Nicola M. Pereira, Jr.
Leon E. Perry
Allan E. Peters
William E. Phelps
John H. Pierson, Jr.
Richard P. Pierzchala
Thomas E. Pitts
Marvin F. Pixton, III
Joseph R. Pleier
Charley L. Plunkett
Michael E. Popelka
Gary L. Post
Dirck K. Praeger
Charles P. Preston, Jr.
Ernest E. Price, III
David G. Purdy
Stafford D. Purvis, Jr.
Thomas F. Rafferty
John A. Rank, III
Walter O. Raske
Arch Ratliff, Jr.
Henry W. Reed
Clyde M. Regan
Michael J. Reilly
Ronald W. Rensch
Jesse J. Richardson
Terril J. Richardson
James E. Rickmon
Jon K. Rider
Donald G. Ringgold
Larry C. Roberts
Morris R. Roberts
Thomas W. Roberts
Jean O. Robinson
John H. Rodgers
Thomas J. Romanetz
Christopher J. Rooney
Donald L. Rosenberg
Richard Ruthfield
Christopher S. Salmon
Melvin P. Sams
William E. Scaplehorn, Jr.
Martin J. Scheveling
Ludwig J. Schumacher
Gerald E. Scott
Kenneth M. Sears
Edward R. Seiffert
Arthur G. Shadforth
John F. Shea
Stanford E. Shaeffer
Roy H. Shelton, Jr.
John D. Shinnick
David R. Shore
Moyers S. Shore II
Clyde M. Simmons
Louis L. Simpleman
Paul J. Sinnott
David L. Siweck
Clarence D. Smith
George E. Smith, Jr.
Phillip R. Smith
Ronald L. Smith
Paul L. Snead
William F. Space
William M. Sparks
Robert J. Squires
James B. Sramek
Paul M. Starzynski
Kent O. Steen
Ronald M. Stein
William A. Stickney
Frank C. Stolz, Jr.
Simon F. Stover
Kenneth A. Swannack
Herbert H. Swinburne, Jr.
Glenn Takabayashi
Lawrence E. Tanksley
Josenh Taylor
Robert B. Temte
Theard J. Terrebonne, Jr.
Gary E. Thiry
Richard P. Toettcher
David A. Tomasko
Richard D. Tomlin
Patrick L. Townsend
Arthur B. Tozzi
Richard B. Trapp
Timothy M. Treschuk
Kenneth W. Turck
Jimmy Turrietta, Jr.
John D. Tyson, Jr.
David F. Underwood, III
Daniel P. Vangrol III
James K. Vanriper
Paul K. Vanriper
Peter J. Vanryzin
Russell D. Verbael
John S. Walker
Larry D. Walker
Allen B. Webb
John D. Weber
Jerry R. Weibel
Donald A. Wellman
Ronald R. Welpott
David L. White
Robert C. Whitener, Jr
Harold W. Whitten
Wyatt C. Whitworth, Jr.
Clifford Wieden, Jr.
Billy L. Williams
Clarence D. Williams
James T. Williams
Peter D. Williams
Thomas E. Williams, Jr.
Monroe F. Williamson
Samuel C. Winegardner
Thomas J. Wise, Jr.
John A. Woggon, Jr.
Robert M. Wright
Michael G. Wystrach
Richard A. Yaeger
Robert C. Yost
Kenneth W. Zitz

The following-named women officers of the Marine Corps for permanent appointment to the grade of Colonel:

Margaret A. Brewer
Valeria F. Hilgart

The following-named women officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Roberta N. Roberts
Annie M. Trowsdale
Jane L. Wallis

The following-named women officers of the Marine Corps for permanent appointments to the grade of major:

Patricia M. Gormley
Joan Hammond
Mary A. Pierson
Sharyll A. Plato
Georgia L. Swickheimer

The following-named women officers of the Marine Corps for permanent appointment to the grade of captain:

Kathleen V. Abbott
Linda K. Adams
Elizabeth J. Allen
Elaine M. Andreshak
Carolyn K. Bever
Vanda K. Brame
Marguerite J. Campbell
Lynda S. Crawford
Elinor M. Fullerton
Diane L. Hamel
Juanita A. Lamb
Ellen T. Laws
Loretta J. Liehs
Karyl L. Moesel
Adelaide A. Quebodeaux
Barbara Weinberger
Carol A. Wiescamp
Robin D. Valas

The following-named officers of the Marine Corps for temporary appointment to the grade of major:

Gene A. Adms, Jr.
Joseph R. Balthis
Thomas V. Barrett
Frank A. Bendrick
Carl R. Bledsoe
John F. Borders
Frank Bradley
David B. Brown
Robert T. Bruner
John Butchko, Jr.
Frank Butsko
Ronald F. Calta
William R. Campbell, Jr.
Keith E. Carlson
David A. Carter
Conwill, R. Casey
Jack A. Chapman
Paul W. Chapman
Roland W. Coleman
William A. Conger
Terence, P. Connell
Wayne F. Coulter
Roy L. Crane
John C. Cregan
Dennis, E. Damon
Jerry R. Davidson
Charles E. Davis
Richard A. Decker
Roy E. DeForest
Richard A. Delaney
Charles A. Donaldson, Jr.
Ronald E. Downard
John F. Drummond
Leiland M. Duke, Jr.
Raymond, R. Dunlevy
Clifford R. Dunning
Stephen C. Durrant
Roger F. Endert
Donald L. Evans
Paul K. Farmer, Jr.
William R. Filo
Fredric L. Fish
George E. Franklin
Joseph A. Galizio
Dennis O. Gallagher
Dayne G. Gardner
Theodore L. Gatchel
James H. Granger
Brendan M. Greeley, Jr.
James W. Gresham
James P. Griffin
William R. Griggs
Sidney B. Grimes
Jean A. Gruhler, Jr.
Richard L. Guinn
Glen L. Hampton
David W. Hardiman
Andrew D. Harris
James A. Hart
William R. Hart
David G. Henderson
Howard W. Higgins
James H. Holbrook, Jr.
Kenneth M. Holder
Claude M. Holifield, Jr.
Robert W. Holm
Charles T. Huckelbery
Wilton H. Hyde, Jr.
Douglas B. James
Charles S. Jenkins
Harold B. Jensen, Jr.
Kenneth D. Johnson
Richard F. Johnson
John D. Jones
Robert G. Jones
Blaine D. King
Grover C. Knowles
Eugene P. Kummeth
Rene F. Larriva
John Lecornu
Martin J. Lenzini
Frederick E. Lewis
Richard B. Lewis
Melvin H. Long
Albert F. Lucas, Jr.
Frederick J. Mahady, Jr.
Richard E. Maresco
David E. Marks
Norman Marshall
John M. Mattiace
William R. McAdams
Lawrence J. McDonald
James G. McDonough
Dayle O. McGaha
James D. McGowan, Jr.
Thomas K. McKeown
Charles L. Meadows
Richard P. Miller
Robert W. Mitchell, Jr.
Roland E. Monette
James E. Morgan
Patrick J. Morgan
August H. Mulligan
Herbert T. Nance, Jr.
Anthony D. Nastri
James S. Needham
Ives W. Neely, Jr.
William P. Negron

Caldwell V. Norred III
John M. O'Connell
Larry R. Ogle
Fred E. Ogline
Robert R. O'Neill
Ray T. Pace
Francis D. Pacello
Fred J. Palumbo
Gary W. Parker
Alva E. Peet, Jr.
Robert O. Pelott
Vernon J. Perz
Richard L. Phillips
Floyd C. Plowman, Jr.
Raymond L. Pollard, Jr.
David L. Pospisil
Donald L. Price
William M. Rakow, Jr.
John W. Raymond
John E. Regal
Charles S. Rigby III
Clifford E. Roberson
Robert M. Rose
Richard B. Rothwell
Neal T. Rountree
Peter J. Rowe
William J. Sambito
Michael F. Scanlon
Edwin H. Schreck
Richard G. Schwarz
Bruce L. Shapiro
Carl A. Shaver
Robert J. Sheehan
Charles H. Shelton
Lundie L. Sherretz
Jerry C. Shirley
John S. Sirotniak
Willard E. Slack
Charles R. Smith, Jr.
Paul J. Smith, Jr.
William F. Snyder
Frank R. Soderstrom
James A. Spaith
John A. Speicher
Edgar R. Stebbins
Thomas C. Sullivan
Waverly E. Sykes, Jr.
Kenneth T. Taylor
Sidney E. Thomas
Bruce D. Thoreson
Robert C. Trumpfheller
Frank W. Tuckwiller
Luke J. Urban
George M. Vanorden
Manuel S. Vargas, Jr.
Amilcar Vazquez
Clyde L. Vermilyea
William R. Warren
John C. Weare
Richard D. Weede
William H. West, Jr.
William H. Westhoff
William H. White
John A. Williams
Duane A. Wills
Paul C. Winn
Thomas H. Wold
Harvey L. Zimmerle
Ralph A. Zimmerman

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Artemus E. Weatherbee, of Maine, who was confirmed by the Senate September 1, 1970, as U.S. Director of the Asian Development Bank, to serve on the Bank with the rank of Ambassador.

Christopher H. Phillips, of New York, to be the deputy representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary.

G. Edward Clark, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

U.S. CIRCUIT COURTS

John Paul Stevens, of Illinois, to be a U.S. circuit judge for the seventh circuit.

Robert H. McWilliams, Jr., of Colorado, to be U.S. circuit judge for the 10th circuit.

U.S. DISTRICT COURTS

Sam C. Pointer, Jr., of Alabama, to be a U.S. district judge for the northern district of Alabama.

Walter K. Stapleton, of Delaware, to be a U.S. district judge for the district of Delaware.

Frank J. McGarr, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Edwin L. Mechem, of New Mexico, to be a U.S. district judge for the district of New Mexico.

Edward R. Becker, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

J. William Ditter, Jr., of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

Daniel H. Huyett III, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

William W. Knox, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Malcolm Muir, of Pennsylvania, to be a U.S. district judge for the middle district of Pennsylvania.

Donald W. VanArtsdalen, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

L. Clure Morton, of Tennessee, to be U.S. district judge for the middle district of Tennessee.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Roger C. Cramton, of Michigan, to be Chairman of the Administrative Conference of the United States for a term of 5 years.

DEPARTMENT OF JUSTICE

Irving W. Humphreys, of West Virginia, to be U.S. Marshal for the southern district of West Virginia for the term of 4 years.

Curtis C. Crawford, of Missouri, to be a member of the Board of Parole for the term expiring September 30, 1976.

Paula A. Tennant, of California, to be a member of the Board of Parole for the term expiring September 30, 1976.

U.S. PATENT OFFICE

The following-named persons to be Examiners-in-Chief, United States Patent Office:

Fred C. Mattern, Jr., of Virginia, vice Nogi A. Asp, resigned.

John H. Schneider, of Virginia, vice Peter T. Dracopoulos, resigned.

Saul I. Serota, of Maryland, vice Pasquale J. Federico, resigned.

HOUSE OF REPRESENTATIVES—*Thursday, October 8, 1970*

The House met at 10 o'clock a.m.

Rev. Robert J. Hartman, Divine Word Missionary to the Congo, offered the following prayer:

Peace is My legacy to you: My own peace is My gift to you.—John 14: 27.

Eternal God, through Your Son we have learned to call You Father. It was His dying wish that nothing less than His peace, the untroubled harmony of His own will with Yours, should also be ours. We implore You to give us His spirit, that all the deliberations of our Congress this day may reflect Your own divine will. We ask You this in the name of Christ, Your Son, our Lord. Amen.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; and

H. Con. Res. 768. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 15424.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11833) entitled "An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15424) entitled "An act to amend the Merchant Marine Act, 1936."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17575) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States;

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission; and

S. 3014. An act to designate certain lands as wilderness.

The message also announced that the Senate agrees to the House amendment to the Senate amendment to a bill of the House of the following title:

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: