SENATE—*Thursday, December 31, 1970*

The Senate met at 9 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Eternal God, who has watched over us in the year that is past and brought us to this hour, we thank Thee for the everlasting arms which have been underneath us to support us in our work, to rest us in our weariness, and to strengthen us for the journey into the year ahead.

Lead us forward from strength to strength, to serve Thee more perfectly, that we may achieve what is best for this Nation and that which advances the kingdom of righteousness, justice, and truth among the nations of the earth.

Now unto God's most gracious care and protection we commit you. The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., Decembr 31, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN 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, December 30, 1970, be dispensed with.

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

COMMITTEE MEETINGS—PARLIAMENTARY INQUIRY

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Am I correct in stating that all committees have the right to meet until the conclusion of the morning hour and morning business without permission of the Senate?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator that until business is laid down, that would be the case. On the laying down of the unfinished business, then the right of committees to meet would end.

Mr. MANSFIELD. That applies to the unfinished business?

The ACTING PRESIDENT pro tempore. On any business.

Mr. MANSFIELD. Any business during the morning hour.

The ACTING PRESIDENT pro tempore. That is correct, yes.

Mr. MANSFIELD. I thank the Chair.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. GOODELL) is now recognized for 20 minutes.

Without objection, the clerk will call the roll to ascertain the presence of a quorum, without interfering with the rights of the Senator from New York (Mr. GOODELL).

The legislative clerk proceeded to call the roll.

Mr. SCOTT. 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. SCOTT. Mr. President, I ask unanimous consent that the Senator from Illinois (Mr. PERCY) be recognized at this time, notwithstanding the previous order with regard to the Senator from New York, and that the Senator from New York may be thereafter recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. and the Chair now recognizes the Senator from Illinois (Mr. PERCY).

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield to me briefly?

Mr. PERCY. I am glad to yield to the Senator from Montana.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider all the 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.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

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. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

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.

IN THE MARINE CORPS

The legislative clerk read the nominations beginning with Thomas G. Arndt, to be second lieutenant, and ending Peter K. Williams, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 14, 1970.

The legislative clerk read the nominations beginning with Arthur A. Adkins, to be second lieutenant, and ending John J. Whitney, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 18, 1970.

The ACTING PRESIDENT pro tempore. Without objection, these nominations are considered and confirmed.

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

Mr. MANSFIELD. Mr. President, I ask the Chair, Is the confirmation of these nominations considered as business?

The ACTING PRESIDENT pro tempore. That would be the pending business, yes.

Mr. MANSFIELD. Does that block the meeting of committees then?

The ACTING PRESIDENT pro tempore. Unless it is rescinded by unanimous consent; yes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees, except the Committee on Labor and Public Welfare, be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

TRIBUTES TO THE SENATOR FROM NEW YORK, CHARLES E. GOODELL

Mr. PERCY. Mr. President, several adjectives come immediately to mind when I consider the senatorial career of CHARLIE GOODELL—conscientious, competent, courageous, compassionate. They create a picture of a model legislator.

That he is conscientious has been evident in his scrupulous attention to the details of legislation and his unfailing willingness to meet his responsibilities in committee and on the floor.

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His competence can be seen in his quick grasp of issues and his ability to sort out the nuances of complicated problems.

His courage has been demonstrated many, many times. Never has he tried to evade the controversial issues that could be politically damaging. He has always been forthright, even in the face of strong opposition.

His compassionate understanding of the needs of racial and ethnic minorities and his special rapport with the young have earned him well-deserved admiration.

With its 18 million people, with teeming cities, small towns, and rural farms, with every minority group, educational level, and economic condition represented in its population, New York State is as diverse as the Nation. Its problems are the Nation's problems.

A Senator from New York has a valid interest in virtually every issue which comes before this body. To represent his constituency well, he must understand all of these issues. It is no exaggeration to say that a Senator from New York must be a specialist in everything.

Quite obviously, this requires uncommon energy and talent—qualities that I believe are found in abundance in CHARLIE GOODELL, and which have been amply demonstrated over the past 2 years in this body.

The range of legislation introduced or cosponsored by Senator GOODELL has been extraordinarily broad. It would take more time than I have today to provide a full record of his accomplishments, but just a small sample gives an indication of his creativity and skill.

Senator GOODELL is the coauthor of an amendment which would require an annual report on military expenditures. He was one of the first Senators to call for security guards on airlines and also introduced a bill to quarantine countries harboring hijackers. He has been an exponent of revenue-sharing for 10 years, proposing it long before the idea had gained broad acceptance. He has been a leader and an innovator in the fights for decent housing for the poor, improved community college systems, more effective manpower programs—and many more.

During the 1970 campaign, the New York Times offered this assessment of CHARLIE GOODELL in its endorsement of him:

> Despite the constraints that normally doom a freshman Senator to obscurity, he has succeeded in the two years since his appointment to replace the slain Robert F. Kennedy in moving into the front rank of those fighting to recast national priorities and to dissipate the miasma of fear and regression that breeds conflict between groups, races and generations.

As CHARLIE GOODELL returns to private life, after a distinguished career in both the House of Representatives and the Senate, he can look back on his years of public service with justifiable pride. He has never compromised with his principles, and he has never been silent when he felt it was his duty to speak out. He has won the respect of his colleagues, yet he will always be able to live with his conscience.

I am confident that, in the years to come, Senator GOODELL will continue to offer his broad talents and his leadership to his country, his State, and the many friends he will always have in this body.

Mr. President, it has been my particular pleasure to serve on the Banking and Currency Committee with Senator GOODELL where I have seen firsthand for a period of several years now his devotion to country, his devotion to his work in the Senate, and his devotion toward finding a way in which to make this country a better place in which to live and work.

I have been privileged to know his wonderful wife and children and to share with them the grief and anxieties of public life.

I have unbounded admiration for this wonderful family who have contributed and will contribute so much to our Nation.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, has the Senator from New York been recognized?

The ACTING PRESIDENT Pro Tempore. The Senator from New York has not been recognized. If he desires to be recognized at this time for the 20 minutes that have been allotted to him, the Chair will recognize him for that purpose and order that his remarks appear in the RECORD at the start of the proceedings of today.

Mr. SCOTT. Mr. President, if the distinguished Senator from New York would yield, in order not to either embarrass him or use too much of his time, I ask unanimous consent that I may extend my remarks about my good friend, the distinguished Senator from New York (Mr. GOODELL) at this point in the RECORD.

I assure Senator GOODELL that we have the warmest affection for him. I want him to know that a number of us will have something to say about him.

The ACTING PRESIDENT pro tempore. Without objection, the statement will be printed in the RECORD.

Mr. SCOTT. Mr. President, we bid farewell today to a strong-willed colleague who placed his political future on the line while proudly standing tall in his beliefs. He has never wavered.

The junior Senator from New York, CHARLES GOODELL, undoubtedly became a household name in many areas outside of his New York.

Now the time is here that we say goodbye to this fine young man.

CHARLIE GOODELL was a willing associate. He worked hard at being a Senator. Very little passed him by in his close working relationship with his constituents and his colleagues. He established a rapport with all of us that was deeply appreciated.

May I wish you well CHARLIE. You know the rules of the Senate—the privilege of coming to the floor is yours for life. Come back and see us often.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. GOODELL. I yield.

Mr. MANSFIELD. Mr. President, I join with my colleagues in their remarks being made today about the departure of one of the outstanding Senators in this body, the distinguished Senator from New York (Mr. GOODELL).

He has fought a good fight. He has shown great courage. He has shown no hesitancy in espousing causes in which he devoutly believed.

We shall miss CHARLIE GOODELL, who has made his mark in this body, in his State, and in his country.

Mr. GRIFFIN. Mr. President, I too will not infringe on the time of the distinguished Senator from New York.

I share the feelings and the sentiments expressed by the distinguished majority and minority leaders.

I, too, have remarks prepared which I will have printed in the RECORD and I am sure other Senators will do the same.

Mr. GOODELL. Mr. President, I thank my colleagues for their remarks. It has been a great privilege for me to serve under the majority and minority leaders and to have served with the Senator from Illinois (Mr. PERCY), and the Senator from Michigan (Mr. GRIFFIN).

The Senator from Michigan and I worked together for 11 years in the House on a number of measures trying to improve our Nation and our Republican Party.

I am very proud of the scars we bear from those endeavors.

I am very proud also of having served with the Senator from Illinois and thank him for what he did for me when I came here. He was extremely helpful. I have enjoyed working with him on the Banking and Currency Committee.

I am particularly appreciative that he took the time and the risk of coming to New York State and campaigning for me, striving there to elucidate the issues. It took courage.

I am very appreciative of the record he has written in the U.S. Senate and I know that he will continue to work here in behalf of the people of this country.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from New York.

S. 4612—INTRODUCTION OF POLLS PROCEDURE DISCLOSURE ACT

SENATE CONCURRENT RESOLUTION 88—SUBMISSION OF POLLS QUALITY STANDARDS RESOLUTION

Mr. GOODELL. Mr. President, I asked for time in order to discuss a very serious question that I hope will be faced by the U.S. Congress in the year ahead.

Mr. President, replicating the discovery of other candidates in previous elections, I became quite disturbed in the course of my recent campaign at the role that candidate-preference polls played in media campaign analyses and in voter choices. A dismaying number of voters appeared to be making election decisions upon the basis of poll results whose accuracy they could not evaluate.

The most prominent pollsters themselves became concerned at the role which survey results appeared to be playing in voter choices. Robert Bauer, incoming president of the National

Council of Public Polls—NCPP—and Director of the Bureau of Social Science Research, Washington, D.C., for example, issued a statement on the day before election day which included the following:

As a public opinion specialist, I feel the polls which try to predict election winners are a poor basis, in a democratic society, for voters to use in making their choices among candidates. Any citizen who decides how he will vote solely on the basis on poll results is abdicating his responsibility to choose his candidate on the basis of his qualifications for elective office.

Voters who base their choice upon the conflicting New York polls, in particular, are placing their reliance upon ambiguous information that leads to no clear conclusion. It is impossible even for the experts to assess the reliability of many of the poll results that have been published, since very little information has been provided of sampling methods, sample size, exact question wording, rate of refusals, and so forth.

Burns Roper, president, the Roper Organization, and vice president of the NCPP, New York, John F. Kraft, president, John F. Kraft Associates, Inc., and Peter Rossi, former director of the National Opinion Research Center, Chicago, three of the most distinguished members of the public opinion research profession, issued a similar statement 2 days before the election, which included the following:

We have been disturbed by media treatment of the results of various polls. There has been public confusion about what the polls indicate.

Any voter who decides whom he will choose for the Senate based upon polls is abdicating his moral responsibility to make a choice of the best candidate available for a seat in the Senate. Any voter who bases his choice upon the conflicting New York polls, in particular, has not only abdicated but is also foolhardy.

Since those statements, I have had the opportunity to speak with members of the NCPP, at the gracious invitation of Dr. George Gallup, Jr. The sense one derives from speaking with the pollsters is that they are broodingly disturbed at the arbitrary uses to which their candidate-preference polls have become subject, and frustrated at their inability to generate enforcible self-regulation within the profession.

It is after extensive consultation with them, and with their endorsement, that I introduce today the Polls Procedure Disclosure Act and the polls quality standards resolution. It is the purpose of that act, which I hope will be reintroduced and examined in hearings before the Judiciary Committee during the next Congress, to establish a process through which a candidate in a Federal election may, upon the publication of poll results on the contest to which he is a party, compel the publication of the polling procedure employed in getting those results. A complete set of questions is provided in section 5(b) to define in detail the information requisite to a full grasp of polling procedure in any particular case. The goal is to provide the electorate and the media with the information requisite to evaluation of any poll. Since voters are free to employ poll results in making their voter choices as they please, the least that Congess can do is to establish a process which will insure that sufficient data is available for such evaluation.

The disclosure solution does provide the electorate and the media with information upon the basis of which they may reject substandard polls, but it does not go to the problem of insuring that the procedure of all polls meets those minimal scientific quality standards which have become embodied in the trade usage of the public opinion research profession. Should the profession fail to meet its responsibility of establishing and employing enforcible quality standards, Congress ought in the future to investigate into the merits of legislative establishment and implementation of such standards, sanctions, and mechanisms of enforcement thereof.

The first step of self-regulatory enforcible standards has not been, however, really yet attempted, and Congress ought therefore to confine itself to encouragement of pollster organizations, notably the NCPP and the American Association of Public Opinion Research (AAPOR), to take that step. It is to provide that congressional impetus that I introduce the polls quality standards resolution today, again with the generous support of prominent members of the public opinion research organizations. It is my hope that this resolution will be examined together with the act in hearings during the next session of Congress.

We should, finally, make it quite clear to the profession and its organizations that mere disclosure and even enforcement of quality standards is insufficient to optimize electorate and media utilization of poll results. As members of the NCPP affirmed during our recent meeting, it is the responsibility of the profession to educate those consumers of polls, in part because they are the objects of candidate manipulation of survey results. The media and the electorate ought to be made aware of the profession's minimum quality standards, of whatever sanctions and mechanisms of enforcement of the standards may be established, of the procedure requisite to triggering the employment of such enforcement mechanisms, and of the methodological limitations of polls and the implications for our democratic system of electorate use of poll results as the basis for voting choices.

It is quite clear that AAPOR and NCPP, having already attempted to employ nonenforcable procedure disclosure guidelines, feel inadequate to the task of inducing their members, much less nonmember pollsters, to provide the electorate with that procedural information necessary to enable voters to intelligently assess how much weight they should give various polls in making their candidate choices. Equally is it clear that the organizations have not adequately explored the potential of self-regulation for inducing pollsters to maintain minimum quality standards of survey procedure.

It is the objective of the act and the resolution which I now introduced to establish legislative regulation where self-regulation on disclosure has failed, and to encourage that self-regulation on quality control which has not yet been essayed.

I look forward to working with the public opinion research profession, whose members have invaluably contributed to the generation of this legislation, toward the achievement of those objectives in the next Congress.

Mr. President, I ask unanimous consent to have the text of the act and the resolution printed at this point in the CONGRESSIONAL RECORD.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill and the resolution will be received; and, without objection, the bill and the resolution will be printed in the RECORD.

The bill and concurrent resolution are as follows:

S. 4612

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 "Polls Procedure Disclosure Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that polls are currently widely employed in the course of elections by candidates, the media, and members of the electorate; that it is impossible for candidates, the media, or members of the electorate to evaluate the significance of poll results without detailed information about the procedure employed in concluding upon any given results; that such detailed information upon procedure is generally unavailable to those employees of the media and members of the electorate who are exposed to published poll results; that such detailed information has remained sequestered despite the organized effort of members of the public opinion research profession to establish guidelines which would lead to that information's disclosure upon the publication of poll results; and that provision of such information will enable the media and the electorate to make such evaluation in the processes of reporting and making voting decisions.

(b) It is the purpose of this Act to establish a procedure whereby a candidate in any Federal election may, upon the publication of poll results relative to the election contest to which he is a party, compel the publication of the procedure employed in concluding upon those results, in order that members of the electorate and employees of the media will be provided with the detailed information requisite to evaluation of the significance of those poll results.

DISCLOSURE ACTIONS

SEC. 3. (a) Upon the publication of poll results relative to a Federal election contest, a candidate who is a party to that election may institute a civil action for disclosure of the procedure employed in concluding upon those results. The district courts of the United States shall have original jurisdiction of such civil actions for disclosure.

(b) Such actions shall be instituted

(1) in the district court of the United States whose venue covers territory which incorporates more of the population of the affected Congressional district than that incorporated in the territory within that Congressional district covered by the venue of any other district court of the United States, in any case in which the affected election contest is held within a Congressional district,

(2) in the district court of the United States whose venue covers the capital of the state, in any case in which the affected election contest is statewide, and

(3) in the district court of the United States for the District of Columbia, in any case in which the affected election contest is nationwide.

(c) Such actions may be brought against

(1) the person who had commissioned the poll whose results are published, when his identity is available or

(2) the public opinion research professional who had conducted the poll, when the identity of the person who had commissioned the poll affirms that the professional had not disclosed the procedure to him.

(d) (1) In the event that an action is instituted against the person who had commissioned the poll in question and the court finds that the results of that poll had indeed been published, the court shall enjoin that person to either

(a) disclose the procedure employed in concluding upon those results, or

(b) affirm that the public opinion research professional who conducted the poll had not disclosed the procedure to him, or

(c) state that he disclaims responsibility for affirmation of the accuracy of the published poll results and that he has no knowledge based upon the poll in question which would establish the basis for such affirmation of accuracy.

(2) In the event that an action is instituted against the public opinion research professional who had conducted the poll in question and the court finds that the results of that poll had indeed been published, the court shall enjoin that person to either

(a) disclose the identity of the person who had commissioned the poll, if the action was instituted against the professional because the identity of that person had been unavailable prior to the actions commencement, or

(b) disclose the procedure employed in concluding upon those results, if the action was instituted against the professional because the person who commissioned the poll had previously affirmed that the professional had not disclosed the procedure to him, or

(c) state that he disclaims responsibility for affirmation of the accuracy of the published poll results and that he has no knowledge based upon the poll in question which would establish the basis for such affirmation of accuracy.

(e) It shall be an affirmative defense to such action that the procedure of the poll in question has been published prior to commencement of the action.

(f) The district court of the United States in which an action for disclosure is initiated shall expedite that action.

(g) In any action for disclosure, subpoenas for witnesses who are required to attend a district court in any judicial district may run into any other judicial district.

PENALTIES

SEC. 4. Any violation of an injunction issued pursuant to section 3 shall be punishable by contempt.

DEFINITIONS

SEC. 5. As used in this Act, (a) the term "poll" means a public opinion research survey or portion thereof which attempts and/or purports to measure the preference of the electorate with regard to candidates who are parties to any Federal election; (b) the term "procedure" means the procedure employed in design, conducting, and analysis of any poll, including answers to the following questions where applicable:

The sample

(1) What is the precise definition of the population covered in the sample frame?

(2) What is the size of the sample?

(3) What procedure was employed by field interviewers when respondents indicated prior to responding to a question that they were undecided?

(4) Were the respondents in each district selected on the basis of a quota sample or a probability sample or a sample with another selection procedure? What weighting procedures were used in selection of the respondents within each sample district? What procedure was (a) established, and (b) actually employed for substitution of respondents when selected respondents were unavailable or unwilling to answer?

(5) Which results, if any, are based on parts of the sample in lieu of the entire sample population? What procedure, if any, was employed to distinguish between respondents likely to vote and those likely not to vote? If so, what disposition was made of respondents likely not to vote?

(6) Upon the basis of what procedure were the sample districts chosen?

(7) What were the characteristics of the final sample? (For example: proportion of men and women, college educated people, age distribution.)

(8) What allowance was made for sampling error and how was it calculated?

(9) What statistical level of significance does the public opinion research professional who conducted the poll attach to it? Upon the basis of what procedure was that statistical significance calculated?

Pre-poll checks

(10) Was any check for poll reliability performed prior to that sampling which has been published?

("Reliability" is herein operationally defined, pursuant to trade usage, as ensuring that respondents answer a question with the same response when the question is put to them at different times.) Describe the procedures of the reliability check. What percentage of the sample population was the reliability check performed upon? Specifically who performed the check? Specifically who designed the check?

(11) Was any check for poll validity performed prior to that sampling which has been published?

("Validity" is herein operationally defined, pursuant to trade usage, as ensuring that the terminology of the poll question truly asks that which the poll administrators intend to ask.) Describe the procedures of the validity check. What percentage of the sample population was the check performed upon? Specifically who performed the check? Specifically who designed the check?

Interviewing Procedures

(12) What was the exact wording of the questions employed? Did interviewers have discretion to reword questions on the spot?

(13) What was the sequence of questions?

(14) How were the respondents contacted?

(15) Where were people contacted?

(16) During what time of day were interviews conducted?

(17) How were interviewers selected? Was current or previous employment by a member of the public opinion research profession as an interviewer a prerequisite for selection?

(18) Were interviewers provided with interviewer training? By whom? Describe the content and the procedure of the training.

(19) How were interviewers supervised? Was their work in any way validated? How?

Polling Organization History

(20) What has been the average percentage error five years by the public opinion research professional who has conducted the poll in question?

(c) the term "publication" means revelation to any person not an agent or employee of any person who has commissioned a poll or of the public opinion research professional who has conducted that poll; and

(d) the term "to commission" means to cause a poll to be taken by contracting with a public opinion research professional for the conducting of such poll or, where such professional initiates the conducting of a poll without a contract made with a commissioning client, to engage in such initiation. Where a poll is commissioned for a candidate who is party to a Federal election by a member of his staff authorized to act as his agent, such candidate shall be considered to be the person who has commissioned that poll.

S. CON. RES. 88

A concurrent resolution to encourage the public opinion research profession to speedily establish minimum quality standards of public opinion research procedure, sanctions, and mechanisms of enforcement thereof to insure adherence to such standards

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 "Polls Quality Standards Resolution."

Whereas candidate-preference public opinion research surveys (hereinafter, "polls") are currently widely employed in the course of elections by candidates, by the media, and by members of the electorate;

Whereas there is evidence that some polls are not conducted in accordance with the scientific quality standards of public opinion research procedure which are embodied in the trade usage of the public opinion research profession; and

Whereas it is desirable for candidates, the media, and members of the electorate to make and report on campaign and voting decisions upon the basis of accurate information: Now, therefore, be it,

Resolved by the Senate (the House of Representatives concurring, That it is the sense of the Congress that it is the responsibility of the members and the organizations of the public opinion research profession to speedily establish minimum quality standards of public opinion research procedure, and to establish and employ sanctions and mechanisms of enforcement thereof to insure that standards are adhered to by members of the profession.

Mr. GOODELL. Mr. President, in conclusion, with reference to the whole problem of polls I want to make it clear that I think it is perfectly proper for individuals to have information—accurate information—with reference to voter sentiments prior to an election.

In the last election, particularly in New York State with respect to the three candidates running for the U.S. Senate, it was very difficult to assess how the voters were going to vote. Until the last few days, I am told by the expert voter analysts, there were unusually large percentages of voters undecided, which made it particularly difficult to assess a survey or poll.

I am told that as a result of the New York Daily News straw vote there were significant changes in the voting pattern in the race for the U.S. Senate. I do not know the truth of these allegations. They have been given to me by objective public opinion survey experts, one of whom said that there was a shift of 10 percentage points in the last 4 days in the New York State race, to my detriment.

But, Mr. President, I feel very strongly that the electorate has the right to know all the information about how these polls are taken. In the present situation candidates can assert the existence of polls when there are no polls or can go out and make a telephone survey of 100 or 200 individuals and release it as a supposed accurate assessment of how 6 million prospective voters in a State of 18 million people are going to vote in an election.

In New York State in the last campaign we had what truly could be poll pollution. Polls were coming out of our ears. There was no way to control it. Of course, the least reliable poll methodol-

ogy, according to the experts, is the straw vote, and that is unfortunately the technique employed by the New York Daily News in its poll.

Mr. President, I want to make clear that I believe the executives of the New York Daily News are reputable and enlightened men; they have differed with me and I have differed with them on issues. But I know full well that they were concerned, that they did not want the polls to significantly influence how voters would vote. They took the trouble, the unusual step of contacting me after the election and asking me to come to their office because they were disturbed about the question of whether their poll was inaccurate, and that an inaccurate poll had significantly influenced how the voters would vote.

I do not make that allegation here today. I have no desire to enter into that question. The campaign was run; it was run on a high level; and the voters indicated their choice in New York State. I accept that choice without bitterness and I look forward to working in another capacity, striving to solve the problems of our Nation.

However, I hope my colleagues will take into consideration that very serious problem of evaluating the procedural technique that has been employed when polls are released. I am introducing a very simple bill. It would require that if a poll were published, the candidate could go into Federal court and require the individuals who commissioned the poll, or go to the pollster himself and require him or that organization to reveal the full methodology of taking the poll.

I would emphasize that the way "published" is defined in the bill is very much in the way the word "published" is used in cases of libel and slander. The transmission to any individual outside of the immediate campaign organization or of the polling organization would be publication. Under those circumstances, where candidate-preference polls were taken and published, perhaps by "leak," a candidate could go to court, ascertain whether such a poll was taken, and require the disclosure of the techniques used in taking that poll.

The bill is pragmatic, for it provides for disclosure actions to be injunctive proceedings which may be speedily disposed of by the courts upon their commencement. Section 3(d) provides that the judiciary give docket priority to disclosure actions, in order to insure that they will be immediately disposed of upon their initiation. It is intended, in accordance with a rule of reasonableness, that the later in an election campaign a poll is released, the faster it will be expedited in accordance with the need for quick action. A disclosure action with regard to a poll released in July will not ordinarily require disposition upon the day that it is brought, while one commenced in October during an election campaign almost certainly will.

Section 3(e) which makes it an affirmative defense to such an action that the procedure of the poll in question has already been disclosed through publication, is intended to discourage the disclosure action's equivalent of politically motivated "strike suits."

This bill is not going to be nearly as informative and subjective as it might be. It would impose no great burden on any individual. It is limited to Federal election contests. It does not attempt to enforce specific standards upon the pollster. I personally believe that the establishment and enforcement of quality standards can be accomplished by the pollsters themselves.

That is why I have put in a joint resolution, a sense-of-the-Congress resolution, as a second step, urging proposals moving in the direction of setting up standards committees. Questions as to procedures could be looked into by the standards committees, which could inform the public of the probable inaccuracy of a poll.

Mr. President, I commend thesse two measures to my colleagues, and I stress that as action moves on them next year, I shall be coming back to testify or work to see if we can get such legislation on the books to cover the election campaigns of 1972 and thereafter.

I yield back the remainder of my time, but I ask unanimous consent that my staff be permitted to be on the floor.

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

Mr. GOODELL subsequently said: Mr. President, I ask unanimous consent that the Polls Procedure Disclosure Act and the Polls Quality Standard Resolution, which I introduced earlier today, be jointly referred to the Committee on the Judiciary and the Committee on Labor and Public Welfare.

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

TRIBUTES TO SENATOR GOODELL

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the senior Senator from New York for 40 minutes.

Mr. JAVITS. I thank the Chair. Mr. President, I have sought the time this morning so that, together with other colleagues we may pay, insofar as the formality of the Senate Chamber is concerned, farewell to our colleague from New York, Senator CHARLES GOODELL.

It is a matter of the most profound regret to me, Mr. President, that he shall not be with us. I have had other colleagues, beginning with probably as distinguished a Senator as New York ever produced, Irving Ives, when I first came. In every way, CHARLES GOODELL has measured up to that standard—a very different man, but a man of great quality and great insight, and, beyond all, great dedication and courage.

My association followed Kenneth Keating of New York, a brilliant lawyer, and one of the most lovable and pleasant men who has ever served in this Chamber.

Then, finally, that meteor of public life whom Senator GOODELL succeeded, Robert Kennedy. My cooperation and work with him was very intimate. In Robert Kennedy's case I would say that it hurts me even to discuss it, so tragic was the end of this unusual, flaming personality.

In CHARLES GOODELL, again from a different side of life, with a different concept of discipline, we again had a pearl from my State that makes me very proud.

There was much discussion, as Senator GOODELL began to serve here, that he had changed his ideology radically from the time he had left the House. This was probably the most significant individual factor surrounding his political career here in the Senate and his campaign for election as a Senator. I believe that it represents the most noble aspect of his character, and whatever he may have suffered because of misconstructions and misconceptions about it, I deeply feel that, as he is a relatively young man he will, as life goes on, bless the years in which he took the positions that he did, notwithstanding his positions in the other body—and there has been a great deal of exaggeration about those, anyhow. This is hardly the time to make the case, but there was not nearly the shift that his opponents, and many people, unhappily, read into his actions. But, Mr. President, the fact that he was willing to risk that challenge, in many cases amounting to opprobrium, with respect to decisions which were founded on patriotism and dictated by duty, is, in my judgment, the highest tribute that can be paid to a man. One often runs into a situation in life, as did Senator GOODELL, when he might please some and destroy himself; and he chose the course of pleasing fewer but redeeming himself.

He has done so much. He made a magnificent record in the Banking and Currency Committee, and two of his colleagues are here on the floor to testify to that. The initiative and ingenuity of his work there, especially in the field of slum, low income, and abandoned housing, was really brilliant. He showed unbelievable insight into the blind alley that is the Vietnam war, and heroic leadership, at all kinds of personal and political risk to lead us out of that morass. His success on the floor in consummating measures, even though he was a new Senator, his very able generalship learned in the House, where he rose to one of the leadership positions—all of these I testify to, and they move me and please me deeply as a colleague in the interest of service to my State. But nothing compares with his willingness to face the issue of his conscience to be the man nature and his intellect and heart intended him to be, and to be willing to endure the storms and stresses and defeat which that meant, for I attribute his reverse in New York, in my judgment, only to that fact.

I repeat, Mr. President, and when I am through I shall yield to colleagues who have so graciously come to the floor, that in the years ahead this will have turned out to be the most noble decision of his life. It will shape his life. It will make him again, as I am sure it will, an ennobled public servant of the American people. In saying this formal farewell, I bespeak the best of happiness and good luck to Senator GOODELL.

I yield now to the Senator from Illinois.

Mr. PERCY. Mr. President, I have already commented this morning on Senator GOODELL, and I know that this period is for tributes just for Senator GOODELL. But I should like to state here that in my experience in politics over a period of 25 years, in many different capacities, I have seen many personal and political friendships. But I have never seen devotion on the part of any friend such as that of the senior Senator from New York, Senator JAVITS, to his colleague, the junior Senator, Senator GOODELL. When he says "all out," he really means all out. He is as passionate in his devotion for what he thinks is right for this country and every cause he believes in as he is to his friends, and I am only giving voice to many private and public expressions that I have heard about my distinguished colleague, the senior Senator from New York from Senator GOODELL, who has so deeply appreciated the support and help of his colleague.

So, Mr. President, this is really a tribute to two men, two colleagues who have worked side by side, in victory and defeat, and it has been truly an inspiring relationship for me to witness.

Mr. JAVITS. I thank the Senator very much. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, this Nation was never intended to be one where all of its people looked alike, spoke alike, dressed alike, or, worst of all, thought alike. The greatness of this Nation is in its diversity, its magnificent pluralism.

I think the greatness of a political party depends upon its diversity. It depends upon dissent, debate, and discussion, which is the basis for sound political judgment and sound foreign and domestic policy. I believe that the greatness of my own party, the Republican Party, depends upon diversity and upon dissent.

CHARLES GOODELL has stood for that in our party. He has stood firmly on his convictions. He is a man of strong convictions, and the courage to match them. As has been pointed out by his colleague from New York, he has stood up and made his views clear on the vital issues of today: the war in Vietnam and the domestic issues, especially those involving people who live in deteriorating housing in his State and throughout the Nation. He has served as a symbol for youth, and for people who are dedicated to the principle of peace on earth. I think that few men, if any, have served for as short a period of time and contributed as much as has our colleague CHARLES GOODELL. I have been privileged to serve with him on the Banking and Currency Committee, and to sit on the back bench with him, talk to him, listen to him, and be inspired by him.

As the Senator from Illinois has said about the friendship of the senior Senator from New York for the junior Senator from New York, it is difficult if not impossible not to be a friend of CHARLES GOODELL. He has raised his voice when many have lacked the courage to raise theirs. I think that he has contributed much to the grinding down of the war in Vietnam and the bringing home of the troops. For who knows, if he had not raised his voice, but that we might have been further involved in the war in Southeast Asia?

So I say, Mr. President, that CHARLES GOODELL leaves this body with a truly distinguished record of achievement. He leaves behind men and a woman all of whom, I am sure, have confidence and faith in his integrity, in his ability, and in his high principles.

Personally, Mr. President, I shall sorely miss him. But I was pleased to note that even on this day, perhaps the final day of this session, he is still at his job, filing important legislation which is sorely needed in this country.

CHARLIE, you were loved, respected, and admired by your peers. We wish you well, and we know that we will continue to have the benefit of your sound judgment and your strong and firm voice as this Nation moves forward in the years ahead. Godspeed.

Mr. JAVITS. I thank the Senator from Massachusetts very much, who has himself suffered so much to help so many, and has overcome so much, and I join him in his high approval of the continuance of Senator GOODELL in his work to this very day, and can assure my colleague from New York that my hand and those of the Senator from Massachusetts and others will take up the torch he has again lit this morning, and do something about it.

I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, during the last campaign in New York, it was reported that some of the young people developed their own button, which read, "You're a good man, CHARLIE."

I think that reflected the feeling not only of many citizens of New York, but of citizens throughout this country, that he was and is a good man.

It is very difficult to dissent. It is even more difficult to dissent when one's own President is in office, even though that dissent may be essential to his effective Government. Edmund Burke once said that a legislator owes his constituents more than his industry, he owes them his judgment; and I believe that Senator GOODELL has provided, in full measure, the benefit not alone of his industry but of his judgment, and that because he did so, he will be retiring at the end of this Congress.

There are many who would make of the Senate some sort of ministerial body, with only the power to agree. But in fact, Congress is at its best, and is performing consistent with the principles of our Constitution, only when it is a body of industry and of judgment, and performing well in both areas.

Senator GOODELL'S record stands for equality, compassion, and understanding, and, of course, above all, courage—the willingness to lose office, if need be, in the service of one's conscience and one's beliefs.

So I am pleased to join with my colleagues in expressing my deep appreciation for the role of Senator GOODELL in the great issues that have faced this country during his service here in the Senate.

Permit me to close by expressing a personal note. The Goodell and Mondale families are very close. We live together in the central area of the District of Columbia. Our children go to school together. The Goodell children, with their red heads, infest much of the central District of Columbia. My children and his are very close friends, and we very much hope that that friendship can continue. Joan joins me, together with our children, in expressing our deep appreciation to him, to Jean, and to the children for our times together.

Mr. President, I yield the floor.

Mr. JAVITS. I thank my colleague from Minnesota very much for his generosity and for joining with us here this morning.

I now yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator for yielding to me.

Mr. President, today we bid farewell to our colleague, the distinguished junior Senator from New York, CHARLES GOODELL. It is never a very pleasant or happy occasion to bid goodby to a colleague, particularly when the occasion is his retirement by means of an election. Yet, I would say that Senator GOODELL leaves the Senate with a sense of having lived up to what he believed in, in the highest sense, with the highest degree of intellect and morality that anyone could apply to his job.

It would take only a cursory examination of the records of the Senate, of course, to show that he and I have been in disagreement, as expressed by our votes on many, many matters. Yet, as difficult as he sometimes found his position in living up to his principles as he saw them, there never has been between him and me—and I really cannot recall between him and anyone else on the Senate floor—any bitter or acrimonious words which he would have occasion later to wish he had not said or would want or feel he had to retract. This in itself, concerning the pressures under which the Senate operates, particularly in the 2 years when a man is running for office, is a great tribute to him.

He had a distinguished career in the House of Representatives, where he developed a very great reputation as a responsible progressive, with progressive approaches to the problems of our times. Despite the difference in our votes, I do not believe there is any great difference between the things he believes in, the things he wants to achieve, and the things that the Senator from Colorado believes in and wants to achieve. These have nearly all been a matter of methods of achievement and ways to achieve them for the good of our people.

He has been concerned with the problems of the big cities, and I am, too, Although my largest city is small in comparison with New York, Chicago, or Los Angeles, or some of the other large cities in this area, it still is of significant size, of approximately 1 million people; and we all have the same problems. Perhaps this is the occasion, upon the last day of this year, to start thinking in terms of new approaches, as I know CHARLIE would like to do, and new means and

methods not only of rebuilding the cores of our inner-cities but also of keeping those inner-cities from decaying in the first place.

I am sure that we are in total agreement on one point, and that is on the question of civil rights. In this area, I am happy to stand with him and fight for something for which I have fought all my life.

Mr. President, I do not think we can afford any more fractionation of our society. We will only reach the fruition and the fulfillment of the America I dream about—and I believe that CHARLES GOODELL feels the same way—when we have reached that state in which we neither look at a man's color nor his religion nor his national origin but, rather, at what lies within, which is not just intellectuality, but also the goodness of soul that I think all men should have; and without the soul, the intellectuality is worth nothing. I believe that CHARLEY would agree with this, and in this area I have been happy to join with the things he desires.

As he leaves the Senate, a young man, I wish him and his wife, for my wife, Welda, and myself, the very best. This certainly is not the end of a career for him. There is far too much substance and far too much ability—far too much originality left there—for him to end a career. As he sits here today, I am sure that he has no idea that he is ending a career, but rather, is looking forward to a new one. In that, CHARLIE, we all wish you the very best of luck.

Mr. JAVITS. I thank the Senator from Colorado very much for his generous statement.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. Mr. President, it will be extremely difficult for this Senator to adjust to a Congress which does not include CHARLIE GOODELL.

My friendship and close association with Senator GOODELL goes back a considerable distance in time—longer, I suspect, than his association with most, if not all, others in this Chamber.

I was still a fumbling freshman Member of the House of Representatives, when CHARLIE GOODELL came to the House in 1959, after a special election. He was assigned to the Education and Labor Committee; we sat next to each other on that committee and worked very closely together. Our friendship and close association have continued for more than a decade.

In those days, as is still the case, the Education and Labor Committee of the House was very active. Much important legislation was channeled through that committee; and in the consideration of it, CHARLIE GOODELL quickly demonstrated his great ability, his incisive intellect, and his keen judgment. The stamp of his unusual competence is deeply imprinted on the landmark bills that have come through that committee.

As is true with others who have freshman status in Congress, CHARLIE GOODELL and I quickly found a kindred interest—or a dissatisfaction, perhaps—in things as they were in the other body. I shall always remember with deep personal satisfaction the experience of working closely with him to bring about some of the reforms which were achieved in the other body and which resulted in different and new directions for the Republican Party in the other body.

When I ran for the Senate in 1966, in a very difficult race, I had the encouragement and the help of CHARLIE GOODELL. When he ran for election this year, I undertook to do what I could to help him. Unfortunately, my help was not nearly as or as important or effective as his help was to me.

When he came to the Senate a little more than 2 years ago, CHARLIE GOODELL continued to demonstrate those characteristics which I found in him during our service together in the House. As a man of deep and strong convictions, he never hesitated to express those convictions in regard to the issues which came before the Senate. He argued for his positions vigorously. He exemplified the saying that what a man does well, he must do with all his heart and mind.

I have no doubt that he will continue do that in the future—and I am equally sure his efforts will contribute to a better and more dynamic America.

Along with all my colleagues in the Senate, I extend to CHARLIE and Jean Goodell my very warm best wishes for what I know will be a bright future for this very able, fine and great American.

Mr. JAVITS. I am very grateful to the deputy minority leader for that fine statement.

Mr. President, I ask unanimous consent that Senators may insert in the RECORD such statements as they may wish with regard to Senator GOODELL. I also insert here a statement on behalf of the Senator from Delaware (Mr. BOGGS).

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

Mr. BOGGS. Mr. President, I wish to join my colleagues in paying tribute to the distinguished junior Senator from New York (Mr. GOODELL) and congratulating him on his valued service to the Senate.

I have known Senator GOODELL for more than 10 years; I consider him a great and trusted friend. Although he and I have not shared committee assignments, I have come to respect and admire his legislative skill.

In the 2 short years that Senator GOODELL has served in this body he has managed to achieve an impressive record of legislative activity. Senator GOODELL has sponsored important legislation dealing with such vital questions as urban renewal, job training for the unemployed, relief from air traffic congestion, and community college assistance. In addition, he has contributed in his characteristic articulate and thoughtful way to debates on a wide range of issues that have come before this body.

The views of Senator GOODELL on national air quality standards, resource recovery and solid waste disposal in particular have been invaluable to the Pollution Subcommittee of the Public Works Committee on which I serve.

It has been a very great pleasure to know Senator GOODELL and to work with him. I wish him every success in the future.

Mr. JAVITS. I now yield to my colleague, Mr. GOODELL.

Mr. GOODELL. Mr. President, this is a very moving occasion for me. I want to thank my colleagues for their expressions here this morning. It has been an inspiration to work with them almost 2½ years.

The force demonstrated by this great body was expressed very well by the Senator from Massachusetts as being a diversity, that although there is disagreement, there is always respect.

I leave this body today with even greater respect for it than when I arrived. Intimacy with the inner workings of the U.S. Senate has not bred contempt in me. I feel that there are many things which should be changed. As all Senators know, I have been an advocate of rather dramatic and drastic change in a number of areas in these 2½ years, but having asked society and my colleagues here to adapt to change, I now find the unwanted opportunity and obligation to adapt to change involving other capacities in which I must serve.

I want to say to all my colleagues here that, for me, today is tinged with sadness but it is not a depressing day.

A few days ago, one of my colleagues remarked that these past few weeks in the Senate must make it a lot easier to leave.

I do not feel that way. I believe that I have been fortunate to serve in this body for a 2½-year period, and that the Senate has begun to reassert its independence in striving to solve the problems of this Nation and the world. I am therefore very proud to have had a small part in that.

I look with considerable confidence to the future. I fear for this Nation in many respects, unless we are more responsive, but I have seen here in the Senate over the last year signs that we are beginning to respond.

I have known very intimately, in a professional sense, men who are committed and dedicated who I know will continue to find new approaches to solving our problems.

I thank all of you for your comments. I particularly want to pay tribute to my senior colleague from New York (Mr. JAVITS).

Senator JAVITS is a Senator's Senator.

No man could have a greater privilege than to serve as his junior in this body.

He has become in these 2 years my closest friend in public life. He has stood with me staunchly through the fires of controversy. We have not always agreed in every detail, but we have always been ennobled by a deep respect for our differences of opinion and for our agreements, as well as our commitments as human beings.

Thus, I look forward now to a new excitement and a new challenge. I shall be in there in one capacity or another, involved. It is a source of great satisfaction to me that I can leave this body knowing that there are so many here who will continue to serve and strive to overcome the intractable problems of our age.

Mr. President, I should like to conclude by paying special tribute to those who have served with me on my staff.

To my administrative assistant, Brian Conboy, a man who gave completely of himself, who sacrificed himself and committed himself totally to the causes that I was attempting to serve. I am grateful to him.

To Steven Martindale, my executive assistant, a man without whom in the last year I do not think I could have functioned—certainly not with very much effectiveness.

To my legislative staff headed by Andrew von Hirsch, a man of superb qualities, and one of the most original and sensible individuals I have ever known.

To George Mitrovich, my press secretary, who also served with great dedication and imagination.

There are others—my personal secretary, Martha Ann Richardson. On the legislative staff, Alice Tetelman, Rick Tropp, Heidi Wolf, Patricia Massey—and doing case work so important to all of us—Nan Nixon, Donna Mitchell—and there are many others.

I know all of you will understand my taking this time to pay tribute to them, because without our dedicated staffs, we could not function.

I also pay tribute to the members of the staff of Senator JAVITS who have been so cooperative with me and my staff, particularly Jean McKee and his press secretary, Paul Leventhal, who took a leave of absence and went up to New York to become my campaign press secretary. He did an outstanding job, one for which I will always be grateful.

Mr. President, I thank my colleagues, not for their words, but for their deeds in the past 2 years that I have been here, deeds that have made an indelible impression upon me.

I look forward to working with them in other relationships in the future in anything I can do to assist them and our Nation in moving into a new era in which we will be solving our people's problems and giving them hope for the future.

Mr. JAVITS. Mr. President, I express my appreciation to the leadership for giving us this time this morning. With their permission, I yield a minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, I regret that I was not here when our colleagues began their tributes to Senator GOODELL. I do not think it would be appropriate for me to speak, after having listened to his very moving speech.

However, I want to express in the RECORD my appreciation of Senator GOODELL as a Senator and man. I express my deep sorrow that a man such as Senator GOODELL who has done such great work, is leaving the Senate. His service has been marked by integrity of mind and conscience, independence, courage, and compassion for his fellow man. I believe that he will continue in the service of our country and that he will return to the Senate.

Mr. SAXBE. Mr. President, a few months ago I took the floor of this body to say the following about the distinguished junior Senator from New York (Mr. GOODELL):

I know (him) as a serious and fairminded man, a progressive, social-conscious lawmaker who makes an important contribution to this body.

Mr. President, as CHARLES GOODELL prepares to leave these surroundings, I want to say that there is no doubt in mind he has made an important contribution to this body and we shall miss him. Mr. GOODELL has demonstrated that he is a man of integrity and honesty that he is a humanitarian and that he has a deep understanding of the root problems plaguing us today.

I further submit that CHARLES GOODELL has exhibited the courage of his convictions, most recently during a long, hard-fought election campaign. While this is neither the time nor the place to hold post mortems on that campaign, I should like to say only that Mr. GOODELL sincerely sought to represent his constituency during those long days and nights. In troubled times, we can ask little more of a man. I wish the junior Senator from New York Godspeed.

Mr. CASE. Mr. President, most of us have already made public our feelings about our colleague, CHARLES GOODELL. A number of us had the privilege of participating, less helpfully than we would have liked, in his recent campaign.

He has been a fine Senator for his State and for the Nation, and a fine Senator for the period of his service in the Senate, so full of great issues, great challenges and momentous decisions. His influence will long be felt in this body and in the Nation as a whole, and the assurance that his absence from public life can only be a temporary one makes it a bit easier for those of his colleagues who have such respect and affection for him to say what we are assured is only a temporary farewell.

Mr. PEARSON. Mr. President, I rise to pay tribute to Senator CHARLES GOODELL of New York.

Throughout his career in the House and Senate he has been a strong supporter of civil rights legislation. He is an expert in manpower training problems. He has long been concerned to rectify the imbalance in Federal and State revenue distribution. He has helped produce much of the Federal education legislation now on the books.

Mr. President, CHARLES GOODELL had already attained prominence in the House of Representatives when he was appointed to the Senate from New York in September 1968. He was a leader in the House and as the first chairman of the Republican Policy and Research Committee, he brought about significant changes with respect to programs and planning. He first introduced revenue sharing legislation in the House in 1959.

Senator GOODELL has an enormously varied background. He served in the Navy in World War II; he served in the Air Force in the Korean conflict; he is a lawyer and a former teacher.

The Senator from New York, Mr. President, is a man who has been pursuing the Greek ideals of excellence, of a sound mind and a strong body.

Not many people realize that CHARLIE GOODELL once played semiprofessional baseball and turned down a professional baseball contract to go to Yale Law School. He was also an outstanding college football player.

He graduated from his college—Williams—Phi Beta Kappa, and he earned both a law and master's degree from Yale.

Senator GOODELL is a man of compassion who emphasized to the American people the human suffering in Biafra during the civil war in Nigeria. He felt a special and deep concern about the war in Vietnam.

We are losing, Mr. President, a Senator who has stood for progressive, constructive, positive positions, and we will miss him.

Mr. SPARKMAN. Mr. President, I am pleased to have the opportunity of joining in this hour of tribute to CHARLES GOODELL. During the time that he has been in the Senate he has been a member of the Banking and Currency Committee of which I am privileged to be chairman. This has given me a good opportunity to observe him in the grinding work of committee action. He has been a good committee member. He has been active in seeking and getting good legislation that would be helpful to the people of his great State and to the people of this Nation. CHARLES GOODELL has been a conscientious and hardworking legislator. He has had his deep convictions and he has never allowed himself to be swerved from them. Personally, I shall miss CHARLES GOODELL on the Banking and Currency Committee and here in the Senate. I wish for him and Mrs. Goodell and for their sons great happiness throughout the years.

Mr. HATFIELD. Mr. President, "the good of man must be the end of the science of politics," said Aristotle.

And it can be affirmed by those who know him that the good of his fellow man was always at the heart of the political art which Senator CHARLES GOODELL practiced.

In carrying out his idea of the public good, however, he came athwart the will of men who were unwilling to grant him the right to describe and practice the good as he saw it, and his dissent was not respected by those in higher authority.

Mr. President, it is with sadness that I say goodby, for a time, to Senator GOODELL who is leaving the Senate and returning to New York. I say for a time because I believe he will be returning to national politics.

For we need men like CHARLES GOODELL in public office. He epitomizes the best that political life has to offer. He is dedicated to liberal Republican politics which addresses itself to meeting the needs of the common life of our country rather than narrow vested interests. Senator GOODELL has responded to the need for aid to the poor, to the education of our young, to the retraining of our unemployed, to the civil rights of our minority groups. He is a man of modest means and of unquestioned honesty.

We all know that it is becoming extremely difficult for a poor but honest man to aspire to and achieve success in national office. Money not only talks loudly at primary and general election time; it buys crucial television and radio

time which is unavailable to the poor man who cannot get his message across to the voting public.

Senator GOODELL is an intelligent and aggressive politician who cared about the issues which came before the Congress. He was a Phi Beta Kappa and cum laude graduate from Williams College and took his law degree from Yale. He came to Congress in 1959 as a Member of the House of Representatives. He served with distinction in that body, and was one of the most effective members of the House Education and Labor Committee as well as a leader of liberal Republicans in the House. GOODELL's work on that committee was effective in drafting the important Manpower Training Act which is one instrument in training men and women for work. He and the liberal Republicans on that committee were also responsible for making possible bipartisan aid to education legislation, for they cooperated with the majority members in writing landmark education measures which have done so much to meet the crisis in education which America has faced; aid to elementary and secondary education, vocational education and aid to the colleges and students—legislation which has been enacted during GOODELL's tenure on that committee, and with his responsible work.

GOODELL found his voice in the Senate as an opponent to the continuing war in Vietnam, and he made himself heard on the issue after he was appointed in September 1968, to fill the seat vacated by the martyred Robert Kennedy of New York State.

I came across another quote the other day by F. S. Oliver in "The Endless Adventure" which fits CHARLES GOODELL:

> If the conscience of an honest man lays down stern rules, so also does the art of politics. At a juncture where no accommodation is possible between the two, the politician may be faced by these alternatives: "Shall I break the rules of my art in order to save my private honor? Or shall I break the rules of my consicence in order to fulfill my public trust?"

This can be paraphrased slightly to fit CHARLES GOODELL. His conscience drove him to speak out against the war, and to take action in the Senate which was strongly opposed and resented. And his action in so doing, in the end—because he did not keep prudently silent as other men who opposed the war have done—brought him into disfavor with the extreme conservatives of our party who brook no opposition.

But in following the rules of his conscience, CHARLES GOODELL acted in the finest tradition of the greatest leaders of American public life. He will be remembered not as one who fell victim to the power of those intolerant of criticism, but as one who stood for what he knew to be true—and what history will show to be worthy and right.

Mr. METCALF. Mr. President, Senator GOODELL and I served together in the House of Representatives. It was there that I came to know and respect him as an able and careful and qualified legislator.

I was among the millions who welcomed his advent to the Senate. As a Senator he was courageous, effective, and tenacious. His kind of courage and his application to the needs of our country is sorely needed in the Senate. His departure will leave a vacuum that will take a long time to fill. I wish my friend and colleague all good fortune and I am proud that I had an opportunity to serve with him.

Mr. MATHIAS. Mr. President, following a trail blazed by the Vice President and the Republican national chairman, Rogers Morton, I was one of the many, meandering Maryland men who went to New York in 1970 to meet and eat and talk politics. When we got to New York, there was a fork in the trail and some of us supported the campaign of Senator GOODELL, while others, unfortunately, opposed it. I was proud to be able to speak for CHARLIE GOODELL and to point to the courageous and often lonely positions that he held as a matter of conscience and responsibility to his constituents. I am sorry that our efforts in Senator GOODELL's behalf could not have been more effective. The Senate and the Nation will suffer a loss when he leaves the Capitol.

I first met CHARLIE GOODELL when he came to my hometown of Frederick, Md., to represent the Republican Congressional Committee at a victory dinner after my election to the House of Representatives. Then as always, he stood ready to literally go the extra mile to serve his party, his State, and his Nation. He has never shirked either the most laborious party chore nor the most demanding responsibility of public office.

Senator GOODELL was elected to the House of Representatives in 1959. We both served there for 8 years and at one time were neighbors with offices on the same corridor of the first floor of the Cannon Building which we shared with the Senator from Kansas (Mr. DOLE).

I have worked with Senator GOODELL for the past 10 years and I have come to know a man of courage, conviction, honor, and dignity who works tirelessly for his State and Nation. I know many who do not agree with CHARLIE GOODELL, but I know of no one who does not respect him as a man of courage and conviction.

During his 2 years in the Senate, Senator GOODELL has compiled a record that has and will continue to have an impact on the pressing domestic and foreign issues of the day. He was one of the first Members of this body to publicly oppose U.S. involvement in the war in Indochina. He sponsored the so-called amendment to end the war in an effort to cut off funds with which to conduct our war efforts and bring the troops home. Although his amendment was defeated, it brought to a focus the Nation's dissatisfaction with U.S. participation in the Vietnam war. I predict it will help to bring about an earlier end to our involvement in the fighting there.

For this action, many questioned not only Senator GOODELL's judgment, but also his patriotism. These critics failed to take note of the fact that Senator GOODELL has twice risked his life and defended his country. In service with the Navy during World War II and with the Air Force in the Korean conflict, CHARLES GOODELL witnessed the horror of war.

On the domestic front, Senator GOODELL has sponsored a broad range of legislation dealing with a wide variety of problems from revenue sharing and pollution abatement to rat control and transportation. Goodell bills have dealt with drug abuse, providing sewer facilities and improving city water systems. More than 40 bills, resolutions, and amendments authored or cosponsored by Senator GOODELL were enacted into law this year alone.

That Senator GOODELL's post was a difficult one to fill was well expressed by the senior Senator from New York (Mr. JAVITS), who in a floor speech September 16 commented:

> There is no way to be an effective Senator from a state like New York without being prepared to deal with every issue, because in states like New York, every issue comes up all the time. It has been a matter of deep gratification to me in the years I have served in the Senate that the Senate has understood that the character of my state is such that I have an interest, as a Senator, in practically every issue that comes before us. So has it been with Senator Goodell as well.
>
> To be effective, a Senator must meet the challenge his state presents to him and in this case, the challenge in New York is to know our state, and to know its millions—we have 18 million people there, more than most countries in the world—and its myriad problems, and to have the intelligence to understand and the skill to devise solutions for those problems, and the determination to get things done. Senator Goodell has met the challenge in his first two years.

It was in this spirit of fulfilling his duty to the people of New York that Senator GOODELL introduced measures such as the one he cosponsored with Senators GOLDWATER and HATFIELD to end the draft. He took seriously the late President Eisenhower's warnings about the concentration of power in the military and worked closely with other Members of the Senate to see that the Congress plays its role in properly controlling the billions appropriated to the military annually.

Mr. President, in a little over 2 years here Senator GOODELL has introduced over 150 bills, amendments, and resolutions. It is these, I predict, that will be the lasting tribute to him and his work here. For while CHARLES GOODELL will not be here next year, his ideas, dreams, and initiatives will and I hope the two can one day again come together on the Senate floor.

Mr. HUGHES. Mr. President, few Senators, if any, in the history of this great deliberative body have had a more constructive impact in a short time than Senator CHARLES GOODELL.

He has been in the vanguard of the most important issues that have come before the 91st Congress.

From the standpoint of courage, clarity, and staying power, he has shown leadership in the Senate that by any standard is unusual for a man of his years and tenure, I have been impressed over and over again by his fresh approach, his depth of background, and especially by his courage and conviction in the causes that count.

It has been my privilege to work with CHARLIE GOODELL closely on bipartisan

matters relating to national crises and national priorities. I have esteemed him as a colleague and prized him as a friend.

It was CHARLIE GOODELL who established the principle of setting a date for withdrawal from Vietnam, when he filed a brief bill, S. 3000, just a little over 14 months ago. That bill served as the inspiration for "the Amendment To End the War," giving 40 Members of this body the opportunity to express their conviction that we must fix an early date for ending American participation in the war in Indochina.

That vote was the largest, most impressive Senate expression of opposition to the war, and I regard it as a lasting, memorable tribute to CHARLIE GOODELL's dedication to principle, whatever the consequences.

With his retirement from the Senate, I am confident that CHARLIE's career of public service is only beginning. We will hear from this man, I am certain. In the years ahead he will be a powerful advocate and leader in the great causes.

My faith in this Nation's endurance and progress is based on the knowledge that we have men who will lead with the courage and vision of CHARLES GOODELL.

Mr. SCHWEIKER. Mr. President, as one who had the privilege of serving four terms in the House of Representatives with Senator CHARLES E. GOODELL, in addition to the 91st Congress in the Senate, I would like to join in this tribute today to him, and to his outstanding service to his State and to the Nation as a whole.

The needs of a large State like New York, with large urban and rural constituencies, are vast and complex, and Senator GOODELL's imaginative legislative ideas and initiatives have been a credit to his constituents.

An idea whose time has apparently not quite come, but which is urgently needed, is Federal revenue sharing with the States, and Senator GOODELL has been in the forefront in developing this concept and drafting practical proposals to implement it. If we can establish a revenue-sharing program in the 92d Congress ahead, we will owe much of our accomplishment to Senator GOODELL's work in the 91st.

He has demonstrated real concern for improvement of the daily lives of all his constituents, both urban and rural, and thus has been in the forefront as well of developing programs to improve sanitation systems, housing, and to implement proposals to improve our treatment of the environment.

A problem which affects every citizen is the increase of crime, Senator GOODELL has made significant proposals in the field of criminal rehabilitation, particularly with juveniles. Like many other areas of interest, he has been able to propose programs dealing with the causes of our problems and has inspired many of us to devote more attention to long-range solutions, not just short-range ones.

Senator GOODELL is best known nationally, particularly among our younger citizens, for his legislative efforts to help wind down the war in Vietnam. Speaking out as he did to state his beliefs required personal courage, and he is to be commended for his openness, which is the heart of our democratic system.

I hope we will continue to have the benefit of CHARLEY GOODELL's ideas, and I extend to him my warmest wishes for success in all future endeavors.

Mr. FULBRIGHT. Mr. President, of the many contributions CHARLES GOODELL has made to the Senate and to the Nation in his 2 short years in this Chamber, I believe the most significant has been his courageous efforts to bring about some sanity to our Government's military policy in Southeast Asia. He has spoken most articulately about this question and I commend him for his courage in stating his opinion so plainly. Of course, it goes without saying that I share his sentiments about the wisdom of this war. He has made many speeches on the subject. I think his reasoning is correct and is in the national interest.

One of the greatest tragedies, it seems to me, is that a man with the courage of the Senator from New York—and, I may say, the good judgment on matters of the most profound importance—was not returned to the Senate.

I do not know enough about the Senator's State to say whether this particular issue was a determining factor or not. But, looking at it from afar, I know how prominent he has been on this issue; and it is a source of great regret that his voice, in behalf of what I believe to be the most important and profound public interest, will no longer be with us after the first of the year.

I have endorsed the thrust of the Senator's arguments on this issue, and commend him for the very effective and forceful way he has presented them. On numerous occasions in the past and most recently on December 22, I think history will certainly justify the wisdom with which the Senator has viewed these matters. I congratulate CHARLES GOODELL on the contribution he has made to the public thinking on this matter during the years he has been in the Senate.

Mr. President, I know that his stand on this and other issues brought great pressure from within his own party during his recent campaign, and I believe his determination to press his convictions under these circumstances will be long remembered in this body.

I wish CHARLES GOODELL well on his return to private life and I know that he will continue to be an effective voice for the best interest of the people of this country.

ORDER FOR PRINTING OF TRIBUTES TO SENATOR GOODELL AS A SENATE DOCUMENT

Mr. JAVITS. Mr. President, I ask unanimous consent that the tributes paid to Senator GOODELL be printed as a Senate document.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with a time limitation of 3 minutes thereupon.

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

ORDER FOR RECOGNITION OF SENATOR MANSFIELD AT 11 O'CLOCK THIS MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the hour of 11 o'clock, which I understand concludes the morning hour, I be recognized for not to exceed 20 minutes in lieu of the unfinished business.

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

MERCY IN MOSCOW AND IN MADRID

Mr. JAVITS. Mr. President, the whole world was heartened this morning by the dispatches from Moscow and Madrid that the death sentences imposed in political trials in both countries had been commuted.

Mr. President, these commutations will serve to ease the relationships between nations and to demonstrate that this is not quite as callous a world as many would suppose and that indignation can move even those with seemingly flinty hearts to some compassion.

However, deeper than that, I hope that these events and the way in which they have moved our country and the world will move the Soviet Union to take a really hard look at the treatment accorded the citizens of the Jewish faith. We of the United States, having our own minorities, know that such a reexamination is not an easy task. But any short-run discomfort experienced in probing the national conscience is more than compensated for by the long-term returns in the health and vigor of the society.

The sages once observed that he who saves one life is considered as if he preserved the entire world. We are all heartened by the news from Moscow and Madrid this morning, and are hopeful that it is more a portent of more humanity for the future than a gesture for the present.

A call to eliminate the persecution of Jews and other minorities in the Soviet Union could be a true harbinger of a new attitude toward individual freedom in the Soviet Union and new relations with the rest of mankind and contribute enormously to relieve the world from the fears of confrontations.

The real issue is whether those who wish to emigrate and reunite with their families in Israel and other places will be permitted to do so.

The Soviet Union should look deeply into its own soul and learn from the experience of the world's reaction how much it can profit from letting these people go, and it would introduce a note of humanity into its own operations.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KENNEDY. Mr. President, I join the distinguished Senator from New York in bringing to the attention of the Senate the action taken by the Supreme Court of the Soviet Union in commuting the death sentences.

It was due, I believe, in large part to the Soviet Union's response to the overwhelming demonstrations that took place in many of the western European countries and in Israel, and to the comments that were made by Americans and by many other people in the Western Hemisphere as well.

I think that we are all heartened by the reaction of the Soviet Union in this matter, as we must be heartened by the reaction of General Franco in commuting the death penalty for the Basque insurgents of Spain.

Both of these events came about in a period of about 18 hours at the time of Christmas and the New Year.

This news is most heartening in a time of great troubles throughout the world, when we have seen the ravages of war and have seen the mass starvation that existed in the case of Biafra, and have seen the tremendous turmoil from the natural disaster in Pakistan. The two actions by the Soviet Union and by General Franco should be brought to the attention of the Senate and of the world as acts of charity.

Hopefully, these actions truly mark a turn away from the violence of official execution and political terrorism toward mutual respect and reason on the part of all. For many months we have witnessed an extraordinary degree of such violence, in all parts of the world. It not only grossly violates common decency and human dignity, but also tends to paralyze constructive efforts to ameliorate tensions and solve problems and meet the needs and aspirations of all people for peace and a better life. Let us hope the constructive efforts can work more of their will in the months ahead.

I commend both General Franco and the Supreme Court of the Soviet Union for the actions taken.

I thank Senator JAVITS again for reminding us of the plight of many of the Jews in the Soviet Union. He has brought to our attention a matter which needs continuing attention on the part of us all.

There are agencies like the Intergovernmental Committee for European Migration—ICEM—that can serve as important and useful vehicles to alleviate the plight of the Soviet Jewry. In this connection, I would like to repeat my hope that some means can be found to facilitate the free emigration of Soviet Jews and others who wish to join their relatives elsewhere. I appeal to the Soviet leaders for understanding and compassion in helping to accomplish this humanitarian objective. Our own Government should press forward on this issue through international bodies such as ICEM and through direct contact with the Soviet Government.

I think it is a particularly appropriate time of the year to draw attention to the plight of Soviet citizens who wish to join their families in other countries.

I join in the comments made by my friend, the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator very much.

END OF TV CIGARETTE ADS

Mr. MOSS. Mr. President, TV and radio cigarette ads are singing their swansong this week, as we all know. Although the Congress ordered their demise some time ago, they will actually last be heard on Friday. Saturday the air will be clear of their enticements.

Their departure has scarcely been a serene and quiet crossing of the bar. Both in volume and number they have grown in rising crescendo in the past few weeks, and I am told that Friday the air will be filled with one last burst of bewitchery on smoking.

The great question now is: In what other ways will the tobacco industry seek to induce the American public to hook itself on cigarettes?

We know that the tobacco industry will have the $225 million it previously spent on radio and TV to spend somewhere else. Will the money go into wider newspaper and magazine advertising, bill boards, sports event advertising, or what?

In view of the undeniable proof of health damage from cigarette smoking—in view of the undeniable evidence that cigarette smoking can and does cause death—the extent and manner of cigarette advertising must continue to be a concern of the Congress. I hope to have some suggestions as to what we can and should do in the next session.

Meanwhile, I recommend to my colleagues the very fine summary of the problem which appeared in the Washington Post on December 30, and a similar story in the New York Times on December 31.

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

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

YOU CAN TAKE TOBACCO OFF TV, BUT . . .

(By Jerry Buck)

NEW YORK.—With only days remaining before cigarette commercials are banned from the airwaves, the question is still what the cigarette manufacturers will do with the $225 million they previously spent on radio television.

Secrecy surrounds the companies' plans for diverting that money into other advertising and promotional schemes after the prohibition goes into effect Jan. 2.

Because a primary purpose of advertising is to induce smokers to switch brands, the manufacturers are taking care to see that their competitors don't learn their promotion plans.

"The competition wants to know what we're going to do," says Dallas Kersey of Philip Morris. "We want to know what the competition is going to do. There are still many options open, but we haven't fully decided on where we're going."

A portion of the money will go into newspapers and magazines. Some of it will go into outdoor advertising, sales-force promotion, new coupon premium plans, various promotional programs and product diversification. A good bit of it may not be spent at all and be turned back into profit.

"We're anticipating somewhere between $50 million and $80 million in cigarette advertising in 1971," said Leo Bogart of the Bureau of Advertising of the American Newspaper Publishers Association. The figure for this year will run about $14 million.

Magazines are expecting an increase, but no one is willing to predict how many new pages of tobacco advertising they will run in 1971.

Tobacco advertising in magazines—the bulk of which is concentrated in Life, Look, TV Guide, Time, Playboy, Parade and Newsweek—totaled $47.7 million in 1969. In the first 10 months of this year it was $51.7 million.

More than a quarter of that went to Life, which carried $13.5 million in cigarette ads in all of 1969 and $13.4 million in the first 10 months of this year. In recent years Life has had about a 10 per cent annual increase in tobacco advertising, but a magazine spokesman declined to project an increase for 1971.

Look, No. 2 in tobacco advertising, published $8.5 million last year. Figures for 1970 were not available, but a magazine spokesman said he did not expect an increase for this year. A small increase is expected for 1971.

A Time spokesman said, "We anticipate an increase, obviously, but we don't know yet what the tobacco industry will do."

The ban on cigarette advertising on radio and television, passed earlier this year by Congress, is a result of the 1964 report of the Surgeon General. The report found a causal relationship between cigarette smoking and respiratory diseases. The cigarette companies have denied such a relationship has been proved.

The Agriculture Department said last week that cigarette smoking, which had been declining, shows a per capita increase in 1970. The department said that "new brands and a final push in radio and television ads" had helped cigarette manufacturers "substantially" increase sales in the second half of 1970.

Sales in 1970 are expected to reach 542 billion cigarettes, up from 528.8 billion in 1969.

The Federal Trade Commission has announced that it is suspending its plan to require to tobacco industry to disclose tar and nicotine content in its advertising. The FTC said it would give the industry an opportunity to adopt a voluntary plan.

After the first of the year the networks and stations will no longer be required by the Federal Communications Commission to carry antismoking commercials.

However, the three television networks and many stations have said they would continue to air the spots, although not as frequently as before. The FCC ruled Dec. 15 that stations carrying antismoking spots did not have to give time to prosmoking views.

The agency also said the decision on whether to air antismoking spots would be left to the stations, but included a strong hint that such announcements would be a "public service" to be considered at the time a station applied to renew its license.

The American Heart Association, the American Cancer Society and others which prepared the antismoking commercials have sent similar announcements to the print media. Most magazines said they would consider only those public service announcements approved by the Advertising Council. The council said it had not been asked to approve or distribute the antismoking announcements.

ADS ON TV MAY VANISH, BUT NOT CIGARETTES

(By Fred Ferretti)

Philip Morris has bought, for $1.25-million, the 11:30 P.M. to midnight commercial time on all three networks for tomorrow night, so if Dick Cavett, Johnny Carson or Merv Griffin is your habit, be prepared for a last-ditch spate of cigarette commercials.

Sports? The New Year's Day bowl games will be jammed at intermissions with rain-drenched cowboys; canoes inching along

leafy waterways; modish people saying things like "Wow!" and "All Together!"; some grammar lessons, and slim, elegant women sneaking cigarettes in the cellar.

Then after the football and the talk shows, cigarette advertising—more than $200-million of it—will be gone from television. Or will it?

On Feb. 20, the American Broadcasting Company will televise a bowling tournament from Winston-Salem, N.C. It is being underwritten by the R. J. Reynolds Tobacco Company.

The name of the tournament, which will cost the sponsor $80,000, is the Winston Salem Classic. R. J. Reynolds makes Winston and Salem cigarettes. While sponsorship of the televising of the tournament will come from nontobacco companies, the words Winston and Salem will be difficult to ignore.

Philip Morris, which makes cigarettes called Virginia Slims, is underwriting a series of tennis tournaments to be known as the Virginia Slims Invitational Tournament Series. Efforts will be made to televise them.

Liggett & Myers Tobacco Company backed one auto race last year and plans to enter its own car, the L & M, Lola in 14 races it will sponsor. These might be televised on the Saturday and Sunday afternoon sports roundups.

Philip Morris is reported to be sponsoring a race in Bridgehampton, L.I., and R. J. Reynolds has announced that it will give a $100,000 Winston Cup Award to the top driver on the Grand National circuit. Many of these will be televised.

PIPE TOBACCO CHANGES

Senator Frank E. Moss, Democrat of Utah, has charged that the American Tobacco Company plans to rename its pipe tobaccos such names as Pall Mall, Silva Thin and Tareyton and package them similarly to their cigarette boxes to keep the names on the air. Federal Communications Commission regulations do not affect advertising of pipe tobaccos and cigars.

The Tobacco Reporter, an industry journal, suggested that during sporting events, spectators and supporters be photographed and holding cigarette packs with labels prominently displayed. The magazine went on, "It could even go so far as to have the football booster section displaying block cards that promote a particular brand."

There will be additional reminders of smoking for television viewers and radio listeners. The F.C.C. ruled two weeks ago that broadcasters, while not required to carry antismoking messages under the "fairness doctrine," will have to run antismoking messages because smoking is a "matter of public concern."

The agency also ruled that broadcasters would not be obliged to carry prosmoking messages in response to the antismoking ads. There was speculation for a time that broadcasters would petition the F.C.C. for such messages.

Where the money earmarked for TV will go is open to question. Last year, tobacco companies spent $206.5-million in network and local spot advertising on television and $13-million on radio. Both figures will be down slightly for 1970 because of the recession.

Increased advertising in newspapers, magazines, on throwaway advertising, on billboards and in giveaway contests are possibilities, but industry observers believe that the tobacco companies will spend only about one-third of the $280-million they spent last year. The rest is expected to be used for diversification.

The American Tobacco Company now a subsidiary of American Brands, Inc., owns companies that produce, in addition to cigarettes, crackers, fruit juices and canned fruits. Liggett & Myers owns Alpo Dog Food and a breakfast cereals company, R. J. Reynolds companies offer a canned Chinese food, punch, molasses and desserts.

The Brown & Williamson Tobacco Corporation is in the pickled-fish business.

With cigarettes off the air, the big sponsors are expected to become the auto manufacturers.

BASIC-AD TIME CUT

Viewers will soon see one direct effect of the vanishing cigarette commercial—the basic advertising spot will now be 30 seconds rather than one minute. Most cigarette ads ran a minute. Television is now wooing advertisers who had not been on TV before or who could not afford the one-minute network rates, which can go as high as $60,000 in prime time.

In places where one-minute commercials usually ran, viewers will see two 30-second commercials, and, if some advertisers have their way, three 20-second commercials.

The networks are faced with a loss of 10 per cent of their gross revenues because of the loss of cigarette ads. Network salesmen have been pressing national retail chains, credit card companies, insurance companies, brokerage houses and travel-oriented businesses to display their wares and messages on the tube. Thus far they have been only moderately successful in plugging the $220-million hole

Exactly how much money will be lost and how programming will be affected are matters that will not be known until next year's economic reports are released and until network programers line up next fall's schedule. As one executive put it, "Never before has such a hunk of our business been withdrawn at a single time."

TRADE LEGISLATION IN 1971

Mr. JAVITS. Mr. President, in a booklet published by the Emergency Committee for American Trade in June 1968, President Eisenhower wrote the following:

United States trade policy since World War II has been successful and consistent. It has succeeded in helping Western Europe, Japan and North America achieve new levels of prosperity. It is consistent with our confidence in the private enterprise system and in cooperation among nations.

This policy of trade expansion under international rules has also contributed to our goal of safer, more orderly, and more humane world. Trade expansion has made it possible for Western Europe to move towards unity and for poorer nations to benefit from a growing world economy. All this has been accomplished to the detriment of no nation and to the disadvantage of only a few producers hurt by changes that are familiar and inevitable in a dynamic economy.

It is a matter of personal sadness to me that despite President Eisenhower's historic words the 91st Congress came perilously close to reverting to protectionism in 1970 would have wreaked havoc on the economy of the United States and the economy of the world. It is now certain that for this session of the Congress the danger of trade war, the danger of the United States taking another step toward isolation has been averted. But even now, ugly rumors persist that protectionists are again planning another gambit in the opening days of the 92d Congress and would again use the social security bill as a hostage.

It is my hope that these are only rumors—the tactics of holding social security legislation hostage to special interest legislation is not worthy of any Congress.

The Congress, the Nation, and the world deserve better. Full consideration of trade policy is required and it is my hope that such consideration will not be completed and legislation will not be drafted until the report of the Presidential Commission on Trade and Investment—the Williams Commission—is available. The report should be available in June of 1971 and it is my hope that it will pinpoint the fact that the trade policy of the United States cannot be considered in a vacuum; but must be considered in the overall context of world peace and free world security the significant U.S. investment overseas, the continuing balance of payments problems facing our Nation, the implications to the resulting Eurodollar pool and changing world patterns resulting from the United Kingdom application for entry into the Common Market—to name just a few factors. The examination of these broader factors and a careful study of the implications of our changing domestic economy where better than 60 percent of employed Americans now work in the services sector will indicate all too clearly that we live not by virtue of employment in the textile, shoe, mink, and glycine industries alone.

Trade legislation in turn must represent a better mix than the Trade Act of 1970 so that one important sector of the American economy is not protected at the expense of other, perhaps more vital, dynamic sector.

In the trade bill of 1970, the Congress considered the passage of sweeping quota legislation, but in some minds the passage of such legislation was not an end in itself as it should have been. Rather the legislation had the serious ancillary purpose—and perhaps this was the primary purpose of the legislation to some legislators—of inducing Japan to enter into a textile agreement with the United States. I suggest that it is not the course of wisdom for a legislative body to allow itself to be used in such a fashion. It is my hope that the 92d Congress will turn over a new leaf in this regard.

The year 1970 was not one in which the highest national interest prevailed in either Japan or the United States in the setting of foreign economic policy. In both the United States and Japan, there is evidence that the tail—the domestic textile industry—was being allowed to wag the dog—foreign economic policy. In the United States there is also doubt whether all the positive consequences in good relations incident to the reversion of Okinawa to Japan were realized. The result has been a serious economic dispute between the United States and Japan that has resulted in an overall strain on our relations. One must ask—what price has already been paid for the lack of a textile agreement—a textile agreement that must be fair to both sides, an agreement that does recognize that certain categories of textile and apparel imports from Japan are seriously injuring sectors of the American textile industry, but an agreement that does not seek to restrict the entry of all categories of textiles without any regard to injury criteria. One thing is certain—if there is no agreement soon, the price will come higher and higher in the months ahead.

The need for leadership at the highest political level in both the United States

and Japan remains evident. In our own country, we have seen the Secretary of State and the Secretary of Commerce give testimony before the Senate Finance Committee which could lead one to believe that they were speaking for different governments. In recent days we have the example of a key White House aide denying the charge of Senator WALTER MONDALE that an agreement or near agreement had been reached with Japan—only to be torpedoed by the undue pressures of the domestic U.S. textile industry. Shortly thereafter, on December 24, the Daily News Record, a highly responsible publication in the textile field stated.

Despite reports to the contrary from the U.S. textile industry and the White House, Commerce Secretary Maurice Stans said Wednesday (December 23) that the industry did oppose the formula reached in the U.S.-Japanese textile talks. But Stans hedged by adding that the industry held no veto power.

It is clear that the personal intervention of Premier Sato and President Nixon is again needed urgently if this deplorable situation is to finally become resolved. It now should be clear to all parties in both countries that if the textile issue is not defused, the U.S. Congress is likely to pass restrictive trade legislation which again would put the President of the United States into a difficult political box with serious international repercussions. It must be urged that steps be taken now both in Japan and in the United States to avoid a replay of the disruptive series of events that took place in the trade area during the 2d session of the 91st Congress.

Avoiding this replay is the key to avoiding what could be a disastrous trade war in the years immediately ahead.

It would possibly be a fair judgment to say that in 1970, Premier Sato and President Nixon were immediately concerned with the political muscle of their respective domestic textile industries. Overriding even the unreasonable position of these industries had serious political implications. However, the events of 1970 have made it clear that the failure to override unreasonable wishes of the domestic textile industries have had even more serious political and international repercussions. The time has come to reach a political settlement. Such a settlement, if wisely drawn and if based on mutual compromise would serve the wider national interests of both nations. President Nixon and Premier Sato need to act now in the spirit of openmindedness.

RESIGNATION OF SENATOR WILLIAMS OF DELAWARE

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter and telegram, relating to the resignation of the Senator from Delaware (Mr. WILLIAMS):

U.S. SENATE,
Washington, D.C., December 31, 1970.

The PRESIDENT OF THE U.S. SENATE,
Washington, D.C.

Attention Mr. Francis R. Valeo, Secretary of the Senate.

MY DEAR MR. VICE PRESIDENT: I am hereby resigning as United States Senator from Delaware effective midnight December 31, 1970.

Governor Russell W. Peterson, of Delaware, has been officially notified of this resignation by telegram, a copy of which is enclosed.

Yours sincerely,

JOHN J. WILLIAMS.

Enclosure.

GOV. RUSSELL W. PETERSON,
State House,
Dover, Del.:

DECEMBER 31, 1970.

This is to inform you that I am resigning as United States Senator effective midnight December 31, 1970, in order to permit the appointment of William V. Roth, Jr., to fill my unexpired term ending noon January 3, 1971.

JOHN J. WILLIAMS,
U.S. Senator.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON OPERATION OF THE SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1970

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on operation of the Second Supplemental Appropriations Act, 1970 (with an accompanying report); to the Committee on Appropriations.

PUBLICATION ENTITLED "STATISTICS OF INTERSTATE NATURAL GAS PIPELINE COMPANIES, 1969"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Statistics of Interstate Natural Gas Pipeline Companies, 1969" (with an accompanying document); to the Committee on Commerce.

REPORT OF FINANCIAL ADVISORY PANEL OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Executive Secretary to the Panel, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, a report of the Financial Advisory Panel of the National Railroad Passenger Corporation (with an accompanying report); to the Committee on Commerce.

REPORT OF THE SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the State of the Finances, for the fiscal year 1970 (with an accompanying report); to the Committee on Finance.

REPORT OF GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report of that Administration, for the year 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Economies Available by Reducing Preventive Maintenance Requirements for Certain Mechanized Mail-Handling Equipment, Post Office Department, dated December 31, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Improvements Needed in Processing Medicare Claims for Physicians' Services in Texas, Social Security Administration, Department of Health, Education, and Welfare, dated December 31, 1970 (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. NELSON, from the Committee on Labor and Public Welfare:

Carol M. Khosrovi, of Virginia, to be an Assistant Director of the Office of Economic Opportunity; and

John Oliver Wilson, of Connecticut, to be an Assistant Director of the Office of Economic Opportunity.

BILLS INTRODUCED

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

By Mr. GOODELL:

S. 4608. A bill for the relief of Sandra S. Cohen; to the Committee on the Judiciary.

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

By Mr. MATHIAS:

S. 4609. A bill for the relief of Kenneth Adam Andoll; to the Committee on the Judiciary.

By Mr. BELLMON:

S. 4610. A bill authorizing grants to be made to certain States and Federal institutions to assist such States and institutions in improving their penal and correctional programs; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 4611. A bill for the relief of Donald McIntire; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 4612. A bill to establish a process for the mandatory publication of survey procedure employed in concluding upon published candidate-preference public opinion poll results; to the Committee on the Judiciary and Labor and Public Welfare, jointly, by unanimous consent.

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

By Mr. COOPER:

S. 4613. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

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

S. 4608—INTRODUCTION OF A PRIVATE BILL FOR THE RELIEF OF SANDRA S. COHEN

Mr. GOODELL. Mr. President, I am today introducing a private bill for the relief of Sandra S. Cohen, whose plight arises out of a shortcoming in the civil service retirement law.

Sandra S. Cohen was married on August 31, 1967, to a career employee of the U.S. Post Office Department, who had two children by his previous marriage. Approximately a year and a half after their marriage her husband died quite suddenly and unexpectedly of a heart attack, leaving Sandra Cohen with two stepchildren to care for.

In due course, Mrs. Cohen applied for the survivor's annuity to which she thought she was entitled under the civil service retirement law, title V, U.S.C. Her application for aid was denied on April 21, 1969, on the grounds that section 8341(a), title V, U.S.C., excludes from the definition of "widow" one who was not married to the covered employee

for at least 2 years immediately preceding his death or has not had children by that marriage.

Denial of her application leaves the family in a precarious position financially. Sandra Cohen's only income is the $85 per week she earns as a part-time bookkeeper. She cannot work full time until her step-daughter is older. The only other income which the family receives is the civil service annuity awarded to the children as a result of their father's death—($60 each)—and the benefits derived from the children's own mother's social security coverage—($127 per month).

Upon review of the legislative history regarding section 8341(a), it appears that the intent in narrowing this provision to exclude cases like Mrs. Cohen's was to prevent ailing civil servants from marrying on their death beds for the purpose of providing pensions to avaricious females. Mrs. Cohen does not appear to fall within this category. Rather, she is a woman who is sacrificing to care for children who are not her own.

There seems to be a discrepancy within the civil service retirement law itself. Under paragraph (b) of section 8341, a survivor's annuity will be paid to the woman who survives a covered employee, no matter how brief the period of marriage, if his retirement occurred between the date of marriage and the date of his death. In a case of this kind, she is referred to as a "surviving spouse" rather than a "widow". This provision contrasts sharply with section 8341(a) under which benefits were denied to Mrs. Cohen.

The effect of sections 8341(a) and 8341 (b) are notably different, with retirement itself the determining factor in awarding benefits. I would recommend that the Congress seriously review this matter to ascertain whether some change in the law is appropriate at this time.

It does not appear that amending the present law to cover cases similar to Mrs. Cohen's would result in great cost to the Federal Government. In a letter to me dated June 17, 1970, Andrew E. Ruddock, Director of the Bureau of Retirement, Insurance, and Occupational Health of the Civil Service Commission, stated that while statistics are not maintained on the number of survivor annuity applicants who are adversely affected by section 8341 of title V, United States Code, it is believed that this class is comparatively small in number.

The nature of Mrs. Cohen's particular problem is such that I would hope relief could be granted to her as soon as possible. Because the results of a congressional review of the existing law—if it is undertaken—and resulting congressional action will take considerable time, Mrs. Cohen will be left in a terribly difficult situation. Her plight will only be worsened with even further delay, and I would, therefore, urge prompt action on this bill.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4608) for the relief of Sandra S. Cohen, introduced by Mr. GOODELL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4613—INTRODUCTION OF A BILL TO AMEND THE TOBACCO MARKETING QUOTA PROVISIONS OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. COOPER. Mr. President, my State of Kentucky produces most—some three-fourths—of the burley tobacco, which is second only to Flue-cured or "bright-leaf" tobacco in volume, in its importance to the agricultural economy—about $400 million for the 1970 crop—and in its contribution to the cash income of thousands of farm families. Burley tobacco is grown on 282,000 farm allotments, most of them family farm operations. Production was restricted to 231,000 acres in 1970, which means that the average allotment is less than 1 acre, on which a typical farmer might produce over a ton of tobacco selling this year for a little over 70 cents a pound.

During my service in the Senate, I have each year followed the progress of the tobacco price support and production control program, which is so important to farmers in Kentucky and other States. In fact, it was my amendment, with Senator Barkley in 1947, which secured 90 percent price support for tobacco as a permanent provision of law, and with Senator JORDAN of North Carolina in 1960 I sponsored the amendment which further stabilized the guarantee of 90 percent price support for tobacco.

Over the years the burley tobacco program has worked well, and every 3 years farmers have expressed their approval by voting in referendum by overwhelming majorities of 97 or 98 percent to continue the program. It has operated generally without large losses to the Government or heavy subsidy by the taxpayers—which have been characteristic of many other farm commodity programs—because tobacco growers have been willing to abide by the production controls necessary to keep their program sound.

I must say, however, that the burley tobacco program is now in difficulty, and I believe modifications must be made to continue to keep the program sound, and to avoid the loss of public support which would result if large Government loan stocks are allowed to build up. This could happen because burley yields per acre have increased about one hundred pounds per acre annually in recent years, reaching 2,585 pounds in 1970, and there is no sign they would not continue to do so under the present acreage control program. At the same time, the domestic use of burley tobacco has declined for the second consecutive year, and with continued use of filter cigarettes and changing manufacturing techniques, this trend also may continue.

In 1965, a modified system of production control known as acreage-poundage was adopted for flue-cured tobacco, but was not adopted for burley tobacco by the required two-thirds vote of growers in all States, in the special referenda held in 1966 and 1967. Further, the cuts in acreage allotments ordered for burley tobacco in 1964, 1965, and 1966, and again in 1970, have resulted in a greater proportion of farm allotments at or below the one-half acre minimum—which under present law is protected from cuts. Less than half the burley farm allotments—in fact, only 40 percent—are now subject to the acreage reductions which until now have been the method of keeping supplies in line with demand.

Now we are informed that under existing law, a cut in 1971 crop acreage allotments of at least 25 percent, and theoretically as much as 40 percent, will be required to bring supplies into line with use. Such a cut would work an extreme hardship on tens of thousands of farms which depend on burley tobacco for a large part of their livelihood. Even so, it would not solve the problem which confronts us, for it would simply drive more allotments into the protected half-acre category, and make production control through acreage adjustments increasingly ineffective and impractical for future years.

Those of us familar with this problem—in the Congress, in the Department of Agriculture, and among the leadership of farm and grower groups in Kentucky and other burley-producing States—have recognized for some time that the situation was becoming critical, and efforts have been made over the last year to develop a solution. It was for this reason that representatives of Kentucky farm organizations and burley tobacco groups, together with representatives of the Department of Agriculture, presented their recommendations at a hearing held by the Senate Committee on Agriculture on December 8, which was chaired by Senator JORDAN of North Carolina. I think the facts brought out at that hearing show clearly that if the price support program for burley tobacco is to be saved, the production control mechanism, upon which that price support depends, must be modified.

This ought to be done before the Secretary of Agriculture proclaims the national marketing quota for the 1971 crop of burley tobacco. That would ordinarily be done by February 1, but will now be postponed for 30 days by the resolution which I introduced following the Senate hearing—a resolution cosponsored by Senators COOK, BAKER, JORDAN of North Carolina, ERVIN, BYRD of Virginia, and SPONG, and identical to the resolution introduced by Congressman WAMPLER of Virginia—which has been passed by the Senate and the House of Representatives. Within 30 days following the proclamation, the regular referendum will be held, to determine whether burley growers will have a price support and production control program for the next 3 years, or no program, no price support, and unlimited production.

It is already late, and there will not be a great deal of time for the Committees on Agriculture of the Senate and the House of Representatives to hold hearings and act to revise the burley tobacco program for the 1971 crop. The changes which need to be made must be discussed by burley farmers and their organizations, and by all concerned segments of the tobacco industry. It is for this reason that I am introducing today a bill proposing modifications in the system of production control for burley tobacco—changes which I consider could keep the burley price support program on a sound basis by avoiding increased Government stocks, and by removing

the present incentive for each farmer to increase production on his limited and often repeatedly reduced acreage.

I do not take the position that this proposal is the final one that I may offer, or farmers may support, but I consider it a necessary start. I emphasize that I am introducing the bill at this time in order to make it available to those who are interested in the future of the burley tobacco program, and so that this proposal and any others which may be suggested may be discussed and considered before the Congress returns in late January. When the Congress returns, I would propose to reintroduce the bill, or a similar bill, and at that time it may be that other Members of Congress from States producing burley tobacco may wish to join me in doing so, or present recommendations of their own.

While the general plan of this bill evolved from meetings during 1970 of farmers and grower groups, together with representatives of cooperative, warehouse, and dealer organizations in Kentucky and in other States as well, its specific provisions are not identical to the recommendations, for example, of the Kentucky Farm Bureau Federation, the Tennessee Farm Bureau Federation, the Department of Agriculture, or any other that I have seen. I have tried to settle on a plan which will be fair to all, and which will fulfill the essential requirement of limiting production to the amount of burley tobacco which will actually be used.

Primarily, the bill would shift production controls for burley tobacco from a limitation on acreage planted and harvested—the familiar farm acreage allotments—to a limitation on the number of pounds of burley tobacco which may be marketed and sold from any farm—a farm poundage quota. As I have pointed out earlier, acreage controls can no longer continue to work if yields per acre keep increasing—through the application of fertilizer, irrigation, new varieties and other intensive cultural practices—if domestic use of burley continues to remain stable or decline somewhat, and particularly if the reductions in acreage which have always been used to control production can only be applied to fewer and fewer farms. The poundage quota system of production control proposed by the bill would, however, be much less complicated than the acreage-poundage system formerly proposed, and I believe will be easier for farmers to understand and work with.

If we can bring burley production under control in this way, only a modest reduction—certainly far less than 25 percent—would be required for the 1971 crop. In subsequent years, I believe effective production control would be assured without drastic cuts or without any cuts, while permitting an orderly reduction over a period of years of Government stocks.

I know that farmers in Kentucky and other States will want to know how their farm poundage quotas would be calculated under this proposal. I will outline the main provisions of the bill:

First. The poundage system for burley tobacco would not be proclaimed, and growers would vote in March instead on the usual acreage program, unless an acreage cut of more than 15 percent is required for the 1971 crop, and unless the Secretary of Agriculture finds also that the present system of acreage allotments will not continue to work because of increasing yields and declining use of burley tobacco. However, I must say it now appears that both of these conditions would be met. In fact, the Department estimates that an acreage cut of at least 25 percent would be required for the 1971 crop under the old program.

Second. (a) For each farm now having a burley allotment, the yield per acre—that is, the number of pounds marketed per acre of allotment—would be calculated for the 1970 crop just sold, and for the 1969, 1968, 1967, and 1966 crops. The four highest of these yields for the last 5 years would be averaged. In this way, if a farmer has had a poor crop year for any reason, that year would not be included. Farmers would have the advantage of their 1970 crop—a good year.

A 4-year average yield in excess of 3,500 pounds per acre would be reduced to that figure. Individual years could be higher than 3,500 pounds, and I do not believe many farms would have a 4-year average that would have to be reduced.

This average "farm yield" would then be multiplied by the 1970 farm acreage allotment—the burley acreage permitted for the farm this last year. The result is called the preliminary farm quota.

The total of the preliminary farm quotas for all burley farms would then be considered by the Secretary of Agriculture in view of the supplies on hand and the anticipated demand for the 1971 crop. If the total would somewhat exceed expected demand, the Secretary could reduce all preliminary farm quotas equally—but not by more than 5 percent for the 1971 crop.

That would establish farm poundage quotas for the 1971 crop—for most farms within 10 percent of their 1970 crop sales. I should think this would be more fair, and more effective than a cut of 25 percent or more under the present acreage system.

Third. In future years, after the Secretary of Agriculture has calculated estimated use of burley tobacco and the total production needed, each farm quota for the previous year would be adjusted up or down accordingly, with all farmers treated alike. The bill provides that in setting the total national marketing quota for future years, the Secretary may not require a reduction of more than 10 percent below the estimated use of burley tobacco.

Fourth. The poundage plan includes a crop insurance feature. If a farmer does not sell tobacco one year, or markets less than his quota—whether because of hail, drought, or for any other reason—the unused quota would be carried forward to the next year, and could be grown and sold, with price support, at that time. Similarly, if weather is good and the farmer produces a little more than his quota, it would not have to be destroyed. He could sell and receive price support for 10 percent more than his quota—but on more than that—which would be deducted from his farm quota for the next year.

Fifth. The bill also provides for the first time for the leasing of burley quotas. Leasing is already permitted for other types of tobacco. I have opposed leasing in the past because I believed it could lead to a concentration in the hands of fewer growers, and would increase surplus supplies. But with a change in the program, leasing may be appropriate. A burley quota could be leased to another farmer in the same county having a burley allotment. Not more than 5,000 pounds of quota could be leased by any farm. That is the equivalent of about 2 acres of tobacco. It would mean that any farmer already having an allotment—perhaps a one-half acre allotment last year—could lease 5,000 pounds of quota, and so grow perhaps three or four times his present production. Or a larger farm could lease and grow the quota of three or four or five minimum farms, which would provide these farmers some income. That seems to me an ample amount, and as much leasing as should be permitted, at least until we see how it works out.

I have given this outline of the poundage proposal I have offered so that it can be discussed, and I hope there will be meetings of farm groups and consideration by leadership of the burley industry in the coming weeks. To be effective, such a proposal would have to be enacted by the Congress in time for the 1971 crop, and before the referendum at which burley growers will decide whether or not to have a price support program for the next 3 years.

If the Secretary proclaims quotas by March 1, that referendum must be held before April 1. If this plan, or a similar one, is enacted by the Congress, burley growers would then vote instead on whether it should be in effect for the next 3 years, or whether there would be no production control program and no price support for burley tobacco in 1971.

I recognize that it is a difficult matter to propose changes in the burley tobacco program—particularly changes that affect the minimum acreage—for the program affects the livelihood and the incomes of thousands of farm families. But I am deeply concerned that unless changes are made so that a surplus will not continue to build up, the price support program for burley tobacco will go down.

I think it is clear to all who have looked at the facts, and who think about the burley program, that we have come to the end of the line in attempting to control burley tobacco production through acreage alone, especially at a time when most burley growers have become exempt from acreage reductions.

I have talked to farmers in Kentucky, and I believe they want to save their burley tobacco program. I offer this proposal as a step in doing so.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point examples of how the 1971 poundage quota provided by the bill I have introduced would be calculated for a typical one-half acre burley farm, and for a larger Kentucky farm; a statement which I made before the Senate Committee on Agriculture at the December 8, 1970, hearing; and the text of the bill I have introduced today.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill and other material will be printed in the RECORD, as requested by the Senator from Kentucky.

The bill (S. 4613) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, introduced by Mr. COOPER, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 of new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, if the amount of any national marketing quota for burley tobacco as determined under section 312 of the Act will result in a reduction of more than 15 per centum in farm acreage allotments which are subject to reduction, and the Secretary finds that acreage allotments provided in section 313 of the Act as limited by Public Law 528, Eighty-second Congress (66 Stat. 597), as amended by Public Law 21, Eighty-fourth Congress (69 Stat. 24), approved March 31, 1955 (7 U.S.C. 1315), will not continue in future years to be effective in adjusting supplies to the reserve supply level, because of increasing per acre yields, decreasing useage or otherwise, the Secretary shall proclaim national marketing quotas for the next three years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing years subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his descretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve' from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in marketing quotas for old farms, and for establishing quotas for farms on which no tobacco was produced or was considered produced during the immediately preceding five years.

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm upon which burley tobacco was produced or was considered produced during the immediately preceding five years. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided,* That if tobacco was produced on the farm in fewer than five of such years; the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further,* That if no burley tobacco was produced on the farm but the farm was considered as having produced burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area: *And provided further,* That the farm yield for any farm shall not exceed 3,500 pounds per acre.

"(e) When a national marketing quota is first proclaimed under this section, a preliminary farm marketing quota shall be determined for each farm upon which burley tobacco was produced or was considered to have been produced during the immediately preceding five years by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection. *Provided,* That such national factor shall not be less than 95 per centum.

"For each such farm, the farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota (prior to temporary adjustments and subsequent to permanent adjustments) by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas (prior to temporary adjustments and subsequent to permanent adjustments) for the immediately preceding year for all farms which produced burley tobacco during such year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota subsequent to adjustments: *Provided,* That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a farm on which no burley tobacco was produced or considered produced during the immediately preceding five years shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided,* That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms upon which burley tobacco was produced or considered produced during the preceding five years: *Provided further,* That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketing of tobacco: *Provided,* That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in the marketing of such tobacco, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided,* That (1) such transfers shall be on a pound for pound basis, (2) any credit for undermarketings or charge for overmarketings shall be attributed to the farm to which transferred, (3) the amount of the quota which is leased from a farm shall be considered for purposes of determining future quotas to have been produced on the farm from which leased and the production pursuant to the lease shall not be taken into account in establishing quotas for subsequent years for the farm to which such quota is leased, and (4) not more than five

thousand pounds may be transferred to any farm under this section. The lessor shall be considered to have been engaged in the production of burley tobacco for purposes of eligibility to vote in the referendum.

"(h) Other than a new farm marketing quota, no farm marketing quota shall be established for a farm on which no burley tobacco was produced or considered produced in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota will require a reduction in subsequent farm marketing quotas in accordance with section 319(e).

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota and the penalty in respect thereof shall be paid and remitted by the producer.'

"(3) For the first year a marketing quota program established under the provisions of this section is in effect, the words 'normal production' where they appear in the fourth sentence of subsection (a) of such section shall read 'farm yield' and the said fourth sentence shall otherwise be applicable. For the second and succeeding years for which a program established under the provisions of this section is in effect, the provisions of section 319(e) shall apply when penalties, if any, on carryover tobacco are computed, and the provisions contained in the fourth sentence of section 314(a) shall not be applicable.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (d) to read as follows:

"(d) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words "allotment" and "acreage", wherever they appear, shall be construed to mean "marketing quota" and "poundage" respectively, as required."

SEC. 3. Subsection (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage-poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota for the farm on which such tobacco was produced, and (2) for the purpose of price support eligibility, tobacco carried over from one marketing year to another to avoid marketings in excess of the farm marketing quota shall, when marketed, be considered tobacco of the then current crop."

The material, presented by Mr. COOPER, is as follows:

EXAMPLE: 1971 FARM MARKETING QUOTA—TYPICAL ½-ACRE BURLEY FARM

	Pounds marketed	Pounds yield per acre
1970 crop	1,292	2,584
1969	1,244	2,488
1968	1,186	2,372
1967 (omit low year)	1,137	(2,274)
1966	1,218	2,436
Total best 4 years of last 5		9,880
Farm yield, average		2,470
Multiply by 1970 acres		.5
Preliminary farm quota		1,235
Less possible 5 percent reduction applied to all farms by Department of Agriculture		−62
1971 farm poundage quota		1,173

EXAMPLE: 1971 FARM MARKETING QUOTA—2-ACRE KENTUCKY BURLEY FARM

	Pounds marketed	Pounds yield per acre
1970 crop	5,400	2,700
1969	5,210	2,605
1968	4,930	2,465
1967 (omit low year)	4,770	(2,385)
1966	5,130	2,565
Total best 4 years of last 5		10,335
Farm yield, average		2,584
Multiply by 1970 acres		2
Preliminary farm quota		5,168
Less possible 5-percent reduction applied to all farms by Department of Agriculture		−258
1971 farm poundage quota		4,910

STATEMENT OF SENATOR JOHN SHERMAN COOPER, SENATE COMMITTEE ON AGRICULTURE, HEARING, DECEMBER 8, 1970

Mr. Chairman, I recognize that this hearing was called to consider H.R. 18686, a bill passed by the House of Representatives earlier this year, which would authorize the leasing of burley acreage allotments, introduced and sponsored by Congressman Wampler of Virginia, who, I believe is here today, and also by Congressman Taylor of Senator Jordan's State of North Carolina, and others.

I had written Senator Ellender (on August 28 and again on October 15) pointing out that Kentucky farm groups had raised questions about leasing—particularly at a time when there are problems of overproduction—and asking that no action be taken on the proposal without a hearing. In fact, I secured the amendment, when the leasing of tobacco allotments was first authorized by law, in 1962, excepting burley tobacco from the leasing authority because I was concerned that leasing could result in the concentration of allotments in the hands of fewer large growers. I would oppose leasing now, as I believe it would bring additional acreage into production and add to the serious difficulty the burley tobacco program is in.

However, as part of a plan to modify the burley program so that it will once more be sound, I believe leasing might well be considered for next year's crop.

Our burley tobacco program is in serious difficulty. That should be known. Unless modifications are made to keep the program sound at a time of declining use, burley growers could lose their tobacco program. I think action must be taken, quickly, and this is the time to start—it is already very late.

It is for this reason that I view this hearing as an opportunity to bring to the Committee information about the immediate problems facing the burley tobacco program—and any recommendations which those who are most knowledgeable and experienced may be able to bring to us as to the future of the burley tobacco program. I hope representatives of the Department of Agriculture will give an appraisal of the current situation.

The Chairman, Senator Jordan, and I have worked together on tobacco matters in the past. In fact, it was our bill, in 1960, which further stabilized the guarantee of 90% price support for tobacco, which has brought farmers increased prices year after year, and record prices in this year. I hope he understands, and Congressman Wampler and Congressmen Taylor and Abbitt and others also understand, that I raise these larger questions because there is an opportunity now to work out solutions, and that any action on leasing allotments should be a part of that solution.

Mr. Chairman, it is generally agreed that our production adjustment and price support programs for tobacco have worked well over the years. Prices received by tobacco growers have been favorable. Supplies have been maintained reasonably well in line with demand. Costs to the Government have been held to a minimum.

Farmers receive annually about $1.3 billion from the sale of tobacco. This represents about 7 percent of the cash receipts from all U.S. crops. The cost that the Government has sustained in operating the price support program for tobacco from 1933 through fiscal 1970 has been only one-fourth of one percent of the cost of all farm commodity price support operations.

Indeed this is an outstanding record of which our tobacco farmers are justifiably proud. However, in the case of burley tobacco, which is grown in Kentucky and Tennessee and the surrounding states, excessive supplies have accumulated because of substantial increases in per acre yields, and a downturn in domestic usage.

During the five years, 1956–60, burley tobacco yields averaged 1,620 pounds per acre. In 1963, burley yields first reached a ton per acre, and they have continued to increase—reaching an all time high of 2,488 pounds per acre last year. The Department of Agriculture estimates that a new record of 2,585 pounds per acre is in prospect for this year.

Under existing law, increases in per acre yields require reductions in acreage allotments in order to prevent over-production and investment of Federal funds in surplus taken under loans. When acreage allotments are reduced, farmers use more fertilizer, plant their tobacco closer together, and use other practices to increase their yields. Thus, we are caught up in a never ending spiral—with each grower compelled to compete with every other grower in order to maintain his share of the market. Research indicates that further increases in per acre yield are obtainable.

In recognization of this problem, the Congress enacted legislation in 1965 which provided for farm quotas in both acres and pounds—the acreage-poundage program. This program has now been in effect for flue-cured tobacco for six years. It has worked well. Supplies of flue-cured tobacco have been reduced by 17 percent. Exports have increased. Quality has improved, resulting in higher prices to growers. In a referendum held last July, 98.4 percent of the growers voting favored continuation of the acreage-poundage program on flue-cured tobacco for the 1971, 1972 and 1973 crops.

The Secretary of Agriculture has, on two occasions, offered burley growers the acreage-poundage program. In each instance, Kentucky growers approved the acreage-poundage program by more than the two-thirds majority, the law requires to make acreage-poundage effective. However, growers in some other states did not favor the change in the program. On a national basis,

the majority of burley growers favored the change, but the majority was less than the required two-thirds. As a result, the acreage allotment program has continued in effect for burley.

During the marketing year ending September 30, domestic use of burley tobacco totaled 507 million pounds—down 9 million pounds from the previous year, and 39 million pounds below the level prevailing two years earlier. This decline in domestic usage has occurred despite an increase in cigarette production, the principal use for burley tobacco. Because of (1) technological developments permitting fuller utilization of the entire leaf (2) increased proportion of filter tip cigarettes, (3) increased use of imported oriental tobacco, less U.S. grown tobacco is required today to make any given number of cigarettes—than formerly.

The continued increase in per acre yields coupled with the decline in domestic usage has resulted in the buildup of a burdensome surplus of burley tobacco—a substantial quantity of which is held under Government loan. The total supply of burley tobacco for the current marketing year—that is, carryover plus estimated production—1,896 million pounds—is sufficient to meet our domestic and export demands for 3.4 years at the level of usage and export prevailing last year. It is the law, based upon experience, that a supply of no more than 2.8 years' duration is desirable to permit proper aging of the leaf before it is manufactured into cigarettes.

In view of the excessive supplies, I am advised by officials of the Department of Agriculture that a substantial reduction of 25–40 percent in farm acreage allotments for 1971 would be required to bring supplies in line with demand—under the legislation governing the present acreage allotment program. Such a reduction could force many of our burley growers into bankruptcy or continuing farm losses, as there is no alternate crop to which they can turn to make up the loss in income. In view of this, it is likely that many growers will vote against the continuation of the marketing quota program for burley in the forthcoming referendum.

The Agricultural Act of 1949 provides that no price support shall be made available for any crop of tobacco for which growers have disapproved marketing quotas. If there are no production adjustment and price support programs on the 1971 crop of burley tobacco, I shudder to think what will happen, not only to our burley tobacco growers but to the entire economy in the areas where burley tobacco is grown.

Mr. Chairman, many burley tobacco growers in Kentucky are seriously concerned. They realize that, even though the acreage allotment program has worked well in the past when the use of burley—both in this country and abroad—was on the increase. They realize also that with the ability of growers to obtain ever-increasing per acre yields—and the downturn in usage—supplies will not be kept in line with demand on an acreage basis. The problem is further comlicated by the fact that 60 percent of the burley allotments in the United States cannot be reduced under present legislation—regardless of how much per acre yields increase, or how much usage declines in the years ahead.

I oppose the leasing of tobacco allotments, or their sale at this time. I believe that leasing or sale should be considered in connection with a full review of our burley tobacco program by growers, and by the Congress, in an effort to see if we can develop and agree upon some modification of the burley program that will keep it sound.

During my service in the Congress I have worked with other members to keep our burley tobacco program both sound and profitable. In my first service in the Senate, in 1947, I offered the amendment, joined by the late Senator Barkley, which established the 90% of parity support for burley and fixed levels of support for dark air cured and dark fire cured tobacco. In 1960, Senator Jordan and I secured the legislation which further strengthened burley support levels, and year after year I have worked with other Senators from tobacco states to defeat efforts made to abolish the tobacco program. Our position will become more precarious if over production continues and the investment of the Federal government in tobacco supplies increases.

I feel it my duty to bring the facts before the Committee on Agriculture and burley tobacco growers in my State.

SENATE CONCURRENT RESOLUTION 88—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE PUBLIC OPINION RESEARCH PROFESSION

Mr. GOODELL submitted a concurrent resolution (S. Con. Res. 88) to encourage the public opinion research profession to speedily establish minimum quality standards of public opinion research procedure, sanctions, and mechanisms of enforcement thereof to ensure adherence to such standards, which was referred jointly to the Committees on the Judiciary and Labor and Public Welfare, by unanimous consent.

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

SENATE RESOLUTION 503—SUBMISSION OF A RESOLUTION AMENDING RULE XVI OF THE STANDING RULES OF THE SENATE

Mr. BYRD of West Virginia (for himself, Mr. SCOTT, Mr. GRIFFIN, Mr. BAKER, and Mr. DOLE) submitted the following resolution (S. Res. 503); which was referred to the Committee on Rules and Administration:

S. Res. 503

Resolved, That Rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Whenever a general appropriation bill for a fiscal year has not been enacted before the first day of December of that year, and that bill has been reported by the Committee on Appropriations, a motion for the immediate consideration of that bill should be decided without debate. Consideration of any such bill shall be a highly privileged matter, and debate thereon shall be limited to two hours upon each amendment offered thereto and to ten hours upon the passage of the bill. Any procedural question arising in the course of such debate shall be decided without debate. Debate upon the report of a committee of conference upon any such bill shall be limited to ten hours upon agreement to the conference report and to one hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion to further limit debate upon any such bill so privileged, or upon the report of a committee of conference upon any such bill, shall be decided without debate. Whenever debate upon any bill, amendment, or report is limited under this paragraph, the time provided for debate thereon shall be divided equally between Senators in favor of the bill, amendment, or report and Senators opposed to the bill, amendment, or report. Notwithstanding the provisions of section 139(a) of the Legislative Reorganization Act of 1964, as amended, any bill subject to the provisions of this paragraph may be considered in the Senate at any time at which the report of the Committee on Appropriations thereon has been available to Members of the Senate for one calendar day." The above provisions of this paragraph shall not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a three-quarters vote of the total membership of a Senate Committee.

(The remarks of Mr. BYRD of West Virginia when he submitted the resolution appear later in the RECORD.)

SENATE RESOLUTION 504—SUBMISSION OF A RESOLUTION CONTINUING FOR 1 MONTH CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. RIBICOFF submitted a resolution (S. Res. 504) continuing for 1 month certain authority for investigations by the Committee on Government Operations into the efficiency and economy of operations of all branches of Government, which was considered and agreed to.

(The remarks of Mr. RIBICOFF when he submitted the resolution appear later in the RECORD under the appropriate heading.)

TO MAKE PERMANENT THE EXISTING TEMPORARY PROVISION FOR DISREGARDING INCOME OF OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND RAILROAD RETIREMENT RECIPIENTS IN DETERMINING THEIR NEED FOR PUBLIC ASSISTANCE—AMENDMENTS

AMENDMENT NO. 1183

Mr. LONG submitted amendments, intended to be proposed by him, to the bill (H.R. 19915) to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, which were ordered to lie on the table and to be printed.

ADDITIONAL STATEMENTS OF SENATORS

THE RAILPAX ROUTE

Mr. MANSFIELD. Mr. President, earlier this week I addressed the Senate briefly about the Railpax plan and the various routes that are being considered as essential in preserving passenger train service throughout the Nation. The State of Montana is in a peculiar position in that we now have two transcontinental routes and we cannot afford to lose either one. I say this, not to be selfish, but Montana is a big State and there are approximately 300 miles separating the two Burlington-Northern lines as they move from east to west for 700 miles across the State. To permit discontinu-

ance of passenger service on either the old Northern Pacific or Great Northern lines would mean that approximately half of the State would be without service. It is my desire and hope to see a plan worked out where there will be passenger service maintained on these two lines. In addition, I do not want to see my State become a mere roadbed for the transcontinental service between the Twin Cities and the west coast. The people of Montana are deserving of service at all of the larger cities on these two lines. It is my impression and belief that the Congress has agreed to this subsidized plan of preserving passenger train service for that basic reason alone and not to permit the railroads to reduce and retreat from this public transportation responsibility.

I have received a copy of an editorial which was in the Independent Record, published in our State capital, December 22, along with the publisher, George Remington's letter to the Secretary of Transportation, setting forth the desires of Montana's capital city, Helena.

Mr. President, I ask unanimous consent to have these two items printed in the RECORD.

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

THE RAILPAX ROUTE

As of now, nobody seems to know how Montana will fare under the forthcoming Railpax system, except that there will be a reduction in rail passenger service in the state.

If the state gets a passenger train at all, of which there is some doubt, there will be only one each way between Chicago and Seattle, and the competition is getting lively over the routing. That was to be expected.

There is even some talk to the effect that if the route does go through Montana, the trains will whiz across the state without stopping. That would hardly seem to make sense, if the service intends to make a profit, which Transportation Secretary John Volpe says it does.

The logical routing of the train would be on the lines of the Northern Pacific division of Burlington Northern, with stops at Glendive, Miles City, Billings, Livingston, Bozeman, Helena and Missoula. This, of course, would leave Butte without a passenge train, and would make Butte very unhappy.

But the case for routing the train through Helena is a strong one, since the Capital City already is virtually an island as far as surface transportation is concerned.

Except for Burlington Northern's Mainstreeter, which has been in jeopardy for years, Helena has no east-west public ground transportation. The last east-west bus service was terminated this month. The east-west highway through Helena is narrow, slow and often hazardous. Butte has ample east-west bus service and an east-west four-lane interstate highway.

Helena's location also should be considered. Its nearly central location between Great Falls and Butte, linked by the north-south interstate highway, would make it more convenient for potential rail passengers.

Then there is the matter of Helena being the capital, which makes it necessary for many people to come here on state business, especially during legislative sessions, which are in the winter when highway travel is often dangerous.

If there is to be only one train across Montana, simple common sense dictates that Helena should be on its route.

DECEMBER 28, 1970.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: As publisher of this newspaper and as a member of the transportation committee of the Helena Chamber of Commerce I am concerned first that the Railpax Route between Chicago and Seattle may not come through Montana and secondly if it does come through Montana it will bypass our Capital City of Helena.

Rather than go into a lot of detail in this letter, I am enclosing a recent editorial from the Independent Record which I believe states the case for Montana and for Helena very well. I believe the proposed route suggested in the editorial would be the most profitable for Railpax since it would go through more population centers in Montana. It also would be the one that would serve the most people in Montana with a passenger train.

I am greatly fearful that the Capital City of Montana is becoming a transportation island. We have lost all our East-West bus service, we have a narrow and dangerous East-West two lane highway, and with the advent of larger planes our East-West Air Service is making fewer stops in Helena.

I hope you will agree that a State Capital should have adequate safe transportation facility and will take that into consideration when you make the decision on the Railpax Routing.

Sincerely,

GEORGE D. REMINGTON,
Publisher.

BIG THICKET PETITIONERS FOR A 200,000-ACRE NATIONAL PARK TOP 6,000 MARK

Mr. YARBOROUGH. Mr. President, the ranks of the active and concerned Americans who are petitioning for a Big Thicket National Park of 200,000 acres have swelled to more than 6,000 with the addition of over 2,000 signatures received in my recent mail. These citizens and thousands of other like-minded Americans are united in their goal of preventing this great wilderness area from being reduced to pulpwood and cut-over lands. The Big Thicket, which once spanned over 3½ million acres, has quite literally been cut down to less than 3,000, and each day that this horrible war of attrition continues unabated, the Thicket suffers the loss of another 50 precious acres. This nationwide citizen support is therefore both critical and timely. With it, this hard fought battle to save one of America's greatest remaining wilderness areas may be swiftly and successfully concluded by favorable action on my Big Thicket National Park bill, S. 4, by the House of Representatives.

Mr. President, I ask unanimous consent that a synopsis of these additional petitions be printed at this point in the RECORD.

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

PETITION

We the undersigned believe and wish that 200,000 acres of the wilderness and virgin forest area described commonly as the Big Thicket be set aside and reserved as a national park and that these acres be adjoining each other and that as a wilderness area these 200,000 acres be desinated as the Big Thicket and that the Big Thicket as a national park be preserved and protected by the laws which govern the protection of other national parks as set aside by acts of the Congress of the United States of America.

Synopsis of additional signature received:

From the Denton, Texas Area: Thomas Sikorski, Robert F. Flournoy, Derek Taulman and 1,030 others.

From the Stillwater, Oklahoma Area: 60 individuals.

From the Atlanta, Georgia Area: David W. Moore and 285 others.

From the Albuquerque, New Mexico Area: Robert G. Alexandria and 21 others.

From the Lafayette, Louisiana Area: Dr. Marshall B. Eyster and 44 others.

From Texas Christian University, Fort Worth, Texas: John Lennart, Robin Hoover and 123 others.

From the Nashville, Tennessee Area: Richard L. Coleman and 23 others.

From the San Diego, California Area: Arnold G. Soderlund and 33 others.

From the University of Texas, Arlington, Texas: Howard Saxion, Douglas Wade, Donna Adams and 189 others.

From Talco, Texas: Mr. and Mrs. J. J. Smith.

From Carleton College, Northfield, Minnesota: Perry C. Mason and 66 others.

From New York, New York: 10 individuals.

From SSgt. George J. Zay, Jr. and 25 other U.S. servicemen in Vietnam.

A SILVER LINING

Mr. HANSEN. Mr. President, the noted British author, Ben Johnson, was quoted as saying he had never owned but one overcoat in his lifetime but that it had been in style several times.

The continuing attacks on the oil industry generally and State conservation and orderly production laws remind me that when these laws were first enacted, they were attacked by the industry but supported by economists and conservationists.

Now almost 40 years later, these same laws that brought order out of chaos to an industry that was being wrecked by overproduction and waste are supported by the industry and attacked by many economists, including some in the White House.

Mr. President, the recent action of the President in shifting control of oil and gas production on offshore Federal lands from State control to the Federal Government may, after all, turn out to be a blessing if it proves what one of the most knowledgeable men in the field of State conservation and production laws thinks it may.

William J. Murray, president of the Texas Independent Producers and Royalty Owners Association and former member of the Texas Railroad Commission which regulates oil and gas production in Texas, is quoted in a recent Oil Daily article as believing that Federal officials will find it in the national interest to apply the same production control regulations as have the States of Texas and Louisiana. As a result, Murray believes, there will then develop a better understanding of the important national service rendered by the State conservation bodies in regulating onshore and State controlled offshore areas.

In the interest of helping to explain the importance of producing oil and gas wells at the maximum rate of efficient production and the market demand

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

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

OCS ORDER MAY HAVE SILVER LINING

HOUSTON.—The feeling that President Nixon's recent order shifting control of oil and gas production on the Outer Continental Shelf from the states to the federal government constitutes "an advance to the rear" may not be fully justified, the president of the Texas Independent Producers & Royalty Owners Association believes.

In an article to be published next month in the TIPRO reporter, association magazine, William J. Murray Jr said it should be acknowledged that the President's action "is a blow to the slightly improved but unfortunately rather poor public image of the petroleum industry.

"Furthermore, if the (U.S.) should ignore conservation and safety in the production of (OCS oil) and if the control of production is for price manipulation rather than conservation, then this action does constitute not only a setback to the petroleum industry but from the view of a conservation engineer, a far more serious blow to public welfare," he declared.

However, Murray said he can't believe this will be the outcome.

"It is my hope and prediction that the responsible federal agencies will recognize the importance to national welfare and the consuming public, as well as to the petroleum industry, of MER proration, and after proper study will establish MER limitations for production from the OCS," the former Texas Railroad commissioner wrote.

"It is believed they will recognize that MER does not stand for maximum efficient rate but . . . for the maximum rate of efficient production. When a field is produced at less than the MER, it usually will operate at even greater efficiency than at the MER. But when it is produced in excess of the MER, serious underground waste and loss of ultimate recovery likely will occur.

"Consequently, error on the low side is in the interest of conservation . . ."

Murray said he was encouraged by press statements that Interior Department officials are beginning MER studies.

But he expressed concern about the official view of market demand proration, saying there seems "much less understanding of its important security and consumer benefits."

TIPRO's president said it's not generally recognized that the market demand system alone permitted some states, notably Louisiana and Texas, to meet past petroleum supply crises with spare producing capacity.

Even though this was an economic burden on oilmen, its value to national security and its contribution to dependable consumer supply made the price well worthwhile, he maintained.

Unfortunately, there's no spare U.S. producing capacity left, he said, and this might make it seem pointless to discuss market demand proration, which can exist only when extra petroleum is available.

"But it is to be hoped that this energy crunch will not always exist and that the time may come when we again will have some reasonable measure of national security," he said.

He warned, however, that the redevelopment of spare capacity will be possible only if state and federal authorities prepare in advance to apply market demand proration as soon as it again can be effective.

Murray said he continues to oppose federal encroachment into areas properly the states'. But he also emphasized he considers federal regulation better than no regulation and is not nearly so concerned about which agency has jurisdiction as whether its practices will be sound and firmly administered.

"It seems likely . . . that federal officials will find it necessary in the national interest to apply MER and market demand regulations to the Outer Continental Shelf, and there will then develop a better understanding of the important national service rendered by the state conservation bodies in regulating onshore and state controlled offshore areas," he concluded.

"Perhaps we have only temporarily 'advanced to the rear'."

DRUG ABUSE

Mr. HUGHES. Mr. President, on November 12, 1970, Representative JAMES SCHEUER addressed the International Symposium on Drug Abuse at Ann Arbor, Mich. He decried the lack of a balanced national attack on drug abuse and described the necessary elements of such a program. His explanation of the inadequacies of our present approach to this growing problem and his prescriptions for change are highly relevant to the future deliberations of the Congress. Representative SCHEUER's remarks show a keen understanding of the intricacies of the supply-demand equation of drug abuse. The district he represents in New York City is much more seriously affected by drug abuse than most, and he has spent many years seeking solutions to the problems this abuse creates and reflects. My distinguished colleague from the other House has given us a valuable new perspective on a crucial problem. I commend his remarks to the attention of my Senators, and ask unanimous consent that they be printed at this point in the RECORD.

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

THE NATIONAL PROGRAM ON CONTROLLING DRUG ABUSE RELYING ON THE CRIMINAL SANCTION

(By James H. Scheuer)

The drug crisis has produced the kind of political response that ranks with a loud shout in a hen house. The anger, fear, anxiety and passion surrounding the issue have produced a universal concern which, in turn, has generated widespread, powerful pressures on public officials for corrective action.

There are somewhere between 200,000 and 250,000 heroin addicts, over 20 million marijuana users, and untold hundreds of thousands of speed freaks and amphetamine abusers in the United States. Any indicator you choose shows a meteoric rise in the multi-drug abuse problem in the United States. Arrests of juveniles for drug offenses in California, for example, have increased more than 500 percent from 1961 to 1969.

Drug abuse may simply lead to passivity and withdrawal, or to crimes of violence, prison, death. New York City records three deaths a day from drug abuse. Drug addicts steal between $300 and $500 million a year in Washington, D.C., and over $2.5 billion a year in New York City. 70 percent of those arrested for armed robbery in the District of Columbia are drug users. Well over ½ of all street crime in New York City is caused by addicts. There are many other less visible but just as devastating social costs that could be listed.

The Federal government simply cannot ignore problems as critical and as passionately perceived as drug abuse. Respond it must and the Congressman who does not express his shock, concern, and determination to mount a massive assault on drug abuse is scheduled for early involuntary retirement.

My colleagues and I introduced hundreds of bills in the 91st Congress to deal with the drug crisis, although we have passed only a few of them. The executive branch responded to the social hysteria by announcing "greatly expanded Federal programs" and the shift of resources from other areas to drug abuse programs, wrapped in predictions of great success. But nowhere is there evidence of the decisive leadership and thoughtful programming that is vital to developing a comprehensive, balanced national program on drug abuse. High administration spokesmen have admitted their lack of success to date in developing programs to curb drug traffic. I shall try to indicate to you today what the Federal response has been—its aims, its inadequacies and its oversights.

This is at least the third major drug abuse epidemic in the last 100 years, and the Federal government has responded in much the same way to all of them. To meet the first drug crisis at the turn of the century, when one in every 400 persons was addicted to morphine or codeine, Congress passed the Food and Drug Law and the Harrison Narcotic Act. These laws providing controls and penalties were the first ever enacted. They significantly reduced the problem by making most drug use illegal and applying the criminal sanction to all offenders of the narcotic laws.

Since this law enforcement approach was apparently successful, we tried it again after World War I to combat a cocaine abuse problem, convinced that narcotic addiction was an evil to be stamped out. We have amended these various laws several times, broadening them as the role of the Federal government expanded, increasing the number of drugs under control and the penalties for abusing them.

Facing our third drug abuse epidemic in the mid-60's, we found ourselves with a national policy consisting of harsh and inconsistent laws, punitive ostracism of the drug user, and only slight emphasis on prevention and rehabilitation. This has been based on a morality that condemns the symptoms of social deprivation while scarcely mentioning the intolerable pain, indignity and hopelessness that give rise to much drug abuse. This national policy, whatever its moral and political underpinnings, has provided only the slightest restraining tug on the growth of the drug abuse problem. The criminal sanction has not broken the supply-demand equation which perpetuates drug abuse. The criminal justice system has not been given the resources nor the reasonable and enforceable penalty structure which might have exerted some control over the problem. Indeed, the complex and erratic machinery of drug law enforcement is counterproductive in its impact on crime control; it diverts police time and energy vitally needed elsewhere, debases the quality of the entire law enforcement effort, and supplies a major corrupting pressure on police personnel. As in other non-victim crime—gambling, prostitution, loan-sharking—history teaches us that there are powerful incentives to complicity in the lucrative business of supplying drugs, which corrupt some law enforcement officials. Witness the determined effort to combat corruption by the new-appointed police commissioner, Patrick Murphy, in New York City.

In light of our historical approach to controlling drug abuse, our first and strongest response to the present crisis has not been at all surprising. Borrowing a football analogy the President himself might use, that response has been to "Hit 'em again, hit 'em again, harder, harder!" Our knee-jerk response to increasing drug abuse has been to crack down with more punitive laws and the empty promise of more extensive, harsher law enforcement, despite the fact that there is very little evidence that illegality and stiff

punishments on the law books have a deterrent effect any longer. But all governmental institutions have difficulty abandoning unproductive policies when they are accustomed to using them. We cling to the comfortable and the familiar as do confused and frightened people everywhere.

The cornerstone of the federal drug control programs for the 70's is the Comprehensive Drug Abuse Prevention and Control Act of 1970 embodying the collective wisdom of two presidential commissions and two congressional committees, enacted into law a month ago. It is first and foremost a law enforcement bill, although a noticeable beginning has been made in approaching the other aspects of the problem. The cutting edge of the bill is in its reorganization and consolidation of the controlling regulations for narcotics and dangerous drugs into a system of schedules; the expansion of the licensing and regulation activities of the Federal government; the stronger penalties for pushers and those who sell drugs to minors; the provision for hiring up to 300 additional agents for the Bureau of Narcotics and Dangerous Drugs; and the no-knock powers granted to law enforcement officials. These no-knock powers; like stop-and-frisk and preventive detention, are representative of the terrible trade-offs we are making for failure; we give up Constitutional guaranteed liberties in return for the promise of reduced crime by virtue of harsher laws. But this trade-off serves no useful purpose, since it doesn't help to stop the steady increase in street crime or in drug use.

With all the bill's faults, it does establish the beginnings of a more realistic penalty structure, stepping down the penalty for the first-time user or possessor of any dangerous drug to a misdemeanor and permitting suspended sentences, probation and parole. Over a third of the states have taken similar action, revising such laws as Virginia's, which used to give mere possession of marijuana the same minimum penalty set for first degree murder. Apparently our ethic now is to punish marijuana users, but not to ruin them for life, since as much as half of today's college population could be called frequent or occasional users. Strict enforcement of even this reduced sanction can only increase disrespect for the law, diminish the deterrent effect of the arrest sanction, and alienate the young. Any system of law that applies the arrest sanction for a kind of conduct that is broadly accepted among significant groups of the population must reduce the deterrent power of that arrest sanction. Since *Playboy* magazine has published a poll indicating that 48% of today's college students have smoked marijuana at least once, it is apparent that the arrest sanction doesn't scare them into abstinence anymore. Is there any reason to hope for an abatement of the problem from this new law? 235,000 people were arrested for drug law offenses in 1969, an increase of over 500 percent since the beginning of the decade, and yet drug use has risen some 2,000 percent in the same period The Bureau of Narcotics and Dangerous Drugs now employs 1,336 agents, a 350 percent increase since 1965, that has had no perceptible impact on drug abuse in this country. (It should be noted that B.N.D.D. agents represent only 5 percent of Federal law enforcement manpower.) All Federal law enforcement agencies have increased by 500 percent the resources applied to the narcotics problem in the last three years alone, while simultaneously rates of drug crimes, drug deaths, and drug use continue their upward spiral. Our nation has developed a tradition of goal-oriented government policies measured by the results they obtain. The results of our policies on drugs show that we are nowhere nearer our goal of controlling their abuse than we were 70 years ago. Yet, we continue to cling tenaciously to the belief that strong rhetoric and harsh penalties on the lawbooks will erase the problem, and we search frantically for the perfectly efficient criminal sanction.

The new law will do little to reduce the problem of amphetamine abuse since it imposes no quota controls on their production. Noted medical authorities have testified that 1,000,000 pills would meet all legitimate medical needs (for narcolepsy and hyperkinetic behavior), yet 8 billion pills are produced annually. More than 50 percent of these are estimated to be diverted to illegitimate uses.

In this hue and cry about drug abuse, the Federal government is supposedly directing much of its effort toward stopping the flow of narcotics into the country. The Administration points with pride to the initiatives it has taken to cut off the flow of heroin and marijuana into this country from abroad. The shakedowns and inspections at airports are touted as part of our "first line of defense." The Administration has beefed up inspection and customs teams, added enforcement agents, and encouraged the French, the Turks, and the Mexicans to intercept and destroy the drugs before they reach our country.

Turkey, the source of 80 percent of the heroin that comes into the U.S., makes a multibillion dollar contribution to our drug problem. Yet, our total program to assist the Turkish government in limiting and controlling the opium crop and its illicit distribution consists of a paltry $3 million dollar loan spread over a number of years. About half of this loan is for crop diversification and half for enforcement programs.

Not surprisingly, Turkish opium production has not yet decreased at all. Even though they have reduced the number of provinces in which opium can be grown from 25 to 7, the Turks have increased the yield per acre so substantially that now they are producing as much or more as they were before. As far as our efforts with the French are concerned, it is clear that there has yet to be any real disruption of the refining plants in Marseilles where Turkish opium is processed into heroin and then shipped to the U.S. Only one refining facility has been detected in the last year. The United Nations agencies charged with regulating the flow of narcotic drugs have a budget of little more than $1 million. Nowhere is there evidence of the kind of massive attack that is needed, and years will go by before we see any results from our present insufficient efforts.

The approach we have taken is difficult and not at all likely to be successful. Once the opium has been harvested and sold by the Turkish farmer, the marijuana purchased by the college student in Mexico, it is almost impossible for law enforcement authorities to intercept it. Two to four tons of heroin would supply all the addicts in the U.S. for a year, an amount that would fit into a thousand shoe boxes. There are tens of thousands of places to hide a shoe box on a freighter, and over 450,000 ships and planes arrive in the U.S. every year. Sporadic seizures of smuggled drug shipments may make news, but they cannot make more than a passing dent in the supply of hard drugs. F.B.N.D.D. experts have estimated that a massively expanded police force can only seize 10 to 20 percent of the total illicit traffic coming into the country.

The most hopeful initiative has been the U.S. proposal to the United Nations for a U.N. fund for drug control to be applied to all aspects of the drug abuse problem. From this beginning, we must chart a major, long range program of concerted international action to stop the flow of opium and heroin by cutting them off, not at the pass, but at the source in the poppy fields of Turkey. This should be our first line of defense. I am sure the Congress will support such a program if and when it is proposed by the President. It would require a new, well-funded multinational body which would extend U.N. control from the licit traffic in drugs to the illicit, cutting off the 1,200 tons of opium produced over and above that needed for legitimate medical purposes.

This U.N. organization could fund subsidies to poppy growers for crop diversification and cultivation of other cash crops, like tomatoes, onions, melons, or soybeans; or for transfer of labor by programs of literacy and skills training and job creation, to other more productive sectors of the economy. Such a U.N. body could take effective action against any nation with uncontrolled production or distribution of narcotics by initiating trade embargoes, worldwide publicity, or other sanctions. It could provide technical assistance to establish and ensure the effective operation of appropriate national and international control machinery, programs for preemptive buying of opium crops, and licensing and inspection programs. This U.N. body could also include psychotropic substances under international control, and encourage the development of world-wide educational, treatment and rehabilitation programs.

Only an international program of this scope and ambitiousness promises any hope of success in breaking the international supply of illicit drugs. It would require $25 to $50 million to be effective, but this sum could save billions. International support for such a program would be strong. The number of nations falling prey to the problem of drug abuse grows every year. African and Latin American diplomats at the U.N. have seen the effects of drug abuse in New York City and fear the consequences of its spread to their own nations.

There are additional social controls which the Federal government applies in trying to combat drug abuse. However, in relying on the criminal sanction to limit and discourage supply and access to drugs, we have tended to treat these other controls as optional extras. Treatment, rehabilitation, preventive education, and research into the problems of drug abuse have only gradually begun to receive some of the attention they so desperately need. In the past decade, we have started to deal more humanely and effectively with the growing number of narcotic addicts and drug abusers. Incarceration is expensive and has no significant long term effectiveness. Over 80 percent of the addicts given compulsory treatment in U.S. prisons have reverted to drugs and crime on their release. Even if an enlightened humanism did not bring us to grips with his plight, the cost to society of the addict turned criminal has forced us to give more attention to rehabilitation.

The inadequately funded civil commitment programs of the Narcotic Addict Rehabilitation Act of 1966 proved incapable of handling the problem, even within the limited scope of its application. Only 822 addicts were civilly committed for treatment under this program in 1969, while more than 700 were turned away because they were deemed incapable of being rehabilitated. The Public Health Service and community mental health centers have been authorized to begin treatment programs. The major drug bill of 1970 brought to about $85 million the federal funds available for treatment programs in this fiscal year. That is about as much as the addicts in New York City steal in a week. The National Institute of Mental Health has been funding fewer than half of the treatment grant requests it receives and has actively discouraged applications because of the shortage of funds. Federal, state and private treatment programs are reaching only an infinitesimal portion of narcotics addicts, and are limping along on insufficient funds and turning addicts away from their doors. Only 8,000 of our nation's estimated 250,000 heroin addicts are in methadone programs—a shameful 3%. In England, 75% of the addict population is on methadone.

The lack of knowledge about the various methods of treatment further inhibits a fed-

eral role in this area. There is no authoritative, comparative assessment of various forms of treatment, indicating which programs work for which types of people for which types of drug abuse. An ambitious effort in the Congress this past year to meet some of these needs and produce a federal treatment program adequate to the challenge was beaten back because of the priority given to law enforcement. Senator Hughes' bill, which I cosponsored in the House, would have consolidated the federal treatment programs within one office, giving it $26 million more than is now provided, and assigning this office to the status, the priority, and the programs needed for the job. The confused jumble of ideologically competing treatment programs made it easier for the Congress to conclude that the tools for a massive assault were not yet available or properly assessed. More modest efforts, therefore, were considered appropriate, while we concentrated our greatest energies on a legal crackdown which is primarily visible in the law books alone.

The federal government is showing increasing interest in attacking the demand for dangerous drugs by educating young people to their dangers. We have begun to see that the nonsense peddled throughout this century by the Federal Bureau of Narcotics was simply an inept scare tactic, based on ignorance and arrogance. The F.B.N. warning about the dangers of the "killer drug—marijuana" from the 1920's and 30's now appears in pop art posters on college dormitory walls. In more recent times, the able agents of the Bureau of Narcotics and Dangerous Drugs have not been much more effective in developing credibility on the campus. They have had the unenviable task of explaining and justifying the inadequately explored effects of drugs and the ineffective prohibitions on their use.

Consequently, the Administration has doubled the drug education budget to almost $20 million for this fiscal year, establishing crash programs of lecture, courses, information, advertisements, panel discussions. The motivation is admirable, but the effects are questionable. We are only beginning to separate fact from folklore about drugs, and it is unlikely that any state or community yet has an adequate drug education program. We know that drug abuse is triggered by curiosity, peer group pressure, and experimentation, alienation, hopelessness, but we don't yet know how to meet this mixed bag of motivations effectively. The medical and educational outcry on soft drugs to date has been so exaggerated that most young people now shrug off even the most reasoned scientific evidence about the dangers of using hard drugs.

A recent poll by CBS indicates that the entire population is still largely uneducated on the drug problem: People's opinions are still based on fears rather than facts. Eighty-one percent think that marijuana is addictive and habit-forming. Forty-four percent think it is equally or more dangerous than heroin. Seventy-nine percent think the legal penalties for marijuana drug use should be kept the same or made stronger. These kinds of public attitudes are the underpinnings of the law enforcement approach to the drug problem. Public education on drug abuse for all sectors of the population is an indispensable part of any more enlightened national policy.

Another area where there is a clear bias for law enforcement and against any other approach is in research on drug abuse and how best to deal with it. Although it is clear that we lack the concrete evidence necessary to formulate adequate or sensible controls over many kinds of drugs, until recently, research has been met with indifference, hostility, or outright harassment. It is astonishing, given the chronic public alarm, that so many fundamental questions remain unanswered. The $23 million to be spent this fiscal year on drug research and other support compares with $20 million on pesticides and insect research, $132 million on arthritis, $96 million on allergies. These are all necessary programs, but surely the levels of funding indicate that drug research should be far more liberally funded. Nonetheless, a bill I proposed a year ago to provide $25 million to the National Institute of Mental Health for drug research has languished in the Congress.

Federal and state laws have been stumbling blocks to research, since we have been more worried about leakage of drugs to illicit channels than we have been about answering the questions about drug abuse. Our need for information about all aspects of drug abuse has been ignored in our drive to stamp out the problem. Consequently, many of the standard generalizations, such as "speed kills" or "Marijuana users tend to experiment with progressively harder drugs" or "drug use leads to crime" are the conclusions on which we base our facts. Some of the most crucial areas for research seem to be almost totally ignored. Who is trying to develop a synthetic replacement for codeine and morphine—the only legitimate uses for the opium poppy—so that we can call for a world-wide halt on poppy culture and opium production and trade? Why have we only begun to experiment with blocking drugs or narcotic antagonists such as cyclazocine and naloxone? Where are the crash programs from government and the drug industry that could contribute so greatly to destroying the demand side of the drug abuse picture? Less than $4 million will be spent on opiate research this year. Why has there not been a careful evaluation of the British system for dealing with heroin addiction which seems to have been highly effective in reducing crime and other social problems associated with addiction? The legalized dispensing of heroin in state clinics has eliminated the black-market in this dangerous drug, discouraged the growth of a large addict population, and brought the addict back into contact with the supporting services necessary to break the pattern of addiction. It is hard to believe that we are really serious about our research effort until we begin extensive efforts in areas such as these.

Our so-called national program to control drug abuse is an impractical, fragmented approach to a poorly perceived problem, despite all the pledges for massive assaults that were zinging around our heads during the late, unlamented election campaign. Our misdirected, poorly funded attack on the problem promises only the faintest chance of quick success. The emphasis throughout this century on applying the criminal sanction as a solution is still prevalent today. In trying to break the supply of and demand for dangerous drugs, we are still cracking down on the suppliers and users with stronger laws but pathetically few law enforcers. We are only toying with an international effort to halt the flow of illicit drugs, relying on rhetoric and threats to cut off foreign aid instead of helping to supply the resources other nations need to combat the problem.

When drugs do reach the country, we pay only slight attention to education, treatment, and rehabilitation programs, applying band-aids to a cancer. We fumble around in the dark, grasping the weapon we feel most comfortable with—the harsh legal sanction. We put very little lead in our law enforcement pencil, however, relying on strong words to deceive ourselves and soothe the public panic. The limited scientific research of the past decades has produced little information to challenge the national conviction that this is the best and most effective approach.

We need a national program on drug abuse which will include as a minimum the following elements:

The development of a synthetic analgesic for morphine and codeine.

The development of a long-lasting, non-addictive blocking drug.

Research into both the sociology and pharmacology of marijuana, heroin, amphetamines, and barbituates, and how to combat their abuse.

Development of a realistic penalty structure.

Computer-bank control of drug pills throughout the production-distribution cycle, (manufacturer, wholesaler, jobber, druggist, prescribing physician), both nationally and internationally.

Application of advanced technology to the problems of detection of drug possession and manufacture, using such techniques as sniffers, infra-red detection, and satellite surveillance.

Increased appropriations for domestic enforcement personnel.

Increased support for UN sponsored programs for international control; such programs as crop diversification for opium poppy producing countries, road construction, light industry development, and preclusive buying of opium crops. The UN can also supply technical assistance for the development of national licensing and control programs to regulate drug manufacture and distribution, and satellite surveillance of poppy culture.

Education programs that have been carefully evaluated as to their ability to discourage drug use. These should be aimed not only at potential or actual users of drugs, but also at whole communities so that they may have a realistic understanding of drug problems and how to deal with them.

Development of a comprehensive, comparative assessment of various treatment methods so that we know which programs work for which types of people and which types of drug abuse.

Greatly expanded treatment and rehabilitation programs.

The drug problem shows no signs of melting away, and I don't expect to be joining any victory marches in the Bronx in the near future. We have to reach a national consensus on whether our drug programs should establish a high moral ethic enforced by criminal sanctions that fail to persuade or dissuade, or an intelligent, effective program based on careful research that addresses itself to the basic causes of drug abuse. We need a balanced attack on all aspect of the supply-demand equation, combining the criminal sanction with some of the other imaginative programs of international control, treatment, preventive education and research that together represent the social controls commensurate with the cost and the challenge.

VOLUNTARY AGREEMENTS OR MANDATORY QUOTAS—WHAT DOES THE TEXTILE INDUSTRY REALLY WANT?

Mr. MONDALE. Mr. President, on the 19th of December I reported what I felt to be a most serious change concerning the conduct of the American textile industry with respect to the United States-Japanese efforts to reach a negotiated settlement of the textile issue.

While my charges were unofficial and from a source which I could not and cannot now disclose, I thought they were so potentially serious and so vital to the trade legislation then under consideration in the Senate that they should be brought to the attention of the Senate and the Nation.

I revealed reports then that the American textile industry, despite its insistence that it seeks quotas only as a stopgap until a voluntary settlement can be reached, was in fact working actively to prevent any settlement and had recently forced our negotiators to back away from what very probably could have

been a formal agreement with the Japanese.

Not surprisingly, this allegation met with immediate protest and denial from the White House and those supporting quotas.

But I would like to call to the attention of my colleagues the reports of Secretary Stan's news conference of December 23 in which he admitted that the textile industry had officially opposed a settlement formula and that the talks had now been "temporarily suspended."

The transcript of Secretary Stan's news conference, at least through yesterday, was still not being released, but I would like to insert at the close of my comments a number of press accounts of that conference.

I believe they fully corroborate the allegations I made earlier, and demonstrate that the textile industry, as long as the administration continues to make political promises of legislated textile quotas, will continue to sabotage any real negotiated settlement with the Japanese.

I should add that the blame is not really to be placed on the industry. As long as the administration promises legislated quotas for textiles and hope thus remains for any easy elimination of foreign competition, one must expect the industry to prefer this outcome—as undeserved and potentially disastrous as it may be. I renew my plea to the administration, then, to abandon its political game; get out from under the thumb of the textile industry; and begin an honest pursuit of a negotiated settlement with the Japanese.

Mr. President, I ask unanimous consent at this point that the articles referred to earlier in my remarks be printed in the RECORD.

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

[From the Daily News Record, Dec. 24, 1970]

U.S. MILLS DID OPPOSE THAT TEXTILE TRADE PLAN, STANS SAYS

(By Richard C. Sizemore and Richard Wightman)

WASHINGTON.—Despite reports to the contrary from the U.S. textile industry and the White House, Commerce Secretary Maurice Stans said Wednesday that the industry did oppose the formula reached in the U.S.-Japanese textile talks.

But Stans hedged by adding that the industry held no veto power.

Stans "guessed" that the current talks between Japanese Ambassador Nobuhiko Ushiba and Peter Flanigan, White House aide, would be "suspended" soon and renewed after a few weeks.

At the White House, Ronald Ziegler, press secretary, said, "I would prefer to say that nothing is scheduled for several weeks." The reason for the hiatus, according to Ziegler, is that the Japanese want to "go into further discussion back home" on the issues in the negotiations.

A Japanese Embassy spokesman said Ushiba was still awaiting instructions from Tokyo before requesting another meeting with Flanigan.

Stans said representatives of the U.S. textile industry met with him and other officials, whom he didn't name, last Monday night. That means the meeting came a few hours after Ziegler emphatically denied a charge by Sen. Walter Mondale (D.-Minn.) that Flanigan had "backed away" from an agreement with the Japanese after it had been rejected by U.S. textile manufacturers.

Ziegler agreed Wednesday with Stans that the domestic industry was unhappy with the way the talks were going, but he insisted the suspension had nothing to do with this. "I wouldn't draw that conclusion if I were you," he told reporters.

Ziegler denied that the meeting between Stans and the domestic mill men had anything to do with allegations made by Mondale to the effect that the mills had vetoed a prospective agreement.

He repeated that U.S. firms were only being "consulted" and "informed" on the progress of the talks.

On Tuesday a spokesman for the American Textile Manufacturers Institute (ATMI) denied the Mondale allegation. He said the industry hadn't been asked to accept or reject anything and didn't know the White House talks had reached the point where the industry could be asked for comment. That was the day after the industry group had met with Stans.

Stans told a news conference Wednesday that "stories yesterday that the American Industry doesn't believe the negotiations are pursuing the kind of formula that is workable" were "quite true." He didn't elaborate.

Stans said the American textile industry was concerned over the formula of the proposed agreement. He said it called for specific limitations on some categories of wool and synthetic textiles but no specific limitations on others.

It called for a trigger mechanism if certain textiles reached a significant level. But the negotiators bogged down over the mechanical formula for triggering a halt to imports at a certain level—over who determines when and where and other details, Stans said.

Stans, who was giving a year-end review of his accomplishments and disappointments, singled out the textile negotiations as his biggest disappointment. He said he had been involved in the negotiations for two years and added, "I guess it will be back with us next year."

He conceded he didn't know what the Japanese were thinking. "There are all kinds of theories as to what the Japanese are thinking," Stans said.

Looking ahead to next year, he said the position of the U.S. industry has worsened in the past year. He noted that the Presidential commitment to help the industry is as strong as it has ever been. "I think the problem is more critical now than ever," Stans said.

The Japanese, Stans said, "know we ran out of time with developments in the Senate, and they know the situation is getting worse all the time."

A Japanese Embassy spokesman said his country expects a new and possibly an even stronger U.S. trade bill next year. "We still feel that negotiating a bilateral agreement is necessary," he said.

Stans said he assumed that talks would be resumed at the White House next year. "I think Flanigan has met about 20 times (with the Japanese)," Stans said, "and I have met 40 times with him. We have a close working relationship and a strong total input" into the negotiations. "But it's very difficult to find an acceptable formula."

Stans was asked about renewed suggestions that U.S. and Japanese industry leaders meet to try for common ground. He said he doubted if anything significant would come from such a meeting. But Stans suggested something might be done if members of labor organizations on each side of the Pacific get together.

He claimed that the Japanese industry "is more splintered than ours and is unwilling to relinquish anything."

[From the New York Times, Dec. 24, 1970]

TALKS SUSPENDED ON TEXTILE CURBS

WASHINGTON, December 23.—White House negotiations with Japan over voluntary curbs on textile imports will be suspended until early 1971, Secretary of Commerce Maurice H. Stans said today.

Mr. Stans declared at a news conference that American textile manufacturers had advised him they felt the talks were not developing "the kind of formula that is workable."

Ronald L. Ziegler, White House Press Secretary, would not agree that the talks had been suspended, but said, "I don't think there are any talks scheduled for several weeks." He said Japanese authorities were in consultation on the negotiations in their homeland and anticipated a resumption of talks next year.

Industry representatives opposed the proposed mechanics of a draft agreement at a meeting with Mr. Stans in Washington Monday night, Mr. Stans noted.

"Under the circumstances I think there will be a short period of suspension," he said. "I assume there will then be a renewed attempt to find a solution in further talks at the White House."

Asked whether he felt the United States bargaining position had been weakened by the decision of Congress to recess without acting on a trade bill, under which mandatory import quotas could be imposed on textiles, Mr. Stans said:

"The Japanese know as well as we do that we just ran out of time because of delays in the Senate or there would have been a trade bill."

CONCERN EXPRESSED ON JOBS

The Japanese also are aware of the Administration's concern over the loss of an estimated total of 100,000 United States jobs in the textile and apparel industries in the last year, Mr. Stans added.

A major concern of his department in the next two years, Mr. Stans said, will be to strengthen the country's trade surplus. In three of four major foreign trade categories, the United States has either been failing to build surpluses or incurring larger deficits, he said.

The Secretary explained that in agricultural products the United States was approximately holding its own, in minerals and oil it was "building our deficit year by year" because of increased reliance on foreign supplies, and in low-technology manufactures, such as textiles and steel, "we are running very large deficits."

"Only in exports of high technology products do we have a substantial margin," Mr. Stans noted. "These include automobiles, computers, aircraft, nuclear power plants and other items—17 categories in all—in which we have been running a favorable balance of $8-billion a year.

"But in the past couple of years this surplus has not been increasing. The technology is being transported overseas. . . . We've got to pull out all stops to insure that we maintain our technological superiority."

PROGRESS ALSO NOTED

At the same time, Mr. Stans reported what he called a very gratifying record of progress in at least a dozen major programs in the last two years, including the merchant-ship building program, the census, the promotion of minority-owned business enterprises, the United States travel service and oceanography.

The two major current problems, pollution and consumer protection, are being approached through voluntary, industrywide efforts at cooperation, Mr. Stans said.

He cited, the work of the National Industrial Pollution Control Council, in collaboration with the Commerce Department, as an effective measure in remedying environmental problems.

The Secretary rejected the idea that the Government should pass a series of mandatory standards, calling it the "whipping-the-dog" approach. The benefits of the coopera-

tive approach are shown, he said, by the progress made in abating mercury pollution.

"Within a few months the business community went to work on that and stopped 90 per cent of the mercury going into streams," Mr. Stans said.

AGREEMENT EXTENDED

In another development, the United States and Nationalist China extended for six months their agreement limiting the flow of cotton textile exports to this country, the State Department announced yesterday.

The agreement would have expired December 31.

The department said the extension would give both parties additional time to complete the negotiation of a new agreement.

Over the six-month period, the extension provides these ceilings: aggregate textiles, 39.3 million square yards equivalent, consisting of 14.8 million square yards of apparel and 24.5 million square yards of non-apparel.

The ceilings correspond to one-half the 1970 level but also include growth at an annual rate of 5 per cent.

TRIBUTE TO SENATOR DODD

Mr. METCALF. Mr. President, for the term of the 91st Congress it has been my privilege to sit next to Senator DODD of Connecticut. This relationship renewed and reinforced an old friendship that began when we were Members of the House of Representatives together. TOM got to the Senate before I did but when I arrived as a neophyte and newcomer he helped me in the orientation that is an inevitable part of the change from one body to another.

Senator DODD has been a valuable Senator. When for example we disagreed on such questions as gun control he was always courteous and understanding of differing points of view. His work on that bill, and many others, was of significant importance to the Nation.

The vote on Senator DODD's censure was the most difficult vote I have made since I came to Congress. Looking back perhaps he was more sinned against than sinning.

So I say farewell to a colleague and friend. Good luck TOM.

TRIBUTE TO SENATOR RALPH YARBOROUGH

Mr. McGOVERN. Mr. President, it was my great pleasure to take part in a unique celebration on December 15 in Austin, Tex.

There have been many victory dinners around the country since the November elections. But in Austin we paid tribute to a man who had suffered an earlier electoral defeat, the senior Senator from Texas, RALPH YARBOROUGH.

RALPH YARBOROUGH will be sorely missed in the Senate, by Texans, by those of us who have been privileged to serve with him, and by his constituents throughout the country.

But the Austin dinner was not an occasion for mourning.

Instead we honored a gifted public servant. We paid tribute to a record that is the obvious fruit of both boundless energy and matchless compassion. And we celebrated what has been, by any standard, a brilliant Senate career.

But perhaps the best portrayal of the spirit of that event can be found in the dinner program and in news accounts that appeared in succeeding days in a number of Texas newspapers.

I therefore ask unanimous consent that there be printed in the RECORD at this point a number of excerpts from the printed program, followed by several articles and comments from the Austin Times of December 17.

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

PROGRAM

MIKE MANSFIELD

Not always is a public career distinguished at all times by high principle and great courage. I honor Ralph Yarborough as one of those in public life whose devotion to principle has been unwavering and whose immense courage, tested on countless occasions, has never been found wanting.

Leadership in the Senate of the United States is often a tedious and tiresome task. Faced with competing viewpoints, noble objectives are often sacrificed to the expedient of the quick compromise. That expedient, I am proud to say, was never adopted by Ralph Yarborough. Whether pressing for enactment of the Cold War GI Bill, or fighting to preserve the natural beauty of Padre Island, lying in the Gulf of Mexico, Ralph persevered to a victorious objective—and he did so without sacrificing those things in which he deeply believed.

The record is there. It is filled to the brim with such achievements; achievements that have been heralded across this nation. Without recounting them again for the people of Texas, it is enough to say that, in the field of education, he was the pioneer; on Veterans' benefits—where at all times he was out in front all alone—he saw his goals attained; his efforts in behalf of improved health benefits, of increased medical research, and of greater attention to the welfare of all Americans have been written into the law books for all time.

Frankly, I do not know which achievement Ralph would most prize. His record to preserve this nation's resources, its natural beauty and vast mineral reserves is one envied by many. Indeed, the great State of Texas is literally covered with monuments of America's heritage that will last for all time because of the foresight of Ralph Yarborough. There is, as well, his record to upgrade the status of the Federal worker. It has done much to instill needed pride and devotion throughout the Civil Service. But, perhaps his greatest achievement does not lie in any one legislative proposal or in any single project. Thus far, perhaps Ralph Yarborough's greatest success lies in the deep devotion to principle with which he has represented the people of Texas in the United States Senate for the past twelve years.

Surely, it is a great honor to be chosen to represent a State in the United States Senate and to render a judgment upon the great issues of the day. It is an honor as well to initiate proposals upon which those judgments were made during one's service. In Senator Yarborough's case, there were many proposals and they went a long way to change the very structure of American society in a lasting and most beneficial manner. Such great success can be attributed only to the greatest devotion to principle and it is for this that all future generations of Texans and, indeed, all future generations of Americans will be indebted to Ralph Yarborough.

Those generations will know that there are greater personal defeats than those suffered at the polls. There are the defeats suffered by the compromise of belief. On that score Ralph Yarborough has never suffered a loss.

He leaves the Senate a man of unimpeachable principle. He may stand proud with his shoulders back and his head high. Yarborough of Texas has left examples of integrity and courage that have made a better Senate and a better America.

LAWRENCE F. O'BRIEN

It was my great privilege, for eight exciting years, to serve Presidents John F. Kennedy and Lyndon B. Johnson as their liaison with Congress for the enactment of the historic legislation of the New Frontier and the Great Society. How senators and congressmen were going to vote was, you might say, for them to know and for me to find out.

But my staff and I never had to spend much time figuring out how Senator Ralph Yarborough would vote on those legislative matters of such urgent social concern.

Ralph Yarborough, we knew, would vote his conscience.

He would vote for what was best—the very best—for the people of the United States.

Ralph Yarborough's vote, we knew, would be a compassionate vote. It would recognize and seek to meet the critical needs of the people—in medicine, education, equal opportunity.

And it would be a courageous vote, dictated by no special interest but that of the people of his state and his nation.

As President Kennedy once said:

"This is a time when all of us who believe in government for the people, who believe in progress for our country, who believe in a fair chance for all of our citizens, who believe in the growth of Texas, who believe in the development of the United States, who believe in a strong United States as a great bulwark of freedom, who believe in a United States that is second to none in space, on the sea, on the land, a United States that stands for progress—all of those—I think Ralph Yarborough stands with them."

No senator ever devoted more time and energy to the people of his state than did Ralph Yarborough for his Texas constituents. In the months since his primary defeat last spring, it was a true measure of the man that he refused to recognize any so-called "lame duck" status, but seemed to drive his Senate office staff to even greater efforts to get every task in sight completed before his return to Texas.

The victims of Hurricane Carla in 1961, for example, will remember their senator's efforts—not only in prying loose assistance from the bureaucracies of Washington, but in slogging through the wreckage along the Gulf Coast asking, "What can I do to help?"

And now my good friend Ralph Yarborough is returning to Texas. But those who know him—and I believe I know him well—have no doubt that he will continue to be a major force for the Democratic Party, for Texas, and for his country.

JOE B. FRANTZ

Salud!—Although Ralph Yarborough has lived half as long as the State of Texas has been in existence, it is in the baker's-dozen years of his stewardship as its Senator that we salute him tonight. As Senator he has had his largest stage and therefore his greatest audience and opportunity.

Despite the noise engendered by a century and a quarter of Texas Senators, less than a half-dozen will survive the general anonymity of history: Sam Houston, John H. Reagan, Tom Connally, Lyndon B. Johnson—and Ralph Yarborough. Although temporary rejection, and sometimes bitter animosity, were not unknown among this quintet, they have surmounted the forgetfulness of time and their reputations continue to grow.

Why Ralph Yarborough among this group? In the first place, because the people sent him to Washington on three different occa-

sions for one partial and two full terms, so that in an era of exciting and sometimes chaotic change he emerged into the upper quarter of seniority, with all the power and opportunity that such a Senatorial position permits.

But mainly Ralph Yarborough stands out in the pantheon of Senatorial heroes because he faced up to issues that had either been too long neglected or had never even been considered. When the heat of Viet Nam and campus riots has cooled, the Sixties will be remembered as the period when the United States finally wrestled with the Twentieth Century in terms of justice and humanity. Festering sores long untreated could not all be healed in one political generation, but the painful, often distasteful medication was at last begun.

Square in the middle of all this ferment stood Ralph Yarborough. No, not stood, for he seemed never to rest, not to let anyone around him rest. Probably the best-read public official in Texas' long history, he brought his broad-gauged mind to bear on specifics that are statistically shattering. To list the successful concerns of Senator Yarborough would be to echo the Biblical "Begats." The list, though not interminable, is long indeed.

Even the categories go on and on. But just to look at a few:

Texas has a national seashore and a second national park, largely because of Senator Yarborough. And something is being distilled now in the Big Thicket, a chunk of Texas make-believe that was vanishing before the Senator adopted its preservation as a personal mission. In education, he was co-author, sole author, or avid supporter of the National Defense Education Act, Cold War G.I. Bill, the public broadcasting act, and various national health acts. He has supported the farms, whether at the level of rural housing programs or through increased rural electrification; and he has supported the cities, co-sponsoring almost every urban assistance measure acted upon by Congress since he first went to Washington in 1957.

In his war on poverty President Johnson had no more staunch advocate than Senator Yarborough—Job Corps centers, Headstart, bilingual education, improvement in the migrant labor situation. As a reserve Colonel Yarborough has championed the Department of Defense where he felt it needed shoring up, and he has been its perceptive critic where he felt it erred. He steered the Fair Labor Standards Act Amendments of 1966 through the Senate, which not only raised the minimum wage and widened industry coverage, but brought 400,000 agricultural workers under minimum wage protection for the first time. He worked for minority rights, for postal reform, for consumer protection, and for the aged.

That his concerns were not wholly domestic is indicated by his tours of the battlefields of Viet Nam, his appointment to countless international delegations, and his work on international problems from the Peace Corps to the Chamizal. If ever a man deserved the term "ubiquitous," it was and is Ralph Yarborough.

And in this final session of Congress, lame duck though it may be labeled, Ralph Yarborough has been as busy as a brand-new Senator trying to make a reputation. He still pushes for legislation that he believes will serve the nation, he still serves his constituency, he still rides pell-mell through a 20-hour day without seeming to flag.

A curious man, Ralph Yarborough. He never seems to age; his smile is the half-inviting, half-guilty grin of an eight-year-old overalled imp; his voice is pure East Texas with very little corruption from years in a larger world; his pace is torrid; and his sense of dedication is unswerving. Although he attracts zealous advocates, he pursues principles and not people, with the result that he has enjoyed—and "enjoyed" is the precise word—some hellacious feuds with other public figures. He would split with his closest friend on a specific vote involving principle; he would lie down with the Devil himself to help one old person approach twilight with dignity. He can orate like a 19th century Populist; and he knows books as few other men in the nation. I once heard him give an off-the-cuff talk on a phase of the Civil War that was detailed and incisive absolutely without notes. I marveled, for not two Civil War professional historians in the entire South could have equalled him. I'm tempted to say none could equal him, but as an academic I must always hedge.

It has been a pleasure being a Texan while Ralph Yarborough was in the United States Senate, and to go about the world hearing praise of his greatness from people who are ordinarily critical of all things Texan. J. Frank Dobie once hailed him "for his enlightened intellect"; George McGovern for his "keen understanding of the needs of his State"; and John F. Kennedy for his desire to make the United States "a great bulwark for freedom"; while Lyndon Johnson told Texas voters that "no Member of the U.S. Senate has stood up and . . . fought for the people more since I became President than Ralph Yarborough."

These are the men with forums from which to speak and write. But in the factories and ghettos and *barrios*, and on the farms and over the counters millions more, voiceless but grateful, speak with their heart for a Senator who has cared and dared.

So, Senator Yarborough, *Salud!* Your present comfort lies in the satisfaction that you have done your best with a zeal that few men can match and none can surpass. And our satisfaction lies in the knowledge that for thirteen years we have had a Senator with the heart to serve, and with the unbounded courage and compassion to lead. No people could be luckier than we, your adherents.

As for the future, history will winnow the chaff of the critics, and the good grain which you have planted and nurtured will survive and grow, so that generations to come will honor you. We only wish they could have known you as we have been priviliged to know you. Only then could they understand why tonight our hearts overflow with affection.

GEORGE MEANY

When the 92nd Congress convenes in January, what we will miss most is the heart of Ralph W. Yarborough—that quality of warmth and devotion to people that so truly characterized his career.

Labor will be missing a valued friend. Texas will be missing a devoted public servant. The American people will be missing a man who was the Senator of all the people.

The occasion of a great Senator leaving that respected body is, of course, a sad one. But our sorrow is tempered by grateful memory of what Ralph Yarborough has left all of us as a monument.

There is the first major bill he authored, the National Defense Education Act of 1958, and the last, a plan for National Health Insurance, and his favorite, the renewal of the G.I. Bill of Rights. From the first to the last he never wavered from his dedication to people.

In conservation, civil rights, agriculture, veterans affairs, national defense, international relations, labor, maritime, education, health, job safety, highways, social security—in all these, Ralph Yarborough has been the legislative draftsman.

The committee he chaired, the Senate Labor and Public Welfare Committee, authored much of the great social legislation of the '60's. The New Frontier and Great Society proposed—the Senate Labor and Public Welfare Committee brought it to life.

Much of the time, the fighting was not easy. Each battle required a strong, articulate, tireless leader. Ralph Yarborough shunned the easy fights. He took on the hard ones, and the American people are thankful that he did.

Sometimes it is difficult to figure out how a Senator will vote. It wasn't so tough to figure where Ralph Yarborough stood. He voted with his heart—a big heart, filled with love and hope, strength and decency.

His legislative record is one of true meaning—the meaning of human respect and dignity; the meaning of a better life for all Americans.

And now Texas salutes Ralph Yarborough; Labor salutes Ralph Yarborough; the American people salute Ralph Yarborough.

And each and every one of us say "Thank you—and well done—Senator."

MARK ADAMS

Several decades ago a young fellow named Ralph Yarborough left the piney woods of East Texas. And out into the world with him he took a very special dedication to the great democracy and the green hills of his boyhood home.

Since then, whenever the ways of that homeland have seemed threatened by enemies, domestic or foreign, Ralph Yarborough has appeared in the combat zone fighting whoever or whatever threatened, wherever it might be—as if drawn to the center of the melee by some embedded magnet.

When the threat was foreign, in World War II, he was in the combat zones where the war was fought, both East and West. And when a world in turmoil made us vulnerable to the less easily identifiable protagonists of disorder and decay at home—still he was there in the middle of the fighting, aiming his blows, swinging with all his might—with little of the self-centered recklessness of the glory hunter, but with a steadfastness that made him conspicuous for his predictability.

We Texans learned to recognize him precisely for that trait.

In 1957 Ralph went to Washington as Senator from Texas.

No. As a little something more than that.

Neil Armstrong set foot on the moon, and he was ours, and we were proud of him. But when he spoke he didn't speak just for us, he spoke for mankind—and that was better still. Just so as we watched Ralph Yarborough through his first years in the Senate, it dawned on us that he wasn't just a Senator from Texas—he was a Senator of the United States. And that some others who were Senators of the United States recognized this and claimed him as one of their own. And with them he plunged into the thick of the fighting at precisely those points where the great democracy and the green hills were most vitally involved.

It was part of the pattern. In the confusion, cushioned with a flab called affluence, after the Korean crisis, the great democracy and the green hills of home were both imperiled as never before, by enemies all the more deadly for that they were as hard to identify as a Viet Cong villager, and for the same reason—except for a little matter of purpose in the back of the mind, they all looked like homefolks just a mite on the sophisticated and broadminded side. The combat zone was in Washington, D.C.

Schools are the first requisite for Ralph Yarborough's kind of world, and on that front he fought most persistently. Every school bill for a decade has borne his imprint.

For the youngsters whose schooling had been interrupted by war there was a special provision. In the areas where schools were handicapped by economic factors, he fought for federal funds.

And the green hills that give them room to grow were conserved in parks and monu-

ments that can be a refuge and re-creation for generations yet to be.

People are key to the quality of democracy. Yarborough's vote and his efforts were always for the people. The aged, the injured, the underprivileged never had to wonder before the votes were counted where Yarborough would be found. He is a stalwart, and that is that.

And the scraps where the point at issue is a contract or an appropriation for an inner circle of friends? They just annoyed him, and he was never particularly reticent about saying so. Truly he was a thorn in the side of the half smart and wholly corruptible little opportunists of the bureaucracy and even the congress. And they hated him. And that, also, was that.

Amid the changeable winds of opinion, his clear sense of direction made him a reference point. The battles in which he fought were the important ones. The little dust devils of personal financial opportunity can blind some politicians to the point where they can stand on the peaks for decades and never see the panorama at all; Yarborough's eye was on the overall battle and he fought where the fighting counts.

And now the combat veteran of the decades-long wars is coming home. We Texans have done some funny things to our cool-headed stalwarts. When Sam Houston tried to tell us not to get into the Civil War, we removed him from the governor's office. And for several generations we have paid the price he said we'd pay—and sort of tried to forget what we did to him for not helping us cut our own throats.

The combat veteran is coming home. And at least enough of us have been through a similar experience to know that the home folks, God bless them, can't really know what it was like out there on the battle line, or how the battles were fought, or even why. But still it's home.

And Ralph Yarborough must surely, somehow, find a special comfort and renewal back amid the fields, the shorelines, the forests—and the freedoms—he fought to save.

Welcome home, Ralph.

NEARLY 4,000 FRIENDS HONOR TEXAS' SENIOR U.S. SENATOR

Nearly 4,000 people crowded into Austin's Municipal Auditorium Tuesday night to attend a dinner honoring U.S. Senator Ralph Yarborough. Yarborough lost the Democratic primary election and will return to Austin in January after 13 years in the Senate.

Former Vice President Hubert Humphrey, now senator-elect from Minnesota, headed a group of distinguished guests from Washington who came to Austin for the dinner. Sen. George McGovern of South Dakota and Sen. Harold Hughes of Iowa joined Humphrey and Congressman Bob Eckhardt of Houston in paying tribute to Yarborough.

McGovern and Hughes are both considered possible contenders for the Democratic presidential nomination in 1972.

McGovern told Yarborough supporters, "We have something to celebrate, something beyond the mere counting of votes. . . . We celebrate the courage of a statesman who returns to you with peace in his soul and steel in his spine."

McGovern called on the South to "reject that corrupt fraud which calls itself the southern strategy." He said Nixon's only answer to the fact that the South lags behind the rest of the nation economically is "to appoint a Carswell or a Connally." And he urged Southerners not to be taken in by this strategy. His reference to Connally brought laughter and catcalls from Yarborough partisans.

McGovern said "citizens of all ages are groping for new values—or rather they are looking for a restoration of old values in a modern context." He said America must return to its original concept of freedom and to the belief that "the individual is not just a solitary wanderer but a person whose place in his community and family is to be secured and respected.

"To those who carry the slogan 'America: love it or leave it' we shall reply 'we will change it so that we may love it the more,'" McGovern said.

He said the South more than any other section of the country "clings to a belief which values men more than their goods or bank accounts . . . (and) these beliefs now represent the common hunger of all America.

"The country is confused, uneasy and often in turmoil," McGovern declared. "As Americans and as Democrats we want to win elections, but the victory must be for something and about something. More important than victory is our responsibility to give the people of this country a liberating and a constructive alternative . . . to lay bare the malfunctions of the society and to discuss solutions that they may be painful.

"There can be no more noble opportunity and no greater burden," McGovern declared. "Keep up the battle. America's future may depend on the outcome."

McGovern was warmly introduced by Waco insurance executive Bernard Rapaport in what came close to being a campaign speech for McGovern. Rapaport is a member of the national council of Business Executives Move for Vietnam Peace. McGovern has spoken out against the Vietnam war since its beginning.

Hughes warmly praised Yarborough's work in the senate on behalf of health, education and environment legislation "not only for Texas but for the United States and all humanity in the world.

"Yarborough of Texas," Hughes said, "will never know defeat. He may be temporarily removed from Congress, but the spirit of what he has worked for, believed in and battled for will continue."

Democratic national committeewoman Mrs. William Patman, in her introduction of Humphrey, praised him for his role in ending crime and corruption in the city of Minneapolis when he served that city as mayor 25 years ago. She said he was the first big city mayor to institute "law and order"—and she stressed—"with justice."

Humphrey was keynote speaker for the evening. He often brought Yarborough supporters to their feet with his revival meeting style. Humphrey said Yarborough had suffered "only a momentary and temporary defeat" and he called on "concerned people everywhere" to work harder to fill the void.

Humphrey said that after his own defeat in 1968 he had returned home to Minnesota to his own people "for reflection and renewal." He said he hoped Yarborough would be able to refresh himself in the same manner and "return to public service again.

"I'm going to pick up where Ralph Yarborough left off," Humphrey declared. "This nation is leaderless. It does not need scolding, it needs to be uplifted. It needs hope in all its people—not doubt—not fear. Inspiration not polarization . . . There is a lot of good in America, and we need leaders who will call out the best that is in us."

Congressman Eckhardt arrived late aboard the same plane carrying Hughes. "I am tired of such words as rhetoric, image or charisma," Eckhardt said. "Give me honesty, concern and devotion."

Responding after the many warm tributes to his service, Yarborough said he would have to be careful such praise didn't make his head too big "and give me an exaggerated sense of my own importance." But, then he said he had to remember that "this is not, after all, a victory dinner."

He thanked the people of Texas for giving him the opportunity to pass legislation "affecting the lives of millions of people."

"I am not here tonight depressed in spirit . . . ," Yarborough said. "I lay this toga down as unsullied by any act or deed as the day you placed it upon my shoulders new and clean, nearly 14 years ago.

"We must act in the living present," he said. "It is time to go to work. I appreciate this welcome home, but I am not coming home to a rocking chair. So much remains to be done and there is so little time in which to do it.

"In order for Texas to play its true part in achieving the American dream, we must put our political house in order." Yarborough called for "a party purity law." He said, "Forty states in the Union have outlawed the raiding of one party's primaries and conventions by another political party. Only 10 states in the Union allow such political chicanery and skullduggery. Texas is one of the 10. The first order of political business of the new Legislature should be a law prohibiting a voter registered in one party from going into the primaries of another party.

"Texas has suffered from this mis-begotten system for scores of years," Yarborough declared. "It permits money to control men, and denies to political parties the right to select their own nominees. Reform is long overdue."

He also called for "effective and enforced limits upon spending in political campaigns, else we will soon have nothing but bought offices, empty of honor and devoid of independence of thought and action."

Yarborough called on the nation to reorient its priorities, "lest the basic strength of our nation be eroded away . . . "We have poured $110 billion down that rathole in Southeast Asia . . . and our resources are being squandered on far-flung and excess military adventures all over the globe.

"One Texas newspaper, the Dallas News, has been generous enough to state that I have passed more national legislation than any other Senator in the history of Texas, and I am grateful for that opportunity you gave me. There are great tasks as yet unmet—my pending national health insurance bill, our national goal to find the cause and cure for cancer by 1976 and the experts agree that the cure for cancer can be found by then with the proper funding. And still pending is my bill offering free public education, not just through the 12th grade, but through the 14th grade."

UT philosophy professor John Silbur, whose abrupt dismissal as dean of the college of arts and sciences last summer set off a statewide controversy, told the audience that "many of us come here with mixed emotions, for it is a bitter-sweet moment.

"We have seen a record of unmatched achievement brought to a thoughtless and premature interruption by men whose public statements and political accomplishments stand in stark and dismal contrast to Senator Yarborough's," Silbur said. "Let us cast aside our disappointments at once. Tonight . . . we speak of a man who, though he lost an election, returns to us in victory—in victory over greed, prejudice, and ignorance. We speak of a friend who returns home, after 13 years of public service, a whole person . . . It is a mark of Senator Yarborough's strength that more money had to be spent to defeat him than was ever before spent by a candidate for the Senate."

Others on the homecoming program included State Representative Joe Bernal of San Antonio, Mrs. James H. Means, and Federal District Judge Wayne Justice of Tyler.

General chairman Creekmore Fath interspersed the program by reading telegrams from Sen. Edmund Muskie, Sen. Edward Kennedy, Sen. Mike Mansfield, Gov. Preston Smith and Republican Senator John Tower.

A telegram from television star Dan Blocker (Hoss Cartwright), a native Texan, said he hoped Yarborough "will come back scrapping tooth and toenail for the other fellow's seat in the next election."

Musical entertainment between some of the speeches was provided by singers Miss Linell Stevenson, Miss Kathleen Mott and Victor Chacon, accompanied by Frank White. Rev. John Barclay and Rev. Edmund Heinsohn delivered the invocations.

RALPH W. YARBOROUGH: THE DIFFICULT EARLY YEARS

Ralph Yarborough is proof that it's hard to keep a good man down. In 1952 he ran for the Democratic nomination for Governor of Texas, making machine politics the target of his campaign. He lost to incumbent Governor Allan Shivers. Yarborough then went on to support the Stevenson-Sparkman presidential ticket, while Gov. Shivers, who wore the label of Democrat, was swinging the state to Republican Eisenhower.

In 1954, Yarborough opposed Shivers for a third gubernatorial term, making Shivers' bolt to Eisenhower the main issue. Two years before Yarborough lost by 2 to 1, but in 1954 he lost by a smaller 90,000 votes.

In 1956, Yarborough lost to United States Senator Price Daniel in an August runoff by less than 4,000 votes. He was getting closer all the time, narrowing the margin. Daniel was elected governor in November and on April 2, 1957, a special election was held to fill Daniel's Senate term which would expire in January 1959.

Thrice-defeated Yarborough with his customary energy and bounce filed as a candidate and this time he won. Yarborough was then sworn into the 85th Congress. He had won, probably, because the conservative vote was split between Congressman Martin Dies, Sr. and Republican Thad Hutcheson. In November, 1958, Yarborough won election to a full term and in 1964, was elected again.

A hard working man, with a wide range of interests in the Senate, Yarborough deserves much of the credit for helping Hubert Humphrey carry Texas over Richard Nixon in 1968.

Senator Yarborough, a big, friendly man, was the seventh child in a family of three boys and eight girls. He was born in Chandler in East Texas, where his father was a farmer and justice of the peace. The father wanted his boys to be lawyers, and today all three Yarborough boys are attorneys.

After his graduation from Tyler High School, Yarborough spent a year as a cadet at the United States Military Academy in West Point. He returned to Texas and for a few years he taught in small schools and took courses at Sam Houston State Teachers College.

Yarborough decided to study in Europe and worked his way to France aboard a freighter. He found a job with the American Chamber of Commerce in Berlin and entered the Standahl Academy.

After returning to the U.S., he entered the University of Texas, meeting expenses by working at a boarding house. One summer he earned tuition money by working with a crew threshing wheat through Oklahoma and Kansas, and in other summers he helped build oil tanks in Borger.

By 1927 he had received his LL.B and began the practice of law in El Paso. His testimony before a state legislative committee in 1931 was so impressive that it resulted in his being named an assistant attorney general, winning a wide reputation for his knowledge of oil and gas rights.

The same energy which worked in his youth continued to show up and provide the driving force which made him a key member of the United States Senate.

A WORD TO THE ENVIRONMENTALISTS

Texas conservationists, long staunch supporters of Sen. Ralph Yarborough, were understandably upset when the senator voted in favor of the SST, the gigantic multi-million dollar white elephant. But what environmentalists may not have appreciated is that by voting the way he did Yarborough was trading nothing for something.

Sen. Warren Magnuson and Sen. Henry Jackson, both from the state of Washington, were pushing hard for the SST since Boeing Aircraft is located in their home state and Boeing had the contract to build the SST. Yarborough's vote did not make the difference, since the SST was handily defeated without it.

Yarborough was heavily obligated to Magnuson, who is chairman of the Senate Appropriations Subcommittee on Health and Education. Magnuson had consistently reported Yarborough's health and education bills out of committee over the years with their appropriations still intact for the full amount. When Nixon vetoed Yarborough's Hospital Construction Bill, Magnuson stood by to help Yarborough override the veto.

By the same token, Sen. Jackson as head of the Senate Interior Committee, had recently favorably reported Yarborough's bill for a Big Thicket National Park. The bill had been bottled up in an Interior Subcommittee for a long, long time. The bill will now have a fair chance to be voted on on the Senate floor.

Yarborough's record on preserving the environment is one of the best in the U.S. Senate. He was voting to clean up the environment and preserve our natural heritage long before environment became a popular issue. He is the author of the bill creating the Padre Island National Seashore, the Guadalupe Mountains National Park Act, the Big Thicket National Park Bill, the Amistad National Recreation Area Bill and the Endangered Species Act. And Yarborough is co-author of the Water Quality Improvement Act, the Clean Air Act, and the Air Quality Control Act.

Yarborough is the first to admit that these bills do not have proper funding to do the job they need to do. But they are a step in the right direction, and given the multi-billion dollar cost of the Vietnam war these bills have as much money in them as it is possible to get at this time.

Yarborough's vote on the SST should be seen in this perspective.

WHERE DID ALL THE MONEY GO?: NOT TO YARBOROUGH!

While the many friends of Ralph Yarborough salute his past achievements, many of them are still asking: "What happened? Why did he lose and where did all the contributions go to?"

Since seven months have passed since the primary, a clear picture is emerging of who gave how much. The big contributor was the Texas businessman and the big receiver was Lloyd Bentsen. Yarborough, in fact, banked heavily on financial support from organized labor—a support that turned out to be much less than he hoped for. Of the $247,652 that Yarborough reported as income, a relatively trivial $8,300 came from labor organizations.

The following article appeared last week in the Dec. 6 issue of the Washington Post. The headline on the story said "Texas Records Show Businessmen Are Biggest Political Givers":

"Most campaign money comes from businessmen." Sen. Russell B. Long (D-La.) told the Senate 3½ years ago.

It is impossible to test this theory in most of the 50 states. Some require an accounting for campaign contributions. Others, along with the federal government, have laws so loose that it is difficult for the public to find out to whom candidates may be obligated.

Texas, however, is a state with a law strict enough to give some insight into the pattern of political giving.

And a sampling of records in Austin and Houston indicates that oilmen accounted for almost 46 per cent of the individual contributions of $5,000 or more listed for this year's elections.

Bankers, investors, mutual-fund managers and others in the financial world accounted for an additional 19 per cent.

The sampling was taken from reports filed by five candidates for U.S. senator and governor and by one congressional aspirant.

They listed a total of almost $4 million in gifts. Those of at least $5,000 each—exclusive of loans and anonymous donations to committees—accounted for at least $550,155 of the total, according to an examination of the records made by The Washington Post.

Of the $550,155, oilmen gave $250,755. Oil was not among the industries listed by Russell Long in his Senate speech. On a later occasion, he described himself as the "darling" of that industry.

The financial donors were listed for an additional $103,900.

Together, donors from the oil and financial worlds alone accounted for slightly less than 65 percent of the $550,155.

The significance of the contributions is illustrated by the contests for the Texas seat in the Senate now held by Ralph W. Yarborough (D), who was defeated in the primary and who reported maximum personal gifts of $5,000.

The five who gave that much were banker Walter Hall, oilman J. R. Parten, Mrs. Parten, and lawyer Billy B. Goldberg, all Texans, and Mary Lasker, a New Yorker who donates widely to candidates who support such causes as heavy federal financing of research.

$1 MILLION EACH

But businessmen's contributions of $5,000 and more seemed to fall like confetti into the coffers of Lloyd M. Bentsen Jr., and Republican Rep. George Bush, a Houston oil multimillionaire who lost to Bentsen in the Nov. 3 general election.

In the primary and general elections, Bentsen and Bush each reported combined income (including loans) of about $1 million.

Just one donor to Bush, Edgar W. Brown Jr. of Orange, Tex., easily exceeded the reported total of gifts from labor organizations to Yarborough, chairman of the Senate Labor Committee and known as a friend to labor.

Bush listed Brown, a 76-year-old oil, timber and banking entrepreneur, for gifts totaling $5,000 in the primary and $12,500 in the general election.

Paul W. Eggers, who lost his second successive race for the governorship against incumbent Democrat Preston Smith, reported that Brown gave him an additional $3,500 and loaned him $2,500.

Thus Brown's grand total for the two candidates was recorded at $23,500.

Such listings illustrate why the Texas records are surprisingly revealing, even if they exclude gifts, and spending of which candidates swear they are unaware, and even if gifts to committees conceal the identities of ultimate donors.

Thus conservative Democrat Bentsen listed $10,000 in the primary just from Patrick R. Rutherford, a Houston oil producer who is also a director of the Texas Commerce Bank. And in the general election, Rutherford donated an additional $2,500 for a total of $12,500, and his son and business associate, Mike G., was down for $5,000. The Rutherfords together also gave Gov. Smith a reported $7,500. Their grand total was $25,500.

THE LAMBS ARE BEING SHEARED NOW BY THE REAL BIG MONEY . . .

Profile this week presents an interview with United States Senator Ralph W. Yar-

borough. The Senator spent three hours with the Austin Times recently before having to rush back to Washington to work with Senator Jacob Javits of New York to try to avert the railroad strike. The interview is presented unedited.—Robin Lloyd.

LLOYD. Now that you're about to retire—perhaps temporarily—from the field of politics, in looking back, what are the pieces of legislation that you are most proud of . . . that you either authored, co-authored or were very close to?

YARBOROUGH. Well, Robin, I am most proud of the bills that have passed in the field of education and health because they helped so many millions of people. What I enjoyed most were my park bills . . . the Padre Island Seashore, Guadalupe National Park and all the others, and the one that I'm still working on—The Big Thicket National Park.

I say that I love those because I love the outdoors, and I want to save a part of our habitat for the people of the future. But—the ones that I'm *proud* of most are the bills that affect most people. Now, it became my opportunity, and my privilege and honor to be co-author or principal author of virtually all of the education and health legislation that the United States Government has passed in the past 13 years, because I became a member of the Health Sub-committee of the Senate and the Education Sub-committee in January of 1958.

Now as a member of those committees for the past twelve years, I was author of the Cold War G.I. Bill. It took eight years to pass that Act. I had a very long and difficult fight because it was opposed by both political parties, two Presidents, the Department of Defense, the Veterans Administration, and the Department of the Budget. Finally, I was able to push it through. There are 7,700,000 discharged veterans of the Cold War—2,200,000 have already been to school under my bill.

In January, 1967, I introduced the first Bi-Lingual Education Act ever introduced in either house of the United States Congress and, by December, I had pushed that law through to passage. That's the first Bi-Lingual Act in the history of this country. And also in my position on that committee it was my good fortune and privilege to be the author—in the Senate—of the Yarborough-Carey Education Media Act that provided for the placing of film-strips and projectors and other electronic teaching aids in the schools throughout the country.

LLOYD. . . . all the modern teaching aids.

YARBOROUGH. Yes, all the modern teaching aids—that's exactly what that bill is. Now, these other acts that I'm about to mention might have become law *without* my authorship, but I feel certain that the Cold War G.I. Bill and the Bi-Lingual Education Bill would not have become law without the drive that I put back of those.

I also co-authored the National Defense Education Act of 1958 which the president of the Encyclopedia Britannica said ". . . sparked the modern explosion of learning," and was a landmark act. It required a rewriting of the Encyclopedia and they had to change 2 million out of 37 million words, to describe the way people live now in this age of technology. This is the age of knowledge and learning.

LLOYD. Senator, in all your work and research on national education standards, you have often been critical of the standard of education here in Texas. You have never seen the standard as where Texas should be in the educational scheme of things.

YARBOROUGH. Texas should be one of the top 10 states in the Union in education, and it lags along about 30th. We haven't made the effort in education that we should make in Texas—we haven't made the commitment that we should. We have the resources—we're one of the richest states in the Union—we lag along 30th in education and 30th in per capita annual income.

There's a definite relationship there, too, between the annual income and the educational standards. Now, there are many reasons for this. One is that we permit children to drop out of school at the end of the 8th grade, and they do not have enough encouragement and drive to go back to high school. Just a few years ago only 36% of the children who graduated from the 8th grade in Texas went on to high school and graduated from high school. Now that's about 50%, but many states with a comparable ethnic background—Illinois, California—have a graduation rate from high school that's close to 90% of those who graduated from the 8th grade.

We haven't had, up until recent years, the junior college facilities available in our counties similar to those in California. The result was—three years ago—35% of all pupils in public junior colleges in America, were in public junior colleges in one state . . . California. Texas is playing catch-up but we ought to have tuition-free junior colleges as California has. We charge tuition in junior colleges. The time has come in this country to have tuition-free education. And I have a bill pending in Congress whereby the government will help the states' finances so that they can have public education free through the 14th grade.

LLOYD. Don't you have two other bills pending also?

YARBOROUGH. Yes, I have three great bills pending. One is for universal health insurance. Everybody—not just Medicare for people over 65—but health insurance for everybody in the United States. We're the richest nation on earth but we're far behind Western Europe and Japan in the care of the ill people. We have an infant mortality rate that's twice as high as many of the countries in Western Europe. We are 13th amongst the nations in infant mortality rate. A male child, born in the United States, is going to live a shorter life on the average than a male child born in one of 20 other countries. We just haven't brought health care home to the people.

Now—my bill is not socialized medicine. England has socialized medicine. My bill for universal health insurance for everybody is more like the Scandinavian bills . . . Sweden, and those countries. This is a civilized thing and it's incredible that we should have the attainments that we have in growth and in education and not in health care for the people of this country. We're backward in that . . . we're far behind.

My other bill is a resolution for the conquest of cancer that I've introduced in the Congress for the conquest of cancer by 1976 . . . the bi-centennial year of American Independence. And the great experts have been testifying before our Health Committee for ten years that if we really wanted to conquer cancer in the United States we could do it, with a billion dollars a year.

LLOYD. Just a few days ago, Senator, medical authorities made that as a flat statement that if the Federal Government would break loose with the funds, that cancer can be eliminated.

YARBOROUGH. That was appearing before my committee on a commission appointed by me. I've got a resolution through Congress this year, and I circularized the Senate and 53 Senators co-sponsored it with me. I got a $250,000 appropriation and appointed this great committee of cancer specialists—thirteen of them. They came up with a report after a few months that this country can find the answer for the cure. We now cure one out of three cases of cancer, but the incidence is increasing so we must find the cause and the cure.

This is the greatest plague and it's costing this country about $12 billion dollars a year. They say to me, "Why, Ralph . . . a billion dollars a year is too much money!" But, Robin, in 10 years we've spent $110 billion in Southeast Asia; we've *squandered* $110 billion there. We made a commitment to get a man on the moon and get him back alive, and in 10 years we've done that at a cost of $25 billion dollars.

Ten years ago, the cancer experts said, "Put a billion a year into cancer research for 10 years and we'll have the cause and the cure." Now that ten years has gone by and we didn't do it. I think it's ten years overdue and I think we should do it now.

LLOYD. I take it, Senator, that you are questioning some national priorities . . . SST and other big money projects that you feel should be spent elsewhere?

YARBOROUGH. The biggest national priority that I question is $110 billion that we squandered in Southeast Asia. Now that 110 billion dollars would have taken care of the health needs and the education needs and the environmental needs and many other needs in this country. We could have cured many diseases with $110 billion. We need to reorient our priorities and that's the biggest rat-hole of all that we're draining our resources down.

LLOYD. Senator, I'm going to ask you a question now, that had I asked it after the primary, you might have been accused of sour-grapes or bitterness. But I think that, after this period of time has gone by, that such an accusation could not be made.

Your record is clear. You have worked long and hard on behalf of the poor and the disadvantaged, finding rational solutions to national problems . . . and yet you were defeated. What went wrong?

YARBOROUGH. Well, a good friend of mine—a businessman in Waco has been studying this for six months. He inquired all over Texas, surveying it and he said, "Ralph, you didn't observe the proper priorities . . . you put your time in in Washington passing these bills when you should have spent the last two years working to get re-elected."

And I've been surveying this thing too, Robin, ever since the second of May. He's right! To get re-elected, I should have let all that legislation go that I worked on for the past two years . . . then I could have spent the time in every county and I don't think that the six and a half million dollars spent against me would have defeated me. But I did put top priority on passing remedial legislation. In fact, I thought I could put it off . . . thought that I could do both; pass the legislation and get re-elected, too. But the beneficial legislation that I passed for the people had little validity down here. It didn't get votes.

LLOYD. The Republican Party is saying that there is no recession but the people on the unemployment lines are saying that there is and a popular term now is "Blue Christmas." You relate to the man that stands in the unemployment line. Are you calling it a recession?

YARBOROUGH. It is a recession! You have a 5 and 8/10ths percent unemployment rate and when you have say six out of every hundred wage-earners out of work . . . that's a recession. And bear in mind that the workers aren't on easy street. Hours have been cut back, overtime is gone and it represents partial employment for millions that aren't actually out of work. It's a blue Christmas for all those millions of families. This is the first time in the history of the country that we've had a recession and run-away inflation at the same time.

LLOYD. The way you present it—the rich are going to get richer and the poor are going to get poorer.

YARBOROUGH. That's exactly what's happening under the Nixon Administration. You've got to be "big rich" though, Robin! A lot of people that *thought* they were rich are finding out that they aren't. The lambs are being

sheared now by the *real* big money of the country.

LLOYD. What do you see down the road as the future of the Democratic Party now that the country has experienced the Republican Party?

YARBOROUGH. I think that all the Democratic Party has to do to win is just don't commit suicide. If the Democratic Party stays together—and alive—and doesn't commit hari-kari, they'll win in 1972.

YARBOROUGH HOSPITAL BILL BECOMES LAW

Sen. Ralph Yarborough is the author of the land-mark hospital construction and modernization bill which extends, expands and improves the Hill-Burton Hospital Construction program.

The Yarborough bill, which passed the Senate unanimously in April 1970, provides money to build new hospitals, remodel old hospitals, build additions to existing hospitals, build out-patient clinics, improve emergency treatment rooms, and modernize operating rooms.

Senate majority leader Mike Mansfield of Montana had high praise for Yarborough's work in securing passage of the hospital construction bill. Speaking in the Senate, Mansfield said:

"The expert and expeditious handling of the measure extending the all-important Hill-Burton program can be attributed solely to the distinguished chairman of the Senate Labor and Public Welfare Committee, the senior Senator from Texas.

"Senator Yarborough once again demonstrated his expertise in successfully guiding this extremely important bill. Its unanimous adoption by the Senate speaks well for his great legislative skill. . . . The Senate and the entire Nation is in his debt," Mansfield declared.

President Nixon vetoed the Yarborough hospital construction bill June 22 saying he thought the money ought to come from the private sector. Yarborough successfully rallied support to override the presidential veto on June 30.

The Yarborough bill will relieve the present acute shortage of hospital beds in the country. It provides $6 billion in loans, grants, and low-interest loans for hospital construction and remodeling over the next five years.

THE SUM OF THE MAN: "HE IS TOTALLY INCORRUPTIBLE"

"Ralph Yarborough has been in the arena for the little people of Texas for as long as I can remember. He has represented the *folks* from Diboll and Dallas . . . from Huntington and Houston . . . from San Augustine and San Antonio . . . from Kountze and Corsicana . . . and he has represented them with vigor, compassion and complete disregard for the special interest and the greedy.

"This is rare in a Texas politician. Too often the rest of us have to find a reason why we can't do what we know we should. Too often, we find it necessary to compromise with the special interest. Not Ralph Yarborough. He is totally incorruptible. His record of courage and consistency cannot be matched in the U.S. Senate.

"He is the only Senator from the old Confederacy who has dared represent the black man with votes rather than words. He is the only prominent Texas politician who would march with the brown man in their effort to obtain a decent minimum wage.

"His trail has been glorious but it's also been long and torturous. He is the most powerful.

"But he is loved by us. Loved because he does right . . . and loved because he is all we have."—State Sen. Charles Wilson, Lufkin, introducing Sen. Yarborough to a luncheon in 1969.

RALPH W. YARBOROUGH

"If I'm going to fight an organized machine, a conspiracy against democracy—then I might as well buck the lead dog."—on announcing his candidacy for Governor against Allan Shivers in 1952.

"To a political machine, the object is power, first, last, and always. And principles are just a propaganda device . . . A democrat tries to win friends . . . a political machine uses methods which are a tip-off to its goal—to destroy opposition, to destroy discussion—to rule by leaving the people no choice."—during 1954 campaign for Governor against Shivers.

"We are trying to avoid a crisis through education and job opportunities—a crisis that would be caused by unleashing legions of untrained, undisciplined, uncontrolled, unemployed young people in the streets of America."—after co-sponsoring the Elementary and Secondary Education Act of 1965.

"In America, we have a concept of a health industry, not health care. The Nation has not yet accepted a concept of health care for our people; the question of illness is treated as a business for profit."—on health care.

"Let's put the jam on the lower shelf so the little people can reach it."—during 1957 campaign for Senate.

"The shortage of doctors in this country is a national scandal. Each year, this great and affluent nation *imports* 2,000 doctors from foreign countries to make up for the demanding deficiencies in our health education system . . . By way of contrast, the Soviet Union has 600,000 doctors—twice the number we have—and it *exports* 2,000 to doctors to the under-developed countries of the world each year."—on the shortage of doctors.

"It is within our power to banish hunger and malnutrition from our land; we have a responsibility to exercise that power. Our unparalleled agricultural abundance must be shared with all our people here at home—no American should be malnourished."—on hunger and malnutrition.

NATIONAL LEADERS SAY

". . . Senator Yarborough is an outstanding American whose contributions in the Senate have earned for him a durable place in the Nation's history. He has represented the State of Texas with integrity, intelligence and ability." Senator Mike Mansfield, Majority Leader

"I know firsthand his absolutely unsurpassable leadership abilities. There is no greater fighter for legislation affecting health, education, welfare, veterans, the working man and farmers than Ralph Yarborough." Senator Walter F. Mondale, Minnesota

"Ralph Yarborough has indeed been a thorough, effective, dedicated Legislator. Equally important, he is a personal friend whom I deeply respect." Senator Edward Kennedy, Massachusetts

"I have been proud to serve with him because of his diligence and untiring efforts in behalf of his people. He has truly performed a great service for the people of Texas." Senator Ernest F. Hollings, South Carolina

"No other member of the Senate speaks more forcefully or more effectively for the disadvantaged members of our society than Ralph Yarborough. No other Senator has a record to match Ralph Yarborough's in the critical and difficult effort to improve our nation's health and education standards." Senator Joseph M. Montoya, New Mexico

"Members of the House of Representatives have long recognized Ralph Yarborough as a champion of the people of the United States. Time and time again we have seen legislation come from the Senate designed to improve the lot of the individual citizens of our beloved country, and that legislation clearly bears the imprint of Ralph Yarborough." John W. McCormack, Speaker of the House

"He is truly a man of vision—vision as broad as the plains of the State he represents. Add to this breadth of vision, his fighting qualities and you will understand why every Texan should be proud that he is their Senator." Senator Daniel K. Inouye, Hawaii

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A PROPHET IS NOT WITHOUT HONOR

"A prophet is not without honor except in his own country. . . .," according to the Biblical proverb. No where is this proverb more true than in the case of Ralph Yarborough.

Texans, except in rare instances, have been almost totally unaware of the vast amounts of important legislation that Ralph Yarborough has fought so hard to get through Congress. Through no fault of their own, Texans did not know—*could not* know because our newspapers didn't tell us—that Ralph Yarborough had either authored, co-authored or actively sponsored every major health, education or environmental bill to pass the Senate in the last thirteen years.

Ralph Yarborough's landmark legislation has a tremendous impact on the daily lives of millions of Americans. His legislative accomplishments will affect the quality of life we leave for our children—and their children. Yet other people in other parts of the country have known this better than we have . . . because their newspapers gave Yarborough credit when it was due him.

When Yarborough's Cold War GI Bill became law, the local daily had to report it because it was too important a piece of legislation to ignore. Yet the paper managed to report the story without once mentioning the name of the author of the bill. A conspiracy of silence? It's hard to prove where a conspiracy exists . . . but certainly Yarborough's name has been consistently kept out of the news of most of the major dailies of this state. That is, until recently. We have seen Yarborough's name in more headlines and news stories in the eight months since his defeat on May 2 than we have seen in the last eight years.

Except for the readers of a few small-town weeklies which tell it like it is, and perhaps readers of the *Corpus Christi Caller-Times*, Texans haven't had much opportunity to know what their senior senator has been up to the last thirteen years. Why haven't the other papers been willing to mention him? Well, maybe it's because ever since he first started running for office, he's always been bucking the machine.

Texans had no way of knowing of Yarborough's deep concern, of his caring for the mentally ill; of his concern that Mexican-American children be given a chance to break the cycle of poverty through a better education; of his concern that older Americans be afforded an opportunity to live enriched full lives with dignity, without having to know the crushing despair brought on by heavy medical expenses; that he cared about the education of all our children, that he was concerned about the health of our people.

His fellow Senators who came to pay him honor Tuesday night used that word over and over. He *cares*, they said. He cares. Anyone who looks at the list of his legislative accomplishments on this page can't help but know that he cares. Many politicians, when they get elected to high office, forget where they came from. Ralph Yarborough never forgot.

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It is fitting that a hometown newspaper should pay tribute to a citizen such as Ralph Yarborough, and acknowledge his qualities which have brought him to the foreground as a national leader of rare effectiveness: One of the best informed men ever to sit in the Senate; one of the most dedicated men for the common good; a man of rare insight and uncommon courage; intelligent, and with the

integrity of fine steel; compassionate; just; and so much more.

For countless deeds of immeasurable worth, and for a whole man dedicated to all men, we are proud to join our fellow citizens in saying, "Thank you, Senator."

GOOD JOB, SENATOR

On that election night in 1957 when Ralph Yarborough was first elected to serve as United States Senator, a local lobbyist visited the Yarborough Headquarters where a crowd of jubilant supporters were celebrating the victory. Later in the evening he told members of the Capitol Press Corps:

"It was amazing. There wasn't a big shot down there—nothing but people."

Throughout his 13 years in Washington, where memories are often notoriously short, Yarborough never forgot that he was "the people's Senator." The legislation he authored, sponsored or fought for was always in the best interest of all the people—not the rich or powerful special interest groups greedy for personal-gain legislation.

As one of "the people," I was proud to "welcome home" Senator and Mrs. Yarborough at the Tuesday night appreciation dinner. The "big shots" were there, too, this time—but they were the kind of big shots who share the Senator's concern for the needs of the people.

It was a proud and happy occasion for "the people"—proud and happy despite the election defeat—because it gave them a chance to say, in person, "Good Job, Senator Yarborough!" I can only echo that sentiment, Senator, for all the voiceless people you represented so untiringly.—Claire Jones

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'BY HIS DEEDS . . .'

Some of Sen. Ralph Yarborough's accomplishments in his thirteen years in the United States Senate:

EDUCATION

Co-Author: National Defense Education Act.
Author: Bi-Lingual Education Act.
Author: Professors' Emeritus Act.
Senatorial Author: Yarborough-Carey Education Media Act.
Co-Author: Library Extension Act.
Co-Author: Higher Education Facilities Act.
Co-Author: Vocational Education Acts of 1963 and 1968.
Co-Author: Elementary and Secondary Education Act.
Author, Co-Author, or Principal Sponsor of every major educational bill to be passed by Congress since 1958.

HEALTH

Actively supported the Drug Industry Act which prevents such drugs as Thalidomide from being allowed on the American market.
Author: Community Mental Health Centers Law.
Author: Hospital Construction and Modernization Act.
Author: Migrant Health Act.
Author: Allied Health Manpower Training Act.
Author: Schools of Public Health Act.
Author: Medical Libraries Assistance Act.
Author: Regional Medical Programs.
Author: Communicable Disease Control Act.
Author, Co-Author or Principal Sponsor of all major health bills to pass Congress since 1958.

CRIME CONTROL

Active supporter of every crime control bill to pass Congress since 1957.

CONSERVATION AND PUBLIC WORKS

Author: Padre Island National Seashore Park.
Senate Author: Guadalupe National Park.
Senate Author: Alibates National Monument Act.
Principal Author: Big Thicket National Park and Amistad Dam Recreation Bill. (Now pending.)

As a member of the Senate Appropriations Committee, Yarborough helped obtain funding for dams, waterways and harbor and channel projects all over Texas.

Author or Working Co-Sponsor of all major conservation bills to pass Congress since 1958.

POLLUTION CONTROL

Co-author: Clean Air Act.
Co-author: Air Quality Control Act.
Co-author: Water Pollution Control Act.
Principal Author: Bill to plan U.S. participation in 1972 United Nations Conference on Human Environment. (Pending.)

AGRICULTURE

Yarborough has been Author, Working Co-Sponsor, or Active Supporter of all major and conservation measures since 1957.

Yarborough is a member of the Agricultural Subcommittee of the Appropriations Committee.

VETERANS

Author: Cold War G.I. Bill.
Author: Bill to build 760-bed Veterans Hospital in San Antonio.
Author: amendments which increased Veteran's benefits under G.I. Bill.
Author of Working Co-Sponsor of all major veterans bills affecting education and hospitalization to pass Congress since 1958.

SPACE

He has actively worked for all major space authorizations and appropriations since 1958.

SENIOR CITIZENS

Working Co-Sponsor: Medicare and Medicaid.
Active Supporter: Housing for the Aged.
Active Supporter: 15% increase in Social Security.
Active Worker or Co-Sponsor of all major legislation to expand and improve Social Security.

TAX REFORM

He was working Co-Sponsor of Amendment to increase personal income tax exemption from $600 to $1,000 (Congress compromised on $750.)

CIVIL RIGHTS

He supported the Civil Rights Act of 1964.

He co-authored bills which launched the War on Poverty program. He voted for the 1965 Voting Rights Act. Because of his profound belief in the concept of neighborhood schools, Yarborough voted against busing as a means to achieve school integration.

THE FUTURE OF AMERICAN TRADE POLICIES

Mr. MONDALE. Mr. President, the protectionist trade bills of the 91st Congress are dead, but the forces of protectionisms, I very much fear, are merely dormant.

An awakening of millions of Americans to the dangers of these bills—the emergence of vigorous Senate opposition to a reenactment of the Smoot-Hawley debacle—and the last minute Senate logjam all combined to turn aside legislation which would have ushered in an inevitable and disastrous trade war.

But I am not so certain that such good fortune will prevail in the year ahead. The economy continues its downward plunge—always an inviting climate for self-defeating but politically attractive trade barriers. The textile industry, in the face of all facts to the contrary, continues to claim great injury due to imports. The negotiations with Japan continue at an impasse, hampered by intransigence on both sides. And most important, the President persists in supporting quotas on textiles in spite of this year's near tragic lesson which should prove beyond any doubt the impossibility of giving quota protection to a single industry as part of a political payoff while denying that protection to dozens of other equally or far more deserving industries.

It is for these reasons that I think we must take sober stock of the disaster we so narrowly averted this year and of the positive steps which must be taken now to avoid a repeat—with a less happy ending—of the situation next year.

NEW TRADE LEGISLATION

First of all, we must seize the legislative initiative in proposing a responsive, forward-looking trade bill in the next Congress. Only a vigorous, expansionary offensive in the trade field can ward off the protectionist bills which inevitably lurk in the congressional wings.

Those of us who opposed this year's protectionist legislation must respond now by providing a model of the kind of trade legislation which can meet the legitimate problems of our domestic industries and the need for an expansion of American export opportunities.

The escape clause must be liberalized in order to meet the objectives for which it was created in the 1962 Trade Expansion Act. None of us deny the occasional harsh reality of injury due to foreign competition. Higher tariffs and perhaps even quotas may at times be part of such relief. But we cannot loosen up the escape clause to the degree that we saw this year. Nor can we afford to tie the hands of the President, as these bills did, in the determination of appropriate relief.

Adjustment assistance, too, must be made more responsive to firms and workers in industries whose competitive edge is declining. The purpose of adjustment assistance is to protect the livelihood of the worker and promote the kind of adjustments needed to find new skills, new products, new techniques, and new markets without throwing up trade barriers and denying to all countries the benefits of regional specialization.

We must move forward in the elimination of some of our own remaining trade barriers, particularly the nontariff barriers in which our hands are little—if any—cleaner than many of our major trading partners. The utterly indefensible American selling price system which the House voted, to its credit, to eliminate should be the first to go.

And we must pass legislation not to overthrow the civilized rules of international trade—the GATT—but to strengthen our bargaining hand within those rules and to enable us to protect and pursue our legitimate interests in international trade negotiations. Europe, the Common Market, British entry, and the Common Agricultural Policy, for example, pose enormous problems for American trade. It is to these problems that our efforts should be directed, rather than to a preoccupation with Asian imports and the admittedly indefensible but steadily improving trade policies of Japan.

USE EXISTING REMEDIES

In the meantime, the administration must begin to achieve some of these ends with the tools it already has on hand. Tragically, much of the impetus for protectionist trade legislation has stemmed not from the inadequacy of the laws now on the books but from the inadequacy of their administration. We could move aggressively, now, within the international rules of trade to force an end to unfair foreign competition and undue foreign restrictions on our own exports.

Under article XXIII of the GATT, we are given retaliatory power over countries which maintain illegal quotas against our products. I urge the administration to use this great bargaining lever in forcing a reduction of illegal foreign barriers to our trade.

Under the Antidumping Act, we can impose special duties on products which enter the United States at prices below those prevailing in the exporting country. The recent case against the Japanese TV's was an example of successful use of this device, but it has not been the potent weapon which it could be.

Under the Tariff Act of 1930, the President can impose countervailing duties to protect against unfair competition from subsidized foreign exports. Given the frequency of this complaint among those who urge U.S. trade barriers, it is strange that so little use has been made of this authority. If the law is truly insufficient, let us strengthen it. If, as I suspect, it has simply gone unused, let us seize upon this perfectly legal and legitimate weapon and use it to eliminate the obvious inequities of foreign export subsidies.

Under section 252 of the Trade Expansion Act, duties can be raised and, for agricultural products, quotas levied against nations which impose illegal restrictions against our products. Again, here is authority—legal and on the books—to get at the very problems which the protectionists are using to support their demand for U.S. trade barriers that would invite legal retaliation against us and simply exacerbate whatever problems may exist.

Mr. President, I cite these various devices to illustrate the great range of options open now to our administration if it is truly serious about meeting the legitimate grievances of our own industries and workers allegedly suffering from unfair foreign competition or trade barriers. It is time for the United States to move aggressively to defend its interests in international trade negotiations. We do need to bring pressure to bear upon nations who have lagged behind our lead in the trade liberalizations of the last decade.

But, Mr. President, let us use the great authority which we now have to force fairness from other nations. Let us not degrade our magnificent record on trade by stooping to barriers and quotas which fly in the face of all economic reason.

TEXTILES AND SHOES

Finally, we must find a way to resolve the problems—real and imagined—of the shoe and textile industries.

The problems of the shoe industry are due for an administrative decision in the immediate future, and the President has promised a comprehensive program to deal with the difficulties faced by this industry. In light of recent studies, I doubt whether quota protection will or should be advanced as the "solution." But certain firms and segments of the industry are ailing, and the Government owes them some responsive action.

The question of textiles is purely political—but perhaps that is the most difficult question of all. There is no doubt that the industry has failed to make any credible case for injury. In fact, it is significant that they have steadfastly refused to submit a case for escape clause review.

In fairness to the industry, they have been encouraged by the Administration into believing that quotas were not only possible but justifiable. Particularly in times of great economic difficulties—totally unrelated to foreign competition—it is not surprising to find an industry convincing itself that quota protection would be a good thing.

But a political deal kept alive by the anxieties of workers in a recession economy is not the stuff from which world trade policies should be developed.

The first thing we must do is to get out from under the thumb of our own textile industry in the attempts to reach a negotiated settlement with Japan. There is no doubt that the industry has done everything possible to sabotage any feasible settlement under the realization that such a settlement would mean the end of their chances to get legislated quotas. When I made this point on the floor a short time ago there was an outcry of denial from many of my colleagues, but I hope that Secretary Stans' news conference of December 23, reported in the press on December 24, should dispel any lingering doubt about the stand and the role of the textile industry in these talks. And it is perfectly clear that until the President declares his political debts paid in full and ends the charade of advocating quotas on textiles only, there will be no settlement.

Mr. President, we can, I am convinced, reach an accord with Japan if both sides—ours included—give a little and stand up to their domestic industries in behalf of a rational world trade policy.

At the same time, I propose that the question of textile imports be referred to the Tariff Commission—as any case should be which claims injury, and especially one which is apparently claiming injury greater than that felt by any other industry. Whatever facts and recommendations are then put forth by the Tariff Commission can form the basis either of a negotiated settlement if one has not yet been reached, or a Presidential determination of appropriate remedy as is standard in such cases, or needed legislation if it does appear that existing authority is incapable of relieving the problems of that industry.

ADMONITION TO FOREIGN GOVERNMENTS

Mr. President, we have been subjected to what may yet turn out to be an inexpensive lesson. I hope it has been learned well by the administration. But I also hope that it has been learned as well by our major trading partners.

To these nations—to their governments, ambassadors, and trade negotiators—I say: Put your houses in order before the tide of protection peaks again, because there may be no stopping another time.

Unless trading policies of other nations are turned around—and I am speaking primarily to the European Community and primarily of their agricultural trade policies—there will be a worldwide trade war. How it will start or what nation will precipitate it I do not know. But all will lose.

We cannot sit by—I cannot sit by—while our farmers, the most productive in the world, suffer from increasing discrimination at the hands of the common agricultural policy of the European Community. Many European governments reacted with fear and righteous anger to the prospect of a protectionist trade bill from our country. Their fear and anger may well have been justified, but their righteousness was not. They are in no small way responsible for the disaster which was very nearly upon us, and I hope they will now see the need for pursuing more equitable and sensible trade policies themselves.

And my warning must also apply to the Japanese. Those of us in the liberal trade community can hardly continue to admonish only our own administration for its capitulation to political pressures while the Japanese Government continues to be manipulated by its own "textile-industrial complex." There are lessons from this past year for the Japanese, as well, and I hope they will take heed.

Generally, I think that postmortems are best left to football games and bridge hands. But I do not think the death of the 1970 protectionist trade legislation should go unnoticed. Only great effort and more than a little luck kept us from enacting dangerous trade legislation this year.

Next year, the forces for progressive and expansionary trade policies must take the offensive. With the continued support of citizens and farm groups, workers and businesses, and with clear leadership from the administration, I think we can not only avert a trade war but also respond to the remaining problems of international trade and the legitimate grievances of American workers and industries.

ON THE DEPARTURE OF ALBERT GORE

Mr. CHURCH. Mr. President, this is a nostalgic week of farewells in the Senate, as we pay our respects to departing colleagues. In each case, I have found it hard to say goodby, but in no case has the task been more painful than that of ALBERT GORE.

For 32 years, ALBERT GORE has faithfully served the people of Tennessee in the Congress, 14 of them in the House of Representatives and 18 in the Senate. He, himself, sums up his service with only three lines in the latest edition of the Congressional Directory. His admirers cannot leave it at that.

Someone has described ALBERT GORE as a Senator in the grand tradition, one

who could have sat with Webster, Clay, or Calhoun. I concur in that assessment. For ALBERT GORE exhibits not only the appearance and demeanor of a Senator cast in the classic mold, he possesses the capacity as well. Indeed, his stature as a statesman encompassed three dimensions: a keen intelligence, an impeccable integrity, and a strength of character which enabled him to stand alone when he believed it necessary.

I served with ALBERT GORE on the Senate Foreign Relations Committee, where he was first to perceive that if the United States and the Soviet Union were ever to stop poisoning the atmosphere with nuclear bomb tests, the initial arena of restraint would have to exclude subterranean detonations. From there, Senator GORE went on to enhance his record on the committee by becoming one of the early critics of the tragic, mistaken American involvement in the Vietnamese war.

But it was on the Senate Finance Committee that ALBERT GORE displayed that characteristic mettle which made him the nemesis of so many special interest groups. His was the frequent foot kicking at the snouts at the public trough, as he fought for tax reform, the elimination of favoritism, and greater equity for the ordinary taxpayer. In this, he was a populist with a difference, for ALBERT GORE always possessed the technical knowledge to support his cause, as many who opposed him discovered to their chagrin.

During his tenure on the Senate Public Works Committee, it was ALBERT GORE who sponsored the landmark 1956 Highway Act, which made possible the Interstate Highway System, and it was he who saw to it that the new freeways were paid for as they were built, out of a special trust fund. We have him to thank for the fact that the huge cost of the massive modern highway system has not been added, along with onerous interest charges, to the public debt.

In sum, ALBERT GORE leaves an impressive record behind him, as his long and distinguished service in Congress draws to a close. Caught in the riptide of change in Tennessee politics, it was the mark of his importance that Senator GORE became the No. 1 target of the political headhunting expedition conducted last fall by the Vice President.

He was my close friend and I shall miss him in these halls. Beyond that, the Senate will miss him. And the American people will lose a splendid advocate.

AN UNSUNG OCCUPATION

Mr. HOLLINGS. Mr. President, soldiering is an unsung occupation these days. But as we wring our hands and analyze and charge and countercharge about the war in Southeast Asia, the American fighting man continues to bear the brunt of battle. By a few in our midst he has been maligned, vilified, and condemned because of his participation in a generally unpopular war. By an even larger number his contribution has been overlooked. This is not the age of heroes, and far too often acts of individual heroism go unnoticed. But soldierly valor is no less real because it goes unpraised. The American serviceman in Indochina is discharging his duties with a distinction equal to or greater than that of his predecessors. All but an infinitesimal fraction subscribe to the traditional code of duty, honor, country—a soldier's code for a soldier's task witnessed in battle throughout the years from Valley Forge to the Ashau Valley. Our current records are as replete as our ancient annals with evidence of the soldier's bravery and dedication to the spirit of America.

It is with both pride and sadness that I cite for you today another example of this dedication. It is the record of a young American officer, Capt. John Alexander Hottell III—an obituary which he wrote himself prior to his death in Vietnam on July 7, 1970. Captain Hottell understood himself and he understood his comrades. Of the fighting man he wrote:

> They can still drive on and fight like demons, march like Jackson and soldier like the very dickens when they have to. . . . It fills me with inspiration. They are truly the great people of this war . . . the forgotten civilians who will probably never receive their due for their valor on the field of battle.

May we use these words as a reminder of our indebtedness and our hope that future crises will find the font of duty, honor, country filled to meet the challenges we will surely face. Of himself, Captain Hottell said:

> I deny that I died for anything—not my country, not my Army, not my fellow man, none of these things. I lived for these things, and the manner in which I chose to do it involved the very real chance that I would die in the execution of my duties.

Mr. President, I ask unanimous consent that this moving testimonial to the American soldier be printed in the RECORD.

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

> I loved the Army: it reared me, it nurtured me, and it gave me the most satisfying years of my life. Thanks to it I have lived an entire lifetime in 26 years. It is only fitting that I should die in its service. We all have but one death to spend, and insofar as it can have any meaning it finds it in the service of comrades-in-arms.
>
> And yet, I deny that I died for anything—not my Country, not my Army, not my fellow man, none of these things. I lived for these things, and the manner in which I chose to do it involved the very real chance that I would die in the execution of my duties. I knew this, and accepted it, but my love for West Point and the Army was great enough—and the promise that I would someday be able to serve all the ideals that meant anything to me through it was great enough—for me to accept this possibility as a part of a price which must be paid for all things of great value. If there is nothing worth dying for—in this sense—there is nothing worth living for.
>
> The Army let me live in Japan, Germany, and England with experiences in all of these places that others only dream about. I have skied in the Alps, killed a scorpion in my tent camping in Turkey, climbed Mount Fuji, visited the ruins in Athens, Ephesus, and Rome, seen the town of Gordium where another Alexander challenged his destiny, gone to the Opera in Munich, plays in the West End of London, seen the Oxford-Cambridge rugby match, gone for pub crawls through the Cotswolds, seen the night-life in Hamburg, danced to the Rolling Stones, and earned a master's degree in a foreign university. I have known what it is like to be married to a fine and wonderful woman and to love her beyond bearing with the sure knowledge that she loves me. I have commanded a company and been a father, priest, income tax advisor, confessor, and judge for 200 men at one time; I have played college football and rugby, won the British National Diving Championship two years in a row, boxed for Oxford against Cambridge only to be knocked out in the first round and played handball to distraction—and all of these sports I loved, I learned at West Point. They gave me hours of intense happiness. I have been an exchange student at the German Jumpmaster school, I have made thirty parachute jumps from everything from a balloon in England to a jet at Fort Bragg. I have written an article that was published in Army Magazine, and I have studied philosophy.
>
> I have experienced all these things because I was in the Army and because I was an Army brat. The Army is my life, it is such a part of what I was that what happened is the logical outcome of the life I lived. I never knew what it is to fail. I never knew what it is to be too old or too tired to do anything. I lived a full life in the Army, and it has exacted the price. It is only just."

BALTIMORE CITY FAIR

Mr. MATHIAS. Mr. President, too often in the recent past we have watched a large metropolitan city victimized by violence and crime. The annual spring predictions of a long, hot summer have instilled in many citizens a helpless anticipation of further destruction. Sociologists have told us that many cities are in various stages of decay and that their inhabitants will soon no longer be able to withstand the increasing factors of stress which will have surrounded them on all sides.

When we hear such dire prophecies I believe it is well to consider for a moment the rebuttal of a city which, while not pretending to be Shangri-la, has demonstrated that its citizens have not forgotten how to enjoy their city and enjoy each other. I am referring to Baltimore City and its monumentally successful Baltimore City Fair which entertained well over 100,000 people last September 27–29. While Baltimore suffered from a record-breaking heat wave, its citizens flocked to the center of town to participate in a diverse collection of amusements, cultural exhibits, and musical presentations. The wide spectrum included displays concentrating on contemproary social problems as well as the always popular midway. There were symphony and jazz concerts, a German beer garden with band and a great deal of excitement was generated by the upbeat renditions of the U.S. Army Studio Band.

The overriding significance of the fair, however, were best summarized by the fair chairman, Christopher C. Hartmann, who said:

> The thing the people who are criticising this city have forgotten is the most important thing—its people.

I subscribe to that doctrine and request that at this point three newspaper articles from the News American and the Baltimore Sun describing the fair be printed in the RECORD.

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

[From the News American, Sept. 26, 1970]

HOT DAY DOESN'T COOL SPIRITS OF CITY FAIR-GOERS

OPENING DAY AT CITY FAIR DRAWS 20,000

The temperature soared to the mid-90's, but it didn't seem to bother about 20,000 pleasure-seekers who went right on snapping their bubble-gum, popping balloons and savoring every minute of opening day at the Baltimore City Fair.

Dads with kids perched on their shoulders, moms pushing baby buggies, office workers, ditchdiggers and people from all walks of life came to Charles Center to see what the excitement was all about.

What it was about is a new kind of togetherness that transformed the too-often vacant, lonely streets into a place of laughter, friendliness and fun.

Huge crowds are expected to continue pouring into the Charles Center area today when they'll be treated to a rock-and-fashion show, a New Repertory Theater performance, Bob Brady and the Concords, "The Censations" and Ethel Ennis, well-known jazz singer.

The City Fair opened to the joyous tooting of bands in a noontime parade and ended with a smashing symphony concert in Hopkins Plaza.

In between, fair-goers elbowed their way into a many-hued pavilion housing 22 neighborhoods, exhibits to view wares including handicrafts and paintings from the various sections of the city. Some stopped along the streets to have their portraits painted by sidewalk artists.

An open trolley clanged back and forth all day long carrying fair-goers between Charles Center and Pier 1 where a German beer garden was doing a landslide business and where tours of the harbor and the frigate *Constellation* were available.

The end-of-summer affair was opened by Mayor D'Alesandro who said, "This is a key event in the revitalization of our city," then cut a ribbon and released about 2,000 multicolored balloons.

His words were echoed by thousands of those present who told radio and newspaper interviewers. "This is the greatest thing that ever happened to downtown Baltimore."

Christopher C. Hartman, fair chairman, surveyed the crowd and commented, "The thing the people who are criticizing this city have forgotten is the most important thing—its people."

One official said he thought the heat would turn the fair into a Turkish bath, but attendees beat the blazes with cold drinks, glazes and ice cream.

Those who missed the opening day will have another chance to find out what they missed today and Sunday—from 10 a.m. until 10 p.m. today and beginning at 12 noon Sunday.

[From the News American, Sept. 27, 1970]

DOWNTOWN VIBRATES AS THRONGS MAKE INNER CITY LIVE AGAIN

FIREWORKS TONIGHT TO END FAIR

(By Peggy Cunningham)

"You can forget all your troubles, forget all your cares and go Downtown."

Baltimore went downtown Saturday. Residents and visitors came by droves, by throngs, by the tens of thousands. And they're coming back today.

They're converging on Charles Center and Pier 1 for the first Baltimore City Fair.

In addition to their happy faces and the good-natured bustle of the crowd, their sheer numbers prove that this City Fair venture is a success.

Although it was almost impossible to estimate the number of persons who visited fair sites during the first two days, the total may easily have topped 100,000.

This in the midst of a recordbreaking end-of-season heat wave which pushed temperatures close to 100 during the fair's first days.

To finish up with the traditional bang, the City Fair ends tonight with a huge, colorful fireworks display over the Inner Harbor, scheduled to start at 8:30 p.m. If you can't get a seat on Federal Hill or Pier's One or Two, the spectator show will be visible all around the harbor area.

Also on tap for today's program, listed in detail on Page 19A, are a kiddie show at noon, a live play, performance by a bagpipe band, the crowning of the Allied Queen of Flowers, music in choral, rock and Dixieland styles, and a spectacular demonstration by the city's fireboat.

To reach the last-mentioned event and the site of the fireworks, consider riding the old-fashioned summer trolley car from Charles Center to Pier One.

In between these special attractions, scores of booths offer merchandise, refreshments and information about what's happening in the city. These are scattered around the sparkling Charles Center area.

The biggest attraction Saturday night was a jazz concert by Ethel Ennis, backed up by the U.S. Army Studio Band.

Miss Ennis, one of the nation's top jazz singers, played to a packed audience with "squeezing room only." Between songs, she told them, "I am very proud to be a part of something that is really working here."

Even Miss Ennis had a little competition, though.

As she sang, three little girls climbed to the top of a wall nearby and began to dance to the beat.

Some of the crowd was dividing its attention between Miss Ennis and the Weaver sisters; Giovannda, 6, Joann, 4, and Pamela, 3, of the 3100 block Garrison Ave.

Both Miss Ennis and the little Weaver girls donated their services to make the fair successful, as have many others.

City Council President William Donald Schaefer pointed to this cooperation and spirit of working together as one of the most praiseworthy aspects of the event.

The fair is one of the greatest things that's ever happened to Baltimore," he said, adding that he would like to see it become an annual event.

While Schaefer was busy trying to see everything and admitting he was not succeeding, Dr. Thomas Sheldon, superintendent of city public schools, and Robert Embry, head of the city's Department of Housing and Community Development, were seen selling balloons and manning fair booths.

Hundreds of less illustrious but just as dedicated volunteers have been putting in uncounted manhours of work in the broiling sun to make the fair a success.

In addition to residents of virtually all the neighborhoods of Baltimore, the fair lured back many persons who long ago moved to the suburbs and don't make a habit of coming downtown.

They came, day and night. They brought their wives and children.

They found out the city can be bright and friendly, safe and happy. They learned that it is exciting, growing, throbbing with a limitless future.

"Listen to the music of the traffic in the city. Linger on the sidewalks where the neon lights are pretty. . . .

"And come downtown, downtown, downtown . . ."

[From the Baltimore Sun, Sept. 27, 1970]

CITY FAIR CALLED SUCCESS "BEYOND WILDEST DREAMS"

(By Fred Barbash)

Large crowds of delighted people showed up for the second day of Baltimore's City Fair yesterday, prompting fair officials to declare it "beyond our wildest dreams for success."

Chris Hartman, chairman of the festivities at Charles Center, announced jubilantly that about 75,000 people had visited the Fair Friday, and that by 4:10 P.M. yesterday, another 150,000 had attended.

And again yesterday, fair goers appeared most attracted to the quaint and the old-fashioned features and pleasant glimpses of by-gone days were in plentiful supply.

MAIN ATTRACTION

Every 20 minutes, 60 or 70 grinning people jammed a turn-of-the-century trolley car for a ride down to Pier 1. Its brass bells ringing and its oak-paneled walls creaking with age, the rubber-tired antique was probably yesterday's main attraction.

The two multi-colored bigtops, each displaying the pride of 24 Baltimore neighborhoods which produced displays, were also packed.

Grandmothers wandered through the tents, eyeing critically the homemade pastries, pies and cakes sold by several neighborhood groups.

Children were there too, their faces dripping with caramel apple and ice cream.

As always at a fair, the midway rides and games lured them in as well. Adults and children alike darted back and forth between the Tempest and the Loop-O-Plane, and the ring-pitch, the weight-guess, the pool shoot, the ball-throw and the nickel-toss and the balloon-bust.

And if the fairgoer avoided a glance upward at the tall buildings surrounding the midway, the authentic country dust and the music of a 50-year old military band organ might have convinced him he was in another era.

But the present was there yesterday, too. Many of the displays dealt with the need for urban renewal and fair housing, for population control and for liberalized education.

The very recent past was represented by about 20 demonstrators from the Black United Front, protesting what a spokesman described as the "disenfranchisement of black voters" in the September 15 primary. The fair ends today.

TRIBUTE TO SENATOR MURPHY

Mr. METCALF. Mr. President, when I was on the Montana Supreme Court I learned that if one of my colleagues wrote an erudite, or learned, or wise opinion, I did not try to top it with one of my own. I merely said "I concur."

It was my privilege to preside over the Senate while tributes were being paid to our departing friend from California, Senator MURPHY. They were moving and eloquent. I concur.

THE SENIORITY SYSTEM

Mr. SAXBE. Mr. President, one of the issues that Members of Congress will have to deal with as the new session gets underway in 1971 is whether changes should be made in the present seniority system. One of our colleagues, Senator PACKWOOD, is scheduled to appear on a nationally televised program on the Public Broadcasting Service that promises to be a stimulating debate on this issue. The program is "The Advocates," which will originate live from the Capitol at 9 p.m. on Tuesday, January 12, and will be telecast in Washington on WETA, channel 26.

The Advocates, a Peabody award-winner for its contributions to television education, will examine the question: "Should the seniority system in Congress be abolished?" Senator PACKWOOD will speak in favor of this proposal, along with Representative DONALD FRASER and columnist Jack Anderson. On the other

side of the debate will be Representative PHILIP CRANE, columnist James J. Kilpatrick and Prof. Charles O. Jones of the University of Pittsburgh.

Another Member of this body, Senator Moss, will appear on a second program of The Advocates, which will be taped in Washington on Wednesday, January 13, and telecast nationally on Tuesday, January 19. That program will focus on the question: "Should the Federal Government set tar and nicotine limits on cigarettes?" Senator Moss will be joined by Dr. Ernest L. Wynder, president of the American Health Foundation, in arguing in favor of that proposal. Guests appearing in opposition will include Horace Kornegay of the Tobacco Institute.

ALBERT GORE

Mr. PASTORE. Mr. President, a few days ago there drew up to the doors of a building across the street, a small but fine appearing motor truck. It bore the symbol, "Gore Farms, Carthage, Tenn."

Aboard the truck went some of the Washington accumulations of a great man who is saying farewell to these halls where he has served so nobly these many years. These mementoes will take their places among the household goods and household gods in the town of his heart, close to the soil of his soul, the State of his undying love.

To me it was the simple and sincere drama of a son of the Volunteer State who had served that State, his country, and his conscience with a full measure of devotion.

In the height and heat of political battle, the fickle favor of a people had failed him for the moment. But he was returning without rancor or recrimination to the people he had not failed.

It is characteristic of ALBERT GORE that, in our official directory, he should restrict his biography to three lines. But the pages of the CONGRESSIONAL RECORD swell into infinity with the oratory of this man—silver tongued, clear minded, clean hearted.

Here he defended men whose character was being assailed—here he gave early warning against our Vietnam disaster—here he voiced the equities and opportunities that are the birthright of every American.

Here he rose to the responsibilities of Foreign Affairs in these days of crisis when all the continents of the world hold common cause with Carthage, Tenn.—these days when the hearts of the world have reason to hold fear.

Here was a man who, to my mind, held credentials for the high honors of his party and mine—his country and mine.

Whatever the future holds in store, ALBERT GORE'S place in history is secure. But ALBERT GORE would not be thinking of his place in history—only his place in equity—human equity—in the highest meaning of America—upholding the very motto of his State—"Tennessee—America at its best."

His impression on this Senate and on our Republic will long endure—and our gratitude and our friendship for him is imperishable.

TRIBUTE TO THE LATE HONORABLE L. MENDEL RIVERS

Mr. HOLLINGS. Mr. President, A few of us of the same community who have experienced public office are in a position to know and appreciate the greatness of L. Mendel Rivers.

Three weeks ago, I had breakfast with the Congressman. He appeared hale and hearty. And today he is gone. This suddenness in passing was shock enough. But I have now received a greater shock; returning from the burial services in Charleston on yesterday I have just read in the New York Post of the same day the bitter article by Pete Hamill, entitled "No Sad Songs" calling Rivers a common drunk. Mr. Hamill concludes:

He is gone and we are better off without him.

One can only feel pity for the hate-filled mind of Hamill. The thrust of his conclusions is that Mr. Rivers' only attainment was seniority—and this was abused.

Mendel was laid to rest near Gumville where he was born of the simplest and poorest of circumstances. He was never given anything other than the opportunity of America that we all receive. Taking this at its fill, Mendel won respect and love in his district long before the seniority system made him chairman. I know at times that many wanted him to run for Governor—for the U.S. Senate—or have him serve in the Judiciary. All of these were at his fingertips. But, the people of the district each time persuaded him to stay on as Congressman.

There is no magic in seniority with the folks back home. In the past two elections, over a dozen chairman of committees of the Congress, plus the minority whip, have been defeated at the hands of their own electorate. In the House, you are measured by primary and general elections every 18 months and to say that the people of the 1st district selected a common drunk is an outrage.

We have many, many correspondents in Washington. I know of only one news column that has ever referred to Mendel's drinking. The fact is that he did have a problem. But he controlled it—and this is to his credit. I have been with him socially and professionally on hundreds of occasions, both in the district, in our Nation's Capital and abroad. At no time did drinking interfere with Mendel's duty. And, for Mr. Hamill to infer that only those of the military honored Mendel because they had to—this is an outrage.

Billy Graham, who only last month spoke at the dedication of the L. Mendel Rivers Library at the Baptist College, appeared especially for the character and patriotism of the man. Certainly, Dr. Graham did not appear for a common drunk.

I wish Mr. Hamill could have seen the little people lining the streets and highway as the funeral cortege proceeded through Charleston, up into the county and over through Berkley County on yesterday. Hardly a uniform—just people—workmen, repairmen, women—grateful citizens of all walks of life, standing in respect and love. They knew that Mendel was a fighter—that he fought for the people of his district—that he fought for the military because no one ever claimed that they were overpaid. Mendel was always trying to improve their pay—their living conditions—and to preserve their dignity. And, too, they realized that Mendel was fighting always for the strength of his country.

It is said that when you come to the Congress you either grow or swell. Mendel Rivers grew. On many an occasion, he demonstrated unknowingly to me that he knew way more about the equipment and material and logistics of our Armed Forces than anyone in Government. He learned this because he worked at it from early morning until late at night. He cut a lot of red tape and he made a permanent mark on this Nation's military.

I wish Mr. Hamill could have ridden back on the plane of House Members that contained most of the Committee on Armed Services. I listened to their conversations. It was apparent to me that no one on that committee knew the military nearly as well as Mendel. To a man, they were agreeing that Mendel would have been their chairman without a seniority system.

And, back home where there is no seniority, Mendel was singularly the most loved and respected public servant of our time.

THE COSTS OF WAR

Mr. McGOVERN. Mr. President, the November issue of the Cornell Engineer, a highly respected publication of Cornell University, contains two articles which I believe deserve the attention of every Member of the Congress.

The first, by Associate Prof. Dennis Mueller, is an effort to estimate the real amounts exacted from our society by the war in Southeast Asia.

Professor Mueller points out that it is impossible to calculate all of the costs—political, sociological, and economic—because the impact has been so large and so diffuse. Yet in purely economic terms, he suggests that the outlays made thus far through the Federal budget are only a small portion of the total, and that as we have been spending some $150 billion to fight the war we have also been incurring up to $750 billion in additional obligations or losses as a direct result of it.

The second article was written by Associate Prof. Gary Bickel, and it applies a similar kind of analysis to all military programs in which the Nation is involved.

Professor Bickel cites some consequences of excessive military spending which are frequently ignored—among them the depletion of human capital in the research and development field, the severe distortion of the economy, and the ultimate assertion of governmental domination over a huge sector of the private economy.

The studies by these two distinguished economists should leave no doubt at all, if indeed there is any remaining after these many months of economic distress, that the war in Vietnam and the size of our overall military budget have both severely damaged this country's economic well-being. They strongly reinforce the argument of those who have

called for meticulous scrutiny of all Pentagon programs.

I ask unanimous consent that the articles to which I have referred be printed at this point in the RECORD.

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

THE COST OF THE WAR: MONEY AND MORE

(By Prof. Dennis Mueller)

What has been the cost of the Vietnam War to the United States? This is an impossible question to answer; there is no real way to measure the impact of an event as important as Vietnam on a society. How can one measure the costs or advantages of the United States participation in World War II? The most direct costs were, of course, the men and material that were used in fighting the war. The most direct benefit was the defeat of Nazism. An indirect cost was the launching of the cold war, which eventually led to Korea, McCarthyism, escalation of defense expenditures in the '50's and '60's, and finally to Vietnam itself. Clearly, there is no way that these benefits and costs can be combined. So numerous and complex are the ramifications of an event of this magnitude that it is not even possible to determine the sign of their net impact on America (i.e., whether our participation in World War II was a "good" idea or not), let alone the magnitude of this impact.

The same is true for Vietnam. While there is clearly a consensus now that Vietnam was a bad idea (just as there was that our participation in World War II was a good one), again it is not easy to predict all the ramifications of this event. Perhaps, Vietnam will be the limited war to end all limited wars as far as the U.S. is concerned, not because we successfully resisted "communist aggression" in Southeast Asia, but because the American people will no longer support an expensive limited war like Vietnam. Hence, the savings in not getting involved in future military involvements may be an indirect benefit of the Vietnam disaster. There may also be an additional indirect cost. In the future we may refuse to intervene in some local war, in which some citizens feel we should participate.

IMPACT OF WAR DEFIES CALCULATION

Enough has been said to illustrate the point. The impact of Vietnam is so gigantic and diffuse that no adequate calculation of all the political, sociological, and economic costs can be made. The most important effects, (on the probability of future limited wars, on the probability of World War III, etc.) are also the least quantifiable.

I shall turn to some direct calculations of the costs of the War. While I consider these figures a gross under-representation of the true costs of the war, they can perhaps serve to put the issue in some perspective.

While the United States has been supplying men and material to the South Vietnamese since the mid-1950's, the substantial build up of military expenditures in this area really only began toward the latter part of 1960's. Since then, our expenditures have averaged between $25 and $30 billion a year, or roughly ⅜ of our total defense outlays. For example, in 1969, roughly $27 billion out of the total $80 billion defense budget was spent fighting the war in Southeast Asia. This can be compared with the $30.5 billion spent on conservation, housing and community development, education and health combined, or to the $37.4 billion spent on social security. Thus social security payments could have been expanded by nearly 60% or the main components of the domestic program—housing, education, conservation and health could have been doubled if the funds used to fight the war had been available for other uses. Even more directly, every American could have received free medical services with the funds used to fight in Vietnam.

Just to look at the immediate "out of pocket" costs of Vietnam grossly underestimates its economic impact, however, even if we limit ourselves to a dollar and cents measure of costs. Two other expenditures can be directly traced to the Vietnam War. First, because the initial expansion of the war was conducted by an administration that attempted to have both military victory abroad and major social improvement at home, a large portion of the Vietnam expenditure increase came at the expense of other Defense Department programs. These curtailments were regarded by the military leaders as temporary and they can be expected to put pressure on the President to expand the non-Vietnam components of defense expenditures significantly as funds are "released" through the winding down of the war. Indeed, this non-Vietnam expansion has already begun to take place. The non-Vietnam portion of the 1970 defense budget was up by more than 10% ($5 to $6 billion) over the fiscal year of 1969.

BIGGEST BILL HAS YET TO BE PAID

A second area of future budgetary expansions that can be traced directly to the Vietnam War comes in the area of veterans benefits. Returning G.I.'s are entitled to substantial government assistance in pursuing higher education under the G.I. bill of rights. Medical outlays for G.I. veterans stem far beyond the date at which actual combat finally ends. The widows and dependents of soldiers killed in Vietnam also receive payments far into the future that must be regarded as an additional cost of the war. While these future costs are hard to estimate, in the past they have been roughly five times the outlays for the war itself. Hence, by far the biggest bill on the War has yet to be paid.

Again it should be stressed that these dollar estimates grossly underestimate the *real* costs of the war. The medical payments and other compensation paid do not really measure the value of a lost leg or husband. Hence, the costs in pain and suffering caused by those participating in the war far exceed the compensations made by those paying for it.

Another cost of the war is borne directly by some of the soldiers fighting it in the form of the income, enjoyment and freedom forgone in having had to serve involuntarily in the armed forces. This is a difficult cost to calculate, but is conceptually equal to the difference in what a soldier is earning in Vietnam and what he would require as a salary to induce him to serve in Vietnam voluntarily. For example, if a soldier is earning $5000 per year in income and other benefits and *if given the choice* he would only serve in Vietnam if his pay were $25,000, then for this soldier the *real* cost of the war is $20,000. This is essentially a tax the country levies on him when it drafts him and sends him to Vietnam. If he were left at home he would presumably take a job which provided him with a level of income (monetary and psychic) roughly equal to what he would obtain by working in Vietnam at such a high salary.

UNEARNED MONEY AND WASTED LIVES

Some soldiers bear no tax of this type (those who would volunteer for service in Vietnam under present pay scales.) Others bear a very large one. Some indication of the magnitude of this figure can be obtained by looking at the estimates of the costs of abolishing the draft entirely and attracting the necessary level of manpower into the army by higher wages. The additional costs of a fully volunteer army of 3,000,000 have been estimated as running anywhere from $4 to $20 billion per year, with a figure between $12 and $16 billion termed most realistic. These figures have to be adjusted in two ways to make them relevant to the Vietnam issue. First, at most Vietnam has absorbed only about one sixth of our total manpower in the armed forces at any one point in time. Hence, a direct proportional allocation of the costs of a voluntary army would indicate a hidden cost of Vietnam of from $2 to $3 billion. Secondly, the above estimates are based on calculations made for a peace time army. Clearly the amount one might have to pay a typical draftee to coax him into serving in West Germany or Hawaii is likely to be far less than the amount he will require before he will volunteer to go to Vietnam. How much less, no one can really tell. Perhaps, a doubling of the above proportional estimate, say, to $5 billion, would not be a bad figure.

Beyond this one can make further, but even more questionable, cost estimates of the war. What does the country lose in the way of further economic production from the roughly 600,000 casualties it has suffered? If we assume that a typical soldier would earn on average $10,000 (in 1970 dollars) over his lifetime, then each of the 46,000 dead G.I.'s in Vietnam has cost this country approximately $200,000 in discounted future production. A total loss of over $9 billion. To this figure one could add the reduced productivities of the 550,000 injured soldiers returning from Vietnam. While these are real costs of the war, they are such cynical underestimates of the true costs of these tragedies that I do not include them in the final figures.

COSTS OF VIETNAM WAR APPROACH GNP

To summarize: The U.S. has probably spent about $150 billion fighting the Vietnam war. It has incurred obligations to pay up to another $750 billion over future years as a direct consequence of the war. These figures alone amount to roughly the Gross National Product for this country in 1969. Hence, every American alive in 1969 will spend approximately one year of his life working to pay for the cost of the Vietnam War. Since most of the real costs of the War are incurred in the future the young will have to pay more than the old.

IN SPITE OF GIGANTIC OUTLAYS THE COSTS ESCALATE

As large as these costs are, they would not be quite so disturbing if it appeared that we had actually bought something for them, if peace appeared a little closer, if future wars and military buildups would not be necessary because of this past giant expense. Such does not seem to be the case, however. Currently, the Vietnam War is only about one-fourth of the total defense budget. A number of weapons programs have been launched which will escalate in cost as they move from research to developument and then to production. Among those already in the production stage are the following:[1]

	Billion
Minuteman III missiles	$4
Safeguard ABM	8
F–14 Navy fighter plane	20
F–15 Air-to-air combat fighter for the Air Force	--
Nuclear attack carriers	1½
62 Navy escort vessels	5
New amphibious assault ships	--
New Navy anti-submarine plane	2½
New continental air-defense	--

Among those in the planning and development phase include:

	Billion
AMSA (advanced manual strategic aircraft)	$10
New battle tank	1½
New advanced missile in super-hard silos	--
New Air Force atack aircraft	--
Major reconversion of a large number of Navy vessels	--

[1] Figures are from testimony before the Joint Economic Committee in November of 1969 by Charles L. Schultze, former director of the Bureau of the Budget.

New continental air defense interceptor ---------- --
New underwater strategic missile system ---------- --

Keeping in mind that the eventual cost of a weapons program is on average more than 3 times the original estimates, and the above figures are only early estimates, we are clearly signed up for an expensive and long continuing flow of military appropriations even after Vietnam is over.

In closing, let me reiterate the following point. While the cost of Vietnam in dollars and cents is large (roughly a years total production in the United States) it is dwarfed by the nonquantifiable consequences of the war on future history and on the lives of the many people directly or indirectly affected by it (from Hamburger Hill to My Lai to Kent State). These are the most expensive aspects of the war and they should not be dwarfed by the price of a bomb or a bayonet. The Vietnam War costs are also overshadowed by the remainder of the military budget and the continual increases of defense outlays that are inherent in the arms race "defense strategy." This perpetual development and purchase of weapons continues and threatens to accelerate. It is this buildup that represents the greatest obstacle to our country's being able to free sufficient resources to solve its domestic problems. And it is here, therefore, that most public attention must be focused in the future.

THE DIVERTING OF THE ECONOMY

(By Prof. Gary Bickel)

The creation by United States governments over the past 20 years of the most stupendous military organization on earth has posed serious questions for American society, the hardest one being, can we survive our own creation? Eminent men who were in on the action have begun to view their handiwork as a Frankenstein monster, beyond the possibility of democratic control. Dr. Ralph Lapp says the U.S. "has institutionalized its arms-making to the point that there is grave doubt that it can control this far-flung apparatus," (*The Weapons Culture,* 1968.) Colonel James Donovan, a Marine for 23 years and staff planner to the former Commandant, says we have become "a militaristic and aggressive nation," driven by military ambitions that "dominate the country," (*Militarism, U.S.A.,* 1970.) Dr. Herbert York, former chief scientist and first Director of Research and Engineering for the Pentagon, now views our weapons systems as severely reducing our security and as virtually guaranteeing doomsday if we take the one-more-round of MIRV's and computer-controlled ABM's, (*A Participant's View of the Arms Race,* 1970).

This Frankenstein monster image—a machine out of control—will yield to the extent we understand it—and some parts of the question we can begin to answer: For example, how big is our military establishment?—How did it grow?—What does it all cost?, and who bears the cost? Has it benefitted the economy? Or damaged it? How serious is the economic disruption caused by the Vietnam war and the incredibly irresponsible way in which it was financed? Finally, is economist Seymour Melman correct, that the structure of our enterprise system itself is being fundamentally altered by a newly-created system of "state management," tightly centralizing all the federal government essential and characteristic *top* management functions—decision-power, planning, financing, and detailed surveillance and control—over a huge sector of "private" industry?—what others have called "military socialism" and Melman calls "Pentagon capitalism." (His book, *Pentagon Capitalism, the Political Economy of War,* McGraw-Hill, 1970, is indispensable reading for anyone concerned with what is happening to the U.S. private enterprise system, today.)

First, how big is our military enterprise, and how did it grow? In 1969 it included 3.5 million uniformed personnel, 1.2 million civilian Pentagon employees, and 7–8 million jobs in industry devoted directly to military research, development and supply—i.e. about 15% of the nation's labor force. It included Defense Department ownership of $202 billion of physical property assets (at official valuation; closer to $300 billion at realistic prices), of which $14.7 billion worth of fixed capital, mostly production equipment, was provided by the Pentagon, free of charge, to its industrial contractors in 1967. (Some $4–5 billion of operating funds or "working capital" was also provided, free of interest, in the same year.) It included 29 million acres of U.S. land owned, over 2000 bases occupied on foreign soil, and a single-year procurement budget of $45 billion (far greater than the total budgets of most governments in the world, and dwarfing by comparison the largest private corporations: General Motors, $22.8 Billion 1968 gross revenue; AT&T, $14.1 B; G.E., $8.4 B; U.S. Steel, $4.6 B; DuPont, $3.4 B.) Its command over resources is especially pronounced among highly-trained scientists, engineers and technicians, of whom 440,000 (63% of all U.S. research and development personnel,) were engaged directly or indirectly in military work in 1967.

In plain budgetary terms, all this cost us over the last two decades more than 1,000 billion—or one trillion—dollars. The net financial cost of the Vietnam war as such, (i.e. not attributing to it any Pentagon "overhead" or associated "real" costs,) by official estimate will reach $140 billion this budget year. (That's about $3800 worth of destruction for every man, woman and child in Vietnam north and south; each Vietnamese killed by U.S. action has cost us about $400,000; our total of bombs and other ordinance expended has now amounted to 12 tons per acres, surpassing all the explosives used by Allied forces in World War II.)

While U.S. military spending, grew from $14.1 billion in 1950 to $79.3 billion in 1969, its proportional share in the economy, established in the 1950's, remained remarkably constant at about 8–10% of the full-employment level of GCP (or "Gross Capacity Production"). Kenneth Boulding has noted this as one of "the three major structural changes in the American economy" in recent times, (the others being decline in agriculture and decline in the whole private sector in the face of expanding government.) Indeed, the expansion of *federal* government spending on goods and services, (representing real resources removed from the private economy,) from $6 billion in 1940 to $102 billion in 1969, was 80% military. The *non*-military part of federal purchases has grown astonishingly little in 30 years: in 1960 such expenditures were actually *below* their 1940 level and by 1969 had less than doubled in real terms, (i.e. measured in dollars of constant purchasing power). Per capita, federal government spending on goods and services was $72 in 1940 and $83 in 1969! (both in 1958 dollars). Annual military spending over the same period rose by eleven-hundred percent, (also constant dollars).

The tremendously expansionary U.S. military policy of the 1960's aimed for three things simultaneously: first, the expansion of our strategic nuclear forces far beyond the requirements of a credibile retaliatory threat, or "deterrence" as such. Since 1961 we have spent approximately $153 billion in expanding U.S. nuclear force, to a stockpile of 11,000 major "strategic" weapons and delivery systems, (4200 intercontinental in range,) and 25,000 smaller "tactical" weapons, (averaging 5 times the size of the Hiroshima bomb).

Second was the expansion and "diversification" of U.S. forces, conventional and "counterinsurgency"—what former Budget Director C. L. Schultze calls "the general purpose forces, which exist very largely to protect our interests and commitments abroad"—and which presently require ⅔ of our annual military budget. They are deemed adequate by U.S. military planners to fight the initial phase of "2½ wars" simultaneously, i.e. "major" wars in Europe and Asia, plus another "small war" somewhere else. If they are maintained in 1971 at "pre-Vietnam" levels, their cost will be $44 billion, according to Schultze. (*Setting National Priorities, the 1971 Budget,* Brookings Institution.)

And third was the sustained pursuit of the Vietnam war.

Second, what are the real costs to the American economy? We are re-learning some basic economic truths, that such massive expenditure of resources sustained over time necessarily imposes significant economic sacrifice on all other areas of national life: the quality and adequacy of public facilities, the maintenance of real standards of living, and the underlying productivity of the industrial system itself. What now appears near-incredible is the earlier assumption that massive military spending need *not* impose such sacrifice, as expressed for example in President Johnson's 1966 "guns *and* butter" speech, (which Senator Fulbright labelled at the time as reflecting "a kind of madness.")

It is of course true that military spending creates specific jobs and growth, just as does any other kind of public or private spending, but the trouble is that the products of all-these jobs are, in economic terms, completely non-productive. They constitute a drain of real resources of all kinds *from* the economy—manpower, capital equipment, raw materials—and in return put *into* the economy nothing but purchasing power. This is the single most substantial and fundamental source of the underlying tendency toward inflation ("too much money purchasing too few goods") plaguing the American economy. For two decades a thousand-billion dollars of potential capital goods, consumer goods and public facilities and services were *not* produced, while a thousand-billion dollars of purchasing_power *was* pumped into the civilian economy through military spending.

While we have been learning the hard way the lesson that military spending is essentially parasitic on the economy, we could have read it in Adam Smith:

"The labour of some of the most respectable orders in the society is, like that of menial servants, unproductive of any value . . . The sovereign, for example, with all the officers both of justice and war who serve under him, the whole army and navy, are unproductive labourers. They are the servants of the public, and are maintained by a part of the annual produce of the industry of other people." (*Wealth of Nations,* 1776.)

The principle applies by extension to all the industrial activity supplying the military as well: it too must ultimately be supported by "a part of the annual produce of the industry of other people" since it puts no real product back into the economic life of the country, but is entirely parasitic upon it.

MONTHLY WAR COSTS COULD TRAIN 100,000 SCIENTISTS

The economist's basic measure of cost is "opportunity cost"—the alternative uses of resources sacrificed or foregone. Clearly we have paid a mighty price, (in *private incomes* drained away in high taxes, in *personal savings* never accumulated, in *private business profits and investment* in productive plant and equipment never realized, in *public investment and programs* of all sorts starved for funds,) for the gigantic expansion of our military might for 20 years. In actuality, some mix of all these forms of resource use has been sacrificed. Considering just the category of private consumption, if it held now the same proportion of GNP as in 1929, it would be greater by more than $100 billion/year than its actual level, or an additional $2000 per American family annually.

Or considering the potential public programs sacrificed these were some "opportunity costs" of the Vietnam war at its peak:

"Each *month* of Vietnam war cost—

"Could have financed the complete training of 100,000 scientists;

"Would finance the food bill for ending hunger among 10 million Americans;

"Could more than double the resources of the Agency for International Development annually;

"Could create four new Rockefeller Foundations;

"Could pay the full year's cost of state and local police in all states of the union;

"Could enable more than doubling the social security benefits paid to 20 million Americans."

(Melman, *Pentagon Capitalism*, 1970.)

The full extent to which the productivity and growth of the economy, and the adequacy of virtually all public services, has been damaged or depleted by the long-sustained pre-empting of resources for military priorities is probably impossible to assess, but evidence is abundant that such damage has been substantial. A few examples:

1. In 1950, there were 105 M.D.'s in private practice for each 100,000 citizens; now there are 98, and that number is maintained only by hiring thousands of foreign doctors now working in American hospitals.

2. The New York City hospital system has 7800 authorized and budgeted nursing jobs—in 1969 it could fill only about 2000 of them; a fourth of such jobs are vacant nationwide.

3. In 1950 the U.S. ranked 5th in the world in infant mortality—by 1967 we ranked 18th, with 23.7 infant deaths/thousand compared with Sweden's 12.6/thousand.

4. In 1968 the New York City Department of Buildings found 425 out of 927 school buildings in serious violation of the city's building code; some 85,000 children were attending classes in 109 schools built before 1900.

5. Some 22 million Americans are classified as functionally illiterate, not having completed the 8th grade; recent studies indicate that actual functional illiteracy, inability to read newspapers or simple instructions, is twice this level.

6. Over the decade 1958–68, 561,000 subsidized low-rent dwellings were built in the U.S., approximately a tenth of the number of dwelling units now rated as grossly substandard; the rate of deterioration *into* the substandard category is about 600,000 units/year.

SIXTY-THREE PERCENT OF 1967 R. & D. PERSONNEL WORKING ON MILITARY PROJECTS

These items indicate a deteriorating public sector and depletion of a vital part of our productive capital stock—the "human capital." Two more, items, however, are even more telling in the depletion process they reveal spreading through the U.S. economy:

7. The 1968 McGraw-Hill 5-year inventory of metal-working machinery in U.S. industry found that 64% of the metal-working machine tools used were then ten years old or older, making this country's machine-tool stock the oldest of all major industrial nations.

8. A 1967 survey by the International Organization for Economic Cooperation & Development counted 700,000 scientists, engineers and technicians working in U.S. research and development, but 63% were occupied on military projects. This leaves 259,000 R & D personnel engaged in U.S. civilian work, compared with 466,000 such personnel in Western Europe.

Not only the *size* of the military drain on resources is revealed, but its *qualitative* impact.

IMBALANCE IN RESEARCH ALLOCATIONS

While R & D has expanded greatly in the U.S. since 1950, without any formal planning it has undergone a process of nationalization: ¾ of the total budget is now supplied by the federal government, and over 90% of that is directed by DOD, NASA and AEC. The effect of the allocation of scientific, engineering and technical manpower is immense. As early as 1962 a distinguished committee of the Engineers' Joint Council reported on *The Nation's Engineering Research Needs, 1965–1985*, noting the imbalance in national research efforts, virtually stranding many industries and severely neglecting many of the most vital socially-relevant areas. In the words of the Report:

"The needs of people and society are not given sufficient attention in the allocation of research and development funds. Non-defense agencies do not have research and development programs that relate broadly to their entire mission or that reflect the enormous impact of technology on the lives of people and social organizations. . . .

"The importance of maintaining a competitive technological position to contribute to growth of the national economy is not recognized in the current allocations. . . . The aggressive programs for research and development . . . generated to advance the defense or quasi-defense programs are attracting many of the most competent individuals . . . U.S. industries' place in international economic competition is being threatened.

"There is much evidence that spill-over from military research to the civilian economy does not occur very frequently. Accordingly the military program must be recognized as utilizing a large fraction of the most talented individuals . . . and of denying to the civilian economy [their] services . . . the consequences of allocating such a large fraction of the national research talent to defense must be given careful consideration."

OUR DEPLETED SOCIETY

In an analysis completed before the escalation of American involvement in Vietnam, Seymour Melman, a Columbia University industrial economist specializing in the U.S. machine-tool industry, summarized the long-run effects as follows:

"The United States now is the scene of a drama different from that implicit in her confident ideology. A process of technical, industrial and human deterioration has been set in motion within American society. The competence of the industrial system is being eroded at its base. Entire industries are falling into technical disrepair, and there is massive loss of productive employment because of inability to hold even domestic markets against foreign competition. Such depletion in economic life produces wide-ranging human deterioration . . . The price of building colossal military power and endlessly adding to it has been the depletion of American society, a process now well advanced in industry, civilian technology, management, education, medical care, and the quality of life." (*Our Depleted Society*, 1965.)

The additional $140 billion of incremental or extra Vietnam war costs intensified and accelerated already-evident longer-run tendencies. By the late 1960's, the effects had become drastic: productivity growth in the domestic economy was slowing nearly to a standstill. Measured as annual rate of improvement in real output/man-hour, productivity growth in the private economy averaged about 4%/year in 1961–65, under 2%/year since 1965, and in 1969 less than 0.9%. (*Economic Report of the President*, 1970.)

The Vietnam war was sold to the American people and Congress upon false premises. Consequently, at each stage of its escalation the true scope and intensity of the U.S. involvement were obscured in the official explanations, and especially during the massive "Americanization" of the war during 1965 and '66. Similarly, the war's actual costs and financing—which, if made public, would clearly have indicated the course government policy was taking—were hidden during this crucial period of transition.

Between early 1965 when bombing of the North began and June, 1966—U.S. forces in Vietnam were increased from about 23,000 to over 300,000, and had taken over the bulk of offensive action against the Viet Cong, (though this so contradicted earlier policy that it was only revealed gradually). Defense Department obligations of funds—i.e. placing of military procurement contracts, rose from $48.2 B in 1st quarter 1965 to $86.4 B in 2nd quarter 1966, and the effects of these heavy new contracts were felt immediately in the civilian economy. The Federal Reserve Bank of New York commented, as did many other business analysts at the time, "The rapid growth of defense requirements was the largest single factor shaping the course of economic activity in 1966." (*Annual Report*, 1966.)

Actual military payments grew more slowly than new contract obligations, but even so, one-fourth of the rise in GNP in 1966 was due to expanded military spending. Between early 1965 and the 1st quarter of 1967, the increase in total military spending was about 50%, (40% in real terms).

GOVERNMENT HIDES ACTUAL COSTS OF WAR

The President's budget message in January, 1966, assigned new appropriations of $8.7 B and expenditures of $10.2 B to "special support of Vietnam operations" for the coming fiscal year. (The message also asserted: ". . . it would be folly to present a budget which inadequately provided for the military and economic costs of sustaining our forces in Vietnam.") A year later the official estimates for the same budget period, (by then half completed) were $22.0 B for appropriations and $19.4 B for expenditures! The actual war costs were virtually double those projected—but for nearly a year had been obscured from the country and even the Congress. How were these hidden war costs actually financed during this period?—Simply out of the vast reserves of unexpended Pentagon funds originally authorized and appropriated for other purposes.

Through most of 1966, Administration officials insisted publicly that their war budget was accurate—e.g. Treasury Secretary Fowler in March:

"Let me emphasize that our current estimates of Vietnam expenditudes remain, in the view of those most qualified to judge, an accurate evaluation of our needs so far as we can now foresee, and I would hope that, when the need for responsible restraint is so great, no one will base his economic decisions on the purely speculative assumption that our Vietnam needs will exceed current expectation."

On a Presidential news conference, as described by the *Nation*:

"Johnson was throwing up smokescreens . . . to shield the public from the true fiscal situation . . . reporters came away from the press conference of November 29 in utter confusion . . ."

Finally in December, 1966, the "error" in the war budget was acknowledged—and blamed on Pentagon accounting procedures! (The technical point was that military spending is finally recorded officially only after deliveries are made and payments completed, but this lag was already understood—the same thing had happened in the Korean War buildup in 1950 and been analyzed at that time.)

In a study for the Center for Strategic Studies of Georgetown University, Murray Weidenbaum described the period as follows:

"During much of 1966, it was becoming clear that the military spending rate was exceeding that implied in the January budget. However, the Administration did not issue the traditional midyear review of the Federal budget in the fall of 1966, which would have updated the estimates contained in the Jan-

uary budget. . . . A slowdown also occurred in the release of the most detailed public source of historical defense expenditure and obligation information, the Defense Department's "Monthly Report on the Status of Funds." Through the fall of 1966, when most business, financial, and other private observers were preparing and issuing economic forecasts for the calendar year 1967, the latest available issue was that for June, 1966. The July and August issues never did appear; the September issue appeared too late in December to be useful for most of the forecasting work for 1967." (*Economic Impact of the Vietnam War*, 1967.)

The moderate business group, Committee for Economic Development, described it this way.

"The economic decision-makers did not correctly foresee what the size of the Vietnam effort would be. To some extent this kind of error of forecasting is inevitable when military objectives are subject to change and enemy responses are uncertain. However, it seems also to have been true that the possibilities which the managers of the military effort had in mind were not always made clear to the managers of official economic policy." (*The National Economy & the Vietnam War*, 1968.)

A group of young Harvard economists has surmised:

"What seems to have occurred is the following: The Johnson Administration pushed its Great Society programs and attempted to keep the costs of the War hidden from the public and from the Congress. This budgetary tactic (quite successful in the short run) was based on Johnson's judgment that Congress would not vote much money for the Great Society if it knew the true cost of the war, and was justified by Johnson's wishful thinking that the War could be quickly ended." (*The Review of Radical Political Economics*, August, 1970.)

It is also possible that the Administration was primarily concerned simply with forestalling public criticism of its war policies, which were revealed in their true light only gradually. Be that as it may, federal spending on the Great Society programs, aid to education, health, housing, etc. did expand rapidly through at least 1967, while no additional tax revenues were sought and the war cost continued to mount rapidly.

ADMINISTRATION MISMANAGEMENT LEADS TO INFLATION

The impact on the economy was drastic and predictable: the triggering of a price-inflation that still remains to be brought under control. (Annual increases in the Consumer Price Index averaged 1.4% in the 1963–65 period, and 4.1% in 1966–69, reaching 6.1% in 1969. The most recent data—2nd quarter 1970—shows the GNP Price Index still rising at a yearly rate of 4.4%, faster than earlier in 1970.) The war tax finally enacted in the income tax surtax of 1968 was simply too little and too late. By then, cumulative Federal budget deficits for the three war years had reached an unprecedented $37.8 billion—and this on top of an essentially full-employment economy—an utter perversion of "the New Economics," and what has been called "the greatest inflationary shock to the economy in the post-World War II era." (For comparison, the comparable three years of the Korean War, financed with adequate tax increases and budget constraints, plus some mild wage-price controls, produced aggregate federal deficits of under $4 billion.) Actually, the fact that the American economy could absorb such incredible fiscal mismanagement with no greater disruption than has occurred is a testament of some kind to its great underlying strength—the economy "can take a lot of ruining."

Instead of open tax increases or domestic budget cuts, inflation was the chosen method of the Johnson Administration for financing the Vietnam war. As a CED report put it, "We paid the unfair and insidious tax of inflation rather than taxing ourselves openly and fairly." Inflation is a highly regressive form of taxation, reducing the purchasing power of low fixed incomes relatively most, but from the Administration's point of view it had the advantage of being a largely "hidden" tax—many people don't yet see the connection with military spending, which seems remote, and scape-goats are readily found: "labor unions," "big business," "welfare," etc. Inflation is also a widely spread tax, hitting (with a few exceptions) working people in general: the "real" or constant-dollar measure of "average spendable weekly earnings" of wage-earners as a whole *declined* between 1965 and 1969.

SOLUTIONS LEAD TO MORE PROBLEMS

After a time, as the inflationary "spiral" became self-reinforcing and self-perpetuating, the disruptive effects for economic activity grew more pronounced. While some business firms can take advantage of inflationary movements, many others cannot, and long-range business investment planning especially comes to be disrupted and hampered. Business profits began to be hard hit, (though not as greatly as real wages,)—during the four years prior to the "Americanization" of the Vietnam war, corporate profits after taxes rose 71.0%; from 1966 through 1969 they rose 9.2%. Simultaneously, the U.S. international payments balance deteriorated seriously as a result of the war and its attendant inflation: the U.S. balance on current account declined from a surplus of $7.8 billion in 1964 to about $4 billion in 1967, $1.4 billion in 1968, and under $1 billion in 1969. A good part of this progressive deterioration is accounted for by the large increase in foreign-exchange outflows associated with military purchases abroad.

Then, the subsequent efforts to halt the inflation of money prices and money demand in the economy, through the shot-gun monetary and fiscal methods that Abba Lerner has named "administered recession," produce still more serious economic costs of a different kind. Our basic anti-inflationary policy is still *deliberately* to achieve a reduction of employment, a reduction of production, a reduction of real growth—or in other words, a little recession—*in order* to lower total demand and, eventually, halt the rise of money prices. U.S. industrial production has been declining steadily now for two years, while unemployment has risen to 5.5% of the labor force, predicted to go higher.

This is, of course, a dangerous tightrope, since creating a little recession always runs the risk of triggering a more serious self-reinforcing decline in the economy. Nevertheless, the real costs of the policy should be recognized, since they also are true costs of the Vietnam war, given the way in which it was financed. The loss of real output and income in 1970 alone, through the enforced idleness of workers, machines and business skills alike, will be at least $20 billion, or about $400 per family.

THE GREAT AMERICAN MYTH

High interest rates, raised by the Federal Reserve to the highest levels in 100 years, are one of the main tools of anti-inflation policy, and thus are also part of the cost of the Vietnam war. By making it more expensive to borrow funds for consumption or investment spending, they reduce the demand for goods and services but small businesses and households are particularly hard hit, while large corporations are much less affected. The construction industry, especially, has been hurt badly by high interest rates. The cost of a home mortgage rose from 5½% in December, 1965, to 8½% in December, 1969. Thus, a $20,000 20-year mortgage now costs $35 more per month, or a total of $8,800 *more* than it did five years ago.

Fourth—How has all this come about? The answer must be complex: our great ideological fear of communism, the near-paranoia with which we repeatedly overestimated Russian military capabilities, leading us to a series of excessive over-reactions, (in turn goading the Soviets to strive to catch up—the familiar sequence of "self-fulfilling prophecy,") are part of it. More basic to our fear was the trauma of the nuclear age and its weaponry revolution, which made obsolete the possibility of "defense" in any meaningful sense, (protection from harm, or preservation,) and produced instead the rational but inescapably dangerous policy of "deterrence"—a global threat-counterthreat system, or "experiment in applied social psychology," of which we had little real understanding. The pressure of living exposed, defenseless against nuclear annihilation, pushed the rational, if risky, policy of deterrence into "overkill," the irrational pursuit of impossible "security," (a tipoff to the irrationality revealing itself in the Orwellian language.)

In this atmosphere, the unexpectedly great successes of the U.S. economy, both during and after World War II, encouraged us to overlook the costs of military spending and to accept instead what Kenneth Boulding calls the "great American myth," that war is good for the economy. Curiously, this Leninist doctrine, (in apparent preference to using more constructive Keynesian stimuli, when needed,) was gaining currency here about the same time Soviet theorists of U.S. capitalism were dropping it.

Then, we deliberately set out to create a "military-industrial-university complex" as well. President Eisenhower, who gave us both a warning and a name for it in 1961, undoubtedly remembered *General* Eisenhower's long-range policy memorandum of 1946, issued in his capacity as Chief of Staff of the U.S. Army: (reprinted in full in Melman's book):

"The future security of the nation demands that all those civilian resources which . . . constitute our main support in time of emergency, be associated closely with the activities of the Army in time of peace.

"The Army . . . has the duty to take the initiative in promoting closer relation between civilian and military interests. It must establish definite policies and administrative leadership which will make possible even greater contributions from science, technology and management than during the last war.

"It is our duty to support broad research programs in educational institutions, in industry, and in whatever field might be of importance to the Army . . .

"Close integration of military and civilian resources will . . . contribute to the nation's security, as civilians are prepared for their role in an emergency by the experience gained in time of peace."

Despite the evident scope of this directive, it did not result in "militarization" of U.S. society in the classic sense of civilian institutions patterned upon military models and values. As sociologist E. H. Powell has noted, "The U.S. military establishment is modeled after the business corporation, and not conversely; generals behave like board chairmen, soldiers like clerks." the "complex" of the 1950's remained an informal confederation of military and economic interests, a loose "power elite" in C. Wright Mill's term, for it—still largely operating through familiar market relationships. But this was not yet the final result, only a transitional phase.

The final development was provided by the Kennedy Administration's thoroughgoing reorganization of the Department of Defense in the early 1960's, in the name of "cost effectiveness" and "civilian control over the military," (and over objections of many professional military men.) It consisted of the creation of a centralized administrative control system within the Department of Defense, utilizing the most sophisticated techniques of modern business management, and extending over both the Pentagon's in-

ternal organizational structure *and* its network of external suppliers.

THE OMNIPRESENT PENTAGON

This is the crux of what Seymour Melman has called the "State-management" system: all the normal powers and functions of corporate "top management" were gathered under the Office of Secretary of Defense, and the whole structure was rigorously formalized—especially in the relationship to its external contractors. Military suppliers no longer function as autonomous mangements or independent firms entering into a market relationship of buyer and seller, but function exactly as the branch divisions or subsidiaries ("sub-managements") of large U.S. corporations. As Melman comments, "the market was replaced by a management." Policy-making power over production is the heart of top-management function: detailed Pentagon policy rules are applied to literally every phase of each contracting firm's operations, with Pentagon officials exercising the authority to examine and supervise all aspects. This sample of the responsibilities and powers of a Pentagon Administrative contracting Officer indicates the scope:

(i) Review contractor's compensation structure;

(ii) Review the contractor's insurance plans;

(xii) Review, approve or disapprove and maintain surveillance of contractor's procurement system;

(xiii) Consent to the placement of subcontracts;

(xiv) Monitor contractor's financial condition . . . ;

(xx) Perform necessary screening, redistribution and disposal of contractor inventory;

(xxviii) Monitor compliance with labor and industrial relations matters under the contract . . . ;

(xxxii) Provide surveillance of contractor design, development, and production engineering efforts;

(xxxiv) Evaluate and monitor contractor engineering efforts and expenditures in * * * terms;

(xxxv) Conduct surveillance of contractor engineering practices with regard to subcontractors;

(xxxviii) Evaluate the adequacy of contractor engineering data control systems . . . ;

(xxxix) Monitor contractor value engineering programs;

(xliii) Evaluate the contractor management, planning, scheduling and allocation of engineering resources;

(liv) Assure timely submission of required reports.

(Armed Services Procurement Regulations, 1968, about four volumes.)

An elaborate reporting system is required on all phases of the contractor's operation: A recent PhD thesis study of one defense contractor counted 1,411 separate reports submitted over a one-year period. As Melman described the operation of the system:

"The top management operates a national network for enforcing compliance with the policy rules which it lays down . . . carried out by 15,000 men who arrange the terms of agreement (contract) by which a formally private firm comes within the orbit of control of this new, government central office. Approximately 40,000 men are involved in administering the terms of these agreements, that is in ensuring compliance with policies defined by the top management."

In all important respects, firms entering heavily into military contracting cease to resemble private enterprise. Their products are not subject to any market test, (only 14% of all Pentagon contracts were competitively bid, 1948–66); their personnel are not independently chosen, (submanagement must submit all key managerial and engineering personnel for Pentagon approval, and must establish procedures for checking on the political security of all personnel); their capital equipment and funds are drawn, in varying degree, from the Pentagon; their operations do not face normal profit-and-loss criteria, (government contracts have been used to sustain less effective firms, and even to rescue important submanagements from the consequences of losses made on the commercial side of their operations); their "profit" rates do not reflect actual costs or efficiency, (although their costing procedures are determined by elaborate standardized rules, cost "overruns" above contract terms are the normal case,—in 1962, estimated to average 3.2 times initial estimates on major systems—and normally are covered by the Pentagon.)

In fact, "profit" is a misnomer here in any traditional sense or reward for risk or enterprise, an accounting fiction designating what is actually a form of *bonus* payment from top management to subsidiary management. Melman has noted that:

"The main commodity which submanagement sells to top management is not so much a specific product, as its competence to perform operations in accordance with specifications given by the top management."

"[Thus, profit] . . . is discussed in the *Defense Procurement Handbook* as a regulated (cost) way of controlling contractor performance. From this standpoint, profit is a payment to submanagement for something, that is, for accepting and complying with decisions made by the top managers in the Office of the Secretary of Defense."

What appears to outsiders as excessive "waste" (e.g., the GAO identified $500 million of "waste" in a 5% sample of one year's Pentagon contracts,) is in reality an essential functional component of the whole system, serving to tie the far-flung network of subsidiary managements and industrial enterprise securely to the State-management's control.

The centralized State management in its turn simply follows its own inner law of organizational growth, subject to few external constraints—a Parkinson's Law of the Pentagon!

Its unrelenting drive to keep extending the scope and substance of its own decision—power demands that it protect, subsidize and expand the industrial enterprises at its base. The apparent "irrationalities" of the system are thus entirely rational after all—from the point of view of the Pentagon. And note that this is not a "devil theory," necessarily assuming sinister motives, but simply the application of what we know about the apparently inherent dynamic of the centralizing corporative form of organization. The only thing special about the Pentagon is the nearly limitless access to power that modern technologies and Cold War financing has placed at its disposal, which returns us to the original question, Will we survive it?

It appears that our society has not yet been "militarized," though our economic life has been hurt badly and in many ways; our military has been effectively, "corporatized"; and a large segment of our industry has been essentially "socialized," in a way reminiscent of the Elizabethan privileged monopoly system, but geared up, dynamic. The adequate checks against "the disastrous rise of misplaced power" remain to be achieved, but to stand in fear and awe before our creation will not achieve them; what men have put together, men also can take apart.

TRIBUTE TO SENATOR TYDINGS

Mr. JACKSON. Mr. President, I have the privilege of following the distinguished public career of JOSEPH TYDINGS since he graduated from college. I observed his outstanding legal ability as a lawyer and as a most able and effective U.S. attorney for Maryland. He was an outstanding member of the Maryland House of Delegates, where he was responsible for a number of measures that protected the public interest of the people of that State.

During his 6 years of service in the U.S. Senate, JOE TYDINGS was one of our most effective Members. He served with distinction as a member of the Judiciary Committee and as chairman of the District of Columbia Committee. He was a leader in improving the administration of justice in the Federal courts and has worked hard to strengthen the entire judicial and law enforcement system in the country.

JOE TYDINGS has demonstrated a deep interest in the problems of the poor and underprivileged. During his chairmanship of the District of Columbia Committee, he was in the forefront in identifying many of the difficult problems in the District and assisting in the creation of better opportunities for these people.

JOE TYDINGS stands in the tradition of his father who served with such great honor in this body for so many years. Like his father, he is a courageous man. He stands for the things he believes in, whether they are popular or unpopular.

On a personal side, my wife and I are very proud of our long personal association with JOE TYDINGS and his wonderful wife. This has been a warm friendship. The Tydings family has contributed much to the State of Maryland and the Nation.

I am convinced that with his record, JOE TYDINGS will be back in public service in the not-too-distant future. His State and our country will need his courage, his wisdom, and his judgment and great experience in the years to come.

My wife joins with me in extending to him and his wife Virginia, our best wishes.

TRIBUTE TO SENATOR YARBOROUGH

Mr. JACKSON. Mr. President, I want to join my colleagues in rising to salute the distinguished senior Senator from Texas, RALPH YARBOROUGH.

RALPH YARBOROUGH has had a long and distinguished record of public service. The thing that stands out in my mind above all else has been his outstanding courage in advocating those causes for programs that he thought were in the best interest of the people in his State and the Nation.

As a member of the Education and Labor Committee and later as chairman of that committee, he has been responsible for many important programs to improve the educational opportunities for our people and to provide for a better health program for our citizens.

I have had the opportunity of cosponsoring a number of measures with RALPH to help satisfy the country's ever-increasing health and education needs. Although I could mention a number of important areas in which RALPH has made an outstanding contribution, I single out his all-out attack on the Nation's second biggest killer, cancer. He has led the fight against this disease, and hopefully the Congress will continue to follow his direction.

RALPH YARBOROUGH has demonstrated during his service in the Senate has keen interest in conservation. He was the

author of the Guadalupe National Park and the Padre Island National Seashore bills. He led the fight which culminated in the passage earlier this month of the Big Thicket National Park bill.

I am grateful to him for his leadership and help in connection with conservation and environmental matters that have emanated from the committee that I chair, the Interior and Insular Affairs Committee.

RALPH YARBOROUGH cares; he cares about people. His presence will be missed in this Chamber, but I am sure he will continue to make a meaningful contribution to his State of Texas and the Nation.

MINNESOTA CITIZENS WOULD LOSE THROUGH PROTECTIONISM

Mr. MONDALE. Mr. President, one of the most significant developments in the emerging battle over the direction of our country's future trade policies is the emergence of a far better understanding on the part of all of our population as to the issues involved.

The opponents of the protectionism are by no means confined to economists and public officials. Farm groups, women clubs, and literally hundreds of citizens throughout my State have written to me urging my continued opposition to protectionism. Many of the newspapers have also spoken out strongly against the protectionist legislation which was pending, reflecting what I feel to be a most enlightened and progressive editorial stand toward this matter.

I would like to insert at this point in the RECORD a number of these editorials from Minnesota newspapers. I would like to call a number of these editorials to the attention of my colleagues, and I ask unanimous consent that they be printed at this point in the RECORD:

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

PINHEADED PROTECTIONISM

The present "protectionist" legislation before Congress is anything but. While it would protect the interest of a few, it would be destructive to the interests of many.

At a time when communications and air travel are shrinking the globe toward oneworldism, protectionism is anachronistic, shortsighted and destructive. It is the gospel of provincialism, a futile act to prevent inevitable developments in world trade.

While protectionism might line the pockets of a few in the short run, it would remove the seat of pants of many in the long run. It could leave the United States as an island in terms of international trade, isolated from world markets because of its own selfishness.

Minnesota Sen. Walter Mondale has been leading a fight against present protectionist legislation, likely to be debated this week. According to Mondale, the proposed quotas on imports of shoes and textiles could lead to price increases for Americans of $3–4 billion. And because the quotas would mean the disappearance of much low-priced clothing and footwear from American stores, the quotas would punish the poorest families and the thousands of merchants whose customers they are.

The proposed legislation also includes keeping the present oil quota system instead of changing to a tariff system. "The President's own Task Force on Oil Imports," Mondale says, "estimated the cost to the consumer of the present quota system at $5 billion a year—some $29 to every man, woman and child in my own state of Minnesota alone."

Aside from these drawbacks, Mondale estimates that approval of new import quotas could jeopardize the jobs of millions of Americans involved in making, handling and shipping some $40 billion worth of export goods a year.

Without question, some nations now are abusing their privilege of trading with the United States, particularly in the way they "dump" goods here. But tactful, fair negotiations are a better alternative to correcting these abuses than are import quotas. If a few quotas are allowed now, it is estimated that new quotas could be placed on more than 100 other items, from canned goods to cars, to brass band instruments.

The minor gains of import quotas would be outweighed greatly by the losses. World trade, more than any other force, is removing national barriers and making a community of nations. The United States should work to be part of that community, not isolate itself through archaic trade barriers.

TRADE BILL ENDANGERS OUR AMERICAN ECONOMY

(By Gene O'Brien)

To accomplish "the greatest good for the greatest number" has been the underlying philosophy, at least theoretically, in enacting legislation in this country. Now comes the threat of "protectionism" to the American consumer, in the form of a trade bill already passed by the House, and now under consideration in the Senate.

U.S. Senator Walter F. Mondale calls the bill "violently and unequivocally anti-consumer." He further stated a responsible and fair trade policy can be achieved without sacrificing the American consumer to shortsighted special interest protectionism.

According to TRB in the NR, Mr. Nixon during the campaign gave the Southern textile industry, an IOU for quota protection and now, two years later, they are attempting to cash this in through the enactment of the broadly based protectionist trade bill. He predicted further that if the measure is passed, it will produce a world trade war with the worst victims being the American farmer, for Europe won't buy our farms exports if we restrict their manished goods.

Mondale trumps this observation in spades. "Under the guise of protecting American jobs, it (the bill) threatens to unleash a world trade war which could only, in the end, damage the American dollar, seriously retard the economic growth of the underdeveloped nations, and jeopardize the livelihood of millions of American farmers and workers dependent upon exports."

Under the imposition of legislated quotas, according to the American Retail Federation which represents 800,000 retail stores it is estimated that shoe and clothing prices would rise anywhere from 15 to 25 percent. Another estimate from the Federal Reserve Board Governor, Andrew Brimmer, indicates that quotas on shoes and textiles could cost the American consumer $3.7 billion by 1975.

Mondale stated, "That's like a tax of over $66 per family—and the most regressive possible kind of tax falling most heavily on the poorest families which buy most of the low cost shoes and clothing. For sheer regressivity this would be the most imaginative tax since the French kings put a tax on salt which ultimately cost the heads of most of the aristocracy of France."

The Minnesota Senator also critcized the bill for locking in the current oil quota system thus removing Presidential discretion for some alternative program for insuring a continuing supply of domestic oil at less cost to consumers.

"The President's own Task Force on Oil Imports last year recommended just such a switch—from quota to tariff system—primarily for the good of American consumers. This Task Force estimated the cost to the consumer of the present quota system at $5 billion annually—some $29 to every man, woman and child in my own State of Minnesota alone," the Senator asserted.

In calling for the defeat of the pending legislation, Mondale called for improved measures "to carry forward the spirit of the Kennedy round, but with greater assistance and sensitivity to problems of foreign dumping, declining industries, unemployment and the protectionism of other countries . . . these ends can be accomplished responsibly."

MINNESOTA FARMERS STAND TO BE LOSERS IF TRADE BILL PASSES

The current controversy in Congress over the foreign trade bill may seem like a remote affair to most Minnesotans. However, the fact is that if the Senate passes a bill similar to the version the House has already approved, Southern textile mills may be the winners and Minnesota farmers the losers.

Without getting into all the complexities of the issue, it goes something like this: The legislation (known as the Mills foreign trade bill) would place quota restrictions on imported shoes, textiles and a number of other items. The quotas, lobbied for by Southern textile and New England shoe interests mainly, would roll imports on these products back to 1967–69 average levels.

Opposed to the bill are most of the nation's farm groups, including the Farm Bureau, the Farmers Union and National Grange, as well as soybean, wheat and feed grains growers associations. They fear that foreign nations whose industries are affected by the new quotas will retaliate against American farm experts, many of them from Minnesota and surrounding states.

Already, Japan, Spain and other foreign sellers to the U.S. have threatened retaliation by buying less of this country's agricultural commodities.

Minnesota Sen. Walter Mondale, one of the leading opponents of the bill, has called the pending legislation "disastrous to the American farmer and to all of rural America." Speaking to a Farmers Union meeting last week, he pointed out that farmers in Minnesota, Montana and the Dakotas last year exported $444 million worth of wheat, feed grains and soybeans.

"Over half of the country's soybeans, 40 percent of our wheat, and over 20 percent of our feed grains are exported," Mondale said. "Anything which jeopardizes these world markets is a grave threat to the farmers of our own region."

The legislation in effect would reverse the free trade tendency that dominated American policy in the 20th Century and establish restrictions in violation of the International General Agreement on Tariffs and Trade.

While we don't claim to be an expert on foreign trade, it seems that this bill would revert to the protection and economic isolation of the 1930s, something hardly in keeping with the 1970s.

WHAT WORLD TRADE MEANS TO US

It's difficult in a town like Red Wing—which has approximately 1,100 shoe and leather-related jobs—to argue against the import restrictions just proposed by the House Ways and Means Committee. The Shoe Workers' Journal says, for example: "It is a fact, and has been a fact for more than 12 years, that shoeworkers have been suffering job losses, shortened work weeks, shoe factory closings, and steadily increasing resistance to wage needs. Foreign-made shoes coming into our U.S. shoe stores have already taken about 25 per cent of our normal market away from American shoe producers . . ."

Fortunately, the Red Wing story is considerably different. While the shoe and leather industry as a whole has been hurting, our own local firms have been expanding production year after year. Nevertheless, there is bound to be at least an indirect

effect in time at the local level. And it's for that reason that the current trend toward protectionism in Congress is welcomed in many local circles.

We can't share the enthusiasm for this reversal of a 35-year trend toward freer trade, and we believe firmly in the principle the President voiced last month when he said: "Mandatory quota legislation is not in the interest of the United States. We are an exporting nation rather than an importing nation. It would mean in the end, while it would save some jobs, it would cost us more jobs in the exports that would be denied us; and, second, even more important, it is highly inflationary, as anybody who has studied tariffs and quotas through the years is well aware."

The question is not whether this principle is sound. Most all agree it is—protectionists and free traders alike. But the question is whether the U.S. is being victimized in the world market by those nations who are sharper dealers than we are. The New York Times says not. In an editorial reprinted on this page today it presents strong evidence that the U.S. has no need of new quotas. In another article on this page, the Drummonds reveal that a little bit of protectionism is like being a little bit pregnant—there ain't no such thing. In fact, more than 500 bills for import restrictions are pending in Congress.

Nonetheless, these arguments are not decisive proof that the bill before the Ways and Means Committee has no merit. Some of the reasons are examined below.

WHY PROTECTION?

Using shoe imports as an example, the argument for quotas follows these lines:

1. The U.S. shoe industry as a whole is facing what may be its least productive year since 1954. Some protection is required to prevent the very foundation of the industry from being eroded.

2. The industry doesn't argue that a flat ceiling be placed on imports. Instead, it is seeking import quotas that reflect the current foreign penetration of the domestic market, plus a right by importers to share in the growth of the market. This would have the effect of allowing competition (beneficial to the consumer) to continue, but at the same time preventing foreign shoes (sometimes produced by child labor) from further enlarging their share of the market.

3. The U.S. already has gone too far toward free trade without receiving equal concessions in return. An example is the sale of Japanees shoes and baseball gloves in the U.S., but a flat Japanese ban on the entry of U.S. leather into their country. Other examples include the value added tax in many European nations which raises prices on imports and reduces prices on exports; the restrictions by Japan of a free flow of capital; the limitations placed by the United Kingdom on coal imports, and the discrimination against U.S. agricultural products by the nations of the European Economic Community.

The protectionists further claim that the upsurge of textile imports—which have more than doubled in the last 10 years—has not had the beneficial effect claimed on prices paid by U.S. consumers. A consultant for the Amalgamated Clothing Workers of America says: "Price increases of apparel items were responsible for more of the total increase in the Consumer Price Index during the latter part of the decade—when the volume of imports was ballooning—than during the first part of the decade."

But the trouble with adopting a sympathetic stance to the textile plight—as has been done by the Nixon administration—is that it then becomes immediately impossible to control the other demands for protection.

Some solutions are examined below.

LET'S NOT ACT ALONE

The Washington Post reports from Brussels—headquarters of the Common Market—that foreign officials are not unsympathetic to the U.S. problem. They appreciate that the U.S. protectionists have been presented solid ammunition in the form of first, an economic boom and a resultant increase in imports; then came inflation, a balance of payments deficit, and, finally, a rise in unemployment. But sympathetic though they may be, foreign trade officials nevertheless are set to retaliate if the bill now in Congress is passed. Soybeans would be one major export certain to be hit. And just where does that leave the Red Wing shoe worker who has a crop of soybeans back home on the farm?

Therein lies the danger when one nation decides to tinker single-handedly with trade barriers. And we're not convinced the U.S. has exhausted its efforts before the General Agreement on Trade and Tariffs (GATT), the 77-member body which oversees most of the world's trading relations. Established GATT procedure allows any member, proven to be hurt by another's unilaterally imposed trade restrictions, to ask to take retaliatory measures.

If the Congress believes the President needs a bigger stick for the purposes of negotiation in these procedures, then perhaps the House bill is part of the answer. But if the bill results in our acting entirely out of concert with our world neighbors, we fear it is a mistake and a mistake that will haunt us.

PUBLIC LOSES IF TRADE BILL BECOMES LAW

The consuming public in general and Midwest farmers in particular will lose money if the protectionist trade bill passed by the House of Representatives becomes law.

Consumers will have to pay higher prices for shoes and textile products as a starter, with the likelihood that other necessities will manage to get on the bandwagon later. Farmers stand to suffer reduced sales abroad of soybeans and other products if foreign countries retaliate against the proposed U.S. import bars, as they threaten to do. Lower farm income of course would mean less buying of American products by the farmers.

Andrew Brimmer, a member of the Federal Reserve Board, estimates that if the House bill passes the Senate and is signed by President Nixon, American families will pay nearly $2 billion more for their shoes in the next few years, and nearly another $2 billion in higher prices on textile goods. Other economists say a wide range of higher prices could up the cost of living by $3.5 billion a year.

This would come about by protecting American manufacturers from competition of imported goods. As the volume of imports go down, so also would the volume of American manufactured goods now sold abroad. To sell abroad, Americans also must buy from abroad. State Department officials warn that the House bill "could trigger a classic international trade war" injurious to the entire American economy. The President's Council of Economic Advisers strongly opposes the House bill.

The Nixon Administration inadvertently opened the door for the protectionist drive in Congress some months ago when it promised southern textile interests more support against foreign competition. Taking advantage of that opening, an influential lobby against foreign imports of many kinds went into action, broadening the House bill into a Christmas tree of special favors for various interests. Ironically, Brimmer and other economists assert the American textile industry is suffering more from inefficiency than from foreign competition.

The question now is what the Senate will do with the House bill, and whether President Nixon will veto a broadly protectionist measure if it passes. At one time he threatened a veto, but lately has indicated uncertainty.

Protectionists in the Senate threaten to tie the trade bill into a package involving Social Security benefits in order to make a veto more difficult.

Senators favoring continuing traditional United States open trade policies will try to defeat the House bill, but if that appears impossible they may be able to delay final action on it until time runs out for the present congressional session in December. In that event the whole issue would be thrown back into the hands of the House Ways and Means Committee for a new start in the 1971 session.

The legislation in its present form is injurious to the national interest and should be defeated.

A THREAT TO AMERICAN JOBS

(By Harold Chucker)

High tariffs, the senator said, would breed "a high level of self-sufficiency." They would ease unemployment and get American business moving again.

That was Sen. Reed Smoot of Utah talking, and the year was 1930. He and his "partner," Rep. Willis C. Hawley, of Oregon, were the authors of what is now called the infamous Smoot-Hawley Tariff Act. The measure was opposed by a thousand members of the American Economics Association, but few people were listening to economists in those days, and it was passed and signed by President Hoover.

The tariff act did immeasureable economic damage to this country and to other trading nations. It did breed self-sufficiency, but in an interdependent world, self-sufficiency was a fantasy, carrying with it the germs of high unemployment and economic stagnation.

Five years after passage of the Smoot-Hawley Act, the laborious task of tearing down the high tariff walls began, and has been going on since. But memories, it appears, are short, and there is once again a strong effort to build up those walls through the use of import quotas. Economists are speaking up again in strong opposition, and so are a few congressmen and senators, notably Sen. Walter Mondale, DFL-Minn.

The protectionists, especially those in the shoe and textile industries, believe they have a strong case. In a period of high unemployment, they have sympathetic listeners when they relate the plight of New England shoe workers and employees of Southern textile mills who are losing their jobs because of "cheap" imports from Italy, Japan, Hong Kong, Taiwan and Korea.

There would be some who would gain, of course, from import quotas. The profits of some companies would be increased, and the jobs of some workers would be saved. But the American consumer, as Mondale said, would be sacrificed to "short-sighted special interest protectionism." He would have to pay higher prices for the goods protected from foreign competition—$3–4 billion more on shoes and textiles alone.

What about that issue of unemployed workers in the shoe, textile, and perhaps steel industries, then? Don't they deserve some special consideration?

Dr. Anne O. Krueger, professor of economics at the University of Minnesota, has examined the impact of U.S. import quotas on employment and has published an analysis showing that the final result of adoption of the import quotas would be a net loss of American jobs.

In some sectors of the textile, shoe and steel industries, she said, there are genuine problems associated with competition from imports, and policy measures (but not quotas) are needed. She noted, however, that "the likely employment effect of quotas and the inevitable foreign retaliation that would result is, in almost every instance, going to be negative."

Dr. Krueger computed, on an industry-by-industry basis, what employment would be if all goods which were imported were produced domestically. She compared this with the direct plus the indirect employment actually generated by American exports. She found there would be an overall loss of employment if exports would be cut off because of foreign retaliation against our quota system.

Her analysis shows that in the nonelectric machinery industry—an important source of employment in the Upper Midwest—149,300 jobs are attributable to direct and indirect exports. If all imports of such machinery had been replaced with domestically-made goods, and assuming that costs would not rise and consumer demand would stay the same, 48,900 jobs would be provided by the needs of the domestic market. In other words, there would be a net decrease of 100,400 jobs in the industry if exports were shut off by a trade war.

There would be employment gains in some industries, of course: footwear, lumber and wood products, paper and allied products, petroleum refining, textiles and apparel. But the gains shown in the analysis assume that costs would not rise and demand would stay the same. As Dr. Krueger notes, "Of course, this is an extreme assumption."

The analysis shows that 1,031,000 American workers are dependent for their jobs on direct or indirect exports. If the import quotas were to be adopted and a trade war were to result, with all imports shut off, the total job potential to produce domestic substitutes for the imports would be 885,900. Therefore, according to Dr. Krueger, a trade war would mean the sacrifice of about 144,000 manufacturing jobs.

The net loss to American labor would be even greater than comparisons of job numbers alone might suggest, according to Dr. Krueger. The average wage in the export industries that would be big losers in a trade war—machinery, engines and turbines, transportation equipment, and chemicals—is more than half again as high as the wages paid in the textile and shoe industries.

Instead of quotas, Dr. Krueger argues, the "economically sound and fair solution" to the problem of industries hard hit by foreign competition would be an effective system of direct assistance to the firms and workers. "It would meet the problem of workers whose jobs were endangered by imports without inflicting the enormous costs on the rest of American labor—not to mention agriculture and the consumer—that quotas and the consequent shrinkage of our foreign markets would entail."

TAX DISCRIMINATION

Mr. MURPHY. Mr. President, shortly after I was elected to the Senate I received a letter from a constituent who wrote: "While I admit you know a lot about show business and a lot about the business world, do you know anything at all about taxes?" I responded to her that I had the makings of an expert having paid what I consider far more than my share of taxes during my lifetime.

During the time it has been my privilege to serve in this distinguished body it has come to my attention, that a far greater tax inequity than I have ever suffered exists. That is the inequity we impose upon the widow, the widower, the unmarried man or woman and to all who file as individual taxpayers.

These days when we are all working so hard to end discrimination in all its ugly forms, no one can deny we are discriminating unfairly against those who through circumstances beyond their control or choice, are taxed at a rate which imposes an unfair tax burden on them.

The penalties we heap upon the taxpayer filing as an individual can amount to an impressive amount over a lifetime of earnings. An unmarried school teacher for example after 30 years of service, retires with a net worth of some $30,000 less than her married associate because of the burden of the extra tax she has paid and interest she would have earned on those tax moneys.

In granting to individual taxpayers the right to file as unmarried heads of households, this Congress recognized the heavy inequity which exists. It was a step in the right direction, but it at best must be viewed as conscience legislation, as our recognition that we have been unfair to the individual taxpayer and that the time has arrived to correct the inequity.

In the past there have been those who have justified our tax discrimination on the grounds that it was doing something for the institution of matrimony, whatever its adverse effect on the individual taxpayer.

As one who has had 44 years of the finest marriage on earth, no one ever will convince me the institution of marriage needs the crutch of discrimination against the unmarried. I move we end that discrimination and I urge you who will be Members of the 92d Congress to work for legislation to accomplish it and see that it gets early and complete attention.

THE NEW HAMPSHIRE FARM BUREAU SPEAKS UP ON OIL

Mr. McINTYRE. Mr. President, despite some hopeful signs recently, the Northeast area of the United States still has critical needs for oil for home and business use.

Furthermore, there has been no price break and the shortage of oil has been accompanied by steadily rising prices.

The elderly and those on fixed incomes who must heat their homes in the midst of a bitterly cold winter are particularly hard hit.

Many businesses, schools, and public users of oil are suffering from the shortage and the prices.

There is increasing efforts by leading groups in New Hampshire to see that something is done. I have just received from Richard G. Kelley, the Executive Secretary of the New Hampshire Farm Bureau Federation a resolution recently passed by the voting delegates of that fine organization.

Mr. President, I want to bring that Resolution to the attention of the Senate because it represents the views of hundreds upon hundreds of the able and dedicated members of the Farm Bureau in New Hampshire.

This Resolution reads:

FUEL OIL SUPPLIES

Be it resolved, That the New Hampsire Farm Bureau commends and strongly supports legislative efforts to obtain sufficient supplies of fuel oil at reasonable rates for the New England area.

THE COTTON PROGRAM

Mr. TALMADGE. Mr. President, I am dismayed at the U.S. Department of Agriculture's actions in regard to the cotton program for 1971. I regret that this administration forced its unfavorable farm program on the Senate of the United States. At the time the Senate debated the conference report on H.R. 18546, the general farm bill, I pointed out that this was not good legislation—that its only virtue was that it was preferable to no farm bill at all.

I explained that I did not sign the conference report on the farm bill because I had concrete figures to show that the administration bill would mean a sharp reduction in income to cotton farmers.

However, I did express the hope that the Department of Agriculture would administer the new cotton program in such a manner as to avoid disastrous drops in cotton income.

My hopes were given a sharp jolt when the Department of Agriculture issued a press release announcing the new cotton program on December 8. While I realized that a fair implementation of the new law would mean a reduction in cotton income, I did not think that this administration would add insult to injury by using its administrative discretion to reduce cotton income even further.

The administrative action to which I refer is the change from gross weight to net weight in making cotton loans.

For years, farmers have been selling their cotton on a gross weight basis, which means simply that they are paid for the full weight of the bale, including the bagging and ties. After all, since the farmer pays about $4.50 for the bagging and ties, it is only fair that he regain some of the expense when he sells his cotton.

Actually, he does not now recoup all of his outlay. The average weight of these packaging materials is about 21 pounds. So if the farmer sells his cotton for 20.25 cents per pound, he presently gets back only $4.25 when the cotton is sold on a gross weight basis.

Now that the USDA has announced that price support loans will be made only on a net weight basis, farmers will get back nothing for the cost of the bale wrappings. This applies not only to cotton placed under loan with the Commodity Credit Corporation, but also to all cotton moving in normal trade channels.

As I pointed out on the Senate floor on November 19, cotton farmers will suffer a marked reduction in income because of the lower guarantee of the House bill. In 1970, cotton farmers realized a return of 38.55 cents per pound on middling 1-inch cotton. That was due to the fact that the cotton farmers received a 20.25 cent per pound loan level and payments of 16.80 cents per pound under the old law. These two figures total 37.05 cents per pound. In addition, the market price exceeded the loan level by 1½ cents per pound, which means that the cotton farmers received a total of 38.55 cents per pound for middling 1-inch cotton.

As I stated, the new administration bill—which guarantees the farmer only 35 cents per pound—could mean a reduction in cotton income of more than 10 percent.

In the December 8 press release, the Department of Agriculture stated that the loan rate would be set at 19.50 cents per pound, and that the farmer would be guaranteed a payment of 15 cents per pound, with a guarantee that the farmer receives a total of at least 35 cents per pound for his cotton. Of course, it is hoped that the market price will exceed the loan rate to an extent that the farmer will get more than 35 cents per pound for his cotton.

However, the Department of Agriculture press release failed to emphasize a number of factors which will mean a substantial reduction in the price that the farmer receives for his cotton. One factor is that under the old law the farmer who produced cotton of average micronaire received a premium of .45 cent per pound. This premium for micronaire 3.5 through 4.9, is eliminated under the new program.

Mr. President, the Department of Agriculture has stated that it cost the American farmer an average of 35.8 cents per pound to produce cotton in 1969. I was opposed to the administration bill, which guarantees only 35 cents per pound, for I don't believe we should expect the American farmer to grow cotton at a loss. However, the 35 cent guarantee of the administration was better than no guarantee at all.

I must strenuously object, however, to administrative actions which reduce the farmer's guarantee even further. Because of the USDA's arbitrary action in changing to net weight trading, cotton farmers over the land will lose over $4 per bale. During the debate on the farm bill in the Agriculture Committee, I had my staff, together with independent experts, compute income projections for actual farms in cotton growing States over the Southeast. These examples showed that many cotton farmers would suffer a reduction in farm income as much as 25 percent, and some would suffer a reduction in cotton income of 50 percent. The administration's only response to my examples was that all of these cotton farmers would be better off to grow soybeans and forget cotton. The administration's action in regard to net weight trading indicates that it intends to force all cotton farmers in my State and the Southeast into the soybean business.

If there were any useful purpose to be served by transfering to net weight trading, the Department's decision would be easier to understand. However, I see no benefit other than the possibility of easing the bookkeeping load at the Department of Agriculture. Unfortunately, I don't believe that bureaucratic convenience is an adequate justification for action which would take millions of dollars out of the farmers' pockets.

Ironically, this change will cost the USDA money since they own or have loans on over 3 million bales of cotton—which was acquired on a gross weight basis. If this decision is not changed, the cotton will be sold on a net weight basis.

During the Senate debate on the farm bill on November 19, I stated that I would be looking over the Department of Agriculture's shoulder to see that the new farm bill was administered in a manner favorable to farmers. I pledged that the Department of Agriculture would hear from me loud and often. Therefore, I strongly object to the Department's decision with regard to net weight trading and I hope that the Secretary of Agriculture will reconsider this unfortunate decision.

GROWING INTEREST IN MY PROPOSAL TO COMPENSATE INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, one of the things I have learned while I have been in the Senate is that many ideas cannot be enacted into law in a single Congress. I fought for 4 years to secure favorable action on my proposal to create a National Park in the Big Thicket in east Texas, which has passed the Senate but now languishes in the House. It took 8 years to pass my cold war GI bill over the opposition of three Presidents, the Pentagon, and the Bureau of the Budget. Many of my other bills have been passed only after long and arduous struggles.

In 1965 in the first session of the 89th Congress, I introduced S. 2155, a bill to provide for compensation of the innocent victims of crime. I have introduced similar legislation in each succeeding Congress as well as a bill to compensate innocent victims of crime in the District of Columbia, in the 91st Congress. My bill, S. 2936, which would enact such a program in the District, was given a hearing before the District of Columbia committee in December of last year.

I will be leaving the Senate at the end of this Congress, but I have been heartened by recent evidence that my proposal will be kept alive and perhaps enacted into law. The distinguished majority leader of the Senate has introduced a Criminal Injuries Compensation Act of 1971 on which the Congress will hopefully act favorably next year. On December 18, 1970, there was an article on victim compensation on the editorial page of the Washington Post. On December 19, 1970, one of the columnists for that paper, Mr. William Raspberry, had a column in the Post entitled, "Victims of Crime: Vexing Problem." I hope that these recent developments are indicative of a growing recognition of the illogic of a legal system which focuses entirely on the criminal and practically ignores his victim. I hope that these developments indicate further that this concept which I have so long championed will soon be adopted into our legal system.

Mr. President, I ask unanimous consent that the column entitled, "Victims of Crime: Vexing Problem," by William Raspberry which appears in the Washington Post of December 19, 1970 on page A-19 be printed in the RECORD:

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

VICTIMS OF CRIME: VEXING PROBLEM

(By William Raspberry)

If a bank official embezzles your money and gambles it away, the federal government will see to it that you don't lose it all.

But let someone rob you on the street, perhaps breaking your head in the process, and the government does nothing for you.

To Herbert A. Rosenthal, this is gross injustice and he'd like to see something done about it. He's not yet sure just what he'd like to see done, but he expects to have a better idea soon. Rosenthal is one of a group of young lawyers who are investigating the problem for the D.C. Bar Association.

According to Rosenthal, we're come to take for granted federal compensation for certain unpreventable losses: hurricanes, bank swindles, avalanches, business burglaries and even severe crop losses.

But the citizen who is mugged and severely beaten gets little except sympathy.

"Our government has failed to provide reimbursement or restitution for the failure of organized society to shield its members from street crime," said Rosenthal.

"On the other hand, large-scale white-collar crime is coddled by federal insurance for the victims. In fact, bank presidents who are prodigal with the funds of their depositors do not have victims; the Federal Deposit Insurance Corporation sees to that."

Why has Congress moved to help one group of victims and not the other? Rosenthal suggests an answer.

"Floods, hurricanes, storms and other natural disasters . . . are morally and politically neutral, and all good Americans will gladly help the victims of these calamities," he says.

"However, this concept is not applicable to crime because government should do nothing which might encourage or abet crime and criminals."

That's not all there is to it, of course. For even if the decision is made to offer some federal help to victims of street crime, it is difficult to know just what form that help should take, or how to extend its coverage to poor people, who are more likely than the rest of us to be victims of street crime.

A number of states—including California, Hawaii, Maryland, Massachusetts and New York—have laws to compensate victims of crime. But the compensation is designed for such things as medical care, lost wages and—in some instances—pain and suffering.

And most of the statutes will pick up only those costs not covered through other means—medical insurance or sick pay, for instance.

None of the laws attempts to make restitution for actual property loss. It may be that state legislatures have decided that to do so would make fraud too easy. (How would you distinguish between the true robbery victim and the guy who concocts a robbery story to cover his gambling losses?)

The result is that the coverage in the states that have such laws is not nearly so broad as it appears. Most salaried victims would be covered already through insurance and sick-pay plans. The jobless would have no wage loss to be compensated, and most likely their medical care would be free.

That leaves the self-employed, the casual laborer and the domestic, of course, and the legislation may be worth it for their coverage alone. These, after all, are the people most likely to suffer uncompensated losses through street crime.

One other thing bothers Rosenthal about most of the crime compensation acts, including the congressional proposal for the District of Columbia: Except in California, there is no requirement that crime victims be told of the availability of crime compensation.

TRIBUTE TO SENATOR YOUNG OF OHIO

Mr. HOLLINGS. Mr. President, I join my colleagues in expressing regret over the retirement of Senator STEPHEN YOUNG.

His long and distinguished public service to his State and Nation should be an example to us all. As he now embarks on yet another career, shunning the quietude of retirement, I wish his continued success in all his endeavors.

His independence, his wit, and his personality are to be greatly admired and are unique in the annals of political history. Senator YOUNG had a sense of duty which was understood and faithfully discharged. His contributions and accomplishments have been many—and his dedication and independent voice will be missed in the U.S. Senate.

SOVIET THREAT IN THE MIDDLE EAST

Mr. HANSEN. Mr. President, the able and distinguished Senator from Washington (Senator JACKSON) is recognized by this body as not only a great conservationist but an expert on military affairs.

In a recent issue of the Washington Post, excerpts from his report, "The Middle East and American Security Policy," emphasized the dependence of both Europe and Japan on oil from that area, an area containing about three-fourths of the known free world oil reserves.

Europe, like the United States, is dependent on oil for the major portion of its industrial energy and its military machine. As Senator JACKSON pointed out in his report, 70 percent of Europe's oil now comes from that region. The growing influence of the Soviet Union in that area should be some warning to those who advocate more imported oil.

The United States has already lost its capability of self-sufficiency in petroleum and as imports increase, the gap widens. Following the Arab-Israeli war of 1967, and the embargo of oil shipments from that area to Europe, the U.S. petroleum industry under a preconceived emergency plan in cooperation with the Federal and State governments was able to take care of Europe's essential oil needs as well as our own east coast which even then was becoming dependent on imported oil.

That cushion of excess producing capacity has now been eaten up by the insatiable appetite for oil in the United States and the demand has grown at even greater rates in Europe as well as Japan.

Senator JACKSON warns that the capacity of our NATO allies to resist Soviet pressure over a prolonged crisis would be drastically impaired if the petroleum pipeline could be shut down by Moscow.

Mr. President, I ask unanimous consent that this excerpt of Senator JACKSON'S sobering and timely report be printed in the RECORD:

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

FOR THE RECORD—SOVIET AND U.S. PRESENCE IN THE MIDDLE EAST

Three times since World War II—in 1948, in 1956 and then again in 1967—the Middle East has been torn by general war. In the intervals between these increasingly destructive conflicts, lesser violence has been the order of the day: raids, reprisals and acts of brutal terrorism. For the people of the region, mistrust and hostility, tension and insecurity have become inescapable burdens of daily life. But for the Soviet Union, these emotions are the fertile ground upon which its political influence has been able to take root and spread.

For some time, I have been warning that as the Soviet Union approached parity with the U.S. in strategic arms, its leaders would be likely to become energetic in trying to spread Soviet influence and more willing to run dangerous risks in the international arena. That this prospect was not groundless is indicated by the deepening Soviet penetration of the Middle East we have witnessed in recent years. One would expect this increased Soviet activity to be concentrated in those countries that are without formal ties with the United States; for it is in such areas that the Soviet would be tempted to conclude that the risk of a direct confrontation (perhaps escalating to the nuclear level) is minimal . . .

Soviet hegemony in the Middle East would gravely imperil the vital flow of oil, essential for industry and defense from the Middle East to Europe and Japan. Seventy per cent of Europe's oil now comes from that region; for Japan the figure is 80 per cent, and there are no near-term prospects for the development of adequate and economic alternative sources of supply. The capacity of our NATO allies to resist Soviet pressure over a prolonged crisis would be drastically impaired if the petroleum pipeline could be shut down by Moscow.

With the exception of Iraq, and to an increasing extent, Libya, the major oil producing and exporting countries of the Middle East are politically moderate, commercially aligned with the West and inclined to view with disfavor the growth of Soviet influence among their radical neighbors. Iran, Kuwait, Saudi Arabia and the Gulf states are, not surprisingly, extremely sensitive to the direction of American policy in the Middle East. Signs of American weakness in the Middle East in the face of increasing Soviet pressure would call into question our determination to contain Soviet influence there, thus weakening the capacity of the more moderate Arab states to resist the encroachments of Soviet influence. American vacillation or uncertainty in standing by its friends and allies in the Middle East could set in motion a crisis of confidence that would make accommodation with the Soviets, on Soviet terms, their only alternative to unremitting and unopposed pressure from Moscow.

There is another reason why the United States cannot remain indifferent to political developments in the Middle East. This country and Israel, whose security is threatened by the current crisis in that region, are bound together by shared values, cultural affinities and a common ethical and religious heritage. The United States actively participated in helping to create the State of Israel, and since its founding the people of this young nation have won the admiration of the great majority of Americans by the valor they have demonstrated in standing firm before their hostile neighbors. Unlike some countries in the Middle East, Israel is a stable democracy, and a profoundly egalitarian and spirited one. These qualities, too, feel something like a sense of personal involvement in the destiny of Israel. Today, Israel is serving as the front line of Western defense in the Middle East.

The peace and stability of the Middle East in now threatened by the aggressive ambition of the Soviet Union, which transcends the tragic conflict between Arabs and Israelis and, indeed, is based upon its exploitation. This policy of Russia to manipulate the conflict in the region for its own advantage is the key reality upon which American Middle East policy must be based.

By keeping the Middle East in a state of ferment, the Soviets hope to make the radical Arab countries so dependent on them for arms, economic assistance, technical expertise and diplomatic backing that, gradually and imperceptibly, these countries will be drawn firmly into the Soviet orbit.

I have often thought that, in its foreign policy, the Soviet Union is like a burglar who walks down a hotel corridor trying the handles of all the doors. When he finds one unlocked, in he goes. Looking back on the history of the last decades, it is unfortunately all too clear that Egypt and the other radical Arab states were such unlocked doors. It is too late now to try to keep the Soviets out. But we *can* limit the amount of mischief they will be able to do from these bases of operation . . .

American policy in the Middle East has not been sufficiently sensitive to these considerations. We have often, and especially recently, acted on the assumption that because the Soviets do not want all-out war in the Middle East they must desire all-out peace. When we come to appreciate that between the desire to avert war and the desire for peace there is an enormous range of Soviet policy objectives, we shall have taken the first essential step in designing an effective Middle East policy.

Nothing is so likely to facilitate Soviet policy in the Middle East as a settlement imposed on Israel that leaves her in the vulnerable and exposed position that existed prior to the Six Day War. Such a settlement would guarantee that the tensions upon which Soviet policy is based would continue to be exploited with tragic consequences for Arab and Jew alike.

A DISMAL YEAR FOR TEXTILE MANUFACTURERS

Mr. TALMADGE. Mr. President, there appeared in Monday's edition of the Atlanta Journal a business page article entitled, "Hope for Upswing Scant in Textiles."

The article goes on to say that Georgia textile manufacturers are writing off 1970 as a "dismal year."

The guilty party in this year-end report of an American industry in trouble—as it has been for many years in the past—is cheap textiles from low-wage countries, principally Japan.

The news article notes, as I did in remarks in the Senate during recent debate on the trade bill, that 6,300 textile jobs in Georgia have been lost in the past year, and at one time during the year the loss reached 9,000. In addition, the related garment industry in Georgia lost 1,200 workers during 1970.

I regret very much that the Senate was unable to complete action on the textile import bill this year. But this legislation will be brought up again in the new Congress and the Finance Committee will hold hearings, as I have been assured by Chairman LONG.

The United States has attempted in good faith to negotiate, but to no avail. Consequently, the textile import situa-

tion has grown steadily worse and worse. Year after year, the importation of textiles and apparel set new records. Last year, it came to 3.6 billion square yards. It will be even higher when the figures are in for 1970.

The problem goes back more than just the past few years. Since 1958, textile imports have increased more than 600 percent.

This has thrown hundreds of thousands of Americans out of work. According to Commerce Secretary Stans 100,000 textile-apparel jobs have been lost in the past year alone.

The patience and tolerance of the Congress are not infinite. The time is now upon us to take legislative action to correct the textile import problem. Now is the time to stand up for the American worker, the wage earner. He is entitled to protection by the Government against being driven out of a job.

When the new Congress convenes next year and when this legislation is brought before us again, there will be but one principal question. That is whether or not the Senate is going to act to protect the jobs and well being of the 2,400,000 American people employed in the textile and apparel industries.

Mr. President, I bring before the Senate the Atlanta Journal article and ask unanimous consent that it be printed in the RECORD.

There being no objections the article was ordered printed in the RECORD as follows:

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

A DISMAL YEAR—HOPE FOR UPSWING SCANT IN TEXTILES

(By Paul Troop)

With profits—where they can be found—drastically reduced and employment off by 6,300 workers, Georgia textile manufacturers are writing off 1970 as a dismal year.

Despite official statements proclaiming that the industry has bottomed out and that it will improve with a predicted upswing in the national economy, there is scant hope for joy.

The continued invasion of cheap textiles from low-wage paying nations will probably go on for another year. Attempts to get a restrictive textile import bill through this session of Congress are now seen as unlikely. And if the issue is held over to the next session the bill will have to begin the lengthy legislative process from the start.

The decline in Georgia is evident from the drop in textile employment, an estimated 6,300 people as of October compared to the number just a year ago. At one time during the year, textile employment was 9,000 less than for the previous annual period.

The separate but related apparel industry, which has some 69,200 Georgia employes, lost 1,200 workers during the year.

Five textile plants closed their doors during the October 1969–70 period. They were J. P. Stevens & Co.'s Exposition Plant in Atlanta, Crown Cotton Mills at Dalton, Piedmont Cotton Mills at East Point, Aragon Mills at Aragon and one unit of Canton Textile Mills in Canton.

Bibb Manufacturing Co., one of the state's largest employers with 8,500 textile workers, reported a $7.2 million loss during the year.

Industry executives are publicly but cautiously predicting that the downturn has bottomed out in the fourth quarter and that a general strengthening of the economy will pull up the textile and apparel markets.

L. P. Greer Jr., president of the Georgia Textile Manufacturers Association and vice president of Coats and Clark, Inc., of Toccoa, said the industry is still a "vital and important part of our economy in the Southeast, and its leaders are working in all areas to keep it so."

Greer noted that despite the economic slow down, the Georgia textile and industry along with the industry nationally passed on a general 6 per cent wage increase to its employes, the ninth in that many years. Black employment also continued to rise in the state, where it is now above 19 percent.

Nationally, according to preliminary estimates of the American Textile Manufacturers Institute, production was off 3.5 per cent in the year, sales down .5 per cent; and employment down 3.3 per cent. National sales were $21.2 billion compared to $21.3 billion in 1969. Profits were off 31 per cent.

At the same time textile imports set a record of $2.4 billion in 1970, a hike of 11 per cent. Exports were $768 million, leaving a textile trade deficit of $1.6 billion.

U.N. CONFERENCE OFFERS BEST HOPE OF SAVING SPACESHIP EARTH FROM POLLUTION; DEATH IS THE ALTERNATIVE

Mr. YARBOROUGH. Mr. President, this will be my last floor statement in Congress concerning the insidious threat to life on earth posed by the pollution of our environment.

The December 1970 edition of National Geographic contains an article which discusses in the most revealing manner how complicated and sensitive our life-support system really is. This article, entitled "Pollution, Threat to Man's Only Home," should be read by every American of reading age.

Its prolog contains this statement, which sums it up as it is:

We are astronauts—all of us. We ride a spaceship called Earth on its endless journey around the sun. This ship of ours is blessed with life-support systems so ingenious that they are self-renewing, so massive that they can supply the needs of billions. But for centuries we have taken them for granted, considering their capacity limitless. At last we have begun to monitor the systems, and the findings are deeply disturbing.

Scientists and government officials of the United States and other countries agree that we are in trouble. Unless we stop abusing our vital life-support systems, they will fail. We must maintain them, or pay the penalty. The penalty is death.

Mr. President, no nation, including the United States, no State or local government, no organization or entity, is doing enough to reverse the process of decay. Why is it the governmental units of the world are so slow to respond and to take effective action in the face of potential catastrophe?

I am not a prophet of apocalypse, and I am generally as optimistic as the morning call of spring. But, I am also realistic. The planet Earth, as a habitat for man, is dying a slow death. And all the while we fiddle away at trivialities—trivial by comparison to the enormity of what we must do to save ourselves.

Mr. President, the drastic action that is needed must be worldwide in scope because the problem is worldwide in scope. In the long run, we have as much at stake in cleaning up the Rhine as we do in revitalizing Lake Erie.

This is why my bill, Senate Joint Resolution 156, is so important. The United Nations is the only vehicle available for a worldwide approach to pollution control. At the 1972 U.N. Conference on the Environment, we have what may be our last opportunity to reverse the tide of decay before the process becomes irreversible. My investigation of this Nation's efforts to prepare for that conference revealed that we were not giving the conference the priority it should have—the executive branch is simply not taking the conference as seriously as it must. My bill would provide the structure and the monetary means for making adequate preparation for the conference.

Senate Joint Resolution 156 will not, of course, pass this session. But I fervently hope some Senator will offer it in the 92d Congress and I hope with equal fervor that it will be passed in the early days of the 92d so that time will be left for its implementation.

Mr. President, the greatest danger of pollution is that it is like the mortal affliction, emphysema. The disease sets in and progresses with such painless subtlety that a victim never feels a sense of urgency until it is too late. There is no signal when it crosses the threshold of irreversibility.

I know it is difficult to arouse the kind of urgency about pollution that will not be satisfied with strong rhetoric and trivial remedies. But, this we must do; otherwise the penalty is death.

Mr. President, I ask unanimous consent that the article by Gordon Young in the December 1970 issue of the National Geographic magazine entitled, "Pollution, Threat to Man's Only Home," be printed in its entirety at this point in the RECORD.

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

POLLUTION: THREAT TO MAN'S ONLY HOME

(By Gordon Young)

Air, water, and land—those are the systems. How do they work?

Look into a pond. A fish feeds there on tiny plants and animals called plankton. In time, the fish dies. Micro-organisms in the water break the creature down into basic chemicals, consuming oxygen from the water in the process. Plant plankton, nourished by those chemicals, produce oxygen to replace it. Animal plankton feed on the plants, fish eat the tiny animals, and the cycle begins anew.*

On land, too, nature moves full circle. Living things are nourished there, grow old and die, then decompose to enrich the land again.

A thin envelope of air surrounds the planet. We use its oxygen, exhaling carbon dioxide, which vegetation absorbs. Plants use the carbon for growth by the marvelous process called photosynthesis. and return oxygen to the atmosphere. Thus nature's delicate balance is maintained (see painting on the reverse side of The World map supplement).

CONSIDER FIRST OUR OVERLOADED AIR

For some "air pollution," let us give thanks. Dust and other particles in the atmosphere serve as nuclei about which raindrops form. But man has overloaded the sky. For centuries he has pumped particulate matter and gases into the atmosphere. As far back as 1661, a tract on air pollution was published in England: *Fumifugium: or the Inconvenience of the Aer and Smoake of London Dissipated.*

Today much of the world suffers from the eye-smarting, lung-scarring curse we call

smog. In Los Angeles and other great cities it comes in large part from automobile engines.

Last March I braved the streets of Tokyo, in that careening, cacophonous time of day the Japanese call *rushawa*. I was there for the first International Symposium on Environmental Disruption, where scientists from 13 countries had gathered to exchange views.

"Environmental disruption" was easy enough to see from the window of my taxi. Where else in the world, I wondered, must traffic policemen pause regularly to breathe oxygen (page 747). Conditions became so bad last summer that all cars were banned from 122 Tokyo streets on Sundays—the busiest of Japan's shopping days.

In Essen, Germany, I saw disruption in another form—smog caused mainly by industries. The chief of air-pollution control and land protection for North Rhine-Westphalia, Dr. Heinrich Stratmann, showed me two small steel squares. The first was bright and new. The second, exposed to the Ruhr's smog for only two months, was chocolate brown and deeply corroded.

But the fight to clear the air was underway. In a laboratory I peered through electron microscopes, watched particle counters "talk" to computers, and visited special rooms where plants were being grown in scientifically polluted environments. Leaving, I ran into the laboratory's own rushawa. Forty Volkswagens flocked into the parking lot. Their drivers had spent the day taking air samples that would be analyzed and plotted on the daily air-pollution map.

The Ruhr's battle is far from won. Still, industry and power generation have doubled in the region during the past two decades, without an increase in air pollution; that is a victory, of sorts.

POLLUTED AIR CIRCLES THE EARTH

We can clean up land before we use it, and purify water before we drink it, but—except in air-conditioned rooms—we must breathe air as it comes to us. Scientists have tracked one type of air pollution—radioactive fallout—twice around the globe. The hazy air I am breathing now in Washington, D.C., may contain sulphur from a Pittsburgh steel mill and carbon monoxide from a Chicago taxi, for this continent's weather patterns often send a river of polluted air flowing southeastward. Someone in Norfolk, Virginia, will be using this air again when I am finished with it.

Automobiles, factories, heating furnaces, power plants, trash incinerators—each adds to the problem, so control is difficult. Compounding that difficulty has been the diversity of agencies responsible for control. Until the President this year established a new Environmental Protection Agency, air-pollution control came chiefly under the Department of Health, Education, and Welfare, water pollution under the Department of the Interior, and land pollution under the Departments of Agriculture, HEW, and Interior.

Now virtually all pollution control is to be directed by one federal agency. But it will still be a complex problem, with much responsibility devolving upon state, county, and municipal governments.

The National Air Pollution Control Administration is in the process of dividing most of the country into air-quality control regions. When such a region is designated, states falling within it have about 15 months (450 days) to set air-quality standards that meet federal requirements, and to begin putting them into effect. National standards have already been established to control automotive pollution.

HARD CHOICE FACES MANY COMMUNITIES

Most states today are ill equipped to monitor the thousands of air-pollution sources within their borders. And, because corrective measures can be tremendously expensive, years may pass before a factory stops spouting black smoke. If a plant has polluted the air for fifty years, and is operating on a close budget—can we, in good conscience, make demands that will drive it into bankruptcy? On the other hand, can we afford to risk our health by continuing to breathe the smoke?

Valley towns, especially, can be smog traps. Missoula, Montana, is such a town. When a layer of stable lifeless air hovers overhead, it holds industrial haze and dust in the valley and gives Missoula an air-pollution intensity that rivals New York City's (pages 756–7).

And, of course, there is Los Angeles. "Smog City, U.S.A.," some call it (following pages). But the Angelenos have tackled their problem head on. Air-pollution regulations there are broader than those the Federal Government has formulated, and the regulations grow tougher year by year. Still, new residents pour into the city, bringing their automobiles. Los Angeles, like the Ruhr, is just managing to keep its smog density from rising.

If Los Angeles can't live without its automobiles and can't live with them, what is the solution? Electric cars?

I asked the question of Ralph K. Longaker, regional air-pollution control director.

"The electric companies would love that," he replied. "Their lowest demand for power is at night—and that, of course, would be the time when people would be recharging all those electric-car batteries. But there would be such a tremendous increase in electric-power requirements that many more generating plants would have to be built. Would all those power plants be less harmful to the environment than automobiles? At this point, we just don't know."

KILLER FOGS LED TO LONDON'S AIR CLEANUP

Twenty years ago London could have claimed the title "Smog City, Europe." Three-fourths of its smoke is gone now—a remarkable change triggered by a series of killer fogs in the late 1940's and early 1950's (page 778).

The worst of these settled over London on December 5, 1952. For four consecutive days the city's normal daily death rate of 300 more than tripled; in all, some 4,000 extra deaths that winter were blamed on the incident. More such fogs came in the winters that followed. Each took its toll.

In 1956 Parliament passed the Clean Air Act, decreeing that factories and homes in critical areas of the city must switch from soft high-sulphur coal to less smoky fuels: hard coal, gas, electricity, or oil. Inevitably there were economic repercussions, both to householders and to industries. But, with each passing year, London's air grew clearer.

I visited the city last spring and found it a spirit-lifting experience after passing through to many smog-blanketed cities. In St. James's Park, deck chairs were filled with tanning Londoners (pages 778–9).

London has proved that the veil of smog can be cast off, but its success story stands almost alone. In sunny Spain, Madrid has joined the ranks of shrouded cities. In Italy, acid from smog eats into centuries-old sculpture (page 752). And each rain here in Washington washes more acid onto our marble buildings and monuments.

The massive struggle to clean our air began so recently that victory seems far off. But we have taken an important step—we realize we must do something. In the frequently quoted words of Pogo, Walt Kelly's cartoon possum, "We have met the enemy, and he is us."

One by one, the factory smokestacks stop gushing noxious smoke and gases—for it is easier to regulate one factory than it is to depollute ten thousand automobiles. But here in the United States, motor vehicles contribute nearly half our air pollution. A hundred and nine million exhausts spout carbon monoxide, oxides of nitrogen, lead, and a variety of hydrocarbons.

Tetraethyl lead, an additive to most gasolines, is an acknowledged poison, although experts disagree on the long-term effects of small amounts of lead in the human body. Primitive man carried about two milligrams of lead in his bones. Today's city dweller carries 50 to 100 times that amount—up to one-third of what many doctors consider dangerous.

While legislators frame stringent new laws, manufacturers redouble their efforts to develop more efficient emission-control devices and less harmful fuels.

What else can be done to reduce automobile pollution? Increased use of car pools and mass transit would help, say environmentalists. So, perhaps, would engines of more modest horsepower. Others feel such talk is defeatist, except as a short-term measure, and look to new technological advances for the answer.

Gasoline isn't the only fuel available. In San Francisco, I rode in an unusual car. Its engine burned propane, which gives off few pollutants. At least thirty colleges and a number of industrial firms are trying to develop low-pollution engines powered by steam, electricity, or natural gas (page 762).*

JET PLANES SPEW TONS OF WATER

No type of air pollution is more evident than the dark streaks trailing jet airliners. By 1973 this jet smoke will virtually be gone, for airlines are modifying their engines. But jets also spew less visible pollutants. And another contribution to environmental change is, strangely, water vapor. Burn a ton of jet fuel, and you produce 1¼ tons of water; the hydrogen in the fuel combines with oxygen from the atmosphere.

Some meteorologists think this has resulted in an increase in cloud cover—and a corresponding reduction in the amount of solar energy reaching the earth—since jet aircraft began to fly in the 1940's. The increase thus far has been estimated at as high as 10 percent, but no one yet knows whether it will prove harmful, nor has the effect on the world's rainfall been determined.

The much-discussed supersonic transport raises further important questions. Public controversy has focused on two points—economics and broken windows. But scientists point to the fact that the stratosphere—cruising level of the SST—has little vertical interchange of air. Pollutants there tend to remain in suspension longer, and water vapor might have even greater cloud-making capabilities.

What will be the total effect of the SST on our environment? We can't be sure. Military supersonic aircraft have not been numerous enough to give us answers. There is still so much that we don't know!

RIVERS OVERWHELMED BY MAN'S WASTES

Each morning in Washington, I drive to work across the Francis Scott Key Bridge, high above the Potomac River. Traffic often stops me there—Key Bridge has justly been called "the car-strangled spanner"—so I have time to look around.

Seemingly I'm poised between past and present. Upstream the river is tree lined and peaceful, looking much as it must have looked two hundred years ago. But the downstream view is more modern. Industry lines the northern bank, squatting low beneath the Whitehurst Freeway. Farther down, Washington's skyline is veiled in the mists of morning traffic fumes. A jetliner sweeps down to land at National Airport.

I prefer the upstream view, but even there the Potomac's beauty is only surface deep. The river lost its purity many years ago. In December 1897 an article titled "Pollution of the Potomac River" appeared in THE NATIONAL GEOGRAPHIC MAGAZINE. Its author's conclusion was this: "Until state or national legislation can be secured to regulate such matters, the Potomac . . . must serve as

a sort of sewer into which towns and manufacturing establishments empty their refuse."

Why have so many of America's rivers become casualties as the country grew? Shortsightedness? Not at first. When only a few settlements dotted a river's banks, the sewage that poured in caused little harm. The organic wastes were recycled into nutrients that nourished the tiny forms of life that fed the fish. The river purified itself before it reached the next settlement.

What village could resist using such a convenient disposal system? Pour sewage in, and it disappeared downstream.

Then villages grew into towns. The river reeked a bit on hot summer days, but townspeople knew that the tainted water soon would be disappearing into the "boundless" sea. The answer to pollution was dilution.

Most towns today remove at least some of the sewage before pouring the wastes into the rivers. Primary plants settle out about a third of the solid matter. More-sophisticated treatment plants add a second step, using bacteria to convert the remaining organic material into inorganic nitrates and phosphates.

But even this disrupts the river's cycle. The "purified" water is too rich in these nutrients. Detergent wastes add more, and so do the fertilizers that wash in from farmland.

Nitrates and phosphates are food for the water plants such as algae. In the overnourished river, too many algae grow (pages 743–4). But algae need sunlight to live. When the algae layer becomes too thick for light to penetrate, the deeper-lying algae die and sink to the river bottom in a thick brown soup. Oxygen is consumed by the decaying algae, making the water uninhabitable by fish.

Thermal pollution, too, afflicts our rivers. When power plants gulp water to cool their steam generators, they return it warmer than before. A temperature rise of just a few degrees can disrupt the breeding habits of fish, "cook" some of the oxygen out of the water, and increase algal growth.

Industrial chemicals pour into rivers. Pesticides wash in from farm fields. Petroleum products from marine engines and industrial spillage coat the surface, inhibiting the river's oxygen intake. Ohio's oily Cuyahoga River (pages 740–42) actually caught fire last year and burned two railroad bridges.

Lakes can be even more vulnerable than rivers. Witness Lake Erie, second smallest (after Ontario) and shallowest of the five Great Lakes. No body of fresh water in the country has received more attention than Erie, a lake dying of too much nourishment.

"Lake Erie is suffering from eutrophication," I was told by Francis T. Mayo, Great Lakes Regional Director of the Federal Water Quality Administration. "That word comes from the Greek *eutrophos*, meaning 'well nourished.' A lake becomes overnourished as part of its normal aging process, but man accelerates the process tremendously by pouring in nutrients and industrial chemicals."

When I asked if Lake Erie could be saved, he nodded. "It *has* to be saved. Nobody can afford to write it off."

But salvation comes hard, I learned. Many industrial plants and municipalities around the lake must change their ways. The tributaries that flow into the lake must be cleaned up—including the inflammable Cuyahoga River. Sewage plants must be upgraded, and agricultural runoff must be controlled.

"Nitrates are very difficult to remove from sewage water," Mr. Mayo said. "About 80 percent of the phosphorus can be taken out chemically, though, and that should hold down algae. Once the pollution stops, Erie should begin to clean itself. Its flushing time is only three to five years—that's the time it takes to replace all its water."

If three to five years seems long, consider Lake Michigan's flushing time: one century! The lake's only outlets are the slow-moving Chicago River and the Straits of Mackinac. Thus Michigan rates special concern from Mr. Mayo and his associates. The lake's pollution load is light—by Erie standards, at least—but any pollution is bound to be there for a long, long time.

TAHOE'S SEWAGE WATER FIT TO DRINK

At an environmental conference in Washington last spring, I was given a glass of water to drink. I sipped with some misgiving, for it was the end product of a sewage plant.

There was an amused glint in the eyes of Frank Sebastian (page 774) as he watched how slowly I tilted the glass. Mr. Sebastian is Senior Vice President of Envirotech, a California corporation that makes among other things, tertiary sewage-plant equipment.

"It's purer than the water that comes from your faucets at home," he said comfortingly.

The water—which tasted like any other water—came from the sewage plant at South Lake Tahoe, California (pages 774–5).

Beautiful Lake Tahoe has long been known as one of the purest lakes in the world, but the number of tourists and residents on its shores has skyrocketed in the past two decades. Increasingly, Lake Tahoe was losing the purity that made it so attractive. But for once something was done in time.

"Even secondary sewage treatment wasn't enough," Mr. Sebastian said, "so more modern tertiary equipment was installed."

Although the nutrient content of the output water is low, it is not discharged into Lake Tahoe; instead, it is pumped 27 miles into another drainage basin. Dr. Charles R. Goldman, of the University of California, explained why. He is one of the Nation's leading limnologists—lake experts.

"Lake Tahoe has very little flushing action," he told me. "Its 37½ cubic miles of water are nearly permanent. We just can't add any nitrates and phosphates unnecessarily—even that sewage water. It would aggravate the lake's algal problem."

Algal problem? To me, Lake Tahoe looked as clear as blue crystal. Where were the algae getting their nutrient?

Dr. Goldman reminded me of construction I had seen around the lake. "If all that bulldozing isn't done very carefully—and often it isn't—topsoil washes into the lake during rains. Nutrients wash in with the soil."

We walked down to the shore. Dr. Goldman felt down between underwater rocks and came up with a handful of green strands.

"There is a lot more of this than there used to be," he said. "The lake is still clear enough for sunlight to penetrate about 300 feet and sustain plants down there. If it clouds over with algae or silt, its life-sustaining ability will be greatly reduced."

When residents of Seattle, Washington, head for the water—and most of them do at every opportunity—they have a choice. Puget Sound stretches along the city's western edge, 20-mile-long Lake Washington on the east.

That lake is important to the people. Ten years ago it was on its way to Lake Erie's fate. Inadequately treated sewage gushed in. A green scum could be seen on the lake's cloudy surface, and the unpleasant stench of dead lake life was hard to ignore on a hot summer day.

Puget Sound was in trouble, too, for seventy million gallons of raw sewage from the Seattle area poured in daily.

In September 1958 the citizens voted Metro into existence—the Municipality of Metropolitan Seattle—to solve the problem. Four up-to-date sewage plants were built, replacing 28 old ones. It was expensive but worthwhile. Discharge of treated wastes into Lake Washington has ended entirely. Output of raw sewage into Puget Sound has virtually stopped.

I asked Charles V. Gibbs, Metro's director, whether the lake had recovered.

"Salmon and steelhead trout are coming in from Puget Sound in increasing numbers, and crossing Lake Washington on their way to spawn upriver," he said. "Where else in this country can you catch salmon and trout in the middle of a city?"

"BOUNDLESS" SEAS ARE POLLUTED, TOO

A lake, with its clearly defined boundaries, fits comfortably into the human mind. We have no trouble thinking of it as a "thing." And if a thing is damaged, we feel that it can be fixed.

But now we realize that our oceans—those "boundless" seas that cover nearly three-quarters of the planet—are in trouble, too.

"Man puts at least three million tons of oil a year into the oceans," Dr. Max Blumer, of Woods Hole Oceanographic Institution, told me. "The yearly total may run as high as ten million tons, which doesn't include tanker wrecks, such as the *Torrey Canyon* disaster, or production accidents like those off Santa Barbara and Louisana, either" (pages 754–5).

Astounding statements, I thought. But Dr. Blumer is not a man to make extravagant claims for the sake of sensation. He is a senior chemist at Woods Hole.

"Unfortunately, most of the spillage happens in just the wrong places," Dr. Blumer said. "Spills occur in the coastal waters, where marine productivity is concentrated."

Like most laymen, I had thought of oil spills in terms of blackened beaches and dying sea birds. Dr. Blumer assured me that the effects were much more far reaching.

"We know more about oil's toxic properties now, because a spill near here—160,000 to 175,000 gallons of number 2 fuel oil—has turned out to be something of a lab experiment in oil pollution and its aftermath."

The spill occurred September 16, 1969, off West Falmouth, Massachusetts. Three days later oceanographers trawled the area. Ninety-five percent of their catch was dead, and the rest was dying.

"Now, a year later, bottom life is still being poisoned," Dr. Blumer said. "Toxic substances in the oil have entered the sediment. They seep out and spread with the current. Even after the poison has been diluted a thousand times, it kills shellfish. Where it doesn't kill, it gets into their meat—and it will persist there as long as they live."

More than two million tons of oil a year, Dr. Blumer estimates, come from tankers that flush out their tanks at sea (local laws prevent their doing so in port) and from vessels that pump out oily bilge water. All too often, their wastes drift ashore to foul beaches.

But Dr. Blumer and others are perfecting techniques that "fingerprint" oil—tell exactly where the oil came from. The day may come when the careless voiding of oil at sea can be traced to a specific ship, and the captain or owners charged with negligence.

In March 1967, when the tanker *Torrey Canyon* went aground off the British coast, 110,000 tons of oil spilled out. I asked Dr. Blumer what measures could be taken to clean up a huge oil slick of that kind.

"Speed is essential," he said, "since the most toxic elements dissolve quickly into the sea water. If the oil can be pumped into air-dropped bladders or into another ship . . . fine. If not, burning is probably the best answer, though that causes air pollution, of course. Containing booms haven't worked out well. Detergents or dispersants may get the problem out of sight, but they do it by sinking the oil down into the marine environment, where it can do more damage."

We talked of the oilman's new frontier, the Arctic.* "A spill up there would be very bad," Dr. Blumer warned. "Degradation of the oil would be slow in that cold climate, so toxic effects would last longer. Another factor worries me even more, though. Most organisms in the Arctic ice areas are dependent on the top few inches of ocean under the ice—it's the only region where solar energy penetrates to an appreciable degree. If an oil tanker ripped its bottom open, the oil would float in that top few inches of sunlit water."

DDT—BOON AND HAZARD

In 1874 a German chemist named Othmar Zeidler created a new compound. Its jaw-breaking name was dichloro-diphenyltrichloroethane. We know it as DDT.

Dr. Zeidler was unaware that he had found a potential insecticide. Sixty-five years passed before the insecticidal properties were recognized—just before World War II.

DDT was used extensively during the war, against mosquitoes and body lice, with great success. And thousands upon thousands of tons have been used since then, on forests, on farms, and to control household pests. Many an area has been freed at last from malaria.

But one of the compound's most attractive features—the fact that it remains active long after application—has had unpleasant ramifications, too. In the past decade it has become increasingly evident that creatures in water, in air, and on land—including man himself—have built up concentrations within their bodies. Sharp reductions in numbers of ospreys and other birds are attributed to DDT and its derivatives (pages 758–9).*

The pesticide has traveled through the ocean chain. Even penguins in the Antarctic, where DDT has never been used, have accumulated traces of the compound.

Another senior scientist at Woods Hole Oceanographic Institution, biologist Dr. H. L. Sanders, told me more about the problem.

"It has become apparent that DDT and the other chlorinated hydrocarbon insecticides aren't selective. They are toxic to many forms of animal and marine life. When a fish eats food organisms contaminated with the insecticides, the compound builds up in its fatty tissues. When a larger fish eats him, that predator will end up with the insecticide."

Dr. Sanders is also concerned about another group of toxic chemical compounds—the polychlorinated biphenyls, called PCB's.

"The PCB's have been around for 25 years or so," he told me. "But, until recently, we weren't too conscious of them. They are used in the manufacture of plastics, paints, and a great many other things—so they're present in a lot of the industrial waste that ends up in our rivers and oceans. When scientists began analyzing fish samples in a chromatograph to track DDT through the food chain, PCB's kept showing up.

"We've found that they act on marine life much as DDT does, traveling through the food chain. Their toxic effects, alone or in combination, are still largely unknown. Research is just beginning."

I left Woods Hole with a new attitude about those boundless seas of ours.

Last year Americans threw away 50 billion empty cans, 30 billion glass containers, 4 million tons of plastics, and more than a million television sets. Where did it all go?

Into the ground, mostly, in open dumps or into "sanitary landfill." Incineration posed problems: Much of the refuse was unburnable. Also, some burning plastics produce toxic smoke, plus fumes that damage an incinerator's pollution-trapping devices.

TRASH MOUNTAIN PROVIDES SKI SLOPES

Landfill poses problems, too. Leaching chemicals sometimes pollute ground water. Rotting garbage can generate methane gas. Dumping sites for a city's trash are getting more and more difficult to find.

Du Page County, Illinois, just west of Chicago, is trying out a creative solution. Its people are turning a mountain of refuse into a recreational asset. Each day's collection of garbage and trash is spread, tamped firmly, and covered by a six-inch layer of gravel and clay, which controls decomposition and unpleasant odors. So, layer by layer, the hill grows. By July 1971, it will be capped with more clay and soil and, rising some 120 feet, will stand as the highest elevation in the county. Six toboggan runs and five ski slopes will weave down its sides.

Even a garbage-filled mountain must be named. Locally it's called "Mt. Trashmore."

What can be done to reduce the astronomical number of discarded cans and bottles? In a number of U.S. cities, the Reynolds Metals Company is buying back aluminum cans for melting and re-use. Returnable bottles are becoming more popular with conservation-minded housewives—for each one reduces trash-disposal problems by making some 20 round trips in the course of its useful life.

I saw an intriguing answer to the bottle problem in Stockholm, Sweden. It was a plastic beer bottle that would gradually turn to dust after it had been drained and discarded. Sunlight's untraviolet rays work the transition. U.S. and other scientists are working on similar bottles that would break down in sunlight and dissolve in water.

Consider, now, the nine million cars that currently are disposed of each year. Many of them are simply abandoned on the streets, 150 a day in New York City alone—and the cost of hauling them to junkyards puts a heavy financial burden on city budgets.

Suppose a form of "bottle deposit" were added to the car's original price. As the car passed from owner to owner, each one would pay the deposit—say, $50—and recoup it when he sold the automobile. The final owner would be less tempted to abandon the car, for only by turning it in at an accredited collecting station could he get his deposit back. The funds would be placed in trust and the interest used to recycle worn-out cars back into their basic raw materials.

Among other early proponents, Dr. Conrad L. Wirth, former Director of the National Park Service, made such a suggestion years ago. Senator Jacob K. Javits, of New York, has proposed a similar idea in a bill now before Congress.

Even atomic scientists are working on the trash problem. Their incinerator would be a "fusion torch"—using controlled thermonuclear fusion to generate temperatures of millions of degrees. The incredible heat would vaporize trash, reducing it to its basic elements, such as iron, copper, or silicon, for reuse—the ultimate in recycling.

Environmental pollution is not exclusively a city problem. At Cornell University in Ithaca, New York, ecologist Lamont Cole told me about problems down on the farm.

"My grandfather was an Illinois prairie farmer," he said. "Granddad rotated his crops; every few years he'd grow alfalfa or red clover and plow it under to replace the humus and nitrogen in the soil. He used lime, but I doubt if he ever bought any artificial fertilizer. After harvesting a crop, he'd turn his animals into the field, and they'd fertilize it.

"Things are different now. Land out there is so valuable that farmers feel they can't afford to do anything except grow corn on it every year, using chemical fertilizers to boost the yield. But unfortunately those chemicals tend to leach out and add to our problems in rivers and lakes."

I asked Dr. Cole if manure was obsolete.

He smiled. "Nowadays, it's more of a problem than it is a fertilizer. You don't turn cattle out into the field any more. You herd them into feed lots, and bring the feed to them. You wind up with a manure disposal problem in the feed lot and a shortage of organic fertilizer in the fields."

What should be done? Dr. Cole shrugged. "It seems to me that it would make a lot of sense to get more animal manure back into the fields, where it can do good instead of winding up as a pollution problem. I'd like to see the humus content of the soil built up again, by crop rotation and plowing under clover or alfalfa now and then. It would stop the fertilizers from leaching out so rapidly."

FIRST NEED OF ALL: POPULATION CONTROL

Dr. Cole made another point. I'd heard it made before by virtually every ecologist I had interviewed.

"One of our basic errors," he said, "is that we always equate growth with goodness. Everything has to keep growing—the population, the cities, the industries. We have to stop growth somewhere. And, if we don't stop the population explosion, there's very little chance of solving our other problems. It's the key to the whole thing.

"We have to recognize that we're dealing with systems," he continued. "For example, the World Health Organization went into Ceylon with pesticides to knock down the high mortality rate from malaria. It did a very good job of it. But its success has also contributed to Ceylon's severe overpopulation problem and strained economy.

"The human race," the ecologist continued, "may be in even more trouble than we think. Very possibly, man won't know he has passed the point of no return until it's too late."

A horrible idea! I asked him to explain.

"Life depends on quite a few microorganisms doing their job," Dr. Cole replied. "For example, at least six types of bacteria in soil and water are absolutely essential to keep nitrogen circulating from air into organic material, then back to the air again. If any of the bacteria stopped working, nitrogen in the atmosphere would be depleted—or possibly replaced by ammonia."

He shook his head slowly. "We're playing a kind of Russian roulette. We keep pouring new chemicals into the environment without testing to see what effect they'll have. If one or a combination of them should ever poison the nitrifying bacteria on a worldwide scale, the air would become unbreathable."

Nuclear power-generating plants produce only small amounts of radioactive wastes. But hot wastes resulting from the production of atomic weapons—that's another matter. Usually the material is encased in steel-and-concrete tanks buried in clay, to keep radioactivity out of the ground water. "There are millions of gallons of the stuff in storage depots near Richland, Washington, and Aiken, South Carolina," Dr. Cole told me. "Some of it is so radioactive that it boils and must be artificially cooled."

He rubbed his forehead wearily. "That's quite a legacy to leave our unborn generations. We'll have to tell them to keep close watch on the liquid, and to change the tanks when they begin to leak—and keep at it for the next six to ten centuries!"

Atomic scientists are trying to avoid passing that legacy on. They have succeeded in solidifying some of the hot wastes for burial—about 20 percent of the total, thus far.

What about nuclear power plants? Do they pollute the air with radioactivity? I asked the question of Mr. Harlan K. Hoyt, superintendent of Commonwealth Edison's Dresden Nuclear Power Station, 55 miles southwest of Chicago, Illinois.

"Some radioactivity is present in our stack gases," Mr. Hoyt said. "But if you lived at the fence line downwind of that stack, you would absorb only one-twentieth as much radioactivity in a year as you would get from one chest X-ray."

But environmentalists worry about *any* increase in atmospheric radioactivity, and note the growing number of nuclear power plants. When man takes something from his planet, they point out there may be hidden costs involved. A town lures a new industry by allowing it to contaminate the local river. A jet speeds 150 people across the country, and cloud cover may increase imperceptibly.

"We ecologists have a word for bargains like those," Dr. Cole said. "We call them trade-offs. Often the bargains are bad ones."

He paused, searching for the best example. "Take the Aswan High Dam on the Nile," he said. "It was put there to expand irrigation, to generate electricity, and to control the annual flooding of the Nile Valley. Actually, those floods had helped keep the farms productive by fertilizing the land with silt. The dam has virtually ruined a sizable sardine fishery along the Nile Delta, because the

nutrient supply has been choked off. The catch has fallen from 18,000 tons a years to less than 500 tons. And there's another problem, too: Snails are spreading through the irrigation ditches, carrying the debilitating disease schistosomiasis."

If Lamont Cole seems to take too jaundiced a view of man's attempts to conquer nature, be assured that he has much company among his ecologist colleagues. Dr. Barry Commoner, Director of the Center for the Biology of Natural Systems at Washington University in St. Louis, Missouri, sums up the matter in speeches on college campuses. Dr. Commoner's three laws of ecology are these: (1) Everything is connected with everything else. (2) Everything goes somewhere. (3) There is no such thing as a free lunch.

INNOVATIONS CAN BACKFIRE

"It's time that we scientists begin making sure we've asked all the right questions," Dr. Donald W. Aitken said to me in Palo Alto, California. Dr. Aitken is chairman of environmental studies at San Jose State College.

"Too many times, some technological or engineering advance is conceived and immediately implemented, and ends up having harmful side effects," he continued.

Dr. Aitken cited the Welland Canal as an example. "Lamprey eels moved into the Great Lakes through the canal and seriously damaged sport and commercial fishing. What will happen, I wonder, if we build a sea-level canal across Central America and let predators from the Pacific and Caribbean invade each other's realms?"

Marine biologists are trying to find the answers at the Smithsonian Institution's research facility in the Canal Zone.

In Washington I interviewed Dr. Lee A. DuBridge, former President of the California Institute of Technology and until recently President Nixon's Science Advisor. I brought up that matter of asking all the right questions. Had they all been asked before long-lasting pesticides were put into use?

"The side effects of something like DDT show up only after massive use," Dr. DuBridge replied. "Similarly, the smog-creating qualities of automobiles weren't apparent until traffic had built up."

I asked him what we could do to reduce the danger of unexpected side effects.

"The new Council on Environmental Quality will help," he answered. "One of its functions is technology assessment, environmental prediction. Whenever another government agency or an industry is working on a project that might affect the environment, the council can demand a report on its actions and on the precautions it is taking. If the report is unsatisfactory, the council can insist on more comprehensive tests."

But Dr. DuBridge added a cautioning note. "It will have to be a rational process. If restrictions on introducing new ideas became too rigid, they would tend to stop all research and development."

Dr. DuBridge subscribes to the "no-free-lunch" theory. "There seems to be a law of nature that every benefit that is introduced to improve our happiness, our welfare, or our security has a cost factor someplace.

"Sometimes it's a dollar factor," he went on. "Sometimes it's an environmental factor. And that's the real job for human ingenuity today—to develop concepts that will let us measure the benefits against the risks."

MERCURY: MAN'S HELPER AND POISONER

All of us—including farmers, industrialists, and sewage-plant superintendents—want a clean and healthful world. Then why is our environment being polluted?

It comes down to this: Engrossed in our own activities, we have little awareness of side effects that those activities may be having on the world outside. Let me illustrate by following one pollutant—mercury—in its course from helper to poisoner of man.

The first mercury seed dressing was developed half a century ago, and became popular because it inhibited seed mold. Other industries were attracted by those fungicidal abilities. Mercury became common in such businesses as papermaking and diaper laundering; mercury is an important catalyst in the manufacture of a basic plastic, polyvinyl chloride.

But Dr. Barry Commoner's "no-free-lunch" rule comes into play at this point. Sweden's pheasant population was drastically reduced because the birds ate seeds treated with mercury. Canadians found mercury in partridges and fish. Almost 100 Japanese died from eating fish caught in Minamata Bay—a polyvinyl chloride plant dumped its waste there.

Americans became mercury conscious last July, when fish from 20 states and Canada were found to contain concentrations of the poison. The Department of Justice filed suits against eight U.S. chemical and paper companies, insisting on an immediate halt to water pollution by mercury.

STRIP MINES RAVAGE THE LAND

Perhaps our tardiness in combating mercury poisoning can be laid to its lack of visibility. But what of so visible a destroyer of our environment as strip mining?

This mode of extraction has brought devastation to parts of Kentucky, West Virginia, Pennsylvania, Ohio, and other mining states. Mountains are decapitated, farmlands gutted, wildlife habitats destroyed. Erosion runs wild through the denuded landscapes, choking streams with silt; rains and seepage add deadly acids.

After more than half a century of neglect, most affected states now have laws to curb some of the worst ravages of the strip miners. Today one can see teams of reclamation experts following in the tracks of coal-mining shovels. Aircraft spread tons of seed to revegetate disturbed terrain. Parks, lakes, shopping centers, housing developments are being built on mined lands.

This doesn't means the destruction has stopped. Reclamation often cannot undo all the damage caused by stripping. Even where it can, there are intervening years of eye-shocking landscape disfigurement. What's more, nobody takes responsibility for the thousands of square miles of "orphan banks"—lands mutilated and abandoned by strippers in decades past. The job of patching these up has been left to nature, which may take a century to restore them—if they can be restored at all.

SWEDEN TEACHES ITS CITIZENS ECOLOGY

Among European countries, one of the leaders in the fight against pollution is Sweden. In Stockholm, I lunched with Tage Erlander, Sweden's recently retired Prime Minister, who heads the planning committee for the International Pollution Control Conference to be held in the Swedish capital in 1972.

"When Rachel Carson's book *Silent Spring* was published here," he said, "it made quite an impact. About that time, too, we looked around to discover that our environment was deteriorating. But you don't just make a law saying there shall be no pulltion. To get it under control, we needed public support."

His eyes twinkled. "After all, this has been called a socialist country with a capitalist economy."

Education was the key. A Swedish student starts learning ecology in primary grades, and he'll be exposed to the subject all the way through high school. In college he can cross normal academic lines—for instance, he can major in biology and also in the legal aspects of pollution control. In 1968 adult courses were set up all over Sweden, financed by FOLKSAM, a large insurance cooperative. More than 150,000 adults took the courses in that first year—in a country of eight million.

Hans Palmstierna, secretary of the government's advisory committee on environment, explained the ultimate goal. "Our targets are the people at local government levels," he said. "Before a community agrees to let a new factory comes to town, we want its people to consider more than just the short-range economic gains. Will the new factory create environmental hazards? In our public-education courses, we teach adults to ask just such unpleasant questions."

Instead of allowing industrial plants to pollute their water and air, the Swedes are building a complex of ten special plants to process industrial wastes and used oils collected from all over Sweden. Some of the by-products, such as sulphur, can be sold for reuse to help defray operating costs. Sponsors of the project believe the plants may even become self-supporting some day.

"Recycling is one good answer to the pollution problem," Mr. Palmstierna told me. "Our natural resources, like everyone else's, are limited. It doesn't make sense to dig them up, use them once, and then throw them into the environment as pollutants. We want to use them over and over."

Remember one of Aesop's Fables—the story of the feckless grasshopper who frittered his summer away with no thought of barren months ahead? This has been a planet of grasshoppers.

But no longer. Anxious to mend our ways, we laymen are listening earnestly to a range of experts. The result, too often, in confusion. We're unsure of the priorities—is cleaner air more vital than cleaner water? What can an individual do to help? Must he give up his air conditioner and his car?

I make no claim of expertise—but I have had the rare opportunity of interviewing experts in many countries. Here is the gist of what I have learned.

Virtually every scientist I listened to—and they numbered in the dozens—emphasized that mankind must control population growth. They forecast widespread famine if population soars unchecked. Plagues, too—for in the megalopolitan sprawl of the future there will no longer be sparsely settled buffer zones around cities to curb epidemics.

We have been brought up to equate growth with success. A town should grow, we feel, so each town vies to attract more business and more inhabitants. But many ecologists point out that each resident's share of land and air and water is reduced by growth. At some point, the quality of life declines.

Ecologists think of towns that way. And nations. And the planet itself.

What are the priorities? Most ecologists answered something like this: Clean up the most threatened areas first. Work to unsnarl the fragmented, overlapping responsibility on national, state, and local levels. Focus research on finding environmental answers—there is so much yet to be learned.

Be realistic about immediate goals. At least for now, settle for making a river clean enough to serve its particular purpose. Later, it can be made clean enough to drink.

Get practical, enforceable pollution laws passed—standardized ones that will apply to both sides of a river, for instance, when it flows between two states.

Before using a new chemical, explore for side effects. And when a new product is developed, plan for its ultimate disposal. Work toward recycling; one factory's industrial waste can be another plant's raw material.

And make each individual aware of the problems—and his role in solving them.

"MASSIVE DEBT TO OUR ENVIRONMENT"

Said Russell E. Train, Chairman of the Council on Environmental Quality:

"The astronaut's view of the earth as a small, vulnerable infinitely precious object is a useful one as a point of departure for a report on pollution. But so is the view from this Washington office—or any city window.

"I can't help wondering whether man has looked carefully at that view recently. Maybe he's become blind to his surroundings and

insensitive to his environment in a way he never was when he lived closer to the land. Perhaps we're evolving too quickly, moving too fast, traveling too hurriedly from place to place. Perhaps speed dulls the senses.

"Whatever the reason, we've lost track of the basic truth that man and his environment are interdependent. Pollution is just one symptom of that crucial imperception.

"What's the prognosis? I'm an optimist. I say we *can* get on top of our problems. It's easy to say that we've got a serious situation on our hands; of course we have. What has to be stressed is that its cure is going to take time.

"We're an impatient people. We like to see results. But in this instance we're going to have to be patient. We have barely begun to measure the task that faces us. We'll see improvements in the condition of our rivers in two to four years. Our air will be cleaner by then. But there will be pollutants cropping up that we don't even dream about now. And when it comes to land use, we're way behind most civilized countries. We still hold to the old frontier philosophy that a man can do as he pleases with what he owns, and there's plenty more land if he wears out what he has.

"We're going to have to get rid of that cherished notion, and a few others. We've got to replace them with hard knowledge of a sort we don't yet possess. We have to develop clear-cut national policies to unify our efforts; you can't work separately or segmentally on the several faces of pollution.

"But no policies will work unless people understand them and stand behind them. Our citizens must be informed, urgently and accurately. We need new attitudes: not those of endless abundance, of the ever-expanding frontier, but those of a mature, responsible society.

"If we're to be responsible, we must accept the fact that we owe a massive debt to our environment. It won't be settled in a matter of months, and it won't be forgiven us.

"We're all responsible. We all owe, and we're all going to have to pay. Nineteen seventy may go down in history as the year in which we began to settle our account with our environment, the year in which we made our first down payment on our debt to our world."

AMENDMENT TO END THE WAR COMMITTEE ACCOUNTS

Mr. McGOVERN. Mr. President, the accounts of the Amendment To End the War Committee have been published periodically in the RECORD in order that any interested persons would be able to examine how the funds received by that committee have been handled.

It will be recalled that in the wake of the invasion of Cambodia, thousands of Americans supported the activities of the committee aimed at taking the case for a fixed timetable for the withdrawal of American forces from Vietnam to the American people.

The activities mentioned in the accounts of the committee have aided in increasing public sentiment for withdrawal. The major polls show a majority of Americans now favor a fixed timetable.

Because the television networks were not prepared to sell the committee all of the air time it requested, a reserve balance remains for further use in connection with efforts to legislate a withdrawal timetable.

In this last week of the 91st Congress, I submit the final 1970 report of the accounts of the Amendment to End the War Committee and ask unanimous consent that it be printed at this point in the RECORD.

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

AMENDMENT TO END THE WAR COMMITTEE

[As of Dec. 21, 1970]

RECEIPTS

	Amount
Contributions:	
Cash:	
To committee (net)	$449,130.04
Through NBC	6,949.00
Through Council for Livable World	24,050.00
Total cash	480,129.04
Other: Production services (Guggenheim productions)	20,179.43
Total contributions	500,308.47
Interest earned	229.69
Other receipts:	
Loan (Stewart Mott)	30,000.00
Contributions received by NBC for The Council for a Livable World, forwarded through this committee	25,105.32
Total other receipts	55,105.32
Total receipts	555,643.48

DISBURSEMENTS

For telecast, May 12, 1970 (half-hour):	
Air time (NBC)	58,602.30
Production (Guggenheim Productions):	
Paid services	(9,820.57)
Contributed services	(20,179.43)
Total	30,000.00
Film prints (25) (Telecolor Productions)	1,290.00
Air time, for reshowing in Los Angeles (Carl Ally, Inc.)	2,000.00
Total	91,892.30
For telecast, Aug. 24, 1970 (half-hour) (NET):	
Newspaper promotion (Carl Ally, Inc.)	30,000.00
Production:	
Gordon Webber, Benton & Bowles	29,101.23
Pelco Editorial	600.00
Advertising People Against the War	2,830.00
Draper B. Gregory (legal services)	456.16
Total	62,987.39
For production costs for telecasts, other than original (Guggenheim Productions)	3,512.04
For radio and TV spots:	
Air time (Carl Ally, Inc.) (net)	129,838.34
Air time (WDCA-TV)	600.00
Production:	
Guggenheim Productions	(7,885.00)
Advertising People Against War	(5,616.78)
All other	(321.56)
Total	13,823.34
Staff travel expenses (N.Y.)	97.75
Telegrams (for TV availabilities)	388.57
Total	144,748.00
For newspaper advertising:	
Spade:	
Carl Ally, Inc.	(5,847.12)
Patrick McKeever	(625.00)
Robert A. Mann	(150.65)
Larry Kotkiloff	(120.40)
Gateway Advertising	(3,052.56)
Enterprise Agency	(2,985.15)
Total	12,780.88
Production (Advertising People Against War)	7,571.67
Travel expenses:	
S. Cohen (Oregon)	(388.05)
E. Lindauer (Oregon)	(25.00)
Total travel expense	413.05
Total newspaper advertising	20,765.60
For the House Committee for a Vote on the War:	
Administrative services	5,320.00
For the Congressional Committee for a Vote on the War:	
General report, printing (Creative Printing)	3,528.00
General report, reprints (Creative)	1,606.80
Legal report, printing (House Majority Room)	1,581.00
Legal report, reprints (House Majority Room)	764.00
Telephone (C. & P. Telephone)	2,185.66
Organizational luncheon	64.80
Letterheads (Acme Printing)	140.17
Furniture and typewriter rentals (standard typewriter, desk and furnishings)	$411.84
Typewriter rentals (I.B.M.)	450.00
Printing, Xeroxing (Gestetner Corp. and United Methodist Church)	458.26
Supplies (I.B.M.)	3.43
Subscriptions (Engage, Progressive)	89.00
Less transfer of cash balance from congressional committee bank account	(3,065.14)
Total	8,217.84
For Bread and Peace Committee (telephone deposit)	200.00
For the National Citizens Committee for the Amendment To End the War	15,050.00
Less refunds from:	
Carl Alley, Inc.	(638.34)
Citizens Committee	(5,195.94)
Total	9,215.72
For expenses in connection with the Conference on Feasible Timetable for Withdrawals	3,842.31
For all other expenses:	
Legal expenses (Kramer, re FCC; Covington, re general)	2,246.40
Stationery (acknowledgment cards, House Majority Room)	1,164.88
Volunteers' support	5,083.75
Postage and mailing	2,601.07
Telegrams to student leaders	10,462.70
Treasurer's bond premium	550.00
Auditing expense	30.00
All other (telephone, telegrams, bank charges, office supplies, duplicating)	1,555.29
Total	23,694.09
Total disbursements for expenses	374,395.29
Other disbursements (see Receipts):	
Loan repayment (Stewart Mott)	30,000.00
To transfer funds received from NBC for the Council for a Livable World	25,105.32
Total	55,105.32
Total disbursements	429,500.61
Reserve balance (and cash in bank, as of Dec. 21, 1970) (total receipts less total disbursements)	126,142.87

Respectfully submitted.

John W. Branner, Treasurer.

TRIBUTE TO CHAIRMAN OF SUBCOMMITTEE ON EDUCATION

Mr. JAVITS. Mr. President, as the 91st Congress draws to a close, having already expressed my tribute to the chairman of our committee, Senator YARBOROUGH, I feel special mention must be made of the Senator from Rhode Island, Mr. PELL, who became the chairman of the Education Subcommittee, taking over from a predecessor who had established an outstanding record in that capacity, Senator Wayne Morse of Oregon.

Wayne Morse was "a difficult act to follow." But CLAIBORNE PELL has acquitted himself most highly. The eight-title Elementary and Secondary Education Amendments of 1969, Public Law 91-230, which encompasses higher, vocational, and adult as well as elementary and secondary education, is a tribute to his leadership role both in the Senate and in the negotiations in the conference with the House.

In the past 2 years we have witnessed not only a continued careful building of the structure of Federal education programs but also the beginning of a codification and simplification of the growing mass of statutes in this field, as witness the General Education Provisions Act and the Education of the Handicapped Act.

As ranking minority member of the Labor and Public Welfare Committee, of which the Education Subcommittee is a part, I can attest that the minority has

been accorded most equitable and even treatment by Chairman PELL, a treatment which we feel has made for the enactment of constructive measures, and we look forward to a continuing fine relationship with him and his staff.

Much difficult work lies ahead, as in the administration's emergency school aid program and higher education, and Senator PELL's hand at the helm will be most helpful in the new Congress.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN THE SECOND SESSION, 91ST CONGRESS, 1970

Mr. JAVITS. Mr. President, during the second session of the 91st Congress, the Republican minority of the Committee on Labor and Public Welfare, of which I am the ranking minority member, made a distinctive record of constructive contributions and effective legislative achievement. In a number of instances, the central concepts around which major legislation was built originated on the minority side. These contributions cover all areas of activity of the committee.

I ask unanimous consent that a report I have prepared on these contributions be printed in the RECORD.

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

EDUCATION

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1968

(Public Law 91-230)

First, focusing Federal resources on the improvement of educational opportunities for gifted and talented children—Senator Javits.

Second, assuring equitable participation of non-public-school students in title III (Supplemental Educational Centers) of the Elementary and Secondary Education Act—Senator Prouty.

Third, to assure incentive grants under title I, Elementary and Secondary Education Act, in States making a special effort in education based upon the State's resources and its expenditures—Senator Dominick.

Fourth, a new program of special grants for urban and rural schools serving attendance areas with the highest concentrations of low-income family children—Senator Murphy.

Fifth, extension of vocational education programs for disadvantaged students, residential facilities, work-study, curriculum development, and teacher training—Senator Schweiker.

Sixth, a new Adult Education Act to provide an opportunity to catch up for the 56 million adult Americans who have not had the opportunity to obtain an education as far as the 12th grade—Senator Javits.

Seventh, providing for additional funding authority when either House of Congress has not passed on formally rejected legislation extending the authorization for appropriations—Senator Prouty.

Eighth, providing for research on problems of financing elementary and secondary education—Senator Dominick.

Ninth, inclusion in the impacted areas education aid program of children residing in low-rent public housing—Senator Javits.

Tenth, requiring that title I, ESEA, reports include State evaluation findings and be in accordance with specific performance criteria—Senator Prouty.

Eleventh, strengthening local education agencies with the principal emphasis on innovation—Senator Javits.

Twelfth, providing for cancellation for military service of National Defense Student Loans—Senator Prouty.

Thirteenth, inclusion in the report of language clarifying computation of eligibility for impacted aid program (Public Law 874) —Senator Javits.

Fourteenth, calling for Departments of Justice and HEW to request funds necessary to carry out policy set forth in Act to insure that Federal guidelines dealing with school desegregation be applied uniformly throughout the nation—Senator Brooke.

Fifteenth, inclusion of nutritional, food use, and food purchase education in homemaking programs—Senator Javits.

Sixteenth, providing for an equitable allocation of funds for planning and evaluation to assure that needs of smaller States are satisfied—Senator Prouty.

Seventeenth, strengthening of enforcement of title VI of the Civil Rights Act—Senator Javits.

Eighteenth, improvement of education services in juvenile delinquency centers and penal institutions—Senator Goodell.

Nineteenth, inclusion of Puerto Rico as eligible for assistance for neglected and delinquent children—Senator Javits.

Twentieth, inclusion in the bilingual education program of Indian-controlled schools on reservations—Senators Fannin and Goldwater.

Twenty-first, allowing the State educational agency to assume responsibility for education of institutionalized delinquent and neglected children if the local educational agency cannot or will not provide for these special needs—Senator Prouty.

Twenty-second, inclusion of evaluation in the school nutrition program—Senator Javits.

Twenty-third, facilitating the dissemination of information on successful model education programs—Senator Prouty.

Twenty-fourth, requiring grants for migratory children to be based on the number to be served—Senator Prouty.

Twenty-fifth, clarifying amendments with respect to appointment of State advisory councils—Senator Javits.

Twenty-sixth, permitting use of most recent data for title I, ESEA, computations—Senator Prouty.

Twenty-seventh, including the special problems of rural areas in study of the distribution of title I, ESEA, funds—Senator Prouty.

Twenty-eighth, requiring model centers for teaching children with specific learning disabilities to establish procedures to disseminate new techniques—Senator Goodell.

Twenty-ninth, increasing from 4 to 5 percent, after June 30, 1970, funds used by the Commissioner in administering special grants to urban and rural areas under part C of title I, ESEA—Senator Prouty.

Thirtieth, allowing the Bureau of Education of Education for the Handicapped to allocate funds to States that subcontract services—Senator Prouty.

Thirty-first, increasing membership of Advisory Committee on the Education of Bilingual Children—Senator Prouty.

In addition to these, the minority members were responsible for numerous minor and technical improvements to the legislation.

NATIONAL COMMISSION ON LIBRARIES INFORMATION SCIENCE ACT

(Public Law 91-345)

First, inclusion of study and analysis of the special library needs of rural areas as a function of the Commission—Senator Prouty.

Second, giving to the Commission the responsibility of recommending overall plans on library and information services—Senators Dominick and Javits.

ENVIRONMENTAL EDUCATION ACT

(Public Law 91-516)

First, inclusion of labor in environmental preservice and in-service training programs and projects—Senator Javits.

Second, clarifying membership of National Advisory Council so that both the public and private sectors are represented—Senator Prouty.

Third, inclusion of interdisciplinary curricula development as eligible for grants and contracts—Senator Goodell.

Fourth, citation as a Congressional finding that deterioration of the nation's environment and its ecological balance poses a serious threat to the strength and vitality of the people of the nation—Senator Goodell.

LIBRARY SERVICES AND CONSTRUCTIONS AMENDMENTS OF 1970

(Public Law 91-)

The provisions of this bill are similar to those contained in the Administration measure, S-3549, introduced by Senator Javits. In addition, Minority members are responsible for the following:

First, increasing the minimum State allotment to $200,000—Senator Prouty.

Second, inclusion of urban and rural areas in statement of purpose—Senator Prouty.

HEALTH

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970

(Public Law 91-296)

This Act was the product of extensive consideration by the Committee on six bills, three of which were introduced by minority members. The first two were: S. 269, introduced by Senator Javits and cosponsored by Senators Dominick and Murphy; and S. 1733, a bill introduced by Senator Javits at the request of the Administration. The third was S. 2037, introduced by Senator Percy and cosponsored by Senators Brooke, Goodell, Goldwater, Hatfield, Mathias, Packwood, Schweiker, Scott and Stevens.

In its final form the Act contained many of the provisions of these bills as well as amendments suggested by minority members; of particular importance are the following:

First, health program evaluation by HEW Secretary—Senator Javits.

Second, retroactivity for health facility loan guarantees—Senator Javits for Senators Cotton, Cook and Cooper.

Third, provisions applicable to loans to public facilities and establishment of loan guarantee and loan fund—Senator Dominick.

Fourth, increased authorizations for construction grants to outpatient facilities—Senators Saxbe and Percy.

Fifth, authorizing transfer of intra-State allotments—Senator Prouty.

Sixth, extending grant eligibility to emergency medical transportation facilities—Senators Dominick and Prouty.

Seventh, requiring annual health report on marijuana—Senator Dominick.

COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1970

(Public Law 91-211)

A bill introduced by Senator Javits and cosponsored by Senators Dominick, Murphy, and Prouty—S. 3121—at the request of the Administration, together with legislation introduced by the Chairman of the Labor and Public Welfare Committee provided the basis for this Act, to provide support to community mental health centers and expand services to alcoholics, narcotic addicts, disturbed children and encourage centers in poverty areas.

Minority amendments enacted into law:

First, rural and urban poverty areas given 18 months waiver for eligibility in providing all elements of comprehensive mental health services—Senator Javits.

Third, with Senator Hughes, increased authorizations for programs for alcoholism and narcotic addiction—Senators Javits and Dominick.

MEDICAL LIBRARY ASSISTANCE EXTENSION ACT OF 1970

(*Public Law 91–212*)

The principal provisions of this Act were contained in the Administration bill, S. 2239, introduced by Senator Dominick for Senator Javits and cosponsored by Senators Murphy and Prouty.

AMEND PUBLIC HEALTH SERVICE ACT TO EXTEND HEALTH SERVICES ASSISTANCE TO MIGRATORY WORKERS

(*Public Law 91–209*)

The principal provisions of this Act were in a bill, S. 2660, cosponsored by Senator Javits, Murphy and Prouty.

AMEND PUBLIC HEALTH SERVICE ACT TO EXTEND AUTHORITY FOR FORMULA GRANTS TO SCHOOLS OF PUBLIC HEALTH, PROJECT GRANTS FOR GRADUATE TRAINING AND TRAINEESHIPS FOR PUBLIC HEALTH PERSONNEL

(*Public Law 91–208*)

The principal formula grant provisions of this Act were in a bill, S. 2809, cosponsored by Senators Brooke and Scott. Minority amendments written into law were the common expiration for the other provisions, project grants and traineeships—Senator Javits.

AMEND PUBLIC HEALTH SERVICE ACT TO AUTHORIZE GRANTS FOR COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

(*Public Law 91–464*)

The provisions for vaccination assistance were in a bill, S. 2264, cosponsored by Senator Stevens.

HEALTH TRAINING IMPROVEMENT ACT OF 1970

(*Public Law 91–519*)

A bill introduced by Senator Javits and cosponsored by Senator Prouty, S. 2753, and a bill introduced by Senator Javits and cosponsored by Senators Dominick, Murphy, Prouty, Saxbe and Scott, S. 3718, on behalf of the Administration, together with the legislation introduced by the Chairman of the Committee on Labor and Public Welfare provided the basis for this Act.

Also included in the Act was a new section authored by Senator Javits, authorizing the use of appropriations for an additional fiscal year for emergency aid to medical and dental schools.

REGIONAL MEDICAL PROGRAMS AND COMPREHENSIVE HEALTH PLANNING SERVICES ACT OF 1970

(*Public Law 91–515*)

A bill introduced by Senator Javits and cosponsored by Senators Brooke, Dominick, Goodell, Murphy, Prouty, Saxbe, Schweiker, and Scott, S. 3443, on behalf of the Administration, and a bill introduced by Senator Javits, S. 2482, and cosponsored by Senators Aiken, Bennett, Fanin, Goodell, Hatfield, Miller, Murphy, Prouty, Schweiker and Scott, together with the legislation introduced by the Chairman of the Committee on Labor and Public Welfare provided the basis for this Act, to improve the qualtiy of care for heart disease, cancer, stroke and kidney disease and to extend and improve comprehensive health planning.

Amendments suggested by minority members of particular importance are the following:

First, authorize multiprogram project grants—Senator Javits.

Second, authorize as costs equity requirements and loan amortization—Senator Javits.

Third, broaden scope of section 351 of Public Health Service Act to include vaccines, blood and its components and derivatives and allergenic products—Senator Dominick.

Fourth, authorize Presidential environmental health study—Senator Smith of Illinois.

Fifth, authorize equal compensation rates for all Federal health advisory councils and Federal health advisory committee members—Senator Javits.

Sixth, broaden Institute of General Medical Sciences training authority—Senator Javits.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION AMENDMENTS OF 1970

(*Public Law 91–517*)

A bill introduced by Senator Javits, S. 3277, at the request of the Administration, together with legislation introduced by Senator Kennedy and cosponsored by Senator Javits, S. 2846, provided the basis for the Act which assists States in providing services to mentally retarded and other persons affected by developmental diabilities originating in childhood.

An amendment suggested by Senator Javits provides 90% Federal funding for projects of National significance to meet needs of mentally retarded and developmentally disabled.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

(*Public Law 91–513*)

In its final form the Act contained provisions of the Senate-passed amendment No. 1026 to H.R. 18583, cosponsored by Senators Javits, Prouty, Dominick, Murphy, Schweiker, Saxbe, and Smith of Illinois, relating to a broadened scope of and increased authorizations for rehabilitation programs for narcotic addicts and drug dependent persons.

Also included in the Act was a new section authored by Senator Dominick for a report on the number and functions of all HEW advisory councils by the Secretary of Health, Education, and Welfare.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

(*Public Law 91–572*)

The Act contained many of the provisions in a bill introduced by Senator Javits and cosponsored by Senators Dominick and Prouty, S. 3219, on behalf of the Administration, and a bill consponsored by Senators Case, Packwood, Percy and Saxbe.

Also, included in the Act were sections, authored by Senator Javits, establishing within HEW an Office of Population Affairs and specifying its duties and functions.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT AND REHABILITATION ACT OF 1970

(*Public Law 91–)*

The principal provisions of this Act were in a bill, S. 3835, consponsored by Senators Javits, Prouty, Dominick, Murphy, Schweiker, Saxbe, Smith of Illinois, Bayh, Brooke, Dole, Goodell, Griffin, Gurney, Mathias, Packwood, Percy, and Tower and included provisions of a bill, S. 1997, introduced by Senator Javits and consponsored by Senators Baker, Brooke, Cooper, Fannin, Goldwater, Goodell, Hatfield, Mathias, Miller, Murphy, Packwood, Percy, Prouty, Schweiker, Scott, Stevens and Thurmond.

Also included in the Act was a section relating to formula grants to States to develop alcoholism programs by Senator Javits.

LABOR

OCCUPATIONAL HEALTH AND SAFETY

(*Public Law 91–596*)

The outstanding accomplishment of the 91st Congress in the labor field was the enactment of a Federal Occupational Health and Safety law which will provide minimum standards for workplace health and safety for over 50 million American workers. Senator Javits introduced the Administration's proposal for such a law (S. 2788) and the measure which finally emerged incorporated numerous initiatives of the minority, including:

First, a three-man independent commission to adjudicate contested enforcement cases and assets penalties—Senator Javits.

Second, a National Institute for Occupational Health and Safety to perform the research functions under the Act and recommend new health and safety standards—Senator Javits.

Third, National Commission to Study State Workmen's Compensation Laws to report to the Congress by July 31, 1971—Senator Javits.

Fourth, loan assistance to small businesses—Senators Javits, Dominick and Saxbe.

Fifth, requirement that standards be feasible—Senators Javits and Dominick.

Sixth, modification of the general duty clause to require employers to avoid recognized hazards—Senator Javits.

Seventh, protecting confidentiality of inspection reports by authorizing discretionary rather than mandatory disclosure—Senator Javits.

Eighth, provision for an Assistant Secretary of Labor for Occupational Health and Safety—Senator Javits.

Ninth, modification of State plan provision to exclude employees not under jurisdiction of State—Senator Dominick.

Tenth, protection of trade secrets by requiring the issuance of appropriate orders for protection of their confidentiality—Senator Dominick.

Eleventh, permitting an employer to reopen an abatement order where abatement is impossible because of circumstances beyond his control—Senator Dominick.

Twelfth, modification and clarification of the right of employees or their representatives to accompany inspectors and to be consulted during inspection—Senators Saxbe and Javits.

Thirteenth, requiring an inspection on request as soon as practicable if the Secretary determines there are reasonable grounds to believe that an alleged violation or danger exists—Senator Saxbe.

Fourteenth, requiring a copy of the inspection report, with names withheld, to be given to employer at the time of inspection—Senator Schweiker.

Fifteenth, payment by the government of the additional cost of research and medical examinations—Senator Saxbe.

Sixteenth, protection against precipitous shutdown of continuous process operation—Senator Schweiker.

Seventeenth, provision for granting temporary variance to employer where it is impossible for employer to meet standard—Senator Javits.

Eighteenth, requiring emergency locator beacons in certain aircraft—Senator Dominick.

PROTECTION OF THE NATIONAL HEALTH AND SAFETY AGAINST THREATENED NATIONWIDE RAILROAD STRIKES

(*Public Law 91–541*)

In April 1970 and again in December 1970 the nation was threatened with a nationwide railroad strike. In both instances the President sent up proposed legislation to avert a strike which was eventually enacted into law. The April 1970 resolution was introduced by Senator Griffin as S.J. Res. 178 and reported and managed on the floor by Senator Javits as S.J. Res. 190.

The December 1970 resolution (S.J. Res. 246) was introduced by Senator Javits and, as passed, incorporated an amendment cosponsored by him requiring the President to report on the progress of further negotiations and his recommendations for solution of the dispute by February 13, 1971.

SCIENCE

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1971

(*Public Law 91–356*)

The principal provisions of this Act were contained in the Administration bill, S–3412, introduced by Senator Prouty.

ARTS AND HUMANITIES

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1970

(*Public Law 91–346*)

First, authorizing contracts related to strengthening research potential in the humanities—Senators Javits, Murphy, Goodell, Goldwater, and Stevens.

Second, authorizing projects to assist and encourage artists to achieve wide distribution of their works and to work in residence at an educational or cultural institution—Senator Goldwater.

NEIGHBORS HELPING NEIGHBORS—AMERICAN DREAM REALIZED

Mr. McINTYRE. Mr. President, over the past weeks, the Senate has experienced a most trying period of debate and decision. The issues encountered have been wide-ranging and difficult of determination. Yet we are now emerging through this task.

At this time, it is perhaps appropriate to consider what our ultimate purpose and identity have been through all of this. We have, through all the doubt and debate, sought one major goal: The general welfare of our people. I believe that in total we have reached far toward this goal.

Above all, we can hopefully look back and see that the essence of our activities has been a focusing of intellect and sensitivity in an effort to identify and solve human problems. And above all, I am at peace with myself for the recognition that we were not alone. Throughout the country others had similar thoughts and concern.

A quotation from Mr. Thomas Wolfe's remarkable book "Look Homeward Angel," sums it up better than I:

Which of us has known his brother?
Which of us has looked into his father's heart?
Which of us has not remained forever prison-bent?
Which of us is not forever a stranger and alone?

None of us can be alone who has looked into another's heart with sensitivity and respect.

These words were brought to mind by a wonderful constituent, Winifred Clark of Sharon, N.H. Miss Clark had written me last week to indicate her views on certain topics. Along with her letter, she sent me copies of newspaper articles detailing the activities of an organization which she had founded, Neighbors Helping Neighbors.

I bring these articles to the attention of my colleagues in order that they share my feeling of gratitude and perspective. We are not alone. It struck me, as I read these accounts, that the best of our debates has been unspoken and unrealized. In seeking to solve the truly human problems which confront us, we rely on our basic instincts, the caring and sensitivity for others without which our society would be undistinguished. And as I read, I also came to realize that we do no more than express the best instincts of our people.

Miss Clark saw a need—a human need. Not a licensed driver herself, she knew that many like her lived alone and needed transportation for vital medical or social services. Seeing this need, she also perceived that there were many in her community that could help. She looked into the heart of her brother and found one wanting. In the heart of another she found a willingness to help. Through her efforts, hundreds of area residents are now involved in a round the clock assistance service.

I must confess that I am heartened by this activity. It is needed and it does manifest what is best in the American people. Seeing this kind of sensitive generosity renews my confidence that our problems, however great, are human problems, capable of human solution, if only we could and would look into the hearts of our brothers.

Miss Clark is not alone. Her identity is not "prison-bent", rather it is an individuality exuding concern for others. To her and to those who so faithfully participate in this work, I offer thanks. Their work is appreciated and their lesson is not wasted on myself or my colleagues in this body. They are a voice of calm in a time of chaos.

I ask unanimous consent that the following remarks: "Neighbors Helping Neighbors" which was printed in the November 5, 1970, issue of the Peterborough, N.H., transcript; "Phone-A-Ride," which was printed in the October 22, 1970, issue of the Keene, N.H. Sentinel.

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

[From the Peterborough Transcript, Nov. 5, 1970]

NEIGHBORS HELPING NEIGHBORS

(By Winifred Clark)

Our first two emergency calls came the last 10 days of October. The first was from the wife of the Police Chief of Bennington, asking if we could take a Bennington child to Keene early the next morning for urgent x-rays. Not one of the group who usually drive this girl was available at the time. We stretched our limits a bit and a N–H–N volunteer took her.

The second was from the Monadnock Hospital. A man had been discharged but he had no way to get back to his home in New Ipswich. In 20 minutes one of our drivers was at the hospital to pick him up.

The many who have helped us get Phone-a-Ride rolling should be standing tall these days as the first month of our operation draws to a close.

Fifty-seven rides were arranged for the month of October. For November, we last week lined up 14 rides for the visitors Desk volunteers and began working on the transportation of some Franklin Pierce College girls to help at Crotched.

Our remarkable record of having the first driver asked accept the assignment remains intact with only one exception. This man had no car available that day but he offered to hire a car if no one else was available. This time it was the second volunteer who quickly agreed to go.

What an exceptional group of volunteers we have! Twenty-six have signed up to go as far as Boston and 30 to Hanover. There are 29 who are willing to drive at night when there is an emergency.

Of the 68 daytime volunteers, 14 want to drive twice a week; 13 once a week; nine, twice a month, and two once a month. Others are standbys, nearly all of whom are eager to serve if available. Don't you think these facts are exciting and heartwarming.

People have been taken to doctor's offices, to the hospital for x-rays, and I myself would have called on a N–H–N driver if I had not known a neighbor was going to Peterborough anyway. I carelessly sat on my glasses and until they came back all in one piece I could neither read nor write.

Four visitors' Desk volunteers were taken several times to the hospital and picked up, once by a nurse on the MCH staff.

But it was the deaf boy who is being taken from Crotched to Milford every Tuesday his Scout troop meets, and the three little children who were driven from New Ipswich to the Day Care Center that gave us the greatest joy.

Mrs. Marlene Larsen tells us that at a recent meeting of the New Hampshire Association for the Education of Children there was not one other person there who had any way of getting their children transported on a voluntary basis.

Our Day Care Center, housed at the Congregational Church in Peterborough, is doing a tremendous job for the children in our whole area. We were delighted to be able to help them in this way and hope to again. We learned firsthand what these dedicated women are doing to brighten the lives of these little ones. Did you know they need volunteers of all kinds?

We now have two enthusiastic young mothers doing the telephone matching up of the need-a-riders and drivers twice a week. We'd like more dispatchers. Won't you spread the word of our need here, there and everywhere?

The N-H-N number is 924–6674. After seven rings, 924–6941. We will welcome your call whether you need a ride, or want to volunteer to dispatch or drive. Even now, there are certain days at particular times when we do not have as many drivers to select from as we'd like to have.

Now that Neighbors Helping Neighbors is so well established this column will appear twice monthly except that special columns will be written whenever there is something I want to share with you quickly.

SHE HELPS GOOD NEIGHBORS TO BE EVEN BETTER NEIGHBORS

[From the Keene Evening Sentinel, Oct. 22, 1970]

(By Pat Haley)

SHARON.—Winifred Clark lived in New York City "most of my life." Now a Sharon resident, she is helping her good neighbors in eight surrounding towns be even better neighbors.

Her idea: Phone-A-Ride. By dialing a central number, people who need a lift to a hospital or doctor may share a ride with one of 104 driver volunteers.

"I can't drive," Miss Clark said. "When I needed a ride, I hesitated to call someone. But I felt if people like me knew there were willing drivers in their town, they wouldn't hesitate to call."

That was last spring.

"Everybody thought it was a good idea," she said. "But they were waiting for someone else to organize it. I decided to get this operation moving, I would have to begin."

By Oct. 1, Miss Clark's telephone was buzzing.

"The first volunteer driver called, in each instance, was reached right away. They were available and pleased to accept the assignment," she said.

COURTEOUS PEOPLE

"I can't tell you how courteous people have been. The bulk of the calls have been from people who needed a medical or dental appointment or an X-ray," Miss Clark said.

Phone-A-Ride's founder learned drivers were willing to drive people to appointments as far away as Concord, Manchester, and Boston.

"Many people, I found out, don't like to drive alone and enjoy the company," Miss Clark said.

How does she coordinate a New Ipswich driver with a Boston-bound passenger?

FILE SYSTEM

Miss Clark keeps a card file-color system arranging people by town, possible destinations and hours the driver is available.

"Some people can drive only days, others evenings and still others throughout the night," she said.

Under present guidelines, the calls must originate in Peterborough, Jaffrey, Rindge, New Ipswich, Temple, Greenfield, Sharon or Hancock.

The ride must be an essential one. Miss Clark said the caller should ask himself, "Would I be willing to ask someone to take me to this place?"

Going to the hairdresser, she said, is a good lift for a shut-in. "But it really isn't essential. We hope relationships will develop between driver and rider and once drivers learn of other needs, they will naturally offer other rides when they can," Miss Clark said.

The 104 volunteers include 14 staff members of the Monadnock Community Hospital in Peterborough who are willing to take visitors or volunteer staff home at 3 p.m.

An advisory committee for Neighbors Helping Neighbors has been formed. The committee includes Sydney Austin, Margaret Bean, Arthur Eldridge, Louise Grummon and Violet Newton.

Miss Clark now operates the service using a special number. "I love to talk on the telephone but I wouldn't enjoy talking if I knew I was holding an important call up," she said.

She said the next step is to select dispatchers on a rotating basis.

"We believe that stay-at-homers would like to participate in this way," she said. "People who are confined to their homes often welcome the opportunity to reach out."

But recently a young mother of four offered to help. "We are happy she wanted to help and will welcome any volunteers," Miss Clark said.

DELAYED JUSTICE

Mr. DOLE. Mr. President, we in this country take great pride in our system of civil justice—in its fair and impartial resolution of the competing claims of conflicting parties. However, from time to time there occur instances when the processes of justice become inordinately slowed, and often justice delayed becomes justice denied.

In an article published by the Memphis Commercial Appeal, Clark Mollenhoff described such a case of delayed justice which has been brought to the attention of the Department of Justice for administrative action.

I believe many Senators who share my interest in the functioning of our courts and more efficient administration of justice in our Federal courts would find this article of particular interest. Mr. President, I ask unanimous consent that this article from the December 26 Commercial Appeal be printed in the RECORD.

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

A SORRY EXAMPLE OF DELAYED JUSTICE

(By Clark Mollenhoff)

WASHINGTON.—An 80-year-old widow has not received a dime from a multi-million-dollar estate that has been in the federal court system in Indiana since 1941. At the same time, judges have approved payment of hundreds of thousands of dollars to lawyers involved in the case.

New complaints about the Indiana situation were called to the attention of the Nixon administration months ago, but, as yet, no action has been taken.

In August, 1961, Franklin Riter, a distinguished member of the board of governors of the American Bar Association, declared the court's handling of the Woodmar Realty Company reorganization reveals "so dreadful a story of judicial dereliction" that it is impossible to find a sequel.

Yet, nine years later, the situation has deteriorated still further.

Recently, Joseph E. Klen, mayor of Hammond, Ind., added his voice to those of Senator John J. Williams of Delaware, Representative H. R. Gross of Iowa and lawyers for the stockholders who have asked Atty. Gen. John Mitchell for an investigation.

Although the Woodmar Realty Company case in northern Indiana has been under the control of the federal judiciary for nearly 30 years, the owners of the firm haven't received a dime. Among the owners is Mrs. Helen M. Woods, 80-year-old widow of the firm's founder.

When Woodmar went into bankruptcy it had assets valued at 2.3 million dollars. The assets included more than a square mile of improved and partly improved business and residential property in Hammond, Ind. The property today has a value in excess of 25 million dollars.

There have been periodic complaints about the manner in which this case was being handled by two federal judges—United States District Judge Robert Tehan of Milwaukee and former United States District Judge Luther Swygert, now chief judge of the Seventh Circuit Court of Appeals.

The most recent complaints filed with Atty. Gen. Mitchell are that Judge Tehan engaged in "illegal distribution of substantial funds" from Woodmar, by paying checks totalling $500,000 on forged, destroyed, and inflated claims.

The checks were drawn pursuant to a plan devised by Carl A. Huebner, attorney for the original trustee who has since been disbarred by the Indiana Supreme Court for 82 specific acts of misconduct and fraud.

Judge Swygert, before his appointment to the bench, was associated with Donald C. Gardner in 11 state court foreclosures on City of Hammond improvement bonds involving the Woodmar property. Yet, Swygert took control of the Woodmar case when he went on the bench in 1943, and kept control until a dozen years later despite challenges for possible "conflicts of interest."

It was Judge Swygert who appointed Charles Surprise as trustee and Carl Huebner as lawyer.

Judge Swygert permitted a business firm, sales agent for the trustees, and two others in a fiduciary capacity, attorney Donald C. Gardner and a client, to buy Woodmar lands at bargain prices.

In 1948, Gardner, Surprise, Huebner, and another attorney, C. Ballard Harrison, were indicted on fraud charges involving the Woodmar property and other property. Harrison, Huebner, and Gardner were disbarred. Surprise died before either conviction or disbarment.

Judge Swygert permitted the indicted men—Surprise and Huebner—to retain control over Woodmar until 1952 when the fees being paid these men became a local scandal.

Continued complaints about Judge Swygert resulted in his bowing out of the case in 1956. District Judge W. Lynn Parkinson, of Lafayette, Ind., was assigned the case.

Judge Parkinson permitted Woodmar to defend the trust against special improvement bond claims, and he ordered the new trustee and lawyer appointed by Swygert to leave the case.

Before Judge Parkinson could enter his final order in 1957, he was elevated to the Court of Appeals, Chief Judge F. Ryan Duffy, of the Seventh Circuit, appointed his old Milwaukee friend, Judge Robert Tehan, to preside in the Woodmar matter.

Judge Tehan agreed to follow the law as set down by Judge Parkinson, but a petition filed with the Justice Department charges that he disregarded the law. In 1958 and 1959, Tehan rejected all Woodmar requests for hearings on lien claims.

Tehan had been appointed to the federal bench despite the fact he hadn't paid either federal or Wisconsin state taxes for several years prior to his appointment.

Then Judge Tehan resurrected the Carl Huebner distribution plan, that had been discarded by Judge Parkinson because it was filled with fraud and distorted allowance.

In 1968, Judge Tehan signed orders to pay money to Northwestern Investment Company, a firm formed by one of the disbarred lawyers in 1939 but later dissolved. Tehan also approved an award of $120,000 to attorney Herschel Davis, overruling the objection of Woodmar and the City of Hammond. The judge refused to permit cross-examination of Davis concerning the work he said he did that warranted the $120,000 payment.

In the meantime, Judge Swygert has signed a letter urging readmission of Carl Huebner to the practice of law despite perjury and fraud in the Woodmar case. Swygert said he did it because of his great compassion.

Those are only the highlights of the case now before the Justice Department. It will be strong challenge to the attorney general to sort out the sorry details of this example of delayed justice.

TRIBUTE TO SENATOR McCARTHY

Mr. METCALF. Mr. President, I have already expressed myself on GENE MCCARTHY as a poet. I ask unanimous consent that my remarks on December 10, 1969, be inserted in the RECORD at this point.

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

EUGE POETA

Mr. President, Congressman PODELL of New York, on May 20, 1968, inserted in the CONGRESSIONAL RECORD the poem of our colleague, the senior Senator from Minnesota, GENE MCCARTHY, entitled "Three Bad Signs." This poem has now been awarded a prize by the National Endowment for the Arts. This award confirms Congressman PODELL'S evaluation of Senator MCCARTHY as one who "belongs in the front rank of American lyric poets."

As the Senator from Idaho, Mr. CHURCH, has said, there is no record of another Senator achieving this distinction. For most of us poetry is not our cup of tea.

Senators have written erudite tomes, economic studies, historical reminiscences, essays, doggerel, but never has a Senator earned a prize for poetry.

In achieving distinction as a genuine poet, Senator MCCARTHY can bask in the opinion of Oliver Wendell Holmes who said:

"There was never a poet who had not the heart in the right place."

The poem, "Three Bad Signs" inserted in the RECORD by Congressman PODELL and the poem "Ares" called to our attention by Senator CHURCH, are genuine poetic accomplishments.

It used to be that poetry had to rhyme and scan. It was Dorothy Parker who declared:

"FIGHTING WORDS

"Say my love is easy had,
Say I'm bitten raw with pride,
Say I am too often sad—
Still behold me at your side.

Say I'm neither brave nor young,
Say I woo and coddle care.
Say the devil touched my tongue—
Still you have heart to wear.
But say my verses do not scan
And I get me another man!"

The poetry of McCARTHY is not that of the scanning and rhyming variety. It is the modern poetry of T. S. Eliot, E. E. Cummings, Marianne Moore, and others. It is of an excellence entitled to be considered with these paragons.

Therefore, I was disturbed that the Washington Star commented on McCARTHY's prize-winning poetry as follows:

"POET McCARTHY

"The National Endowment for the Arts has awarded a $500 prize to Senator Eugene McCarthy for his poem, 'Three Bad Signs.' This confirms a long-held suspicion of ours that McCarthy is better at being a poet than he is at the other trades he's dabbled in, such as baseball and politics.

"It has been reported that McCarthy, on being informed of his windfall, expressed the hope that politicians would now stop criticizing his poetry. That seems fair enough. Only those with some knowledge of poetry are properly qualified to comment on the work of a poet.

"By the same token, it would seem reasonable to suggest that Poet McCarthy should stop sounding off on the work of professional politicians."

I wonder what test the Evening Star would put on professional politicians. GENE McCARTHY has won five elections to Congress and two elections to the U.S. Senate. That is playing in the professional league for quite awhile. In addition, he has made a substantial showing in the presidential league. If not being professional means not winning a presidential nomination then there are few professional politicians. It being a professional means success in the highest professional challenge, then GENE McCARTHY meets the test.

As only an amateur in the poetry business, I salute Senator McCARTHY.

As one professional politician to another, I salute a pro for his achievement in an area in which most of us are dilletantes.

Euge Poetu.

TRIBUTE TO SENATOR TYDINGS

Mr. HOLLINGS. Mr. President, I join my colleagues in expressing deep regret that Senator JOSEPH D. TYDINGS will not be serving in the 92d Congress. His able and dedicated leadership will be missed by the Senate and the Nation. He leaves behind a legacy of impressive accomplishments during his tenure in this body. Due to his diligence, many laws are on our books which make our Nation a better place in which to live and work and raise our families. His contributions in his committee assignments and participation on the Senate floor have been most beneficial to the legislative process.

As chairman of the District of Columbia Committee, he handled many difficult and, seemingly unsolvable problems and, the Capital of our Nation has benefited from his untiring attention to this responsibility. Senator TYDINGS' efforts on anticrime legislation have been major in successfully combating organized crime in our society and in improving our criminal court and correctional systems. His leadership in authoring improvements in our consumer protection laws has been an inspiration to us all as guardians of a public trust.

I have been privileged to serve with JOE TYDINGS and, although we did not always agree on various issues, I have always admired the quality that he always possessed the courage of his convictions and never tried to avoid difficult issues or complex problems. During a period when our Nation faced some of the most difficult tests in her history, JOE TYDINGS spoke out and tried to provide practical solutions to our many domestic and international problems.

I know that whatever career JOE TYDINGS chooses to pursue at this point, it will continue to be one of outstanding service to his State of Maryland and to his country. He can hold his head high and be proud of his record. I wish him and his wife, Virginia, continued happiness and success.

ELECTRIC UTILITIES SPEND EIGHT TIMES AS MUCH FOR "SELL AND TELL" AS FOR R. & D.

Mr. METCALF. Mr. President, the 1969 data on electric utilities, as reported by the companies themselves, has now been at the Federal Power Commission for 8 months. Comparative statistics based on these reports will not be published, unfortunately, until well into 1971, after many of the utilities have obtained rate increases upon a record that did not include this recent, comparative information.

However, I have obtained from the FPC comparative 1969 data in two important areas of utility expenditures, advertising and sales promotion and research and development.

The 1969 data shows that the electric utilities, our Nation's largest industry, have embarked upon another deceptive advertising campaign. They are trying to meet massive technological problems by massive advertising and sales promotion—this despite the energy shortage—rather than by the needed massive research and development programs.

In fact, the investor-owned utilities spent eight times as much on advertising and sales as it spent on research and development in 1969.

Expenditures by IOU on advertising and sales increased 11.8 percent from 1968 to 1969, up from $289.6 million to $323.8 million. During the same period IOU expenditures on R. & D. increased only 6.9 percent, from $38.4 million to $41 million.

Among the 210 major electric utilities, 46 did not spend a cent on R. & D. in 1969. The expenditures of 61 companies on R. & D. were less than they were in 1969. Four were unchanged and 99 were higher.

What this means is that the IOU's are doing less but telling us more about power shortages and pollution. The industry's priorities are reversed.

These 210 companies took in more than $21 billion in 1969. Their net income amounted to almost $3.2 billion. Their Federal income taxes again decreased, from 9.2 percent of the revenue dollar in 1968 to only 8 cents on the dollar in 1969. Other taxes held steady at 11 cents on the dollar, the same as in 1968.

The reduction in Federal income taxes, from 9.2 percent to 8 percent of the revenue dollar, could have added many millions of dollars to the research and development budget. But this reallocation was not made. Instead, some of the companies are asking for tax incentives for research and development. I do not think an industry which will not apply tax reductions to R. & D. has much of a case to come before Congress, State legislatures or commissions for tax incentives for R. & D.

The superficial "sell and tell" technique embarked upon by the power industry is no substitute for the R. & D. which is essential to development of improved methods of power generation, reliable transmission and pollution abatement. I cannot, for the life of me, understand the myopic attitude of the industry regarding R. & D. expenditures. Order No. 408 of the FPC, issued on 26 August 1970 provides that some R. & D. can be included in the rate base, so utilities can actually make money on it. But even before that ruling R. & D. as well as advertising and sales were included in the operating expenses which were passed on to the customer.

The logical way to fund needed R. & D. in the energy field is through reallocation to R. & D. of funds now spent on overselling and overadvertising the utilities' scare product. To that end I shall ask the FPC to institute a rulemaking proceeding which would disallow inclusion of advertising and sales promotion as an operating expense. Under the proposed procedure utilities could still advertise and promote sales. But they would have to pay for it out of earnings, as nonutility businesses must.

State utility commissions bear most rate regulatory responsibility regarding electric utilities. However, a policy change by the FPC, despite its limited jurisdiction, could have a salutary supportive effect among State commissions

A State commission—in Vermont, the homeland of GEORGE AIKEN and Charlie Ross—recently went beyond my suggested rule to propose that no electric or gas utility shall engage in advertising or in any promotional practice. This Vermont proposal has been subject to a good deal of criticism, especially from newspapers and broadcasters, who have become accustomed to regular and spacious utility ads, courtesy of the consumers.

The New England Press Association was moved to term the Vermont commission proposal "a denying to public utilities of the rights of communication with the public they serve." Surely even stern-faced, straight-laced utility executives must have smiled at that suggestion that utilities limit their "communication" to advertising and promotion payments.

A more candid comment came from a weekly publisher who objected that "to be denied this source of revenue—from utility ads—would indeed place a hardship on the Journal-Opinion." I would emphasize here that under my proposal the utilities could continue to advertise, but at the expense of their stockholders, rather than including it as part of the

cost in their plush cost-plus method of operation.

And I would remind worried publishers that one of the greatest weeklies in the country, the Western News in my native Ravalli County, Mont., has sustained itself since the 1930's without the thousands of dollars which the local power company gives to weekly editors who carry its "institutional" ads and who do not subject the company to the independent and critical editorial judgment that Miles Romney of the Western News occasionally delivers.

Recent trends in utility advertising are toward what is termed "educational" emphasis, rather than load building. This country has been "educated" by utilities for decades. That is one of its problems. I am sure that most ratepayers would prefer to choose the type of education they pay for and receive. I never have seen a utility franchise which mentioned that the company's obligation extended to public education. I hope some of the strict constructionists on the FPC, and in the State commissions, find this point helpful as they rearrange some priorities that are badly out of place.

Mr. President, I shall also ask the Federal Trade Commission to review utility advertising content in relation to the companies' tiny expenditures on R. & D. Ads which suggest great effort and expenditure by utilities to protect the environment and insure reliability through R. & D. are patently deceptive and misleading.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the tables, provided to me by the FPC and based on the individual companies' 1969 Form 1 reports, which deal with expenditures for advertising and sales and research and development. I also ask unanimous consent to include in the RECORD Lawrence Lessing's article, "New Ways To More Power With Less Pollution," which appeared in the November 1970 issue of Fortune. I consider this article crucially important to an understanding of the energy and environmental morass in which this Nation now flounders.

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

ADVERTISING AND SALES EXPENSES, 1969

Classes A and B privately owned electric utilities	Total sales expenses	Sales[1] advertising expenses	Institutional advertising expenses	Total advertising expenses
Alabama Power Co	$5,746,091	$994,548	$280,520	$1,275,068
Alaska Electric Light & Power Co			6,508	6,508
Alcoa Generating Corp				
Alpena Power Co	23,148	3,847	25	3,872
Appalachian Power Co	6,554,332	900,590	165,190	1,065,780
Arizona Public Service Co	1,615,087	615,560	33,775	649,335
Arkansas-Missouri Power Co	122,749	53,870		53,870
Arkansas Power & Light Co	2,775,006	649,020	413,891	1,062,911
Arklahoma Corp., The				
Atlantic City Electric Co	1,771,690	374,987		374,987
Baltimore Gas & Electric Co	1,855,030	743,693	321,518	1,065,211
Bangor Hydro-Electric Co	73,182	47,814		47,814
Black Hills Power & Light Co	239,373	68,005	11,547	79,552
Blackstone Valley Electric Co	501,769	99,669	8,882	108,551
Boston Edison Co	1,845,935	587,225	348,701	935,926
Boston Gas Co	4,511			
Brockton Edison Co	440,439	57,389	9,614	67,003
California-Pacific Utilities Co	138,233	28,725		28,725
Cambridge Electric Light Co	237,768	10,666	1,418	12,084
Canal Electric Co				
Cape & Vineyard Electric Co	610,556	21,495	2,097	23,592
Carolina Power & Light Co	3,032,867	725,542	355,140	1,080,682
Central Hudson Gas & Electric Corp	805,847	225,843	56,960	282,803
Central Illinois Light Co	467,530	106,610	139,396	246,006
Central Illinois Public Service Co	1,826,326	428,940	101,815	530,755
Central Kansas Power Co., Inc	41,694	23,059		23,059
Central Louisiana Electric Co., Inc	579,432	185,262		185,262
Central Maine Power Co	1,375,252	94,131	23,028	117,159
Central Power & Light Co	2,561,552	518,756		518,756
Central Telephone & Utilities Corp	394,664	110,491		110,491
Central Vermont Public Service Corp	308,624	24,075	9,949	34,024
Cheyenne Light, Fuel & Power Co	98,537	35,052	6,841	41,893
Cincinnati Gas & Electric Co., the	1,878,764	545,526	195,000	740,526
Citizens Utilities Co	79,723	38,063		38,063
Cleveland Electric Illuminating Co., the	5,942,876	1,126,423	835,195	1,961,618
Columbus & Southern Ohio Electric Co	2,399,304	510,602	148,636	659,238
Commonwealth Edison Co	10,692,937	2,651,834	340,023	2,991,857
Commonwealth Edison Co. of Indiana, Inc				
Community Public Service Co	666,537	539,922		539,922
Concord Electric Co	43,504	12,375	2,364	14,739
Connecticut Light & Power Co., the	3,504,507	753,908	180,729	934,637
Connecticut Valley Electric Co., Inc	33,173	1,968		1,968
Connecticut Yankee Atomic Power Co				
Conowingo Power Co	117,262	11,899	1,185	13,084
Consolidated Edison Co. of New York, Inc	6,443,163	1,287,609	333,168	1,620,777
Consolidated Water Power Co				
Consumers Power Co	5,080,225	891,217	511,825	1,403,042
Dallas Power & Light Co	3,044,583	967,376		967,376
Dayton Power & Light Co., the	2,695,364	633,623	130,583	764,206
Delmarva Power & Light Co	521,703	76,245	79,429	155,674
Delmarva Power & Light Co. of Maryland	272,755	43,849	21,811	65,660
Delmarva Power & Light Co. of Virginia	60,337	5,776	4,392	10,168
Detroit Edison Co., the	5,779,722	1,811,383	343,527	2,154,910
Duke Power Co	3,798,470	1,182,737	345,894	1,528,631
Duquesne Light Co	2,912,283	782,518	449,893	1,232,411
Edison Sault Electric Co	87,383	8,875	556	9,431
El Paso Electric Co	487,551	144,229		144,229
Electric Energy, Inc				
Empire District Electric Co., the	526,833	62,499	659	63,158
Exeter & Hampton Electric Co	68,977	11,026		11,026
Fall River Electric Light Co	174,607	60,002	3,515	63,517
Fitchburg Gas & Electric Light Co	125,470	25,245	7,090	32,335
Florida Power Corp	2,455,510	321,968	352,874	674,842
Florida Power & Light Co	7,612,768	1,678,681	67,446	1,746,127
Florida Public Utilities Co	84,472	7,997		7,997
Georgia Power Co	7,534,096	1,850,614	212,459	2,063,973
Granite State Electric Co	70,029	5,957	4,369	10,326
Green Mountain Power Corp	190,554	37,684	8,096	45,780
Gulf Power Co	743,493	140,818	131,941	272,759
Gulf States Utilities Co	3,147,427	624,866	278,243	903,190
Hartford Electric Light Co., the	1,603,741	361,230	227,462	588,692
Hawaiian Electric Co., Inc	1,134,458	181,132	86,400	267,532
Hershey Electric Co	1,463	1,463		1,463
Hilo Electric Light Co., Ltd	80,346	8,840		8,840
Holyoke Power & Electric Co	$2,479			
Holyoke Water Power Co	20,869		$12,864	$12,864
Home Light & Power Co	18,553	$13,218	1,172	14,390
Houston Lighting & Power Co	3,699,458	1,434,865	259,931	1,694,796
Idaho Power Co	1,128,466	146,127	29,939	176,066
Illinois Power Co	1,496,372	411,981	80,575	492,556
Indiana-Kentucky Electric Corp				
Indiana & Michigan Electric Co	4,569,309	708,905	166,216	875,121
Indianapolis Power & Light Co	1,825,325	544,018	39,187	583,205
Interstate Power Co	792,148	167,692	95,198	262,890
Iowa Electric Light & Power Co	1,004,057	174,296	156,540	330,836
Iowa-Illinois Gas & Electric Co	324,791	61,974	87,864	149,838
Iowa Power & Light Co	577,196	302,896	128,621	431,517
Iowa Public Service Co	484,875	155,526	58,905	214,431
Iowa Southern Utilities Co	404,921	46,031	52,606	98,637
Jersey Central Power & Light Co	1,651,703	339,095	94,952	434,047
Kansas City Power & Light Co	1,749,565	480,644	86,409	567,053
Kansas Gas & Electric Co	1,449,741	295,864	73,413	369,277
Kansas Power & Light Co., the	572,652	130,570	32,703	163,273
Kentucky Power Co	1,072,362	129,456	13,938	143,394
Kentucky Utilites Co	1,604,824	289,513		289,513
Kingsport Utilities Co	255,033	63,933	6,958	70,891
Lake Superior District Power Co	53,588	13,977	5,964	19,941
Lockhart Power Co	1,462	1,462		1,462
Long Island Lighting Co	915,916	204,677	170,327	375,094
Long Sault, Inc				
Louisiana Power & Light Co	2,499,387	566,542	169,044	735,586
Louisville Gas & Electric Co	243,804	72,076	82	72,158
Madison Gas & Electric Co	78,368	17,241	2,189	19,430
Maine Public Service Co	184,912	47,122		47,122
Massachusetts Electric Co	2,849,697	494,505	218,500	713,005
Maui Electric Co., Ltd	94,875	15,266	548	15,814
Metropolitan Edison Co	1,605,341	246,966	112,212	359,178
Michigan Power Co	208,563	82,725	5,388	88,113
Minnesota Power & Light Co	967,736	180,934	72,136	253,070
Mississippi Power Co	823,333	160,568	131,972	292,540
Mississippi Power & Light Co	1,589,362	338,680	234,139	572,819
Missouri Edison Co	71,901	24,720		24,720
Missouri Power & Light Co	313,206	85,753	5,893	91,646
Missouri Public Service Co	239,182	49,124		49,124
Missouri Utilities Co	26,146	16,326		16,326
Monongahela Power Co	3,137,578	365,766		365,766
Montana-Dakota Utilities Co	430,222	88,519		88,519
Montana Power Co., the	587,964	193,266	31,971	225,237
Montaup Electric Co				
Mount Carmel Public Utility Co	17,762	19,375		19,375
Nantahala Power & Light Co	0		1,412	1,412
Narragansett Electric Co., the	853,737	193,955	118,463	312,418
Nevada Power Co	323,854	157,903	22,768	180,671
New Bedford Gas & Edison Light Co	470,680	14,207	3,352	17,559
New England Power Co	30,571	26	78,216	78,242
New Jersey Power & Light Co	703,566	135,918	36,740	172,658
New Mexico Electric Service Co	127,280	11,837		11,837
New Orleans Public Service, Inc	1,221,107	257,714	163,784	421,498
New York State Electric & Gas Corp	2,030,251	326,365	219,831	546,196
Newport Electric Corp	130,296	21,750	3,898	25,648
Niagara Mohawk Power Corp	4,871,274	926,479	256,235	1,182,714
Northern Indiana Public Service Co	230,587	17,423	45,094	62,517
Northern States Power Co. (Minnesota)	6,512,872	1,696,861	82,993	1,779,854
Northern States Power Co. (Wisconsin)	779,040	180,314	336	180,650
Northwestern Public Service Co	224,483	46,843	25,001	71,844
Ohio Edison Co	5,075,004	1,451,454	142,207	1,593,668
Ohio Power Co	6,038,438	1,071,502	215,796	1,287,291
Ohio Valley Electric Corp				
Oklahoma Gas & Electric Co	3,376,060	749,039	111,205	860,244
Old Dominion Power Co	114,426	12,339		12,339
Orange & Rockland Utilities, Inc	712,936	65,742	24,336	90,078
Otter Tail Power Co	764,060	326,679		326,679
Pacific Gas & Electric Co	5,793,532	1,275,903	462,507	1,738,410
Pacific Power & Light Co	3,679,236	990,736		990,736
Pennsylvania Electric Co	2,820,972	413,397	99,501	512,898
Pennsylvania Power Co	774,715	214,811	21,193	236,004
Pennsylvania Power & Light Co	6,086,712	921,016	11,929	932,945
Philadelphia Electric Co	7,595,247	1,267,075	886,690	2,153,765
Philadelphia Electric Power Co				
Portland General Electric Co	2,481,986	405,147	83,273	48,420
Potomac Edison Co., the	1,112,105	190,757	13,881	204,638

Footnotes at end of table.

ADVERTISING AND SALES EXPENSES, 1969—Continued

Classes A and B privately owned electric utilities	Total sales expenses	Sales[1] advertising expenses	Institutional advertising expenses	Total advertising expenses
Potomac Edison Co. of Pennsylvania, the	$282,607	$45,263	$3,058	$48,321
Potomac Edison Co. of Virginia, the	404,259	56,635	5,338	61,973
Potomac Edison Co. of West Virginia	448,054	59,667	5,105	64,772
Potomac Electric Power Co	3,301,705	1,204,024	70,231	1,274,255
Public Service Co. of Colorado	1,787,477	520,210	172,990	693,200
Public Service Co. of Indiana, Inc	3,456,817	529,570	301,639	831,209
Public Service Co. of New Hampshire	1,122,803	61,687	129,941	191,628
Public Service Co. of New Mexico	572,989	171,757	56,550	228,307
Public Service Co. of Oklahoma	2,689,619	530,786	33,146	563,932
Public Service Electric & Gas Co	3,885,244	1,029,372	591,211	1,620,583
Puget Sound Power & Light Co	1,659,853	532,803		532,803
Rochester Gas & Electric Corp	1,125,999	322,510	137,087	459,597
Rockland Electric Co	250,688	16,666	5,185	21,851
Rumford Falls Power Co				
Safe Harbor Water Power Corp				
St. Joseph Light & Power Co	320,372	69,888	477	70,365
San Diego Gas & Electric Co	855,656	295,597	141,727	437,324
Savannah Electric & Power Co	724,868	123,874		123,874
Sherrard Power System	2,474	3,030		3,030
Sierra Pacific Power Co	331,956	127,633	3,552	131,185
South Beloit Water, Gas & Electric Co	34,994	3,667		3,667
South Carolina Electric & Gas Co	917,296	251,967	219,711	471,678
Southern California Edison Co	8,830,454	4,554,363	1,801,597	6,355,960
Southern Electric Generating Co				
Southern Indiana Gas & Electric Co	233,355	95,649	260	95,909
Southwestern Electric Power Co	2,323,768	326,393	26,215	352,608
Southwestern Electric Service Co	130,376	49,625	7,185	56,810
Southwestern Public Service Co	1,687,278	482,846	27,690	510,536
Superior Water, Light & Power Co	98,862	15,920	2,520	18,440
Susquehanna Electric Co., the				
Susquehanna Power Co., the				
Tampa Electric Co	$1,484,699	$351,712	$21,652	$373,364
Tapoco, Inc				
Texas Electric Service Co	4,989,229	935,024	9,312	944,336
Texas Power & Light Co	4,945,928	777,904		777,904
Toledo Edison Co., The	1,941,194	597,562	136,796	734,358
Tucson Gas & Electric Co	82,629	69,065		69,065
UGI Corporation	254,278	113,769	8,613	122,382
Union Electric Co	4,268,218	790,223	391,893	1,182,116
Union Light, Heat & Power Co., the	303,170	101,070	34,212	135,282
United Illuminating Co., the	1,787,011	284,525	45,327	329,852
Upper Peninsula Generating Co				
Upper Peninsula Power Co	294,887	90,971	6,124	97,095
Utah Power & Light Co	2,100,732	460,566	295,871	756,437
Vermont Electric Power Co., Inc				
Virginia Electric & Power Co	7,244,318	2,022,974	29,211	2,052,185
Washington Water Power Co., the	803,637	172,406	134,080	306,486
West Penn Power Co	3,971,267	840,472	15,985	856,474
West Texas Utilities Co	878,259	206,655	23,799	230,454
Western Colorado Power Co., the	107,494	25,683	10,155	35,838
Western Massachusetts Electric Co	1,238,920	244,221	163,457	407,678
Wheeling Electric Co	466,999	87,862	4,846	92,708
Wisconsin Electric Power Co	3,093,269	1,104,111	277,229	1,381,340
Wisconsin Michigan Power Co	268,781	70,584	2,010	72,594
Wisconsin Power & Light Co	1,211,572	155,667	163,630	319,297
Wisconsin Public Service Co	958,639	190,879	63,130	254,009
Wisconsin River Power Co				
Yadkin, Inc				
Yankee Atomic Electric Co			7,036	7,036
Total	304,889,549	70,843,626	18,957,359	89,800,985

[1] Sales advertising expenses (col. 2) are included in both total sales expenses (col. 1) and total advertising expenses (col. 4). Total sales and advertising expense is the sum of cols. (1) and (3).

Research and Development

Total expenditures by electric utility companies in 1969 for research and development in areas of interest and importance to the industry amounted to $41,026,000. Of the total $18,446,000 or 45 percent, was expended for research and development performed by the companies and $22,580,000 or 55 percent, for the support of research and development by others.

The general areas of expenditures in 1969 and 1968 were:

RESEARCH AND DEVELOPMENT PERFORMED

	1969		1968	
	Amount	Percent	Amount	Percent
WITHIN THE COMPANIES				
Powerplants:				
Hydro	$1,261,909	3.1	$1,137,295	3.0
Fossil fuel steam	4,979,007	12.1	4,349,318	11.3
Internal combustion	27,014	.1	55,976	.1
Nuclear	4,516,074	11.0	3,363,723	8.8
Direct conversion	13,010	0	8,137	0
System planning, engineering, and operation	$2,571,919	$6.3	$1,906,699	$5.0
Transmission	1,521,512	3.7	1,428,635	3.7
Distribution	1,285,184	3.1	1,034,137	2.7
Other	2,270,440	5.5	3,311,715	8.6
Total	18,446,069	45.0	16,595,635	43.2
OUTSIDE THE COMPANIES				
Research support to—				
Electric Research Council			132,429	.4
Edison Electric Institute	5,840,161	14.2	4,764,720	12.4
Nuclear power groups	11,962,832	29.2	11,620,600	30.3
Others	4,776,571	11.6	5,275,977	13.7
Total	22,579,564	55.0	21,793,726	56.8
Grand total	41,025,633	100.0	38,389,361	100.0

Expenditures by each of the companies for the years 1967 through 1969 are shown in the following table. The expenditures of 99 companies were higher in 1969 than in 1968, 61 were lower, 4 remained unchanged and 46, reported none. In aggregate, expenditures in 1969 were some 6.9 percent greater than in 1968 and 11.2 percent greater than in 1967.

The Commission in its review of its accounting and ratemaking treatment of expenditures made by natural gas and electric utility companies for research and development found an apparent low level of such expenditures, in relationship with total utility operating revenues. The Commission in its belief that technological advances must be made by the respective industries, issued Order No. 408 August 26, 1970, adopting policies to encourage a greater research commitment by industry.

In addition to expenditures for research and development made by the electric utilities substantial additional expenditures in areas of interest to the electric utility industry are also made by manufacturing firms who are suppliers of equipment to the industry.

PRIVATELY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B RESEARCH AND DEVELOPMENT EXPENDITURES

Company	1969	1968	1967
Alabama Power Co	$233,119	$233,822	$204,75
Alaska Electric Light & Power Co			
Alcoa Generating Corp			
Alpena Power Co			
Appalachian Power Co	398,503	635,349	507,280
Arizona Public Service Co	119,447	104,307	136,118
Arkansas-Missouri Power Co	22,757	26,217	17,925
Arkansas Power & Light Co	175,542	251,526	207,654
Arklahoma Corp., the			
Atlanta City Electric Co	66,559	26,547	62,188
Baltimore Gas & Electric Co	1,050,580	1,078,070	793,299
Bangor Hydro-Electric Co			
Black Hills Power & Light Co			
Blackstone Valley Electric Co	6,770	6,570	6,397
Boston Edison Co	1,946,699	1,195,846	1,020,503
Boston Gas Co			
Brockton Edison Co	7,000	6,799	6,083
California-Pacific Utilities Co			
Cambridge Electric Light Co	5,138	4,897	7,432
Canal Electric Co			
Cape & Vineyard Electric Co	8,805	4,626	4,194
Carolina Power & Light Co	56,681	746,130	976,653
Central Hudson Gas & Electric Corp	180,385	244,438	147,857
Central Illinois Light Co	37,477	43,087	40,591
Central Illinois Public Service Co	106,982	101,777	115,953
Central Kansas Power Co., the	8,135	9,289	9,437
Central Louisiana Electric Co., Inc	31,200	31,200	28,600
Central Maine Power Co	25,139	24,030	22,922
Central Power & Light Co	$96,772	$60,444	$85,123
Central Telephone & Utilities Corp	20,377	24,348	
Central Vermont Public Service Corp	10,000	6,642	2,300
Cheyenne Light, Fuel & Power Co	1,617	1,535	1,465
Cincinnati Gas & Electric Co., the	277,814	263,053	231,340
Citizens Utilities Co			
Cleveland Electric Illuminating Co., the	664,117	479,441	331,341
Columbus & Southern Ohio Electric Co	101,180	66,120	51,021
Commonwealth Edison Co	1,791,739	2,421,360	1,555,500
Commonwealth Edison Co. of Indiana, Inc			
Community Public Service Co	22,313	21,459	27,740
Concord-Electric Co	29	6	26
Connecticut Light & Power Co., the	233,925	86,608	60,867
Connecticut Valley Electric Co., Inc			
Connecticut Yankee Atomic Power Co	172,683	150,488	
Conowingo Power Co			
Consolidated Edison Co. of New York, Inc	1,343,528	1,418,855	1,315,188
Consolidated Water Power Co			
Consumers Power Co	2,292,544	2,167,298	2,222,325
Dallas Power & Light Co	181,842	235,739	177,903
Dayton Power & Light Co., the	131,279	91,795	110,313
Delmarva Power & Light Co	90,255	80,478	83,672
Delmarva Power & Light Co. of Maryland	35,000		
Delmarva Power & Light Co. of Virginia			
Detroit Edison Co., the	4,611,311	3,506,366	4,817,721
Duke Power Co	752,997	576,650	795,456
Duquesne Light Co	140,261	125,532	19,984
Edison Sault Electric Co			

PRIVATELY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B RESEARCH AND DEVELOPMENT EXPENDITURES—Continued

Company	1969	1968	1967
El Paso Electric Co	$23,990	$21,500	$30,562
Electric Energy, Inc			
Empire District Electric Co., the	31,168	34,029	33,658
Exeter & Hampton Electric Co	1,407	1,261	1,103
Fall River Electric Light Co	3,512	3,355	3,243
Fitchburg Gas & Electric Light Co			
Florida Power Corp	173,973	42,000	42,000
Florida Power & Light Co	89,500	84,636	77,200
Florida Public Utilities Co			
Georgia Power Co	279,834	485,538	406,959
Granite State Electric Co	1,517	936	1,206
Green Mountain Power Corp	4,511	3,882	3,545
Gulf Power Co	54,854	54,490	59,255
Gulf States Utilities Co	258,531	272,042	271,715
Hartford Electric Light Co., the	114,780	52,652	55,931
Hawaiian Electric Co., Inc	813,400	460,711	50,245
Hershey Electric Co			
Hilo Electric Light Co., Ltd			
Holyoke Power & Light Co	2,000		
Holyoke Water Power Co	9,904		623
Home Light & Power Co	1,950	1,818	1,677
Houston Lighting & Power Co	741,039	414,428	425,137
Idaho Power Co	618,743	606,985	788,796
Illinois Power Co	77,602	69,558	37,658
Indiana-Kentucky Electric Corp			
Indiana & Michigan Electric Co	371,248	453,003	382,296
Indianapolis Power & Light Co	121,448	95,812	71,279
Interstate Power Co	24,253	17,137	19,759
Iowa Electric Light & Power Co	7,693	6,102	11,386
Iowa-Illinois Gas & Electric Co	76,345	76,938	75,629
Iowa Power & Light Co	67,055	30,004	24,389
Iowa Public Service Co	24,099	18,470	33,925
Iowa Southern Utilities Co	9,402	1,961	3,199
Jersey Central Power & Light Co	177,220	199,360	290,915
Kansas City Power & Light Co	41,689	36,660	40,932
Kansas Gas & Electric Co	74,400	99,903	91,382
Kansas Power & Light Co., the	4,060	4,960	39,638
Kentucky Power Co	119,694	54,525	113,107
Kentucky Utilities Co	50,210	47,286	86,961
Kingsport Power Co	14,720	17,034	12,468
Lake Superior District Power Co	4,173		
Lockhart Power Co			
Long Island Lighting Co	747,907	778,155	880,000
Long Sault, Inc			
Louisiana Power & Light Co	282,578	326,589	235,032
Louisville Gas & Electric Co	48,721	21,587	28,592
Madison Gas & Electric Co	12,880	10,986	14,816
Maine Public Service Co			2,290
Massachusetts Electric Co	54,283	31,785	34,979
Maui Electric Co., Ltd			
Metropolitan Edison Co	443,981	465,993	829,384
Michigan Power Co	6,860	8,842	
Minnesota Power & Light Co	18,058	15,624	766
Mississippi Power Co	65,415	92,435	86,121
Mississippi Power & Light Co	91,359	128,790	105,492
Missouri Edison Co			
Missouri Power & Light Co	4,821	4,755	1,950
Missouri Public Service Co	40,215	31,689	26,771
Missouri Utilities Co	15,722	17,699	15,917
Monongahela Power Co	69,596	69,596	74,203
Montana-Dakota Utilities Co			
Montana Power Co., the	34,841	23,443	30,393
Montana Electric Co	1,645		
Mount Carmel Public Utility Co			
Nantahala Power & Light Co			
Narragansett Electric Co., the	26,792	19,486	20,210
Nevada Power Co	11,900	16,520	10,454
New Bedford Gas & Edison Light Co	7,023	6,390	6,096
New England Power Co	153,655	61,618	58,538
New Jersey Power & Light Co	64,136	51,499	67,735
New Mexico Electric Service Co	2,103	2,008	2,004
New Orleans Public Service, Inc	120,277	157,407	154,688
New York State Electric & Gas Corp	620,642	717,284	318,967
Newport Electric Corp	2,441	2,267	2,109
Niagara Mohawk Power Corp	711,384	887,898	454,323
Northern Indiana Public Service Co	315,779	202,942	613,987
Northern States Power Co. (Minnesota)	707,256	432,309	416,012
Northern States Power Co. (Wisconsin)	18,401	12,365	11,535
Northwestern Public Service Co	$2,631	$30	$2,613
Ohio Edison Co	259,404	142,330	161,981
Ohio Power Co	639,251	593,890	540,510
Ohio Valley Electric Corp			
Oklahoma Gas & Electric Co	234,681	237,137	213,520
Old Dominion Power Co	1,486	1,400	1,296
Orange & Rockland Utilities, Inc	120,517	138,980	86,556
Otter Tail Power Co	71,583	16,532	27,006
Pacific Gas & Electric	1,151,586	807,749	575,851
Pacific Power & Light Co	131,564	370,344	182,434
Pennsylvania Electric Co	2,076,438	1,881,897	655,835
Pennsylvania Power Co	32,639	25,032	24,207
Pennsylvania Power & Light Co	697,008	580,700	785,648
Philadelphia Electric Co	1,653,200		869,687
Philadelphia Electric Power Co			
Portland General Electric Co	320,179	453,009	240,176
Potomac Edison Co., the	56,087	87,716	64,811
Potomac Edison Co. of Pennsylvania, the	3,265	5,075	4,576
Potomac Edison Co. of Virginia, the	4,516	8,364	6,415
Potomac Edison Co. of West Virginia, the	5,026	7,829	7,155
Potomac Electric Power Co	768,937	720,767	602,642
Public Service Co. of Colorado	262,620	141,173	156,615
Public Service Co. of Indiana, Inc	195,820	231,880	144,324
Public Service Co. of New Hampshire	362,077	68,220	126,071
Public Service Co. of New Mexico	12,662	18,420	18,420
Public Service Co. of Oklahoma	260,506	156,805	173,047
Public Service Electric & Gas Co	473,529	941,174	1,018,819
Puget Sound Power & Light Co	167,644	188,357	227,010
Rochester Gas & Electric Corp	218,020	596,577	234,781
Rockland Electric Co	143	134	127
Rumford Falls Power Co			
Safe Harbor Water Power Corp			
St. Joseph Light & Power Co	10,256	9,798	9,723
San Diego Gas & Electric Co	130,362	41,509	68,859
Savannah Electric & Power Co	7,710	6,678	6,883
Sherrard Power System			
Sierra Pacific Power Co	17,710	20,045	8,228
South Beloit Water, Gas & Electric Co			
South Carolina Electric & Gas Co	62,274	243,520	620,398
Southern California Edison Co	1,147,104	1,050,578	1,436,057
Southern Electric Generating Co	2,229	2,148	2,210
Southern Indiana Gas & Electric Co	42,013	40,339	80,959
Southwestern Electric Power Co	148,539	205,840	191,428
Southwestern Electric Service Co	2,250	2,123	1,983
Southwestern Public Service Co	44,358	47,688	62,078
Superior Water, Light & Power Co			
Susquehanna Electric Co., the			
Susquehanna Power Co., the			
Tampa-Electric Co	56,608	121,007	237,119
Tapoco, Inc			
Texas Electric Service Co	218,939	228,134	182,346
Texas Power & Light Co	186,611	208,395	168,363
Toledo Edison Co., the	40,931	147,019	51,500
Tucson Gas & Electric Co		9,100	9,100
UGI Corp	3,572	3,183	3,056
Union Electric Co	551,134	1,256,471	390,640
Union Light, Heat & Power Co., the	29,862	36,233	31,214
United Illuminating Co., the	75,311	98,436	63,454
Upper Peninsula Generating Co			
Upper Peninsula Power Co	1,600	1,600	1,600
Utah Power & Light Co	120,587	83,048	84,291
Vermont Electric Power Co., Inc	4,000	4,000	4,500
Virginia Electric & Power Co	478,094	387,708	861,796
Washington Water Power Co., the	74,385	1,596	8,523
West Penn Power Co	245,496	320,489	342,588
West Texas Utilities Co	35,256	34,352	49,175
Western Colorado Power Co., the			
Western Massachusetts Electric Co	70,317	30,497	31,252
Wheeling Electric Co	21,028	24,728	20,017
Wisconsin Electric Power Co	229,944	171,863	154,114
Wisconsin Michigan Power Co	24,704	10,689	9,837
Wisconsin Power & Light Co	96,602	153,939	111,692
Wisconsin Public Service Co	63,777	33,191	22,743
Wisconsin River Power Co			
Yadkin, Inc			
Yankee Atomic Electric Co			
Total	41,025,633	38,389,361	36,878,127

New Ways to More Power With Less Pollution

(By Lawrence Lessing)

As the pall of power dimouts and pollution creeps over the U.S., warnings are increasingly sounded, particularly by the utilities, that we must either do with less power or put up with more pollution. Some of the gloomier environmentalists go so far as to propose that the U.S. resign itself from here on to a lower standard of living. And the present energy crisis in fossil-fuel supplies, examined in the preceding article, may bring some taste of that. But these pessimistic views assume that basic developments in electric power are at an end. They ignore a great body of advanced, but largely neglected, technology that promises much more efficient ways of generating and transmitting electricity than those used at present, with much less pollution and defacement of nature.

Three major new power developments have come into view over the past decade, in sciences almost prescient, self-correcting way. One of these—called magnetohydrodynamics—is a method of generating electricity directly from a supersonic flow of hot ionized gases; this has already been demonstrated on a practical scale. Another development, still in the conceptual state but based on known and tested technology, is a method of gathering solar power in space. And finally, entering into these and other advanced methods of handling power, there is the revolutionary development known as superconductivity, the carrying of electric current without resistance or loss. These developments form a complex, synergistic mix that could begin to raise electric power to an entirely new level of efficiency.

Efficiency is the key. The higher the efficiency of an energy system, the more usable power is produced per unit of fuel, and the less pollution and waste. Conventional steam power plants, after nearly a century of refinement, barely reach an efficiency of 40 percent; the rest of the energy from burning coal, gas, or oil goes off in waste heat, smoke, and such partial-combustion products, or pollutants, as oxides of nitrogen and sulphur. The steam-generating process, which currently accounts for over three-fourths of the nations power, is essentially a ponderous three-stage mechanical system. Water is heated to high-pressure steam in a furnace boiler; the steam then spins a huge turbine, which in turn drives a big rotary motor generator, whirling a copper-wire armature through a magnetic field to produce electric current. Energy is lost at each stage, and more is lost in transmission lines. The whole system still reflects nineteenth-century attitudes that the earth's resources are so limitless that we can afford, as the shortest route to the greatest profit, to waste most of them.

Even more inefficient than conventional steam are the nuclear power plants. Con-

trary to popular impression, they do not get electricity directly from the atom, but link a nuclear reactor to the old steam turbine. The reactor merely replaces the fossil-fuel furnace in heating the boiler. Efficiency reaches only about 30 percent, for only a small part of the nuclear heat is converted to electricity. The bulk of the heat, some 50 percent greater per unit of power than that from fossil-fuel plants, goes to waste in cooling water. While nuclear fuel eliminates nearly all air pollution, except for a minuscule amount of radioactive gases, the heated water, discharged into rivers, lakes, or oceans, raises the threat of thermal pollution and carries with it some additional radioactivity. By the year 2000, at the present rate of power growth, about a third of the average daily runoff of fresh water in the U.S. will be required to cool power plants. The excess heat raises the water temperatures around the discharge by ten to thirty degrees, with potentially disastrous effects on aquatic life.

These are the dimensions of the current dilemma. Since U.S. power capacity is projected to double again by 1980 to more than 600 million kilowatts, the next decade is crucial. Even with the most energetic measures to reduce the more noxious pollutants from present systems—patchwork at best—over-all pollution will continue to rise with this massive increase in capacity. Only by developing radical, more efficient means of generating and transmitting electricity can the power industry begin to cut pollution at the source. Unfortunately, the most promising alternatives so far have had only meager support from either the industry or the government. And in the present deep recession in science and technology, largely induced by federal budget cuts and tight-money policy, most of the work has been at a standstill for over two years. None of these alternatives offer any instant solutions, for much hard development still lies ahead, but they need vigorous support now to meet the goals of 1980.

A WAY TO OVERCOME RESISTANCE

The most basic of the forward-looking developments, running like a thematic thread through all of them, is superconductivity. In 1911 the Dutch Nobel Prize physicist Heike Kamerlingh Onnes discovered that at temperatures near absolute zero (minus 460° Fahrenheit) certain metals suddenly lose all resistance to an electric current and become perfect conductors. That is, they carry current without any heat or other energy losses. Ordinarily copper conductors, operating at normal temperatures in a power system, may run up cumulative current losses of 20 percent or more. Since conductors are the heart and arterial system of all electric equipment, this basic discovery of a means to carry power without energy loss early raised visions of revolutionary lightweight, highly efficient electromagnets, generators, motors, transformers, circuits, and transmission lines.

For more than forty years, however, superconductivity remained a laboratory wonder. All the elemental metals that were investigated and found to be superconducting, such as mercury, lead, and tin, carried so little current that they had no practical use. As increased current induced a higher magnetic field around the conductors, superconductivity was extinguished and the metals reverted to their normal conductive state. In 1953–54, however, physicist Bernd Teo Matthias, leading a research group at Bell Laboratories, discovered two bimetallic compounds that could withstand very high magnetic fields and therefore carry high superconductive currents. Both were compounds of the element niobium (also called columbium). One of them, niobium-tin, became superconductive at eighteen degrees above absolute zero, the highest transition temperature of any superconductor up to then. But it took nearly another decade to solve some of the basic technical problems posed by these complex new materials.

To reach the extremely low operating temperatures required, even by niobium-tin, it was necessary to bathe the superconductors in liquid helium, the coldest of liquefied gases at minus 452° Fahrenheit. This was a strange, forbidding region, not yet adopted to industrial use. Moreover, the new superconductors themselves were strange, brittle materials, difficult to fabricate. It took seven years to develop methods of forming niobium-tin wire, and longer to discover that the materials operated best in or on a copper matrix, which served as a support and as a heat sink and shunt in any disruption of the superconducting current. Efforts to get the materials into working circuits and machines encountered further problems. Researchers found that the superconductors carried only direct current without loss; when carrying alternating current, they ran losses nearly as high as in conventional copper. After the first burst of enthusiasm, many laboratories dropped out. Gradually, however, the problems gave way.

The first major use of superconductivity, employing one of its more magical features, was in electromagnets. Ordinary magnets of this kind are made of copper coils helically wound around an iron core, and require a constant and sometimes enormous input of direct current to maintain their magnetism. An electromagnet with superconductive coils, however, needs only one large injection of current, which then circulates in the coils almost endlessly without loss, so long as the coils remain supercooled. (Measurements on one coil indicate that the original current might run down in about 20,000 years.) Such powerful, economical magnets had an immediate appeal in high-energy physics and other areas of research, and a small industry sprang up to supply magnets or materials.

The biggest superconducting research magnet built thus far is a cylindrical giant, seventeen feet in diameter, which went into operation last year in the Argonne National Laboratory near Chicago. It is wound with some twenty-five miles of niobium-titanium copper strip, supplied by Norton Co., and generates a powerful magnetic field around a bubble chamber. A conventional magnet of the same capacity would have required 10 megawatts of power, enough to supply a good-size town, plus thousands of gallons of cooling water per day. The Argonne magnet requires only 300 kilowatts, most of it to run its helium refrigerator, at a saving in power costs of $350,000 to $400,000 a year—which gives some idea of the scale of superconductor economy.

Electromagnets are not confined to esoteric uses in laboratories; they are basic to all power production. Potentially, superconducting magnets could markedly raise the efficiency of generators, transformers, and motors, while greatly reducing their bulk and cost. In addition, as will be seen later, they are indispensable for developing new and cleaner forms of power generation, more efficient nuclear systems, and ultimately thermonuclear power. Yet the U.S. has done relatively little research and development in these industrial directions. Honors for the first industrial-scale development go to Britain, where this year International Research & Development Co., Ltd., installed in a power plant a 3,250-horsepower superconducting DC motor to pump water; it is the forerunner of lighter, more advanced designs for other heavy industrial uses. James Watt's famous steam engine, which powered the first industrial revolution, began with the same sort of task, pumping water from mines.

A REFRIGERATED MAGNET

A more immediate and greater role for superconductivity, many believe, lies in power transmission. Big losses of current are sustained in the distribution of power from central stations; superconductive lines could cut these losses, making more power available without added generating capacity and its accompanying pollution. The U.S., moreover, has done more basic work on superconducting cables than on generators or motors, largely through the efforts of one company, Union Carbide Corp.

Carbide had a basic interest in superconductivity from the start of Matthias' work with niobium. Its mining and metals division is the country's largest producer of niobium, a lustrous gray metal, long used as an alloy in stainless and tool steels. The Linde division is the leader in liquefied gases of all kinds and in cryogenic techniques. In the great acceleration of research on cryogenic liquids for fueling rockets and supporting space vehicles, Linde developed superinsulating materials to contain the liquid gases at their frigid temperatures almost indefinitely, with only slight losses. Such extremely low-temperature fluids as liquid helium and hydrogen became industrial materials, shipped by tank car, and handled with no more difficulty than other materials. Carbide therefore had no inhibitions about considering the use of liquid helium to supercool miles of superconducting cable.

The big problem was that in the U.S. nearly all electric power is transmitted as alternating current, which none of the superconductors then known could carry without excessive loss. Outside the U.S., high-voltage DC power transmission has had a wide resurgence in the past decade (see "DC Power's Big Comeback," FORTUNE, September, 1965). It can carry bulk power more economically than AC over long distances, underground, or underwater, and link big power grids more securely. So far, however, the only DC transmission line in the U.S. is the Pacific Intertie, which shuttles power between Oregon and southern California. In other areas, utilities say, conversion of DC to AC for local distribution would be too costly, though economical solid-state converters are available. A superconducting DC line would offer the ultimate in transmission without loss, but utilities show little interest.

To make superconductive power transmission feasible in the U.S., Carbide scientists began a search in the early Sixties for a superconductor that could handle AC. By 1967 they discovered that a thin film of ultrapure niobium, electroplated on a copper backing by a special process, carried AC with extremely low losses. Moreover, this film could carry some twenty-five times more current than the largest copper cable. So promising was the discovery that the Edison Electric Institute commissioned Carbide's Linde division to make a study. This culminated early last year in the successful demonstration of an experimental twenty-foot-long, supercooled cable. Potentially one full-scale, 345-kilovolt superconducting line, twenty inches in diameter, could carry more power than is now used in all of New York City. It would take twenty-two conventional cables, ten inches in diameter, to carry the same amount of power.

UNDERGROUND ADVANTAGES

Projecting such a development into a transmission line, however, is a complex technical exercise. The calculations have to weigh savings in current against capital costs. Superconductors entail the added expense of refrigeration, and moreover must run underground for the most efficient operation. At present power loads, niobium cable could not possibly compete in cost, at least at the start, with conventional overhead bare-copper transmission lines, which at high voltages minimize loss of current. But underground, niobium could show immediate advantages over conventional underground cable, which costs about ten times more per mile than overhead lines, and is limited to lower voltages with much higher current loss.

Because of its very high and concentrated operating temperatures, MHD promotes more complete combustion of hydrocarbons, producing about one-third less effluent from its stack than a conventional power plant of the same capacity. Because the MHD process requires the "seeding" of its gas stream with potassium crystals to enhance conductivity, and this "seed" must be economically recovered at the outlet for re-use, it has a built-in recovery system that can also be designed to remove nearly all particulate matter, as well as nitrogen and sulphur pollutants. Because MHD needs no cooling water to condense steam, it discharges no thermal pollution into bodies of water but dissipates its waste heat into the air. And since MHD produces more power per pound of fuel than steam generators, it could show a substantial saving in fuel. The Office of Science and Technology study estimated that development of MHD could effect a fuel saving at present coal prices of some $11 billion between 1985 and the year 2000, thus cutting costs as well as pollution.

These advantages were reviewed with some bite late last year when Arthur Kantrowitz appeared before a Senate subcommittee hearing on emerging power techniques. The sensible course of development as he saw it, since five years had been lost on the larger project, was to press on with construction of an MHD plant of the intermittent type for emergency and peak-power use, which would meet an immediate economic need, lay the foundation for a visable MHD industry, and provide additional technology for a full-scale MHD power plant. One of the major missing links is a more efficient method than is now available for recycling MHD's hot exhaust gases back into the system to get out the ultimate amount of power. The first MHD plants are therefore likely to be hybrids. The Soviet MHD unit is coupled at the exhaust end with a steam turbine to wring additional power out of the still-hot gases and reach a total of 75 megawatts. Such a hybrid will use less than half the cooling water of a conventional steam plant of equal capacity, and could have other nonpolluting features. Alternatively, MHD can be coupled to an air or a gas turbine, which would reduce water needs to virtually zero. Later, as more efficient means of recycling are found, MHD would reach peak efficiency on its own.

A FORERUNNER OF THERMONUCLEAR POWER

Despite these prospects, all that came out of that Senate subcommittee hearing was a $600,000 appropriation from the Department of Interior, promoted by western Senators, to investigate the burning of low-grade western coal for MHD power. This is hardly enough to get such a study off the ground. To bring MHD to its present stage, Avco has obtained contracts for $13 million, and has spent some $4 million in risk money of its own. Avco's work has shown that the use of powdered coal as a fuel is feasible, but presents such difficult problems of corrosion, erosion, and ash deposit that the better strategy would be to move first on cleaner, more easily handled oil or natural gas. But there is no over-all U.S. energy policy or strategy for following up such promising developments as superconductivity and MHD.

Yet MHD's significance goes well beyond getting more power with less pollution out of conventional fuels. The MHD principle also applies to the development of more efficient nuclear power plants. This application involves a different type of system, called closed-cycle MHD, on which various laboratories are working. Instead of getting power from a stream of combustion gases that pass through the apparatus and out the stack, closed-cycle MHD employs a high-velocity stream of liquid metals or helium gas endlessly circulating in a closed coil of pipes or tubes, heated by a nuclear source. Electric current is drawn off in a high magnetic field, as in open-cycle MHD. So far these closed systems are being applied only to small nuclear power sources for military and space uses. But they can be scaled up, once more advanced high-temperature or gas-cooled reactors are developed, to replace the inefficient steam turbine in converting nuclear heat to electricity; this would eliminate the great burden of waterborne thermal pollution. When and if sustained thermonuclear power is achieved, it will be by a further extension of MHD. For MHD is the intermediate step toward a thermo nuclear generator, in which an ultrahigh-temperature stream of hydrogen gas in an ultrastrong superconductive magnetic field will be fused into helium to produce electric current.

There is no lack of imaginative developments to solve the twin problems of power and pollution, given the will to pursue them. One of the most provocative is a scheme presented two years ago by Dr. Peter E. Glaser, head of engineering sciences at Arthur D. Little, Inc., for wresting electric power directly from the sun. He proposed development of a large space platform, composed of a mosaic of solar cells, that would convert sunlight to electric power (see diagram page 81). A flexible superconducting cable, two miles long, would convey the power to a satellite station, where it would be converted to microwave energy for transmission to earth. There it would be reconverted to usable power. All the working elements for such a system are here or close at hand.

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Glaser calculates, in a recently refined systems study, that a thin, five-mile-square array of solar cells in stationary orbit some 22,300 miles above the equator could transmit enough power (10,000 megawatts) to supply New York City. The receiving antenna would have to be six miles in diameter, but it would consist of a flat, open mesh of wires, under which cows could graze, for its power density would be only one-tenth that of sunlight reaching the earth. All together, Glaser's calculations indicate, power could be delivered to earth at a capital cost of about $500 per kilowatt at the start, compared to $140 to $280 a kilowatt for steam power, about the same for MHD, and $200 to $400 for present nuclear plants. But "fuel" would be free and pollution nil.

This cost estimate is contingent on NASA's launching a space station and space shuttle service, which would reduce the cost of lifting bodies into orbit to $50 per pound. It also assumes development of techniques for fabricating large structures in space, on which the Soviets have made a start but the U.S. has not. The space program has now been so deeply cut, however, and has fallen so far out of favor with Congress, the Administration, and a distracted public, that it would be unrealistic to foresee construction of an experimental solar-power station much before 1985–90. A common complaint against the space program is that it has had few, if any, industrial spinoffs. But it already has greatly contributed to all these advanced power techniques, as well as to other forward technologies; the hitch is that they are not being industriously pursued and used.

THE DEVELOPED-COUNTY PROBLEM

It may well be asked why anything so far out as solar power from space is worth considering, since more advanced nuclear plants are coming along and the Atomic Energy Commission predicts that they will be providing half the total electric power by the end of the century. But projected energy needs in this period are immense, both for the U.S. and for the rest of the world if it is to reach any measure of equality with the U.S. Most authorities agree that the world will need to develop every available source of power, especially nonpolluting ones. This includes not only solar power, but also geothermal power (see "Power from the Earth's Own Heat," Fortune, June, 1969), generating electrity from hot water and natural steam trapped in the earth's crust.

To develop all the cleaner alternatives would take a sizable amount of money, but nothing like the more than $2 billion in federal funds spent so far to bring nuclear power to commercial status. It has been estimated that an investment of at least $500 billion will be required by the year 2000, in both conventional and nuclear power, to meet U.S. energy demands. With the preservation of clean air and water becoming a part of capital costs, the increasing added expense of antipollution devices, cooling towers, and the like should broaden the incentives for developing more direct alternatives. For, while conventional steam power is almost at the end of its development, the newer systems, such as MHD, are only at the beginning of theirs, in a position to make wide strides toward cleaner, more economical power systems.

So far the total amount of money spent on the new developments has been minuscule, considering the size of the problem and of the industry involved. It is noteworthy that the recent innovations were made not by the electrical industry proper, but by aerospace, chemical, and electronic interlopers. The electric-utility industry itself spends less than one-quarter of 1 percent of its operating revenues on research and development. And most of this, except for some token grants to advanced research projects, goes merely to improvements in present systems.

The government's support is little better than the industry's. Research spending in fiscal 1970 amounted to about $350 million, of which some 85 percent went directly to nuclear energy and the rest was thinly scattered elsewhere. Glenn Seaborg, Chairman of the Atomic Energy Commission, has said that someday using the heat of nuclear fission with MHD may produce spectacular results. More recently, before an international meeting of scientists, he unfolded a dazzling vision of a worldwide grid of electric-power generation and distribution via satellites, microwaves, laser beams, and superconducting transmission lines. But neither the AEC nor any other government agency is doing much to promote these promising developments, and the support of advanced research falls between the stools.

The problem of pressing new and beneficial technologies in a highly developed nation such as the U.S. is becoming more obdurate than any of the problems facing underdeveloped countries. The immense investment in the internal-combustion engine precludes any intensive development of the fuel cell or other electrical alternatives for a truly nonpolluting automobile. The dead capital weight of obsolete railroad and mass-transit systems, sucked dry, blocks the concerted development of advanced high-speed electric ground transportation systems, already appearing elsewhere in the world. And the U.S. electrical industry, which might be contributing to solutions in these areas, is showing some of the same capital inertia. The country that built the world's first central power station is now in danger of losing its leadership in the new level of technologies the times require. Snug in the complacency that U.S. technology leads all the world, the country has not kept its eye on the major index of modern industrial civilization—energy.

TRIBUTE TO SENATOR MURPHY

Mr. HOLLAND. Mr. President, I want to add my tribute of deep appreciation, admiration, and affection for Senator GEORGE MURPHY of California to those many true things which have already been stated by many others of our broth-

er Senators. There is no more popular or more highly regarded member of this body than he. Generous, kind, fearless, highly intelligent, devoted to the Senate, and to the preservation of its institutions, the senior Senator from the Golden State leaves here a record of which he and his family should be always proud.

It has been my pleasure and privilege to be among his close friends and I shall treasure the memory of our association and also my recollections of the battles in which we have fought together, particularly in endeavoring to protect the producers of our food and fiber from attacks by many—some of them conscientious people—who have not been well informed as to the difficulties under which agriculture is doing such a wonderful job for our Nation against greater and greater odds as the cost of everything they buy and use has skyrocketed and the selling prices of their products have not gone up proportionately, have frequently dipped downward, and have been subjected to competition from foreign sources which, with goods produced by cheap labor, have often flooded our markets and reduced prices below our cost of production. The result, both in his great State and in mine, as well as elsewhere, has been to drive American production and processing to foreign lands and to bring dismay and sometimes disaster to many of our soundest and best people—those who feed and clothe us and contribute substantially to our favorable balance of foreign trade as well as to the standards of life of millions of people in foreign lands.

Though a lifelong member of labor unions and a leader in that field he has sensed the impossibility of administering farm labor in the same way or with the same machinery by which industrial labor is regulated. I will always remember the gallant fight which he put up against a former Secretary of Labor, well intentioned but uninformed in the field of agriculture, in his efforts to force the organization of uneducated migrant field workers into conventional labor union patterns. Senator MURPHY showed himself to be both courageous and resourceful in this fight and to me it was a very great pleasure to be associated with him in his efforts—sometimes successful, sometimes not so—but always leaving him ready for the next day and the next fray.

A leading Florida farm organization, the Florida Fruit and Vegetable Association, wanted him to be the principal speaker at one of its annual conventions, and he truly delighted the some thousand who were there. They and other Florida farm groups have besieged me ever since to get him back and I want him to know they and I will continue to invite him down to share with us his convictions in the important field I have mentioned or in any other American problem on which he may be willing to address us, because he is a true patriot in considering any American problem. His Irish wit and never failing good humor add spice to everything he says, just as has been so amply demonstrated in his years of good work on the Senate floor.

In closing I salute GEORGE MURPHY as a great American and a splendid public servant. As he and I leave the Senate one of my unforgettable memories will be of my friendship with GEORGE MURPHY and of the great job I saw him accomplish, unafraid, as he fought back successfully against ill health with imperturbable good humor and love of life and with unshaken belief in himself, as his own man, and in a kind Providence. My wife, Mary, and I wish for him, his wife, and his family many years of happiness and good health.

COST OF CLEAN WATER

Mr. DOLE. Mr. President, there have been various estimates of the cost required to provide the water and sewerage facilities necessary to restore the purity of our lakes and rivers. Soon after the convening of the 92d Congress the Senate Public Works Committee will have to decide on the necessary level for Federal expenditures to achieve that objective. The Public Affairs Department of the American Concrete Pipe Association has submitted a report on the Federal funds that will be required. Their report will be helpful during our deliberations. I ask unanimous consent that it be printed in the RECORD at this point.

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

A SURVEY OF THE WATER POLLUTION CONTROL PROGRAMS

The abatement of water pollution begins with the proper funding of basic water and sewerage facilities which are under the jurisdiction of four Federal agencies—the Federal Water Quality Administration, Department of Housing and Urban Development, Economic Development Administration, and Farmer's Home Administration.

The repair of the total environment is the one issue which unites Democrats and Republicans, doves and hawks, rich and poor, and blacks and whites. A nation-wide movement has begun which is demanding results. The Federal Water Pollution Control Acts of 1956 and 1966 developed the foundation for water pollution control, but the authorized monies for environmental enhancement have yet to be matched with the needed funding.

Environmental pollution cannot be acted upon without an intelligent awareness of economic realities. It is mandatory that priorities be established, but isn't the use of water and the disposal of wastes by citizens, industry, and government as essential a priority as the basic need for clean air and adequate food supplies?

The need for adequate water and sewerage facilities remains one of the most pressing problems facing this nation's communities. Local sources of revenue continue to be severely taxed and, although many communities are making efforts to raise needed funds, the demand for Federal grants-in-aid increases. Communities cannot hope to attract new industry unless they provide ample water and sewerage facilities.

PRESENT AND FUTURE NEEDS

The Joint Economic Committee of Congress estimated in 1968 that a gross investment by all levels of government of $51.8 billion will be required to provide supporting water and sewerage facilities over a 10-year period, or an average annual level of $5.2 billion.

In appropriations hearings this session of Congress, the four Federal agencies which combine to administer the water and sewerage programs of our nation estimated that current financial needs to cover unfunded fiscal 1970 grant and loan applications amounted to about $5.3 billion. This figure represents current needs, not future forecasts. The breakdown of this amount appears in Table 1:

TABLE 1

Federal agencies	Number of pending applications	Grant amounts
FWQA	2,509	$1,739,199,948
HUD	4,308	2,496,750,000
EDA	100	90,000,000
FHA	5,935	964,088,000

CONGRESSIONAL RESPONSE

With present needs of unfunded applications amounting to $5.3 billion, and the Congressional estimate of an annual, needed amount from 1968–1977 of 5.2 billion, Congress' response in the form of fiscal 1971 appropriations appears in Table 2:

Table 2

Federal agencies	1971 fiscal authorizations	1971 fiscal appropriations
FWQA	$1,250,000,000	$1,000,000,000
HUD	150,000,000	350,000,000
EDA	160,000,000	160,000,000
FHA	79,000,000	[1]100,000,000

[1] President Nixon's budget calls for an additional minimum of $50,000,000 in direct loans.

Total fiscal 1971 appropriations of $1.66 billion for water and sewerage programs do not match the 1970 backlog of $5.3 billion nor come close to the annual need of $5.2 billion. Part of this imbalance is understandable when one considers the present inflation and defense expenditures.

INSIDE THE AGENCIES

Federal Water Quality Administration

The FWQA of the Environmental Protection Agency (formerly FWPCA under the U.S. Department of the Interior) distributes grant funds up to 55% of the total costs to the states for allocation to local governments to construct and expand waste treatment plant facilities. A recent survey conducted by the National League of Cities and the U.S. Conference of Mayors, at the request of Senator Muskie, estimated that public funds needed *now* to control water pollution amount to from $33 to $37 billion. In addition, the survey provided the following breakdown of certain needed funds:

(a) For primary and secondary treatment	$8,701,541,974
(b) For tertiary treatment	3,904,051,553
(c) For intercepter and storm sewer improvement	7,361,438,149

In addition to needs and fiscal appropriations for 1971, many states which prefunded projects under the provisions of Section 8(c) of the Federal Water Pollution Control Act are due outstanding reimbursement amounting to $894 million. The total amount which FWQA is obligated to fund the states in the forms of grants pending (2509 applications at a grant amount of $1.7 billion) and prefunded projects amounts to about $2.6 billion.

For fiscal 1971, the President signed the Public Works Appropriation Act which includes $1 billion for FWQA. The Act includes a stipulation that $200 million of the $1 billion appropriated should be used to reimburse those states which pre-funded FWQA projects.

U.S. Department of Housing and Urban Development

HUD provides grants to local governments to finance up to 50% of the cost of basic water and sewer projects. During the first 4 years of this grant program (fiscal 1966–1969), grants amounting to $514.6 million

were made for 1,151 projects (48% for water projects, 41% for sewer projects and 11% for combined water-sewer projects).

An official of HUD, in response to two letters of inquiry from Senator Goodell, stated: "The average Federal grants participation is 31.5 percent," and that the average Federal grant for water and sewer projects is only 30 percent of the total project cost. The spokesman stated that the reason the Federal grant percentage is only 31.5 percent "is in large measure attributable to the fact that our ceiling on individual grants is $1.5 so that on large projects (ranging, say, from $4–$10 million) the Federal percentage is relatively low."

HUD officials in testimony before Congress this year reported that during fiscal 1970, 4,308 water and sewer applications remained pending with grants amounting to $2.5 billion and total project costs of $5.5 billion. After the Presidential veto of the original HUD 1971 fiscal appropriations bill, Congress has passed a redrafted bill which includes $350 million for water and sewer projects, (in the vetoed bill, the amount was $500 million).

Economic Development Administration

The EDA of the U.S. Department of Commerce provides grants of up to 50% of the total project cost in areas designated as "economic redevelopment areas." In addition, supplementary grants up to 80% are available for depressed economic areas which cannot meet the required matching share.

Since EDA originated on September 1, 1965, a total of 1,753 public works projects have been approved as of May 8, 1970. As of June 30, 1970, EDA reported that there is a backlog of about 100 sewer and water projects amounting to approximately $90 million. The 1970 fiscal adjusted appropriations amounted to $174.5 million, with an additional $90 million unfunded.

The fiscal 1971 appropriations for community development grants is $160 million with about 70 percent going to water and sewer projects.

Farmer's Home Administration

The FHA of the U.S. Department of Agriculture offers aid to rural areas which do not include part of a city or town with a population in excess of 5,500. If the rural area has less than 5,500 population, it qualifies to apply for loans to finance the development of water and sewer systems.

In December 1969, FHA conducted a survey to show the needs in its program areas. Water and sewer system needs amounted to $11.3 billion. As of December 31, 1969, FHA could not fund 5,935 applications amounting to $964 million.

In Senate testimony this year, Mr. James V. Smith, Administrator of FHA, stated that 34,763 communities do not have adequate central water systems and 44,507 communities do not have adequate sewerage facilities.

The 1971 fiscal monies available for water and sewer projects include $100 million for grants and a minimum (budgeted by the President) of $50 million for direct loans, instead of the actually appropriated $98 million.

SUMMARY

In President Nixon's State of the Union Message on January 22, 1970, he said that sewerage treatment plants would be built "in every place in America where they are needed."

The range of proposals pending before the 91st Congress is from the Administration's 4-year $1 billion program for a total of $4 billion in Federal funds to Senator Muskie's proposal in S. 3687 for a 5-year $2.5 billion program for a total of $12.5 billion in Federal funds. Last year the Senate voted to appropriate $1 billion for waste treatment facilities, but it was forced to compromise with the House at $800 million for fiscal 1970.

At the bare minimum, the credibility of the existing Federal commitment must be re-established by backing words of authorization and realized needs with monies of appropriation.

The construction of adequate water and sewerage facilities is "step one" in water pollution control priorities. Local communities and state governments cannot afford this expense without the financial assistance of the Federal government. The time for Congress to react is rapidly passing.

ELECTION LAW REFORMS

Mr. CANNON. Mr. President, I am very pleased to be a sponsor of S. 4607, a new wide-scope election bill. I sincerely hope that the Congress will accept its responsibility and move quickly to approve this needed legislation.

For many years the news media, political scientists and the public in general have been decrying the absence of a strong Federal law governing political finances.

Notwithstanding the common knowledge that the Federal Corruption Practices Act is shot full of loopholes and totally obsolete, there has been a failure of combined efforts by the Senate and the House of Representatives to face the issue and enact a meaningful law.

As chairman of the Subcommittee on Privileges and Elections, I have pleaded year after year for positive action in the area of election reform. Sometimes I have been partially successful and other times my efforts have failed.

S. 2436 passed the Senate in 1960; S. 2426 was approved in 1961; S. 2541 was reported in 1966. S. 1880 was adopted by the Senate in 1967 unanimously, and S. 734 was reported to the Senate in 1970.

None of the Senate-passed bills received the approval of the House and so a vacuum continues to exist in the area of political financing and disclosure.

Here, in the final hours of the 91st Congress, we are trying to recapture the interest demonstrated during the recent campaigns for revision of existing laws governing campaign receipts and expenditures, limitations on broadcasting expenses, and tax incentives to encourage a broader base of contributions.

This new bill contains three major sections.

First, a ceiling upon the amounts of money which may be expended by candidates, committees and others on the electronic media—7 cents per vote or $20,000, whichever is greater, for each Federal office;

Second, a sweeping disclosure provision requiring the filing of detailed reports of campaign receipts and expenditures by all candidates for Federal elective office and all political committees and others supporting them, including State and local political committees, and

Third, an alternative proposal which would grant to contributors either a tax credit of one-half of the amount of the contribution, not to exceed $20 per calendar year per individual, or a tax deduction of one-half of the amount of the contribution but not to exceed $100 per calendar year per individual.

As the Senate knows well, these reform measures are not being offered for the first time. The limitation on broadcasting expenditures was approved by both the Senate and the House in 1970 but unfortunately was vetoed by the President.

S. 1880, proposing specific and comprehensive disclosure by all candidates and committees, was unanimously approved by the Senate in 1967 and its successor, S. 734, which is on the Senate calendar today is even broader in scope since it includes not only the disclosure provisions of S. 1880, but also the tax credit and tax deduction alternative incentives like those of this new bill.

This latest effort is designed to incorporate in one bill the major needed remedies for election reform and to demonstrate this year a new determination to improve the existing system before it deteriorates any further.

This measure will be reintroduced at the beginning of the 92d Congress but now is the time for the Senate to begin its thinking and to prepare itself for the adoption of vitally needed reform early in 1970.

I urge all of my colleagues to lend their active support to this proposal so that it may receive the approval of the Senate early in 1971.

CBS: THE NATION—A YEAR-END REVIEW

Mr. DOLE. Mr. President, last Sunday night, I, like millions of other Americans, watched a CBS television program special entitled "The Nation—A Year-End Review."

At this time of year, it is customary for the news media to analyze the events of the past year and attempt to foresee future developments. These year-end reports can be interesting and illuminating if those performing the analysis are successful in relating daily events to general trends. Those engaged in this type of commentary are free of daily pressures and one would expect them to be fair and objective in their interpretation of events.

But the hour-long CBS program on Sunday did not achieve that goal. Instead, I found myself, as did other viewers, confronted with "grossly unfair and completely negative analysis of President Nixon's first 2 years in office. There was only a passing reference to the severity of the problems inherited by the President upon taking office. And practically no mention of his progress in dealing with these and other aspects of the Nation's affairs. In fact, in reviewing the content of the program, I find little difference between the thrust of this CBS news program and the Democrat National Committee's "Loyal Opposition" aired last summer by CBS.

Mr. President, any objective observer would have to conclude that the media's bias was evident during the program to the point where, in all fairness, the network should offer equal time to the Republican Party to provide its own year-end analysis.

They will not, of course. Frank Stanton, who is president of CBS, has made it clear that he interprets the fairness doctrine very narrowly, by allowing a one-sided presentation without contrasting views. Mr. Stanton has provided yet another opportunity for the Democrat Party to benefit from the use of the public airways.

One of my constituents has reached similar conclusions regarding this program and has provided me with his evaluation. I ask unanimous consent that pertinent portions of his letter be included in the RECORD at this point.

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

DECEMBER 28, 1970.

DEAR SENATOR DOLE: I would like to call your attention to what I believe to be a serious problem.

Last evening, Sunday, December the 27th, 1970, at 9 P.M. central standard time the Columbia Broadcasting System had a one-hour special entitled, "The Correspondent's Report—Part I".

This was one of the most flagrantly biased broadcasts that I have ever witnessed.

Seven CBS correspondents expressed their personal opinions of the major events of 1970, and this turned out to be a thorough lambasting of the Nixon administration.

While I would be the first to agree that we must jealously guard the rights of an individual, or a group of individuals, to express their personal opinions, as guaranteed by the first amendment to our constitution, we must also recognize that there are limits to this right. As one Chief Justice has said, the right of free speech does not give a person the right to cry "Fire" in a crowded theatre.

There are two purposes to the right of free speech and the first, of course, is to give the right to the individual to freely express himself; however, there is another and equally important aspect to this right and that is *the right of the American citizen to fairly hear all sides of an issue.*

While it can be argued that a newspaper may express a biased opinion, and that if the reader does not like it he may put the paper down or buy another paper, this argument, of course, is not applicable to the medium of a television (notwithstanding the fact that the viewer does not have to watch).

Under the guise of letting individual reporters express their opinions, the CBS produced one of the most biased political indictments of this administration that I have yet heard. I think it would have been possible to get the seven leading Democratic Presidential candidates for the 1972 election and have received a fairer discussion of the present administration. Some of the CBS reporters so dislike this administration that it may be properly said that they "hate" it.

Obviously, we must find some way (by rules or laws) to allow an individual to freely express his personal opinions, and at the same time, not allow the networks to produce a patently biased program, whether by accident or design.

Can you do something about this?

Very sincerely,

——— ———.

THE C–5A PROBLEM

Mr. STENNIS. Mr. President, late yesterday I received from Deputy Secretary of Defense Packard a letter setting forth the Department of Defense proposal for resolving the various disputes between the Lockheed Aircraft Corp. and the Department of Defense on the C–5A problem as well as the Cheyenne helicopter program. This letter, which was also dispatched to the House Armed Services Committee and two appropriations committees, was released to the press.

I would emphasize the following points on this entire matter.

First, it should be recalled that the fiscal year 1971 Procurement Authorization Act as a portion of the C–5A funding authorized the so-called $200 million contingency fund for the C–5A with the stipulation that this amount could not be obligated until a plan for its expenditure had been submitted to the two Armed Services Committees.

The law does not require committee approval of the plan but there is a requirement that the $200 million cannot be obligated until 30 days after the submission of the plan to the two committees. I might observe that it was made clear last year that additional funds would be required for the C–5 in the forthcoming year to complete the program.

Second, this matter is highly complex and will involve the submission of much detailed information. I can assure the Senate that the Armed Services Committee will obtain exhaustive information on the proposal.

Mr. Packard's letter is in effect an outline of the background and the problem and the Department of Defense proposal. His letter sets forth two alternatives.

The first would be to continue paying Lockheed under the various programs and allow the courts to ultimately resolve the matter by litigation.

The second alternative and that which is preferred by Mr. Packard is to settle the entire dispute on the C–5 and other contracts by imposing a fixed loss of $200 million on the Lockheed Corp. and for the Government to continue paying the remaining costs for the completion of the C–5A program. I would point out that this plan has not been agreed to by the contractor. Mr. Packard in his letter recognizes that Lockheed may decline to settle for this fixed loss and prefer litigation.

Third, Mr. President, as chairman of the committee, I, of course, make no attempt to form a judgment on the proposal, either pro or con, and I again emphasize that the plan is not subject to the approval of the committee. It will, however, be a significant part of the discussion in connection with the new funds to be requested in the fiscal year 1972 authorization for the C–5 program.

In order, however, to have before the committee the full details of this proposal, I do intend to schedule a special hearing shortly after the convening of the new Congress in order for the Department of Defense to make their detailed presentation and for the committee to examine all aspects of the plan.

In the meantime the committee is in the process of requesting considerable additional information from the Department of Defense on this entire problem.

PEACE AND REFORM

Mr. DOLE. Mr. President, as America enters the second year of the decade of the 1970's, and the third year of President Nixon's administration, I am confident we will see the President's programs for peace abroad and reform at home begin to come to fruition. The results will be good for Kansas, good for the United States, and good for the world.

I am confident that before the year is out we will have seen the end of Americans fighting and dying in Southeast Asia. This does not mean that no American troops will be there, but it does mean that the war will be at a level that can be handled entirely by South Vietnamese troops. It means that most American troops will have come home, and it means that world opinion will have forced the North Vietnamese, if not to bargain in earnest, at least to begin the release of American prisoners of war.

I am confident, too, that the President's policies will have maintained peace in the Middle East and elsewhere in the world. And we will see in the coming year the beginning of President Nixon's hoped-for "generation of peace."

At home, I believe that despite a Congress controlled by the opposition, many of the President's reform proposals will pass. Public pressure, and demands from the Nation's Governors and mayors, I am sure will bring about passage of a welfare reform measure and a system of revenue sharing with the cities and States. Both of these are badly needed.

I believe we will also see further reform in the structure of the executive branch of Government and in the draft. I believe we will see President Nixon renew efforts to make the Federal Government more responsive to the needs of the people, and more cooperative in its dealings with lower echelons of Government and with the Congress.

Economically, all signs are that we will come out of this brief and mild recession we have had. Housing starts are already up. Other economic indications are on the bright side.

All in all, I think 1971 will be a good year for the American wage earner and American business and industry.

Finally, I think we will see significant advancement in the Nation's No. 1 problem—pollution. Already the President's tough stance is beginning to pay off. The laws Congress passes are no better than the executives' will to enforce them. President Nixon is one President who has shown he can and will enforce laws against pollution of air, water, and land.

Altogether I am confident that 1971 will see us making progress on almost every front and that it will be a good year for America and for Americans.

And to paraphrase an old statement "what is good for America is good for the world." I for one, welcome 1971 and I intend to do all I can to help President Nixon make it one of the best years of our lives.

IN LESS FLUSTERED TIMES

Mr. COOPER. Mr. President, on October 4, the Louisville Courier-Journal, under the caption, "It Was Different Then," published a story on the life of a 97-year-old distinguished citizen of eastern Kentucky, Hon. George Stephens of Whitley City.

Judge Stephens was a friend of my father, Judge John Sherman Cooper, who died in 1924. I have known Judge Stephens since 1927, when I first entered politics, and I am fortunate to have had his friendship and counsel since that time. Only last November I visited him in his law office in Whitley City, Ky., and

found him hard at work preparing pleadings in an important case. He loves the law and continues daily in its practice. He is a classical scholar, and from his large and varied experience he understands and believes in his fellowman.

I am very glad that Mr. David V. Hawpe of the Louisville Courier-Journal has written this article about Judge Stephens, who has taken advantages of the opportunities provided by our country and who is respected by all who know him.

Because I believe this story will be of interest to many Americans, I ask that it be published in the RECORD.

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

IT WAS DIFFERENT THEN—AT 97, A MOUNTAIN LAWYER RECALLS LESS FLUSTERED TIMES

(By David V. Hawpe)

WHITLEY CITY, KY.—George Stephens, enjoying his 60th year as a practicing attorney, is sort of a living daguerreotype . . . hair parted in the middle like a Princeton man at the turn of the century . . . stiff white collar pushing at his neck . . . pinstriped galluses in proper alignment.

"I come to the office every morning. I don't get many cases . . . too old," he said. "The young people have it all now, don't they? . . . I don't need it though . . . I have all the money I need. I just stay around to keep my mind busy."

Stephens has been keeping busy for 97 years. Ever since he was born into a family of five boys and five girls, back in 1873.

"There wasn't much at Wildcat, where I was born. Leby Steeley had a store and a post office there. Later on his sons Henry and Crit ran it. Good country store . . . there aren't many good country stores anymore." His mind stirs at old memories.

"I was 12 when Dad died, and it fell to me. I tended the grist mill after that. They'd bring wagon loads from all over Whitley County. The dry meal lasted all summer . . . you dont get that anymore, either."

When the summer meal was stacked away in wooden cupboards, there was school:

"Better than any school they've got now . . . when you learned, you learned . . . when the schoolmaster said 'the' you said 'the' . . . when he said 'a' you said 'a'. I taught in the free school myself for a while . . . common school, they called it."

After finishing the grades, Stephen traveled to Williamsburg to enroll in Williamsburg Institute, which eventually became Cumberland College. "I believe I'm the oldest living graduate of the college . . . came out in the fall of 1901."

He wasn't much with the girls in those days, by his own admission. "I wasn't very popular with the girls, and didn't much care," he said. "But from my 24th year on, I could have had all the girls I wanted. That's funny isn't it? . . . I've got more women friends than men friends . . . isn't that odd?"

SCHOOL OVER, HE MET THE WORLD

One of his close friends at Williamsburg was Elloit Wagner. "He was my roommate. He made a doctor, you know . . . lives in Washington State."

After graduation came a crucial trip to Washington, D.C. The great adventure, Young man meets the world.

He worked in the Government Printing Office, where he marveled at such things as one night in which they printed 20,000 copies of a book for the Navy.

"I didn't really like it there, though . . . just gossip, gossip, gossip, gossip."

He did meet a Washington girl—Nelly Irene Masterson—and he wooed her back to Kentucky when he returned in 1905. "She didnt' like the hills at first . . . she never complained, though. We had the best home in town.

"One Sunday we were walking in Washington, and we went through a house they had open to walk through, like they did then. I copied our home in Whitley City after that . . . planned it myself."

RODE A HORSE TO TAKE EXAM

When he came back from Washington, Stephens worked as a typist in his brother's law office. "E. L. Stephens . . . he was licensed in 1905. He was a real lawyer . . . office in Williamsburg. When Gatliff Coal Co. put in their camp in 1907 we took a contract to haul things over to their mill. I bossed that operation."

In his spare time, Stephens read the law books and, finally, in 1910 he made his way to London, looking for a judge to give him his bar examination. In those days you appeared before a judge and two lawyers, and they asked questions about Kentucky statutes and court procedure.

"I had to ride horseback from London over to McKee in Jackson County . . . took the exam before Judge Lewis. I knew I had passed, but I couldn't sleep a wink that night. You'd have thought I'd sleep like a baby, wouldn't you?"

When McCreary County was created two years later, with the county seat at Whitley City, Stephens set up practice and became the first elected county attorney. "Me and Judge Joe Williams were elected . . . he was elected county judge, and Mark Summer was elected surveyor. I ran against Henry Cline."

Whitley City was a frontier town.

RECALLS MOONSHINER CASE

"We had a time in those days. There were 2,000 indictments on the docket at one time . . . whisky and pistols were everywhere. . . ."

Stephens had his own explanation for the roughneck antics of the local populace. "This county was made out of the hind end of three counties," he said. "You can see what that meant."

Things got out of hand at times. Like the case he worked on "about 1920."

"That was back when there were big moonshiners here. They waylaid this fella and his 14-year-old son. There were three of them we had to defend on that thing. I'll never forget the fella that was prosecuting . . . he made an argument that got them to jump me."

The incident occurred at Bear Wallow. "This man was a harmless kind of man who just liked to nose around in the woods. He had his son with him. He found these moonshiners' still and they wanted to get rid of him."

The defense saved the three from the death penalty, Stephens said.

He is impatient with current complaints against the law.

"They're crying all over that everything is wrong. I've got no complaint about the law. Everything is in flux . . . That's the phrase, isn't it?

It was a different profession in the old days: "My life was land-lawing . . . did a lot of it when I was comin' up."

Young people were different, too: "To make a long story short, I think a lot of young people's problems are manufactured these days. . . about how much smarter they are than we were . . . I'm not so sure about that."

It's difficult to decide whether Stephens is asking you a deep metaphysical question, or whether he is joshing you a little. But it is asking you a deep metaphysical question,

"I like our governor now. Whether you like him or not he said you ought to be quiet on the campus . . . and they did."

He had to be a Republican: "My favorite politician . . . John Sherman Cooper, of course. His father was our superintendent of schools . . . His name was John Sherman, too. I borrowed 50 cents from him one time to get back to Pine Knot."

On Franklin D. Roosevelt: "I never had much for him. For instance, killin' those hogs and throwin' them away . . . Why couldn't he let them fed hungry people with those hogs? . . . Never did understand that."

Stephens flipped through the pages of Caesar's "Commentaries on the Gallic Wars" as he talked.

"I've always been too independent . . . That makes some people not like you. But I don't change my ways. I have a world of friends. My reputation behind me is good.

"I have three sons . . . Two teach here in town, and one has a good job in Cincinnati. I can't complain of anything."

He wants to stay in the mountains until the end. They give an independent spirit room in maneuver.

"There's good shade trees in the mountains, and land. My dad had 200 acres when he died, and he saved his board trees . . . I have about 1,500 acres myself. My house had the most beautiful trees around it you've ever seen."

The Baptist Church on Jellico Creek, where Stephens learned his religion, had 200 members in the congregation. "I'll bet not more than four or five were renters, and you could always get a good meal at a renter's house.

"We used to sing at church . . . 'Bringing in the Sheaves,' yes, we sang that. One fella told me I had a natural bass voice.

"Now they want to sing different words to the old songs . . . people don't sing much anymore.

"It's a shame," he concluded. "You can't beat singing for stirrin' people up."

He closed the red-cloth copy of Caesars "Gallic Wars," which he reads in Latin to pass the time.

He would walk home, to his big house where he lives by himself. The wind would sting his watery blue eyes.

"I usually have a whisky in the evenings . . . mix a little water and brown sugar. I always took whisky in moderation . . . Only had too much a time or two."

He reached up and turned out the light.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ASSISTANCE TO PUBLIC SCHOOLS

Mr. GRIFFIN. Mr. President, I move that the Senate proceed to the consideration of H.R. 19446, the Emergency School Aid Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (Calendar No. 1525, H.R. 19446) to assist school districts to meet special problems incident to desegregation and to the elimination, reduction, or prevention of racial isolation in elementary and secondary schools, and for other purposes.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of the bill. The motion is not debatable.

Mr. ALLEN. Mr. President, I ask for a yea and nay vote.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. ERVIN and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. May we have a show of hands?

The question is on the motion to proceed to the consideration of the bill. The motion is not debatable.

Is there a sufficient second for the yeas and nays?

There is not a sufficient second.

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. GRIFFIN. 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. GRIFFIN. Mr. President, I yield to the distinguished Senator from West Virginia for a unanimous-consent request, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Mike Baroody of the Select Committee on Equal Educational Opportunities be allowed the privilege of the floor.

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

Is there a sufficient second for the yeas and nays?

Those Senators who are for the second must raise their hands to be counted.

There is not a sufficient second. The motion is not debatable.

Mr. PELL. What is the parliamentary situation?

The PRESIDING OFFICER. There is not a sufficient second.

Mr. GRIFFIN. I call for a vote.

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

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

The question is on the motion to proceed to the consideration of the bill.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, as the Senator from North Carolina understands the rules of the Senate, this motion is not debatable.

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. But in the event the motion is carried, then the bill becomes debatable under the ordinary rules of the Senate without limitation as to time.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Mr. President, after all, if this motion carries this motion will be before the Senate only until the hour of 11 a.m. Is that correct? Then, the unfinished business comes up, so we had better get to work.

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. Let us have a voice vote.

The PRESIDING OFFICER. All in favor will signify by saying "aye." [After a pause:] Those opposed will signify by saying "no."

The "ayes" seem to have it. The "ayes" have it. The motion is agreed to.

Mr. GRIFFIN. Mr. President, because of the difficulties of the time limitation which we face in the consideration of this very important legislation, I ask unanimous consent that, notwithstanding the morning hour, a vote on the pending bill be had at 12 o'clock, with the provision made that time for any amendment that is offered be limited to 30 minutes, 15 minutes to a side, and that the time extend beyond 12 o'clock for the consideration of such amendments.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. This bill was passed by the House last Monday, December 21, after months of bipartisan work. It represents a strong and constructive response to President Nixon's initiative of last May 21, when he proposed a $1.5 billion program to help school districts meet the special problems arising from desegregation of the public schools, and to improve education in racially impacted areas.

H.R. 19446 is basically consistent with the President's recommendations. It would authorize $1.5 billion in new funds; if authorized, we can move ahead early in the new year to appropriate and make the funds available to schools districts throughout the country. If this bill is not enacted at this session, it is highly unlikely that the funds could be made avalable in time to help during the current school year—and the changes will grow dim even for effective use in the next school year.

Mr. President, at this point I ask that there be printed in the RECORD a State-by-State allotment table showing the funds which would be authorized by passage of H.R. 19446.

This bill is urgently needed by school districts across the Nation, to enable them to meet the added costs of special programs and staff required for effective desegregation, and for meaningful efforts to reduce, eliminate, or prevent the isolation of minority group children.

Mr. President, the importance of this bill cannot be overstated. As the President declared in his May 21 message to Congress:

> Few issues facing us as a Nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation in brotherhood and understanding.

I ask unanimous consent that the complete text of the President's message be printed at the conclusion of my statement.

H.R. 19446 takes the same general approach proposed by the President. It authorizes $500 million in fiscal year 1971 and $1 billion in fiscal year 1972 to meet special needs incident to the elimination of racial segregation and discrimination among students and faculty and to encourage voluntary reduction of racial isolation.

Ninety percent of the funds are allotted to the States on the basis of their proportional number of minority children. The Secretary may reallot funds remaining in a State's allotment if by 60 days before the end of the fiscal year there are no remaining project proposals which meet the criteria for approval. The remaining 10 percent of the funds are reserved to the Secretary for discretionary distribution for demonstration projects of national significance.

Eligibility under the bill is determined under three categories. In the first category are school districts implementing a final Federal or State court order requiring desegregation of schools, or districts operating under a plan approved pursuant to title VI of the Civil Rights Act of 1964.

In the second category are school districts which voluntarily adopt a plan for the elimination of racial isolation in all of their racially isolated schools.

In the third category are districts which voluntarily adopt a plan to eliminate or reduce racial isolation in one or more of its schools, or to reduce the number of minority children in racially isolated schools, or to prevent racial isolation reasonably likely to occur in any school with at least 10 percent but not more than 50-percent minority enrollment—the so-called tipping schools.

The Secretary may also make grants or contracts with any public or private nonprofit agency to carry out programs designed to support public school plans submitted in any of the three categories.

Financial assistance under the Act may be made available for a variety of activities, including remedial and other services; the provision of additional professional staff members and the training or retraining of staff; comprehensive guidance, counseling, and other professional services for children; development and employment of new instructional techniques and materials; innovative interracial educational programs involving the joint participation of minority children and other children attending different schools; repair or minor remodeling or alteration of existing facilities and the lease or purchase of mobile classrooms; the provision of transportation services for students; community activities including public education efforts; special administrative activities such as the rescheduling of students or teachers; planning and evaluation activities; and other specially designed programs or projects which meet the purpose of the act.

H.R. 19446 establishes a list of criteria to be applied by the Secretary in approving applications submitted by local educational agencies. These include:

First. The need for assistance, taking into account such factors as the extent of racial isolation, the financial need of the district as compared to other districts in the State, and the degree to which measurable deficiencies in the quality of public education in the district exceed those of others in the State.

Second. The degree to which the plan is likely to effect a decrease in racial isolation.

Third. The degree to which the plan is sufficiently comprehensive to offer reasonable assurance that it will achieve the purpose of the act.

Fourth. The degree to which the project affords promise of achieving success.

Fifth. The degree to which the plan involves to the fullest extent practicable the total educational resources of the community to be served.

The act provides that the Secretary shall not give less favorable consideration to the voluntary application of a local educational agency applying under the second or third categories of eligibility than to the application of districts which have been legally required to adopt a desegregation plan.

The bill provides that each project application must include assurances that:

First. The appropriate State educational agency has been given a reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

Second. Provision has been made where appropriate for participation by private nonprofit elementary and secondary schools if participation would assist in achieving the purposes of the act;

Third. Effective procedures for measuring educational and other change, and for continuing evaluation, have been built into each project;

Fourth. The applicant district has not, subsequent to the beginning of the 1969–70 school year, unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to a nonpublic elementary or secondary school practicing racial discrimination;

Fifth. The district has not reduced its fiscal effort for its public schools to less than that of the second preceding fiscal year;

Sixth. The applicant is not reasonably able to provide the necessary funds from non-Federal sources;

Seventh. The district will provide such other information needed by the Secretary to carry out the purpose of the act;

Eighth. The plan does not involve freedom of choice as a means of desegregation, unless the Secretary determines that the plan will achieve elimination of a dual school system;

Ninth. The district's current per pupil expenditure is not less than it was immediately preceding the implementation of a plan;

Tenth. Professional staff members will be hired, promoted, assigned, paid, demoted, dismissed, or otherwise treated without regard to their membership in a minority group.

Eleventh. The district is taking all practicable steps to avail itself of all assistance for which it is eligible under any program administered by the Commissioner of Education.

Twelfth. No practices or procedures including testing will be employed in the assignment of children to classes or other activities in such a manner as to result in the discriminatory isolation of minority children.

The act also provides that the Secretary may set aside up to 1 percent of the total appropriation for evaluation of the projects approved, and establishes a National Advisory Council to review the administration and operation of the act.

Mr. President, this bill is an emergency measure; it needs and deserves consideration by the Senate on an emergency basis. If the goal of equal educational opportunity is to be achieved, school district's need more than rhetoric—more than Supreme Court decisions—more than tougher laws—they need financial assistance. As Dr. James S. Coleman of Johns Hopkins University stated in his testimony before the House Committee on Education and Labor:

> It is foolhardy to attempt to carry out a large school reorganization without addition of necessary resources, yet that is what many districts have done. In part also it is the very isolation of the races throughout the rest of society that creates the need for extra efforts and extra resources in school.

The House committee report emphasized that "the schools are being made to bear a large part of the burden of integrating our society, and only at peril to the attainment of that goal do we deny them adequate funds to do the job."

The House has done its job; the Senate should now do its job to assure that $1.5 million in new funds is not lost to the schools for this year and perhaps for the next.

Mr. President, in addition to the other material to be printed I ask that a copy of a letter to Senator YARBOROUGH, already made public, be printed in the RECORD.

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

Estimated distribution of funds under proposed "Emergency School Aid Act of 1970"

	Estimated State amounts [1]
50 States and District of Columbia	$1,350,000,000
Alabama	42,957,165
Alaska	1,500,329
Arizona	16,263,719
Arkansas	17,144,839
California	167,203,416
Colorado	14,437,357
Connecticut	10,914,152
Delaware	3,871,410
Florida	58,311,850
Georgia	50,501,877
Hawaii	100,000
Idaho	869,636
Illinois	76,096,794
Indiana	19,195,789
Iowa	1,956,999
Kansas	6,451,287
Kentucky	10,237,042
Louisiana	50,977,369
Maine	484,903
Maryland	32,488,837
Massachusetts	8,906,748
Michigan	48,665,944
Minnesota	2,899,211
Mississippi	35,765,284
Missouri	22,344,310
Montana	961,353
Nebraska	2,693,000
Nevada	2,436,639
New Hampshire	113,729
New Jersey	40,651,322
New Mexico	20,479,985
New York	113,476,221
North Carolina	53,484,118
North Dakota	352,671
Ohio	48,523,344
Oklahoma	12,204,090
Oregon	2,474,761
Pennsylvania	44,785,761
Rhode Island	1,384,686
South Carolina	38,066,182
South Dakota	2,741,937
Tennessee	29,565,860
Texas	141,776,621
Utah	2,420,369
Vermont	100,000
Virginia	39,558,536
Washington	6,471,544
West Virginia	3,312,655
Wisconsin	7,979,530
Wyoming	1,155,154
District of Columbia	22,283,059

[1] Estimated distribution of $1,500,000,000 with 10% ($150,000,000) reserved for the Commissioner and balance distributed on the basis of estimated enrollment of minority group children (American Indian, Negro, and Spanish-surnamed American) in the public schools, Fall 1968 (S. 3883, Sec. 9(d)(1)(A)). Minimum of $100,000.

THE WHITE HOUSE,
Washington, September 26, 1970.

Hon. RALPH YARBOROUGH,
Chairman, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR RALPH: I am writing to ask your help in obtaining action on the Emergency School Aid Act before the end of this session. This bill is one of the highest legislative priorities of the Administration.

On May 21, 1970, I asked for this $1.5 billion in emergency aid to school districts, North and South, undergoing desegregation either voluntarily or in compliance with court decisions.

As an interim measure, the Congress appropriated $75 million—half of my request for "start-up" money. More than 300 projects have been funded within only four weeks; these projects now demonstrate the urgent need for the full-scale legislation. At this rate of commitment the "start-up" appropriation will be exhausted by mid-October. But it is obvious that desegregating school districts will continue to need help.

Almost universally, administrators, teachers, students and parents in those districts have already set for the nation an outstanding example of how difficult social changes can be achieved in our nation—without violence. State Advisory Councils made up of educators, businessmen and other community leaders have given invaluable voluntary support to this effort.

Public school desegregation this Fall continues to be an impressive example of what can be achieved by cooperation rather than coercion. Nearly 700 districts are changing from dual to unitary school systems—more than in any single year of the past 16 years since the first Supreme Court decision. But there is nothing automatic about this achievement.

With desegregation proceeding thus far with such success, it would be a tragedy if Congress failed to authorize the broader legislation I proposed last May. Failure to act now would mean no additional funds for local school districts this year—when they are most needed.

I should emphasize also that the legisla-

tion I requested would authorize far broader use of the funds than is now possible with the $75 million so far appropriated. It would encourage school districts, in the North as well as the South, to move forward on a voluntary basis to reduce racial isolation.

While the Secretary of Health, Education and Welfare testified in detail on our proposal in early June, and while he has since then provided a great deal of additional information, the subcommittee has not yet reported the bill to your full committee.

This legislation is designed to meet urgent needs affecting the education of our children; it has bipartisan support. Therefore, I urge you to do everything in your power to bring this bill to the floor for action at the earliest possible time in this session of the Congress.

Sincerely,

RICHARD NIXON.

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional $1.5 billion—$500 million in fiscal 1971, and $1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"The special needs of racially impacted schools where *de facto* segregation persists—and where immediately infusions of money can make a real difference in terms of educational effectiveness.

"The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

"(1) Aid to districts now eliminated *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

"(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

"(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special interracial or intercultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation."

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of $100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

THE URGENCY OF ACTIVITY NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet

desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in Fiscal 1971. I recommend that $150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining $350 million for Fiscal 1971 and $1 billion for Fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—$500 million in Fiscal 1971 and $1 billion in Fiscal 1972—in the years for which they are appropriated.

QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work now. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this $1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, *May 21, 1970.*

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield briefly, with the understanding that I not lose my right to the floor.

Mr. RIBICOFF. I am just curious. When did the bill pass the House?

Mr. GRIFFIN. As I have already indicated, it passed the House Monday, December 21.

Mr. RIBICOFF. Has this bill been referred to the Committee on Labor and Public Welfare?

Mr. GRIFFIN. I would say, as I have indicated in my opening statement, that this bill conforms very closely to the administration's proposal which was sent to the Congress last May 21. That bill was introduced and cosponsored by the distinguished chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. PELL), and the ranking minority member of the Labor and Public Welfare Committee, the distinguished senior Senator from New York (Mr. JAVITS). That bill has been before the Labor and Public Welfare Committee since then.

Mr. RIBICOFF. But has this particular bill been referred to the proper Senate committee and considered by it?

Mr. GRIFFIN. This House bill, which has just been passed, has not been considered by the Senate committee.

Mr. RIBICOFF. How much money is involved in this bill?

Mr. GRIFFIN. $1.5 billion would be authorized.

Mr. RIBICOFF. As I understand it, then in the closing days of the Senate, the bill has not been considered by the Senate committee, and the leadership and the President expect us to pass a bill of such magnitude in the last day of the session.

Mr. GRIFFIN. I would say that it is my understanding that hearings have been held in the Labor and Public Welfare Committee on this legislation. When I say "this legislation," I base that on the fact that hearings was held by that committee on the administration's legislative proposal which is essentially the same as the House-passed bill now before us.

This is emergency school-aid legislation, and this is a time of emergency so far as the Congress is concerned. We are nearing the end of the session. I believe the Senate is adequately prepared and the committee is adequately prepared to proceed now with a full and meaningful discussion of the bill and to take action on it—if that is what the Members of the Senate really want to do.

Mr. RIBICOFF. We have had this emergency for a long time. It seems strange to me that the administration is trying to push a measure of this magnitude at such a late date without proper consideration by the Senate. It seems also strange to me that this committee of the Senate, which has been as good a friend of education as any group in this Nation, should be bypassed and not have an opportunity to consider the bill and report it back.

Mr. PELL. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am sure the Senator would not attribute to the administration any blame for the fact that this bill has not been reported by the Labor and Public Welfare Committee; would he?

Mr. RIBICOFF. I will let the Committee on Labor and Public Welfare speak for itself, but the procedure, it seems to me, is most unusual—to try to force this measure down the throats of the Senate and the country at such a late date, without giving the committee an ample opportunity to consider it and come back with its report. I think the administration has lagged and lagged most sadly on the entire problem of desegregation. I think that the administration has ducked the issue of desegregation in this country and that the committee should have an opportunity to consider this measure.

Mr. President, I am deeply troubled by the administration's attempt at this late date to rush through the Congress H.R. 19446, the Emergency School Aid Act of 1970.

This bill was not reported out of the House Education and Labor Committee until November 30, was quickly granted a rule and then passed the House 10 days ago at 11 o'clock in the evening.

Since then the administration has been totally unwilling to submit this bill to the orderly processes of the Senate. Last week, the members of the Education Subcommittee of the Labor and Public Welfare Committee offered to have the bill referred to Committee and reported back within a matter of hours. This would have given the committee the opportunity to make its views known and to give the Senate the benefit of its long and thoughtful consideration of this matter earlier this year. The administration refused to agree to this procedure and now insists on bringing this bill directly to the floor with, at the most, only three full legislative days remaining.

Many of us have fought long hours to bring to a vote legislation thoroughly considered by the relevant Senate committees. In several cases we have been unsuccessful, in large part because of the controversial and complex nature of the legislation and the shortness of the time remaining for consideration. But suddenly now, with even less time remaining, on at least as important and controversial a subject, and without the benefit of the views of the Senate committee involved, we are confronted with this bill by the administration.

The administration waited months before suddenly pushing this legislation. Admittedly, no problem more deserves our immediate attention and concern than the racial turmoil that threatens the very fabric of our society. Apartheid is spreading like a cancer across the face of our land. But it is the very seriousness of the problem that makes me believe that hasty, ill-considered action in the final hours of this session is not only unwise but could aggravate the problem rather than ameliorate it.

The weaknesses of this bill only reflect the unwillingness of this administration to attack the heart of the problem of segregation.

The President has talked about the need for leadership in this country. But he provides us with little leadership with this bill. He is quick to announce that he is against the forced integration of the suburbs. That, I suppose, is the beginning of some new suburban strategy designed to replace the now-discredited southern strategy.

What this country needs is fewer strategies and pat phrases like "forced integration" and more serious attempts to deal with the critical problems that face us.

Is it forced integration to allow a man to live near his job?

Is it forced integration to remove the existing barriers confronting low-income and minority members of this society that keep them from living where they would like?

Is it forced integration to provide this Nation with a national goal to end the racial isolation that threatens more than anything else to tear this country apart?

The people of this country are not fools. A malaise and feeling of uncertainty is sweeping this Nation as we seek to rediscover our sense of purpose and our confidence in our ability to govern our lives and our surroundings.

In this situation, we shortchange the American public and their commonsense and dignity when we assume that they will only follow politicians whose concept of leadership is to cater to the latest public opinion polls. The people of this country will respond to thoughtful, responsible attempts to deal with the critical problems that confront us all and we have an obligation to begin that process here.

Our first step must be to carve out in clear terms a national commitment to eliminate racial separation in our public schools and in the communities of this land, no matter what we call such segregation nor how it happened to occur. We should not delude ourselves that this can or will be accomplished overnight. It will take time, patience, leadership, and good will in the North as well as in the South.

Those of us in the North particularly must be willing to stop hiding behind the fiction that our brand of segregation is somehow less odious and harmful than that practiced elsewhere. The segregation existing throughout the North did not just "happen" to exist. There is nothing accidental about the fact that in city after city in the North, the blacks and the poor are concentrated in slums in the central cities while the whites increasingly are isolated in the surrounding suburbs.

Some have argued recently that we cannot make the finding that racial separation in the North in large part results from housing, zoning, educational and other economic, social, and political policies and decisions of government at all levels.

I had hoped we had passed the point of arguing who is to blame for the massive problem of segregation confronting us in the North. The impact of zoning practices, school districting decisions, municipal incorporations, and FHA housing policies are well known. As the Kerner Commission stated almost 3 years ago:

> What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.

Those who continue to hide behind the concept that de facto segregation is a better brand than de jure deserve the abuse heaped on them by blacks increasingly frustrated by our unwillingness to take action to implement our principles.

How ironic it is that those of us in the North who have so long urged integration upon the South are now hesitant, and suddenly tentative, when the issue is brought home to us.

H.R. 19446 is a perfect example of this phenomenon. The attempts to force this bill through the Senate indicate that its supporters fear it cannot withstand the cold light of reasoned reflection and consideration, especially by the Senate committee charged with jurisdiction over these matters.

I can understand the administration's unwillingness to submit this bill to close analysis for it is a bill with glaring omissions.

No one can argue that our school systems throughout this country do not need the $1,500,000,000 authorized by this legislation. In city after city we see the specter of schools and school districts going bankrupt financially as well as educationally. Local property taxes have long been an inadequate and regressive base upon which to build educational excellence.

Moreover, I applaud the principle in this bill that school districts engaging in desegregation should and must be provided the financial wherewithal with which to make such programs succeed.

But, unfortunately, I think the integration promised by this bill will prove to be a will-o'-the-wisp. Concerned citizens across this country, white and black, will look to this bill as a national attack on racial isolation—and they will be quickly and sharply disappointed. The integration in this bill is only a charade. It is simply more of the same as far as the basic problem we face is concerned.

This legislation sets no national policy or goal to end racial isolation throughout this country. Instead, it perpetuates the dual standard of forcing the South to do one thing while allowing the North in similar situations to exercise local option.

This bill, in effect, moves against the segregation in the North only where someone else is willing to take the political heat. If a local mayor or school board member is willing to assume the task of selling the goal of integration on the local level, some funds may be available under this act. But the Congress makes no decision whether this is a necessary or even desirable goal.

Moreover, this bill does nothing to attack the problem of segregation where it is most virulent—in the relationship between the suburbs and central cities across our country. The focus remains on individual school districts notwithstanding the evidence that all that will happen when we narrow our focus in this way is that whites will flee to the surrounding suburbs. The poor and the blacks will be left to share deteriorating schools and financially bankrupt cities.

One month ago I introduced two bills in this Chamber designed to attack the problem of racial isolation in the North as well as the South, in residential areas as well as in the schools, and in the suburbs as well as the central cities.

I would have preferred to have my ideas first considered at some length by the members of the Senate Labor and Public Welfare Committee. I am pleased to see that the bill prepared by the Education Subcommittee already includes $150 million for interdistrict cooperation along the lines suggested in my bill.

However, if the administration is prepared to rush ahead without further committee consideration and a Senate report, so am I. If we are going to spend one and a half billion dollars to begin to end racial isolation in the schools of this country, I think we have an obligation to consider more than the inadequate bill foisted upon us by the administration.

On the other hand, I do not plan to interpose my ideas as an obstacle toward meaningful progress in this area. I am

not opposed to providing money to those school districts already engaged in meaningful desegregation pursuant to court or Executive orders. Nor do I insist that my suggestions for a metropolitan approach to this problem be accepted immediately. My bill itself provides for a 2-year planning period. As noted, the Senate bill envisions the spending of $150 million during the next 2 years in pilot and demonstration programs for interdistrict cooperation.

I see no reason why these two ideas cannot be wedded together to allow a demonstration peroid now followed immediately by implementation of the national planning effort proposed by my bill. This would allow us to take advantage of the experience gained during the pilot programs and would combine the best features of both bills.

During the 2-year pilot programs, experience can be gained locally and at the national level regarding the methods best suitable for implementing a national program. At the same time, it will be clear that the Congress has made a national commitment to deal with this problem with a national program soon to follow.

Such a national commitment is necessary from the start if the pilot programs are to succeed. This commitment will strengthen efforts by those local leaders and areas willing to begin to attack this problem now. Since the commencement of a national program will be inevitable, may school districts will be anxious to begin early to improve their schools with the money provided. No longer will local leaders also be forced to convince the local electorate that they should begin a program that is not required and will not be adopted by many other communities in the foreseeable future.

I am willing to do whatever I can to see that these matters are considered as expeditiously as possible. I am not willing, however, to see this country make a major initiative in the field of integration without an analysis of all the possibilities available to us. The problem of racial isolation in our schools and in our neighborhoods demands our urgent—but thorough—consideration.

Mr. GRIFFIN. Mr. President, I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. GRIFFIN. I do this most respectfully, because the time for the bill runs out at 11 o'clock. The Senator has made his point. I do not agree with it. Now, because I have mentioned their names, I would like to yield 1 minute to the Senator from Rhode Island, and 1 minute to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PELL. Mr. President, as the chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, I would like to take more than 1 minute to express the views of the subcommittee—views acquired over days of hearings, many months of dealing with this problem an indepth study of both bills. On my own time, before the witching hour of 11, I would like to have the opportunity to put the whole picture in perspective. We have considered both bills. The subcommittee has come out with a proposal, which we think is the better bill. We would welcome the opportunity to consider the administration's bill with instructions to report back in 4 hours, if necessary, so that the Senate could consider the results of lengthy consideration on our part.

Mr. GRIFFIN. I yield 1 minute to the senior Senator from New York.

Mr. JAVITS. Mr. President, I do not know if we will get time before 11 o'clock to express ourselves. This seems to be one of those classic Greek tragedies, where everybody is right and nothing is going to happen. We have had our own hearings in our legislative committee, of which I am the ranking Republican member, and in the select committee chaired by the Senator from Minnesota (Mr. MONDALE), of which I am also the ranking Republican member. We learned a lot more about desegregation than we knew before. Hence we brought out a bill, which we think does the job better than the one originally proposed.

It took the House a long time to consider and pass this legislation. The administration had no way of knowing what would happen in the House until it happened only a few days ago. The administration must press for this proposal. It came in with a request for $1.5 billion for emergency school funds. They are showing good faith in this matter. Unfortunately, the delay is nobody's fault and recriminations are not going to get us anywhere.

I cannot say that any fault can be charged to the administration or anyone else. We will look at the proposal again in due course. What we should have done is provide $100 million in continuing money, so the work could go on, even if we could not give them a bill. I tried in every way to bring that about, but again, with no fault to anybody, it just could not be done. We did our best, and it is regrettable.

Mr. GRIFFIN. Mr. President, with time running out, and with no reference to when we will vote, I ask unanimous consent that consideration of this measure be extended until 12 o'clock.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Mr. President, the suggestion has been made, and I wish to answer it immediately, by the distinguished Senator from Rhode Island (Mr. PELL) that he would make a motion, as I understand it, to refer the bill to the committee with instructions that at some later point in the day it be reported back.

That may or may not be a futile suggestion or exercise. It certainly would be at the present time, because, as I understand it, objection has been raised to the Committee on Labor and Public Welfare meeting today. Without unanimous consent, as I understand it, we would be sending a bill to the Committee on Labor and Public Welfare, a committee which cannot meet while the Senate is in session today, and that would very effectively kill this legislation.

So the Senator from Rhode Island has a suggestion which would take us nowhere, as I understand the parliamentary situation.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. I yield.

Mr. KENNEDY. There is no reason in the world why the committee cannot meet at the time when the Senate adjourns or recesses, and I think the chairman of the committee can speak for himself on that, as well as the Senator from Minnesota. He indicated, as a member of that committee, that they are prepared to meet at any time, not just to restrict it to the hours while the Senate is in session.

As a member of the Committee on Labor and Public Welfare, I resent the suggestion that the committee is not ready to meet its responsibilities. I think the point is well made by the Senator from Minnesota, the Senator from Rhode Island, and the Senator from New York that all we want to do is have it assigned to the committee. I think we are prepared—I know I am, and I shall let the other Members speak for themselves—to meet after the Senate adjourns, and there is nothing in the rules to prevent that.

Several Senators addressed the Chair.

Mr. GRIFFIN. I yield to the Senator from North Carolina (Mr. ERVIN) without losing my right to the floor.

Mr. ERVIN. Mr. President, will the Senator from Michigan accept the assurance of the Senator from North Carolina that the Senator from North Carolina proposes to speak against any motion to refer to a committee that has any time limitation annexed to it? As I understand, since that does not fall within the nondebatable rule, a Senator can speak at length on that question.

I propose to speak at length on that question, because I shall want to appear before the Committee on Labor and Public Welfare and expound at length on amendments that ought to be made to the bill, and point out the fact that the bill not only provides for an effort to bribe the States to violate the requirements of the interpretation placed upon the equal protection clause of the 14th amendment in a multitude of cases, which I would like to read to the committee, but it also proposes, as a condition precedent to any public school board receiving any payment under this measure, that the public school board shall violate the provision of the first amendment which prohibits the use of tax money for religious purposes or as gifts or grants to religious institutions.

This will require a considerable amount of time, and if my good friend from Rhode Island annexes any time to report back which would deprive the Senator from North Carolina of an opportunity to appear before the committee in behalf of these propositions, the Senator from North Carolina intends to speak against it. Otherwise, I would not speak against a simple motion to commit, provided I have the opportunity to appear before the committee and express the views, not only of myself, but of millions of other Americans on this subject.

Several Senators addressed the Chair.

Mr. GRIFFIN. Mr. President, if I have

the floor, I yield to the Senator from Pennsylvania without losing my right to the floor.

Mr. SCOTT. Mr. President, I just wish to express what I think is the futility of these protestations by a committee which could have acted any time in the last several weeks or months, had the will to act existed, and to point out that the argument that it should be reported back to the committee is an exercise in complete nothingness, since the committee would report out a different bill, it would go to the House of Representatives, where a quorum is unlikely to be found and, of course, that is another way to kill the bill.

While some Senators may not like the House bill, and other Senators may not like the Senate bill, all we have before us is the House bill. It was at my suggestion that we adjourned last night rather than recessing, so this bill could be taken up. If Senators wish to be on record, they can vote up or down on this bill, or can vote on a motion to table. What this is is an effort to avoid a responsibility which rested on the committee, and which the committee has not exercised.

Mr. GRIFFIN. Mr. President, without losing my right to the floor, I yield to the Senator from California, a member of the committee.

Mr. MURPHY. Mr. President, as a member of the committee, I think, as my esteemed colleague from New York has stated, that there is great confusion here. As a member of the committee—and I have the greatest regard for the procedures of the committee—I think the minority leader has stated the question very clearly and plainly. There is one bill, the House bill, and as far as this member of the committee is concerned, I would be perfectly willing to let the Members of the Senate take that bill and vote it up or down.

Mr. President, the critical question before us at this moment is whether or not the Congress should authorize $1.5 billion to assist in the integration of the Nation's schools. This is the last opportunity we will have in the 91st Congress to demonstrate our concern and commitment to the goal of quality integrated education for the Nation's schoolchildren.

The bill before us is H.R. 19446, the Emergency School Aid Act, which has recently passed the House by a substantial margin. The Subcommittee on Education of the Committee on Labor and Public Welfare has recently reported a similar bill. These two bills have some important differences, but their underlying purpose is the same—to assist school districts throughout the country in meeting the additional costs which accompany the successful integration of the public schools. While I join many other members of the Subcommittee on Education in endorsing the bill which we reported, I also feel very strongly that we must take action now which will clearly demonstrate our commitment to assist school districts in solving this critical problem. We can move now by giving our approval to the House bill.

The differences between the House bill and the version reported by the Education Subcommittee center around the question of what constitutes an "integrated school." The subcommittee version defines an integrated school as one which reflects the minority-majority composition of the community, while the House version requires the substantial reduction or elimination of racial isolation or segregation in the school district assistance under the act, but it would also divert funds away from many districts with high concentrations of minority students which have the greatest need for assistance.

We have before us, in H.R. 19446, a sound proposal for a constructive approach to solving the problems of racial segregation and isolation in the Nation's schools. To delay action at this point would be to deprive the schools of an important commitment of Federal funds. By acting immediately and favorably on H.R. 19446, we are giving great encouragement to school districts throughout the country which are trying to deal constructively with the problem of racial isolation in the public schools.

Finally, Mr. President, as one who is acutely aware that the need is great—and the hour is late—let me urge my colleagues to support the President's initiative in this field. My own State of California desperately needs the kind of assistance this legislation would provide, and I know the needs of other States are similarly great.

The President has been consistent and unwavering in his commitment to the principles embodied in this bill, and we should be no less firm in our resolve to act affirmatively to help insure higher quality education for all children in our schools.

Mr. DOLE. Mr. President, I urge the Senate to adopt H.R. 19446, the Emergency School Aid Act of 1970. In his message of May 21, 1970, the President set as a national goal "a system in which education throughout the Nation is both equal and excellent, and in which racial barriers cease to exist." Essential to achievement of this goal is a recognition that the educational impact of racial isolation falls equally upon children, whether that isolation is the result of intent or chance.

The bill before us today recognizes this fact. It establishes three categories of eligibility for local educational agencies:

First, those school districts implementing a desegregation plan pursuant to a final court order or approved as adequate under the Civil Rights Act of 1964 by the Secretary of Health, Education, and Welfare or the Assistant Attorney General for Civil Rights;

Second, those districts voluntarily undertaking a plan for the complete elimination of racial isolation in all of the racially isolated schools in the district; and

Third, those implementing a plan to eliminate or reduce racial isolation in one or more schools, or to prevent such isolation from occurring.

The bill treats districts both North and South even-handedly. It expressly provides that a school district's application shall not be given low priority for funding simply because it is voluntarily seeking to desegregate, rather than under the compulsion of a legal order. The Secretary applies a single set of criteria in judging the applications for assistance, regardless of whether the segregation sought to be overcome is de jure or de facto in nature.

The problems of segregation are deep-rooted, and will not respond to partial or inadequate efforts at solution. To be successful, projects must be designed to deal specifically with a district's problems and must be supported at a level which will achieve demonstrable results. The proposed level of $1.5 billion represents a commitment to making the desegregation process work, and making it work now. The need for prompt action on the legislation before us is compelling and urgent. Too little has been done thus far to meet these problems in a constructive and positive way. Passage of the Emergency School Aid Act will be a vitally important step in the direction of providing quality integrated education for the Nation's children.

I urge my colleagues to support enactment of H.R. 19446.

Mr. GRIFFIN. Mr. President, without losing my right to the floor, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, first of all I should like to make the request one more time that we be given an opportunity to vote up or down on this important desegregation matter; and therefore I ask unanimous consent that the Senate be permitted to vote on this matter at 5 minutes to 11, and if the consent is obtained, I shall ask for the yeas and nays.

Mr. ERVIN. I object.

Mr. SCOTT. Mr. President, objection is heard, as I expected.

Mr. PELL. Mr. President, a parliamentary inquiry. Who has the floor?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Several Senators addressed the Chair.

Mr. GRIFFIN. Mr. President, with the unanimous consent of the Senate, and the undertsanding that I not lose my right to the floor, I have yielded to the Senator from Pennsylvania.

Mr. SCOTT. Therefore, Mr. President, it is obvious that one point of view here in the Senate is not to let us vote up or down. Another point of view is to bring this thing back to the Senate committee, so that it can be abandoned, fatherless, and left in that ovate state in the other body. A third point of view is to prevent it from going to the Senate committee at all.

All of these objections we are hearing from the other side of the aisle. Therefore, the only thing remaining, it seems to me, is a motion to lay on the table. I would be against tabling this bill, but I am prepared, and I now move—and shall vote against my own motion—to lay on the table the bill which is before the Senate.

Mr. GRIFFIN. I ask for the yeas and nays.

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

Mr. ALLEN. I object.

Mr. ERVIN. I object.

Mr. SCOTT. All right, Mr. President, it will go live. I will object to any further attempts to call it off.

The legislative clerk resumed the call of the roll.

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

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the reason for not objecting to calling off the quorum at this time is merely a courtesy to the distinguished leader. Since the next order of business is the International Coffee Agreement, I am convinced that the tactics used here have effectively prevented action on the school desegregation bill and about $75 million that would go to certain States in the South may not go there now.

Therefore, under the circumstances, to continue the quorum to a live quorum would simply inconvenience those who wish to bring up certain measures so that I have decided I shall not do that.

I thank the majority leader.

Mr. ERVIN. Mr. President, will the Senator from Pennsylvania yield? I should like to say in reply——

Mr. BYRD of West Virginia. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

The PRESIDING OFFICER (Mr. GRAVEL). The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 19567, an act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

The Senate resumed the consideration of the bill.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is now recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield first to the distinguished Senator from North Carolina (Mr. ERVIN), and then to the distinguished Senator from Minnesota (Mr. MONDALE), without losing my right to the floor or having any of my time taken away.

Mr. GRIFFIN. Reserving the right to object, I should like, if I might, to have 3 minutes following the statement of the distinguished majority leader this morning.

Mr. MANSFIELD. Certainly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SCHOOL DESEGREGATION

Mr. ERVIN. Mr. President, I want to say, in reply to the distinguished Senator from Pennsylvania (Mr. SCOTT), that not one penny will go to any Southern State under this bill. This is an authorization bill. We could not possibly get an appropriation bill processed and passed by Congress in time for any Southern State to be deprived of any money this year.

I just want to point that out. The distinguished Senator from Pennsylvania is in error in suggesting that any action here which prevented passage of any appropriations would go to a Southern State, or to any other State.

I thank the Senator from Montana for yielding to me.

Mr. MONDALE. Mr. President, I should like to yield to the Senator from Rhode Island (Mr. PELL) at this time.

Mr. PELL. Mr. President, I regret that in the mishmash during consideration of the school desegregation bill, I could not gain recognition to express, at any length, the views of the Subcommittee on Education, of which I am chairman.

I object to the fact that the subcommittee is being criticized for not doing its job. We held hearings and considered the administration's bill, which I introduced as a matter of courtesy with the Senator from New York. We considered the bill that the Senator from Minnesota (Mr. MONDALE) and the Senator from New York (Mr. JAVITS) worked on, and decided that the latter was the best.

And it should be noted in the record, that with regard to the $75 million previously appointed for the purpose, the administration has informed me that the total amount of money is still being allocated or committed.

Mr. President, I ask unanimous consent to have printed in the RECORD the subcommittee's position, which is in the form of a statement.

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

Mr. President, I regret very much that the Senate is a this late hour presented with the very involved question of a massive school desegregation assistance bill. I say I regret it because it is my firm belief that any measure pertaining to this most important subject requires calm consideration through the normal Senate procedures. I would venture to say that any action taken in the closing hours of this Congress would not be the vehicle for a measure which would truly meet the problems we must face.

The Subcommittee on Education of the Senate Committee on Labor and Public Welfare, of which I am chairman, has been considering this subject since June 9 of this year, when it opened six days of hearings, which lasted through the month of August. The hearing record, which comprises 600 pages, contains many statements of opinion as to what the final form of any federal aid to desegregation or integration should be. At the same time, the Junior Senator from Minnesota, Mr. Mondale, was conducting in depth hearings to carry out the mandate of the Senate when it established the Select Subcommittee on Equal Educational Opportunities, of which he is the chairman.

At the completion of the hearing process, the Subcommittee members prepared a bill which in its final form, was viewed as a measure to both meet the Administration's request as an aid for desegregation of schools and also as an affirmative step in bringing quality education to our nation's children through the establishment of integrated schools which could serve as models for both north and south.

Unfortunately, our subcommittee work extended over many months. In all candor, this was due not only to a difficulty in getting Senators to attend sessions, but also to the very arduous task of coming up with a measure which satisfied the many views expressed by subcommittee members. However, we were able to report a bill which we believe deals evenhandedly with both the north and south, setting one standard for all. It was our hope that this bill would be the vehicle considered by the Senate.

By the time we had completed Subcommittee action, the House of Representatives sent over to the Senate its version of the school desegregation bill. This measure arrived in the Senate last Tuesday. Upon learning of this, I immediately requested the Chairman of the Committee on Labor and Public Welfare, Senator Ralph Yarborough, to convene a full committee executive session so that we could present to the Senate the Subcommittee bill and then go immediately to conference with the House. This request was granted and a meeting was called for 3:00 p.m., Tuesday afternoon. At that point, the Administration, through its leadership on the floor, stopped the normal procedures of the Senate and held the bill at the desk. The administration informed us that they wanted the House bill and that they would block any Senate action pertaining to the Subcommittee proposal.

As the past 9 days progressed, further consultations were held with the Administration, its representatives here in the Senate and the House members as to some accommodation which could be reached to the satisfaction of all parties. As late as yesterday afternoon, a proposal was made to the Administration which would have split the differences in an even way by simply dividing the fund authorization into two tracks but this was rejected.

We are now told that due to the lateness of the hour, we must accept the House bill if we wish to get any measure. I submit, Mr. President, that we are at this impasse due to the intransigence of the Administration. I further believe that the Senate should not be forced to accept the House bill per se under the pressure of time. Both measures have laudible sections which I believe could have been brought together through the normal process of the Senate. I believe that at this late hour, if the Senate sends the bill to the Commitee, we could bring back to the Chamber a compromise, acceptible to all and I would personally support such a move.

Mr. MONDALE. Mr. President, the only reason this measure was not given a chance to be responsibly acted upon was that the administration deliberately arranged for a filibuster through procedural objections. The administration directed that the bill as passed by the House be held at the desk, freezing and paralyzing any action by the appropriate committee for the past 10 days.

At the time the objection was interposed, I pled with those making the motion to let it go to the Committee on Labor and Public Welfare, where it should go under the rules, so that we could develop a measure, report it back out—which we were prepared to do—so the Senate could act on the bill responsibly.

Instead, the administration sponsored efforts kept the bill frozen at the desk. The Senate committee that has worked harder than any other committee on this measure, that knows more about it

than any other committee, under the chairmanship of the Senator from Rhode Island (Mr. PELL), was never even permitted to consider and a House passed measure involving $1.5 billion.

Those of us who have held the most extensive hearings in the history of the country on the question of school desegregation and who served on the committee were not permitted to have 1 minute's deliberation.

I think it is an insult to the Senate, an insult to the education subcommittee committee, and an insult to the relationship that a healthy government needs in trying to deal in this fashion with this most controversial and explosive question of our time—the question of desegregation and integration.

I want to work with this administration, but I cannot recall in the 6 years I have been in the Senate seeing an issue dealt with as shabbily as this one has been.

Others share this view. I am authorized to say for the president of the NAACP, Roy Wilkins, and for Clarence Mitchell, that they think the bill as passed by the House should be referred to the committee. I ask unanimous consent that a telegram from Roy Wilkins be printed at this point in my remarks.

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

MR. CLARENCE MITCHELL,
Director, Washington Bureau,
NAACP, Washington, D.C.:

We understand the Emergency Education Bill authorizing one billion five hundred million dollars in federal assistance in carrying out desegregation policy will be considered in the closing days of the session. This bill contains two amendments: One, prohibiting the use of any of the funds for the busing of children and two permitting tests of pupils to determine if they shall be entered in desegregated schools.

The NAACP is opposed to both of these amendments and accordingly cannot support the bill of which they are a part. The whole desegregation policy and the court orders thereon would be nullified by the prohibition against busing in cases where that is the only method through which desegregation can be achieved. To allow local authorities to give tests before according pupils the right to education in the unsegregated school system would be to sacrifice the future of little black children to a political maneuver designed to return public education to the status of the period before 1954.

Please advise Senators and Congressman of our stand.

ROY WILKINS.
NAACP, New York.

Mr. MONDALE. Mr. President, Whitney Young of the Urban League has authorized me to say the same thing today. But this administration, claiming to represent the interests of the minorities, claiming to represent those who believe in integration and desegregation, have persisted in this tactic which I believe have destroyed any chance for responsible action in this session of Congress.

The responsibility must rest with them.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield me 2 minutes now?

Mr. MANSFIELD. Yes, indeed; then I should like to proceed with my remarks.

[Laughter.]

Mr. GRIFFIN. The Senator from Minnesota has made a statement which must have a response. He said something to the effect that the administration deliberately placed the House-passed bill on the calendar.

First of all, the administration does not do anything in this U.S. Senate. Senators do. Individual Senators make the motions and take the actions. It may be that the bill was placed on the calendar with the support of the administration. But that is a very flimsy excuse for the fact that the Committee on Labor and Public Welfare has not reported any bill. The administration's bill is, and has been, before the Committee on Labor and Public Welfare. That committee could have responded, and should have responded, by proceeding to report out its own version of the legislation, which would have gone on the calendar. If that had happened, the Senate would now be in a position to consider a Senate Committee bill. But the Labor and Public Welfare Committee did not do that. For that reason, the course taken by the minority leader—placing the House-passed bill on the calendar—was the only course available to assure that the Senate would at least have the opportunity to discuss in this session the emergency school aid legislation. By moving as he did, the minority leader at least made it possible for the legislation to be called up today.

Mr. MONDALE. Mr. President, will the Senator from Michigan yield briefly?

Mr. GRIFFIN. I do not have the floor.

Mr. MANSFIELD. I yield briefly.

Mr. MONDALE. I am sure the distinguished minority leader knows there was never any doubt that the Committee on Labor and Public Welfare, if it received this bill, would act on it and would have reported out a bill. This is not the case of a committee about which there is some question reporting out a bill on which they were prepared to act. The chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL) made that commitment. The chairman of the full committee, the Senator from Texas (Mr. YARBOROUGH) also made that commitment.

The fear of the administration was not that we would not act, but that we would, and they would be confronted with a proposal that would really deal with this tragic issue.

Confronted with that tactic, they chose to freeze the bill at the desk so that no one could do a thing.

The administration said they would do it. That was what was done, and the record will show where the responsibility lies.

Mr. McCLELLAN. Will the Senator yield for a question?

Mr. MONDALE. I yield for a question.

Mr. McCLELLAN. Do I understand correctly that the House bill, 19446, has not had the benefit of being studied in depth by the appropriate Senate committee, on which the Senator from Minnesota serves so ably?

Mr. MONDALE. That is correct.

Mr. McCLELLAN. Will the Senator yield for a further question?

Mr. MONDALE. I yield for a further question.

Mr. McCLELLAN. I have not read or studied this bill in any depth. However, a cursory reading indicates to me that once again a dual standard is set forth for the North and the South with regard to matters concerning integration. I have had the pleasure of serving on the Select Committee on Equal Educational Opportunity, of which you are chairman. I think it is fair to say that on that committee we have had a great deal of testimony which indicates that there is segregation both in faculty and students in the North, occasioned by official acts which has not yet been challenged by Federal authorities. There are other occasions where a northern school district in a large city is in open defiance of Federal orders and has been for over a year. This bill appears to me to allow some of these districts to receive moneys for token integration programs. Further, it appears to me that this bill would impose additional onerous requirements on the South of increased Federal management of our local schools, without imposing the same requirement upon Northern school districts. I wish it to be clear that I believe that these requirements are improper and unwise. We have had a great deal of testimony before the select committee disparaging Federal control of local schools. This testimony has come from people of varying ideologies. Will you, if this bill goes to committee, put forth your best efforts to eliminate governmental discrimination as between the treatment of the North and the South with regard to integration? I ask this question with the full knowledge that you do not chair the Labor and Public Welfare Committee and that you only have one vote; I only ask that you use your best efforts to this end.

Mr. MONDALE. I want to assure the distinguished Senator that I will do all I can to shape a bill that does not contain a double standard. The bill the Education Subcommittee has agreed to already—the bill we hoped to consider in committee with the House bill—does contain a national uniform standard for funding integration. I will continue to work for that goal.

Mr. SCOTT. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I have had my attention called to two items of information which certainly would cast some doubt on the optimism of the Senator from Minnesota.

I have this second hand, but I am advised reliably that the Senator from Minnesota did not have the votes on the committee to get the bill reported out. I assume that if he had them, he would have had the bill reported.

What is even more cogent is that I have discussed the matter within the last 5 minutes with two Members of the House of Representatives who would normally by conferees. It is their opinion that there is no chance whatever of a Senate bill being acted upon if it were to come to the House. It would have less chance than

a celluloid dog chasing an asbestos cat through the lower region.

Mr. PELL. Mr. President, the bill was reported by the subcommittee to the full committee. I personally believe—and having been on the committee for 10 years, I have some idea of the matter—that the Senator from Minnesota did have the votes on the full committee, if there had not been prolonged discussion which would postpone the matter. I think that he did have the votes to report the bill out of committee to the Senate.

Mr. CRANSTON. Mr. President, I have long been convinced of the need for Federal financial aid in bringing about meaningful desegregation of our Nation's schools. During the debate on the amendment which would have required application of desegregation guidelines, considered at length in this body earlier this year, I made clear my belief that racial isolation of our school children must be eliminated, and that the Federal Government must support school districts seeking to achieve this important goal by sharing whatever financial costs may be involved in total school desegregation.

I was heartened when the President announced last spring that he would ask Congress to provide Federal dollars to school districts implementing good-faith desegregation plans. I was disappointed, however, by the specific legislation which the administration subsequently submitted.

By focusing primarily on the problems faced by recalcitrant school districts—which, after 16 years, still have failed to comply with the constitutional mandate abolishing dual school systems—the administration's legislation failed to face up to the severity of racial isolation which persists throughout the country. It failed also to provide adequate safeguards against the misuse of Federal financial assistance.

We well know the tragic consequences of failing to provide such safeguards. As the distinguished Senator from Minnesota has pointed out, there have been frequent, flagrant instances of misuse of the $75 million appropriated by Congress to help school districts which were under court order to desegregate this past fall.

The House Committee on Education, headed by the remarkably able Representative from Kentucky (Mr. PERKINS), wisely rejected the legislation submitted by the administration. Instead, it considered a bill that provided safeguards against misuse of funds and recognized the national character of racial isolation in our public schools. But that bill was substantially weakened by floor amendments, particularly an amendment prohibiting the funding of voluntary programs involving transportation in de facto segregated school districts. This amendment alone raises serious questions as to whether the House bill can benefit those school districts in my State currently undertaking desegregation efforts.

This is the bill now on our Calendar.

I recognize the importance which the President attaches to the approval by Congress of a measure to assist school districts in meeting the special problems arising from desegregation. So does the Senate Labor and Public Welfare Committee. The distinguished chairman of the Education Subcommittee has held extensive hearings on the legislation originally submitted by the administration. So has the distinguished Senator from Minnesota whose Select Committee on Equal Education Opportunity has explored almost every facet of the problems inherent in racial isolation.

As a result of their efforts, as well as those of other committee members of both parties, the Education Subcommittee has prepared a sound bill which I consider responsive to the problems of racial isolation. As the distinguished chairman of the Labor and Public Welfare Committee has repeatedly pointed out, our committee remains prepared to act on the subcommittee measure. We have not done so because we felt the House-passed bill should have been referred to our committee, as is the usual practice. Instead, the administration had the House-passed bill stopped at the desk.

Mr. President, this action by the administration effectively denies the Senate the opportunity to consider its own bill and to weigh the informed recommendations of its own committee. Given the difficult and delicate issues involved in the complex problem of racial isolation, I share the concern which the distinguished Senator from Minnesota has expressed so well this morning.

A SUMMARY OF THE LEGISLATIVE ACHIEVEMENTS OF THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, this is the last day of the year 1970. We are approaching adjournment sine die some day this week. I want to take this opportunity to express my personal thanks to the deputy majority leader, the distinguished Senator from Massachusetts (Mr. KENNEDY), and the secretary of the conference, the distinguished Senator from West Virginia (Mr. BYRD).

I also want to express my personal thanks and gratification to the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), the deputy minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN), and to the other Members of the hierarchy of the Republican Party who comprise the leadership in that group.

Most important of all, I want to express my gratitude, thanks, and appreciation to every single Senator, Democrat and Republican, from the North, South, East, and West, from the Atlantic to the Pacific, for the cooperation and the understanding which they have shown throughout this entire session.

I only hope that this cooperation which has marked the 91st Congress will continue in the months and years ahead to the end that we will all put the country first and the party and our personal successes or lack of them second.

Mr. President, a number of assessments have already been offered of the 91st Congress—its record, its achievements, its failings, and its flaws. I hope that the Senate is of a mind at this time to take one more evaluation from the leadership. One can readily criticize the pattern of Senate performance these past 2 or 3 weeks. That it comes at the end of a long Congress of intense, exhausting and virtually continuous session is easily forgotten. The achievements of 2 years may well be overlooked in the procedural thickets of adjournment. As in other situations, the legislative good is often interred with the bones of an expiring Congress. Praise should neither be sought nor expected for doing what it is our responsibility to do.

Nevertheless, it ought to be said for the historic record that this Congress has coincided with the beginning of a difficult national decade. I think it was sensed at the outset that we would be meeting at the opening of an era of drastic change at home and abroad. The pressure for change has already become very evident in the Nation and the work of the Senate has mirrored it. Almost at the outset of the 91st Congress questions were raised concerning the need to reduce this Nation's antiquated commitments and accumulated involvements abroad, notably those of Vietnam. Heard, too, from the outset were the questions of the neglected needs of the people here at home.

This Congress—the 91st Congress—has played a decisive and fundamental role in setting forth these questions, both domestic and foreign, during the past 2 years. Moreover, the Senate has provided leadership and active participation in the search for answers to these questions.

If we know a little more clearly the dimensions of what now confronts the Nation, the work of the Senate has helped to induce that clarity. If the Federal Government has, at least, begun to move more emphatically against the backlog of national difficulties, whether they be the war in Vietnam, the disintegration of urban life, the needs of older Americans, pollution, crime or whatever, it is due in part to the activities of the 91st Congress. I am not talking about the passage of particular laws. To be sure, many laws have been passed. We do not, however, nor should we, measure the contribution by the number of items that have been run through the legislative computer.

The impact of the Senate and the Congress is to be viewed, more accurately, I believe, in terms of the cumulative impact of this one branch on the course of the Federal Government. The impact is to be seen, for example, in the many-sided efforts which, in the end, produced nearly a $10 billion reduction in Federal spending in this Congress, largely by cuts in excessive military and overseas activities. Its impact is to be noted in the fact that some of those billions have been rechanneled by legislation into more compelling domestic needs—into education, into health, into the resolution of urban difficulties, poverty, pollution control, and the like. In a very deliberate and responsible way, the Congress acted to bring about this shift without contributing further to inflationary pressures. It cut in one place as it added in another. But the overall appropriations which this Congress votes

are expected to be less than the administration's requests for funds.

The record of this Congress also includes significant progress in the Senate in revitalizing the role of Congress with regard to foreign relations. The effort was dramatized during the extended debate on the Cooper-Church amendment last summer. To be sure, some found this effort unproductive and time-consuming at best. Some even have labeled it an intrusion on the powers of the Presidency. In my judgment, that is far from the reality. Cooper-Church was a necessary restraint on a pendulum which had swung the control of this Nation's affairs abroad too far away from the constitutional purview of the Congress. In truth, it was a restraint on a pendulum which was moving ever further away even from the control of our elected President. The impact of what was done here, in my judgment, has reinforced the President's desire to withdraw from Indochina. It has been an indispensable initiative, if the spread of our involvement in the war in Indochina was to be halted.

It should be noted that there has been criticism concerning the Senate's treatment of the President's legislative requests. That criticism is hardly that the Senate has failed to consider the President's requests. Few legislative matters to which the President attached personal importance have gone by the board in this Congress. The great bulk of the President's program has had fair hearing and substantial action in the Senate. I suspect, therefore, that the criticism must stem from the fact that in considering the President's program, the Senate has insisted on adding its own judgments. To be sure, these judgments on occasion have deviated from those of the administration's. To be sure, the Senate insisted, as the minority leader suggested a few days ago, that its own stamp be added to legislation.

I find it neither unusual nor undesirable that the legislative powers of the Congress be exercised in that fashion. They have been exercised, moreover, not by Democratic Senators or by Republican Senators, but by the Senate as a whole. They have been exercised by Members of both parties joined, time and again, in substantial numbers to forge the necessary majorities.

I am frank to say that there is one major item of the President's program which did not receive the treatment to which it was entitled. That is the family assistance plan. While the measure was in committee for a long time and directly before the Senate for a number of days, I regret that it did not get a proper decision. May I say that many Senators felt the same way. They wanted very much to have this program voted upon on the merits. But the Senate was unable to vote. Why it was unable to vote is now a matter of record.

The leadership apologizes to the President for this inability to act in the closing hours of the Congress. I can only reiterate the hope that already has been expressed that everything possible will be done to bring the matter to a head early in the next Congress.

As for most legislative items—whether initiated by the administration or here in the Congress—the record of the Senate, in my judgment, is highly respectable. That is very evident with respect to anticrime measures. The Senate passed virtually all anticrime proposals requested by the administration, and initiated and passed many more on its own.

With respect to the economy, the Congress has responded to whatever initiatives have been taken by the administration. We have responded with an eagerness to cooperate in coping with the severe decline in business and agriculture. We have sought, too, to alleviate the human hardships which are accumulating in the wake of this economic slide.

With regard to the inflation, every measure which the President has requested has recieved prompt action. We have cut overall expenditures in some areas so that in all likelihood, the final congressional appropriations will be, as I have noted, lower in total than what was requested by the administration. Congress is willing to do more to try to keep a lid on prices. In this connection, it has already given the President wage and price authority and selective-credit control authority.

To reduce unemployment, moreover, the Congress offered the President a manpower program that was designed to keep 300,000 Americans off the welfare rolls. The measure regrettably was vetoed. As a result, thousands of Americans are already or will soon be consigned indefinitely to welfare, burdening even more the hard-pressed resources of the cities and states.

There is room for legitimate criticism of this Congress—this Senate. It is obviously not helpful to effective legislation, to say the least—when complex, controversial and far-reaching measures of national import reach the floor of the Senate in the dying days of a Congress. To be sure, there are extenuating circumstances at this time. Nevertheless, the problem of the logjam is occurring with ever-increasing frequency. It must be faced. A confrontation with legislative avalanches at the end of a Congress leads in the end to more than a procedural mess. It leads also to serious substantive unreasonableness.

It is not accurate to saddle the blame for these circumstances on the administration alone; or on the House alone; or on the Senate alone. During this Congress, all parties in the Government bear part of the responsibility. In so saying, I do not seek to minimize the Senate's shortcomings. In the future, it seems to me the administration and Congress—and within Congress the Senate and the House—must take further steps to avoid a worsening impasse. The administration must get its legislative program to the Congress early in the year and then refrain from introducing last minute changes or sweeping additions. It seems to me, too, that the House which acts first must move appropriations and revenue bills to the Senate without prolonged delay. It seems to me, finally, that the Senate committees must redouble their efforts to bring to the calendar early in the session authorizing legislation and all other legislation that is obviously complex and controversial.

As for procedural problems of this kind, fresh approaches may be expected next year. I would not anticipate the Senate but there are indications that a serious examination of the cloture rule is in the offing. There may be further innovations designed, hopefully, to expedite the business of the Senate. The joint leadership, for example, has listened with great interest to several of the newer Members—Senators CRANSTON, HUGHES, SAXBE, and SCHWEIKER, in particular, who have advanced a number of helpful procedural suggestions.

We must look to our procedures because it has become quite apparent that congressional business has expanded immensely. During this session, the Senate has met in session more days and more hours than has any other Senate in at least a score of years. The fact is that we were faced with a very substantial legislative chore and the fact is underscored by the substantial legislative record which has emerged.

This record has been compiled in the Senate because Democrats and Republicans have joined to make it possible. To the Members on both side of the aisle, therefore, I wish again to express my deep appreciation for their contributions as well as their patience and understanding. The distinguished minority leader, Mr. SCOTT, has been a great strength. His consideration, his courtesy, and his cooperation have been as welcome as they have been essential to the responsible operation of the Senate.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a summary of Senate activity during the second session. I reiterate, this is the product of both parties. It is the product of a Senate which in the year 1970 has taken over 400 rollcall votes, more than ever before in the Nation's history. It is the legislative product of a Senate, which, notwithstanding the events of the past few weeks, has worked with great dedication and discernment to serve the interests of the people of the Nation.

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

OUTSTANDING LEGISLATIVE ACHIEVEMENTS

Legislative Reorganization Act of 1970.

Comprehensive Drug Abuse Prevention and Control Act.

Omnibus Crime Control Act.

Organized Crime Control Act.

Military Construction Authorization.

Military Procurement Authorization.

District of Columbia Court Reform and Criminal Procedure Act.

District of Columbia Delegate to House.

Bank Holding Companies.

Defense Production Act Extension; Standby Wage, Price and Rent Controls.

Foreign Bank Secrecy; Unsolicited Credit Cards; Consumer Credit Reporting.

Elementary and Secondary Education Amendments.

Alaska Native Claims Settlement Act (No House action).

Pornographic Mail. (No House action.)

Rejection of Fndings and Recommendations of Commissions on Obscenity and Pornography. (Senate resolution.)

Postal Reorganization Act.

Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act.

Developmental Disabilities Services and Facilities Construction Amendments.
Medical Facilities Construction and Modernization Amendments. (Passed over Presidential veto.)
National Air Quality Standards Act.
Regional Medical Programs and Comprehensive Health Planning and Services Act.
Emergency Home Finance Act.
Housing and Urban Development Act.
Gulf of Tonkin Resolution—Terminating (Senate resolution), (also contained in Military Sales bill).
Military Sales—Limitations on United States Involvement in Cambodia (in conference).
Voting Rights Act Extension (lowered voting age to 18).
Employment and Manpower Act (vetoed by the President).
Equal Employment Opportunities Enforcement Act. (No House action.)
Confirmation of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States (also rejection of Carswell nomination).
Resource Recovery Act.
Wilderness Areas.
Employment Security Amendments.
Airport and Airways Development Act.
Federal-Aid Highway Act (a bill on House calendar).
Merchant Marine Act.
Political Broadcasting (vetoed by President).
Rail Passenger Service Act.
Urban Mass Transportation Assistance Act.
Occupational Safety and Health Act.
Consumer Protection Organization Act.
Securities Investor Protection Corporation.
Voting Rights Act Extension.
Federal Water Pollution Control Act Amendments.
Social Security Increases.
Family Practice Medicine (vetoed by President).

RECOGNITION OF SENATOR GRIFFIN

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Michigan is recognized for 5 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. GRIFFIN. I yield to the Senator from West Virginia.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from Michigan, notwithstanding paragraph 3 of rule VIII, which deals with nongermaneness, I be recognized to speak out of order for not to exceed 20 minutes, keeping in mind that rule VIII has already been violated, out of courtesy to the majority leader and the assistant minority leader, and keeping in mind that this may, hopefully, be the last day of the session and we will not be too meticulous about insisting on the enforcement of that rule today. I ask unanimous consent that I may be recognized for not to exceed 20 minutes following the remarks of the Senator from Michigan, and that rule VIII be waived.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be recognized at the conclusion of the remarks of the Senator from West Virginia for 5 minutes. I have a report to give.

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

THE 91ST CONGRESS

Mr. GRIFFIN. Mr. President, I am mindful of the fact that the distinguished minority leader, the Senator for Pennsylvania (Mr. SCOTT), has already to read into the record a report, a summation, and an assessment concerning the record of this Congress. Of course, I would not endeavor to duplicate the effort represented by his excellent statement.

So far as the remarks of the distinguished majority leader are concerned, I wholeheartedly endorse and concur in much of what he has said. However, I believe it needs to be said that, regardless of how we seek to wrap it or describe it, this past session of the 91st Congress has not been one of the most glorious or proudest years in the history of the U.S. Senate. I say that with no indictment of the leadership.

Excluding, of course, the contributions by the junior Senator from Michigan, I believe the leadership on both sides of the aisle has been excellent. I refer particularly to the leadership of the distinguished Senator from Montana, who is loved and respected on both sides of the aisle. He is a very effective leader who, within the rules of limitations of the Senate, does a remarkable job.

Nevertheless, the fact is—a fact being recognized beyond the confines of the Senate—that we are bogged down in a tangle of archaic rules and procedures.

It is true as the majority leader indicated, that the Senate has achieved a great deal in this session, and I would not in any way belittle the achievements enumerated. However, it is unfortunate that this session of the Congress apparently will adjourn without providing social security increases for older people, without welfare reform, without enacting the emergency school desegregation assistance bill that President Nixon sought and which was discussed today. We will adjourn with achieving electoral reform; and without enacting pollution control legislation that President Nixon requested—I refer to the $10 billion program to finance sewage treatment facilities which are so desperately needed in this country.

Then I would point out that this Congress will adjourn without taking any action whatsoever on proposed reforms in our labor-management laws recommended by the administration.

As I have pointed out on the floor a number of times, new tools are needed to deal with threats of crippling nationwide strikes in the transportation industry. Early in the year President Nixon placed before Congress what I believe is a sensible and practical program—a program which at least deserved consideration by the appropriate committees of each House. But at no time was any consideration given to this important legislation.

Why have we had this kind of a session? I believe that it is probably due to a number of factors—not a lack of leadership—but other reasons. For example, we have the problem of divided government—an administration controlled by one political party while the Congress is controlled by the other political party. President Nixon is the first President in 120 years to enter the White House with both Houses of the legislative branch controlled by his political opposition.

As an institution, the Senate has faltered because the Federal Government, at an increasing, accelerating rate, has been taking over functions of State and local government, increasing the responsibilities and the business of the Congress at a time when the world is growing smaller and more complex, and when the international problems facing Congress increase in volume, in difficulty, and in complexity, and at a time when the increase in population throws a heavier and heavier burden upon the Congress and the Senate.

Furthermore, Mr. President, I suspect the fact that the Senate has developed into a launching pad for presidential candidates has increased the partisanship exhibited in this Chamber—and that has been a contributing factor to the difficulties which the Senate has confronted in this past session.

But, Mr. President, the most serious problem of all—one that the majority leader allowed to—is the problem of the Senate's archaic rules and procedures. Rule XXII is unrealistic in this day and age; and we must make progress in reforming it. Surely, when the Senate cannot get to a vote on conference reports—conference reports on appropriation bills in particular—the weaknesses of the Senate as an institution are laid bare. So, I hope when we begin a new year that we will follow the advice of the majority leader; that we will move toward reform of the rules of the Senate.

The junior Senator from Michigan supports, and has supported the effort to require a three-fifths vote rather than a two-thirds vote to invoke cloture. But I suggest that we should have even more stringent limitations on debate with reference to conference reports, and particularly conference reports on appropriation bills, which are obviously necessary to finance the Government of the United States.

As one Senator, I also believe that the rule of the Senate, or the lack of a rule in the Senate, which allows nongermane amendments to be offered should be corrected.

In addition I believe other steps should be taken to speed up the work of the Senate; for example, we could set a deadline for authorization bills, and we might shift the executive branch budget to a calendar year rather than a fiscal year. These would be helpful steps that would better enable the Senate to do the job that it is supposed to

do—the job which it must do if our system of Government is to survive.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GRIFFIN. If I have time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have 3 minutes.

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

Mr. GRIFFIN. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the acting minority leader for yielding to me. My remarks will be brief and well within the 3 minutes remaining of his time.

May I commend the acting minority leader, and associate myself with his remarks to the effect that this has been the least distinguished session in the 4 years that I have had the privilege of serving in Congress. I assign no blame for failure, and shall make no attempt to do so, as far as the leadership or personalities are concerned. I only say that I observe and the country observes that we have done less and done it in a more dilatory way than in any of the last four sessions of the Congress.

I feel that there are many factors that have come into play. I feel there is a real danger that we and the country will engage in acrimonious debate about who is to blame, and I want to avoid that; but for the moment I want to indicate a few things that I think can and ought to be done, and done soon.

I commend the Senator from Michigan for the suggestion that we might consider shifting our fiscal accounting system to a calendar basis. I have long advocated that, and advocated that we adopt a rule of Congress that all of our authorizing legislation be done in the first 6 months of the year, that we then have a mandatory recess to go home and see what the country thinks of the legislation that we have enacted; then come back and try to do the appropriating before the end of the calendar year. In that way we eliminate the uncertainty of the several agencies about their funding levels, and set about the task of trying to create a more orderly atmosphere in which we can do business.

I think it likely that we will have to make other changes as well. I might say parenthetically that I disagree with the suggestion for changing rule XXII. I have voted against cloture, I have voted for cloture, I have signed cloture petitions, and I have filibustered, all in their turn. I feel that rule XXII remains the last bastion of defense, as has often been said, against the tyranny of the majority. But I feel there are other rule changes that must be made, and I feel there is one matter that we have got to give grudging attention to, and that is the seniority system.

I have no present idea how to go about changing the seniority system, but I am now reluctantly convinced that we must do so. I am not sure yet what I would lend by support to, of the several proposals that have been placed before the Senate, but I am sure we have to examine it carefully. I point out that in recent years, the leadership, and the joint leadership, have played an increasing role in responsibility for legislation and charting the path of legislation in both Houses of Congress, and the leadership is not the product of seniority, but of an elective process. We may be headed in that direction with the committees as well.

I think, Mr. President, that the Senate is at the crossroads. We have gone through a difficult time. There will be ample blame; we do not need to worry about sharing it. There will be plenty to go around. There will be blame, in this body, of one another, and there will be blame by the public of the Senate. Last night I had dinner in the dining room of the House of Representatives, and I can report to my colleagues that there is blame aplenty in the House of the Senate procedures.

Mr. President, I feel that we must set about the business of cleaning up our own house, that we have to set things in order and get about the business, not only of facing the challenge of these times and the problems of the moment, but doing it in good time, when it is necessary to do it, and not in the last 60 days of the session on a crisis basis.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. STEVENSON). In accordance with the previous order, the Senator from West Virginia is recognized for 20 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

THE SENATE—ITS RULES, PROCEDURES, AND PRECEDENTS

Mr. BYRD of West Virginia. Mr. President, I take the floor at this time for a number of reasons, one of which is to express my appreciation for and my support of the statement which has been made by our very distinguished majority leader today, anent the Senate's rules, anent the outstanding legislative achievements of this Congress, and also with respect to what he has said about the cooperation between the minority leadership and the majority leadership, and the Senators on both sides of the aisle, in working to effectuate a good legislative program.

Especially, Mr. President, would I agree with him in his statement that we should not measure the contribution of a Congress by the number of bills and resolutions that have been enacted into law by that Congress. As Voltaire said:

> A multitude of laws in a country, like a great number of physicians, is a sign of weakness and malady.

So a Congress should not be judged on the basis of the number of laws that have been cranked through the legislative mill, but it can more appropriately be judged on the quality of the laws that have been passed, and on the lack of quality of those laws which it rejected or failed to enact.

I would beg to differ, most respectfully, with my majority leader, however, when he says that the leadership apologizes to the President for the inability of the Senate to act in the closing days of the Congress. I do not think we owe the President any apology along that line, with all proper respect to the President, and I take it that the majority leader is particularly referring, in making that statement, to the failure of the Senate to act upon the so-called welfare reform legislation. In reality, I think, we have done the President a favor.

I hope that the majority leader will not take umbrage at what I say, even though I may not exercise as great care in orally stating my viewpoint, as I might otherwise do in writing it.

I do not find fault with Congress, particularly with the Senate, for its so-called failure to come to grips with this particular measure.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. I do agree with those who have referred to the welfare system as a "mess." But there are many factors which have contributed to the making of a mess of the welfare system; and one of the chief culprits in the equation is the Department of Health, Education, and Welfare itself, because, over the years, it has continued to relax and relax and relax its regulations to the point that it actually encourages individuals to get on welfare, and to subsist at the taxpayers' expense rather than to work for an honest living.

So when we talk about the welfare mess, the finger can be pointed at the Department of Health, Education, and Welfare, under this and the previous administration, because HEW, I would say, has made perhaps the greatest contribution of all—other than that of the Supreme Court of the United States, by some of its decisions—to the making of a mess in connection with the welfare system.

I do not happen to believe that we should necessarily have a Senate floor vote on every matter which any President submits to Congress. It may be that the only instrument by which we can avoid enacting into law a bad proposition is the instrument of extended debate; so perhaps the Senate acted in the long-run best interest of the Nation in denying a direct vote on the FAP and thus preventing the enactment of a program into law which would ultimately prove to be bad policy.

I think there should be welfare reform, but we do not reform welfare by simply spending more and more billions of dollars on welfare. We do not reform welfare by tripling the welfare caseload by legislative fiat. We do not reform welfare simply by calling it "work fare," when the present "WIN" program has proved to be a colossal failure.

I, as much as anyone, want to put people to work. I want to give them the opportunity to work. I want to train those persons who are willing to work, and I want to train them for jobs that will exist when they have graduated from their training courses. But I am not willing in the last days of a Congress to criticize Congress for not acting on a program which, on a direct vote, might have gotten through the Senate purely

on the basis of ideology or emotion or loyalty to the administration or this or that or something else, when that program needs to be scrutinized more closely than resulted from the study of it in the other body. So I think that Congress—and especially the Senate—should be complimented for not allowing this particular measure to come before the Senate in the dying days of the session and be rammed through. I think we ought to take another look, a hard look, and a closer look, at this program.

I said to the President one day that he had been sold a bag of worms by people in the Department of Health, Education, and Welfare and that those who initiated this program, who were there on the takeoff, are not going to be there on the landing. They were not going to be the people who would have to administer this program. I know it sounds good in theory, but there is a great gulf between idealism and realism, between theory and practicality.

So I compliment the Senate for using the procedures, using the rules, using the precedents, in order to keep a bad measure from becoming enacted. On the other side of the coin, the procedures and the rules of the Senate were resorted to in connection with the nominations to the Supreme Court which were submitted some time ago by the President, and I have reference to the nominations of Mr. Haynsworth and Mr. Carswell. Although in those instances I favored the nominations, I think that Senators who opposed those nominations were quite right in utilizing the procedures, the rules, and the precedents of the Senate in order to protect their position. My position could have been wrong on those matters. It might have been a mistake to have confirmed the nominations of these men. I do not think it would have been a mistake. I supported their nominations. But those Senators who opposed the nominations may have been right, and I think they did the right thing from their point of view, in utilizing the procedures and the rules of the Senate in order to slow down and delay and debate and finally to defeat the nominations.

I say all this simply to say that, regardless of what side of a question I may be on, it may be a good thing for the country that the Senate has its rules, such as they are, because these rules have evolved over decades of experience, and the rules are devised to expedite good legislation and to protect the country from the enactment into law of that which is bad.

Mr. President, having said that, I think I should say, with respect to the suggestions that have been made regarding an executive session and a budgetary session, that I think we ought to explore this proposition. I think it is a good one.

I also agree with the suggestion that was made by the able Senator from Tennessee and I believe by the able assistant minority leader, which also was implied, at least, in the statement by the distinguished majority leader, that we try to find a way to shift from a fiscal year basis to a calendar year basis.

I think these things should be done. Tremendous and complex problems would be encountered in such a change, but we have to try to find a way to surmount those problems.

Finally, I cannot agree that we just necessarily have to say that the seniority system is bad. Any system is going to have its flaws. I have never heard of a system that has yet been proposed which would be better than the seniority system. Of course, when Senators first come to the Senate, they would like to have the Senate operate under some system other than the seniority system.

Perhaps, for example, I would like to be chairman of the Committee on Appropriations. I have been on that committee now for 12 years. I would like, perhaps, to be chairman. But it might be a good thing for the country that I not be chairman of that committee at this time. Perhaps I need a few more years of exprience and work here before I should become chairman of the Appropriations Committee. If we throw away the seniority system and resort to a political system of electing whoever can buttonhole the most Senators and get the most votes, the country, in the end, may suffer intolerably therefrom.

So, Mr. President, while the seniority system has its flaws, I shall support it, until such time as somebody can come up with a proven system that is better than the seniority system.

Mr. President, I have a suggestion or two of my own, inasmuch as we have reached the time for turning over a new leaf, and quite properly so.

Various Senators have recommended that we take a new look at the cloture rule. I want to support the position that has been expressed by the able junior Senator from Tennessee in his opposition to a change in rule XXII. Rule XXII, depending upon what side one is on, is perhaps the best rule in the Senate or the worst one. But I note that all Senators and all blocs of Senators from time to time resort to the use of it. They say, "Well, as long as we have it, we might as well use it." They are glad we have it, when the time comes to use it, and I share their viewpoint.

Here, again, I say that, in the best interests of the country and for the good of the country, we should retain Senate rule XXII as it now stands. I think history will show that any measure which has any real merit will, in the long run, be enacted, regardless of rule XXII.

I am one of those who have voted for cloture—for the first time, the second time, and the third time this year. There comes a time when I think one ought to invoke cloture, so I voted as I did, because I thought the time had come.

Mr. President, rule XXII allows for extended debate. Call it a filibuster, if you will; call it by any name; but that rule allows the country to be informed as to the issue at hand. It protects a minority against a temporary majority, and it allows reason to prevail in the long run. In many instances, it has resulted in bad measures being improved and in the enactment finally of a good law.

Mr. President, I would, therefore, make a different suggestion. Our trouble in the last few days has not been with rule XXII. That which has created the logjam in these last days of the session has been a block of appropriation bills and conference reports thereon. These are must bills. Congress does not have to enact the family assistance program before it goes home, but it does have to enact the general appropriation bills. Otherwise, the agencies cannot operate and the people who work in those agencies cannot be paid. So these are must bills. We must pass them. That is why we are not home today, and it is why we are not going to adjourn until the last conference report on the last appropriation bill has been adopted or a continuing resolution with respect thereto has been adopted. So the logjam has been conference reports on appropriation bills. These are must bills.

But we do not have to change rule XXII to get to the neck of that problem. I do not quarrel with those, however, who want to change rule XXII. They have as much right to their opinion as I have to mine. I am not referring to rule XXII at this moment for the purpose of debating it, but I think a change has to be made somewhere. The Senate does look bad when it is caught in a logjam and cannot extricate itself. But let us not change the wrong rule.

I would suggest, therefore, Mr. President, that we add a paragraph to rule XVI of the Standing Rules of the Senate. Rule XVI deals, in the main, with appropriation bills, and to carry out my proposal, I am submitting a resolution today, and I will resubmit it when the new Congress convenes. As chairman of the Subcommittee on Rules of the Senate Committee on Rules and Administration, I shall expect to conduct hearings, or take whatever action is necessary to explore the feasibility of the resolution which I shall submit, plus any other prosposal that anyone wishes the subcommittee to study. I propose to hold hearings on that resolution, and other Senators will be invited to participate, and perhaps we can eventually add to the Standing Rules of the Senate this new verbiage which my resolution embodies and, with the good judgment of Senators who wish to express themselves on it, we may be able to improve it and come out with a feasible and workable addition to rule XVI which will protect the Senate and prevent it from getting into the kind of vexing logjam that we have found ourselves in during these past few days.

For the most part I am proposing a procedure with regard to appropriations measures that would be patterned after the procedures we follow in connection with reorganization plans, and on which debate is limited.

I would suggest, Mr. President, in my resolution that, come December 1 of any fiscal year, whenever a general appropriation bill for that fiscal year has not been enacted by that date, a motion for the immediate consideration of that bill be decided without debate.

I would also suggest that consideration of any such bill be a highly privileged matter and that debate thereon be limited to 2 hours upon each amendment offered thereto, and 10 hours on passage of the bill. I would further suggest that

any procedural questions arising be decided without debate.

With regard to conference reports on appropriation bills, my resolution would provide that debate upon such conference reports be limited to 10 hours, with 1 hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion further to limit debate, for example, if someone wanted to reduce the time from 10 hours to 5 minutes, could be made and that motion would be privileged and would be decided without debate.

I would also provide that whenever debate upon any amendment, bill, or report is limited under the time provided for debate, the time would be divided equally between Senators in favor of the bill, amendment, or report, and Senators opposed to the bill, amendment, or report. Notwithstanding the provisions of 139(a) of the Legislative Reorganization Act of 1946—which provides that there must be 3 days on appropriation bills, during which reports, and so forth, are to be made available to Senators—I would provide that there be only 1 calendar day, beacuse once we reach December 1, then the time is short and we are in an emergency situation.

Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, we would have had 11 months, so that when we reach December 1 an appropriation bill, being a "must" piece of legislation, should be acted on more expeditiously than would otherwise be required during the preceding months. So it is important that we limit or cut down that 3-day period to 1 day, else with 5 conference reports, as we have been confronted with here recently, that would, under the Reorganization Act, be cumulative to a total of 15 days before the Senate could proceed to the consideration of the five conference reports, and that alone, under the present procedures.

Now, finally, I have included a provision after having talked with the able Senator from Arkansas (Mr. FULBRIGHT), and knowing that he has been concerned with respect to appropriations not previously authorized. The provision reads as follows:

> The above provisions of this paragraph—which would be an addition to rule XVI—"would not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a three-fourths vote of the total membership of a Senate committee."

Mr. President, why do I add the provision with respect to a three-fourths vote of a committee? For the simple reason that in almost every appropriation bill that comes before the Senate there is language constituting legislation on an appropriation bill against which points of order could be made. But points of order are not often made against the legislation because it is not of a general nature or of a controversial nature. But it is quite possible that very controversial legislation could be written into an appropriation bill. So that I would suggest a three-fourths vote of the committee for approval of that legislation, else the limitation on time, which I am proposing for floor debate, would not apply.

I would think that anent controversial legislation, there would be at least more than one-fourth of the membership on a committee who would oppose the legislation and, consequently, all bets would be off and the limitation on debate would not be applicable.

I am glad to say, parenthetically, I think the Senator from Arkansas has contributed much to the preservation and integrity of the legislative process.

I must admit that I conducted seminars at American University Law School and taught my students that before an appropriation could be made, there first had to be authorizing legislation enacted into law.

I found only last fall, I believe it was, that I had been misleading those students. One cannot find this in the Senate rules anywhere, that appropriations must be previously authorized by law before they can be legitimately made. That is not in the Senate rules. The nearest thing to it is in rule XVI, and in the precedents. It may be found in the Budget and Accounting Act of 1921 or somewhere else. I have not researched it. But that is the way it should be. Otherwise, why not abolish the legislative committees.

My resolution may have some flaws in it, and someone may point them out today. But if we have hearings thereon, perhaps they will be found and cured. I do feel that this proposal is the real way to get at the bottleneck which has strangulated the Senate in the past month in the effort to pass appropriation measures.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from West Virginia. Once again, he is demonstrating his great understanding of the rules of the Senate as well as his creativity and resourcefulness in forging constructive reforms.

If the Senator would entertain cosponsors I would like to join him in cosponsoring the resolution. While we disagree upon the further need for revision of rule XXII, I wholeheartedly concur in his proposal to amend rule XVI as a way of limiting debate on appropriation bills and conference reports. For this limited purpose, the idea of the Senator from West Virginia to amend rule XVI—rather than rule XXII—is a good one. We might as well realize that there seems to be something sacred about rule XXII.

It would be more difficult to achieve his purpose by seeking to amend rule XXII.

Let me say that I, too, believe the resolution may be improved with hearings.

For example, it may well be that the December 1 date is not the right date. After more deliberation we might prefer a November or October date.

The resolution drafted by the Senator from West Virginia is a good one. I want to be associated with it and I want to support the Senator from West Virginia as much as possible in this endeavor.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator for his comments. I will join his name as a cosponsor of the resolution. I welcome the cosponsorship of others.

I am not wedded to every word, comma, and semicolon in the resolution. However, I am wedded to the idea. Perhaps the date should be changed to October 1 or November 1—or even earlier.

May I say, parenthetically, that I have been among those who have most rigidly resisted any further changes in rule XXII. But I want to remind at least my constituents, if not indeed my colleagues, that I was one of those who voted for a change in rule XXII in 1959 when we changed the requirement for cloture from a constitutional two-thirds to two-thirds of those present and voting. So, I do not think I have been unreasonable in my opposition to change of Senate rule XXII. But the Senator from Michigan has put his finger on a very vital point here. We would not be raising the red flag of rule XXII. We would not tamper with the cloture rule, which to some of us is sacrosanct. If we get into that fight, we will waste another month or 6 weeks of the Senate's time.

If we want to really get at the meat of the coconut and attack this bottleneck which has had us straitjacketed during the past 4, 5, or 6 weeks, the change I propose in rule XVI would provide the medicine with which to do it.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAKER. Mr. President, I commend the Senator on new and original techniques for improving the rules of the Senate.

I have certain reservations about the resolution. When I first asked the Senator to yield, he explained some of them. However, I would like to discuss with him an example of the proposal he has in mind. Particularly, I would like to make sure that that portion of rule XVI which provides a general prohibition against legislation on an appropriation bill is not subverted and that other aspects of the proposal would in turn not be subverted by the mere advocacy of legislation on an appropriation bill reported by three-fourths of the committee. Three-fourths of the committee are not likely to do that, but it is possible. I am not ready to vote to substitute three-fourths of the committee for two-thirds of the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to continue for 5 additional minutes.

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

Mr. BYRD of West Virginia. Mr. President, in such an event, if it were to occur, points of order could yet be made, as they can now be made, against legislation on an appropriations bill.

Mr. BAKER. Mr. President, I, too, am most heartened to hear that the Senator

is working toward changing the rules of the Senate—and of the House of Representatives, if the other body will concur—so that we will have an orderly process for considering legislative business in the early part of the year and reserve the balance of the year for the consideration of appropriation bills.

I feel it important that Congress go about the business of devising a way to produce an orderly disposition of its business as well as an orderly consideration of its business.

I commend the Senator for his statement.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I agree wholeheartedly with the necessity for exploring these other matters. But here is one matter that lies within the purview of the Senate alone, to improve not only its procedures, but also its image before the country.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. SCOTT. Mr. President, I am very glad the Senator has proposed something which moves toward a limitation of debate.

As the Senator from Michigan has said, while the Senator from West Virginia and I do not agree on changes in rule XXII, I would support certain of those changes.

I have read the stories in the Christian Science Monitor of today and in the Philadelphia Inquirer, both of which are highly critical of the Senate's behavior as an institution.

No one is more sensitive to that than the distinguished Senator from West Virginia. As he has often pointed out, we would do better if we adhered to the rules more closely. The procedural changes he proposes are very good.

I would like to have the honor of having my name added as a cosponsor.

I would like to point out that other procedural and inhouse changes have been under consideration now for some weeks.

The Senator knows I have been handling that on the Republican side in the policy committee and elsewhere.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, if a Senator speaks and only one Senator wants to hear that Senator's speech, not only is the Senator speaking entitled to be heard, but the Senator who wishes to listen is entitled to hear.

I ask that attachés and aides be seated and the Senators in the Chamber cease conversations or leave the Chamber.

Mr. SCOTT. Which also is an improvement in the inhouse procedure.

Mr. BYRD of West Virginia. Mr. President, may I say it is one which is not invoked often enough.

Mr. SCOTT. Mr. President, I agree with the distinguished Senator from West Virginia.

I was saying that I have been working with my colleagues on this side of the aisle and with the Senator from West Virginia in his views and the very fine and progressive, some of them innovative proposals of four Senators, two from each party—Senators SAXBE, SCHWEIKER, CRANSTON, and HUGHES—who have made some very solid proposals.

They have been considered by the Senate Republican Conference and by the Democratic caucus.

On some of those I have made certain annotations.

We had a rather unusual experience the other day when two Republican Members addressed the Democratic caucus for the purpose of advancing an improvement in the procedures of the Senate. They were tremendously pleased and encouraged with the reception they received. So this is bipartisan.

Some of these suggestions, I think, are extremely good. The enforcement of certain rules is one suggestion I especially favor, and I hope we can persuade enough Senators to support it.

The PRESIDING OFFICER. (Mr. MCINTYRE). The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

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

Mr. SCOTT. A suggestion that I believe would expedite Senate business would be for special orders, as the House calls them, to be transferred to the end of the day for the most part. There are many reasons for that. The House discovered why a long time ago. Any legislative body has its people who work in committees much of the time, those who work in their offices, and others who speak on the floor a greater percentage of the time. But if some Senator is so imbued with the importance of what he has to say—and it may be of tremendous importance to him, his State, and nationally, and I know his desire to be heard in the morning hour—I would hope they would do what I do frequently and that is to present a part of my speech and secure unanimous consent of the Senate to extend the remarks. That is why I do it. If a Senator were concerned about a deadline, and the afternoon papers, he could have his staff run it up to the gallery just the same. Those are his thoughts and they will be printed.

But if he wants to entertain himself and bore the heck out of the rest of us, I think he should do it in the sunset hours. The Senate is not propelled by its windmills, but it is tilted by them. I have great respect for all Senators to be heard, but why should it be at our expense, and why should it be at the expense of the Nation's business? Why must we all absent ourselves from the Chamber for hours at a time while a single Senator drones on to the disinterest of the galleries, to the absence of his colleagues, and, perhaps, if he has a sense of humor, to his own infinite boredom. If he wants to do that, let him do it as the day ends and the night falls.

That is why I am anxious to see this done. I know there will be opposition. It will not be advanced on the floor of the Senate, but it will be in the back rooms by people who like to feel the entire world is hanging on their words each day. I cannot believe the rotation of the spheres depends on any one of us. I occasionally get carried away with some of my own oratory, and that is an example of how one gets to like the practice.

I thank the Senator.

Mr. BYRD of West Virginia. The Senator should continue. He is a very learned and distinguished man. What the Senator is saying with respect to darkness causes me to remember what Napoleon said at Waterloo:

Would that darkness or Blucher were here at this time.

Mr. SCOTT. I thank the Senator for another quotation which I have borrowed from him.

Mr. BYRD of West Virginia. It is attributed to Napoleon.

Mr. SCOTT. I am reminded that Napoleon also said that an army can do anything with bayonets except to sit on them, which is a good comment.

I hope both parties will adopt the very good suggestions of the Senator from West Virginia and the other four Senators. As the Senator knows I will support some change in rule XXII because I believe it would expedite the business of the Senate. But I will do it in good spirit and I recognize that many Senators disagree.

As to the seniority matter, perhaps we could consider some changes in it. The public generally thinks seniority is a matter whereby the vigorous and vital are ruled by the decrepit; others think that experience counts. So we have to solve that. But we have proposed changes in the seniority system. If they are specific I will be open and examine all of them.

Mr. BYRD of West Virginia. Mr. President, before yielding to the Senator from Illinois I wish to comment briefly on what the able minority leader has said. I add my congratulations to those Senators, four in number, who are, I think relatively new in this body but who have sought to come to grips with procedures here in order to bring a little better decorum and order in the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. BYRD of West Virginia. Mr. President, I also commend the majority leadership and the minority leadership for considering the suggestions those four Senators have made.

I yield to the senior Senator from Illinois.

Mr. PERCY. Mr. President, my comments will be brief and I would like to ask one question at the conclusion of my remarks.

First, I welcome very much the analysis our colleague will be giving to this problem. He is in a remarkable position to give his incisive thoughts to how we can speed up our procedures.

If we modify our procedures in any way in the 92d Congress to speed up our work and facilitate it and make it more

efficient than the dilemma in which we find ourselves this year, it will be a step in the right direction. We had a crisis this year that was of our own making to a great extent.

I believe the Senator from West Virginia is in a remarkable position to do this also because of his love for the Senate.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? There is no colloquy necessary at this point except the colloquy presently occurring here in the middle aisle of the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PERCY. Probably no Senator has spent more time on the floor of this Chamber in my 4 years' experience than our distinguished colleague from West Virginia, who has such a high regard for the Senate and who wishes to see it operate efficiently and effectively. I shall do everything I can to support procedures that will carry on the tradition of the Senate in the best sense, but also to remove some of the procedures of the past which have not served their purpose.

I would like to ask this question. Would the distinguished Senator feel we should keep an open mind about the possibility of changing the fiscal year from July 1 to June 30 to a fiscal calendar year of January 1 to December 31? We are all creatures of our past thinking and past actions. There is something orderly in the procedure of getting ready for the new year. I feel that before we go home at yearend we should have our appropriation bills approved instead of hanging over into the next year. For instance, we find that the Department of Transportation is still operating on budget levels planned during the Johnson administration. The Nixon administration has not yet felt the full force and effect of a Department of Transportation appropriation bill that it can call its own program as working out with the Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. BYRD of West Virginia. I thank the distinguished Senator.

With respect to having an executive session and a budgetary session, and with respect to changing from a fiscal year system to a calendar year basis my mind is as open and as broad as the universe. I am open to that suggestion and I think we should explore it. It is an excellent one. But that would require the attention of both Houses. Here I am trying to get at something to help us resolve the kind of crisis we have faced in this body in the last few days, and mine is a proposal which can be put into effect by the Senate alone.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, the Senator from Vermont has been listening intently to the colloquy. I commend the Senator from West Virginia for trying to speed up the work of Congress. With respect to one change which might be beneficial in his resolution, I am wondering about the date of December 1, which is near Christmas and Members may be too full of the Christmas spirit, and I mean the spirit of Christmas.

Mr. BYRD of West Virginia. The Senator does not mean spirits in the plural.

Mr. AIKEN. No, I did not mean what the Senator from West Virginia was thinking. But I would suggest that if any proposal is made for extending the seniority system and leaving the selection of the chairman of committees up to the members of the committees that there be a provision made for the reporting of campaign expenses, and receipts. Otherwise I fear the door to opportunity and temptation might be found wide open by some, it would just mean putting on a political campaign for a committee chairmanship and a lot of extra work and possibly extra costs on the part of those who were interested in who was going to be chairman, and so forth.

Those are the only suggestions I have to make the date earlier than December 1 and in the other case, if we are going to have campaigns for committee posts, there should be a system of reporting receipts and expenses.

Mr. BYRD of West Virginia. I thank the Senator from Vermont. Perhaps it would be a good idea that we explore setting a date earlier than December 1. And his comments regarding the reporting of receipts and expenses are not without good reason. It is a very subtle and valid point.

Mr. AIKEN. May I add one thing? I remember when the Senator from New York (Mr. JAVITS), who is in the Chamber, was a freshman Senator, and I was appointed chairman of a committee to devise better means of making committee appointments, we did the best we could. We found that this had been a troublesome problem since 1789, the first time Congress met, and from time to time Congress had tried to devise better means. Because of the potential which I have just referred to and the influences that could be brought to bear to get committee positions, we found that, like the committees that had studied this problem before us for the last 175 years, we could not devise anything better at that time.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. AIKEN. I do think the Senator from Illinois had a suggestion, though, that on appropriations we perhaps should consider going to a calendar year rather than a fiscal year, in which case the December 1 date would probably apply, although even there October 1 or November 1 would probably be better.

Mr. BYRD of West Virginia. I thank the Senator from Vermont.

Mr. JAVITS. Mr. President, will the Senator yield to me momentarily, to be taken off my time?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. I would like to associate myself with those who urge a calendar year for the United States rather than a fiscal year. This is a longstanding reform which has been urged by many long before us, and is now perhaps approaching its time because of our dissatisfaction with the way in which we get tangled up in our own processes. I hope very much that can be worked out.

With respect to the reference by the Senator from Vermont (Mr. AIKEN) to what we tried to do about seniority in the Republican conference, it is a fact that, with the Senator from Colorado (Mr. ALLOTT) and the Senator from Kentucky (Mr. COOPER), we did alleviate very considerably the seniority rule, and without disturbing our seniors, because what we did was to pick out some important committees, four in number, I believe, and limited seniority in those, so that one Member could not be on any two of those committees, and then the whole wheel went around again on the seniority question, thus spreading out the opportunities.

Immediately upon that being done, I might say just for illumination, the Senator from New Jersey (Mr. CASE), for example, went on the Foreign Relations Committee, and other Members, relatively new Members, went on the Armed Services Committee. That satisfied a great many of the pressures which we had been under and moved us more nearly to an equitable system. I suggest that as one of the many things that we did on our side which might be generally applicable.

Mr. BYRD of West Virginia. I thank the Senator for his contribution. I wish to state that at such time as my Subcommittee on Rules calendars the resolution which I am going to introduce today for consideration, all Senators will be informed, and in the meantime they may wish to submit to me, as the chairman of the subcommittee, any other suggestions which they would like to have the subcommittee explore.

We have reached a time for taking an inventory of ourselves, and I think quite rightly.

Mr. President, it will be my intention, as the chairman of that subcommittee, to try to explore such ideas as may be submitted by any Member of the Senate and which will, in the final analysis, prove to be feasible and acceptable and workable and enable the Senate to more expeditiously attend to the business of the people.

Mr. President, I do not impose on the Senate often, and I hope I shall not impose on the Senate very much longer. In closing, I wish to say I have had a great deal to say about decorum in the Senate, and especially have I been somewhat critical of the conduct, on the Senate floor, of aides to Senators.

Under rule XXXIII clerks to Senators are given the privilege of the floor when they are here in the actual discharge of their official duties. When they are here in the actual discharge of their official duties they are appropriately on the floor. I recognize that.

I think I should say, having been one who has been somewhat critical of clerks to Senators, that I have been thusly critical because I feel that the Senate is a great institution and that we best expedite the people's business when there is order and decorum in the Senate. I rec-

ognize the fact that when they are here on Senate business, they have a right to be on the floor but they ought to sit down and be quiet. Senators themselves ought also to be more quiet, but Senators are elected by the people to be here. We have to be here on the floor, and we should be here, even though we ourselves should be a little more decorous and a bit more respectful of the rights of other Senators to speak and be heard.

I just want to emphasize that I am not down on Senators' aides and clerks to Senators as such. I recognize that when they have to be here in the actual discharge of their official duties, then they have business on the floor. I respect them for it, and I shall protect their rights to have the privilege of the floor. But let them not forfeit their privileges by coming on the floor merely as onlookers.

Mr. President, while I have the floor and while I am on the subject, I have tried for 4 years here, as the secretary of the Democratic Conference, to bring about better order in the Senate. I have tried to be patient about it. Having been a Member of the House of Representatives, I often wonder what would happen in the House of Representatives if aides and if clerks to Representatives were allowed on the House floor. With 435 Members of the House of Representatives, there would not be room on the floor of the House of Representatives for the Members thereof if they allowed their clerks to come onto the floor as we allow ours.

I do not say this with any disrespect toward any Senator, but I simply say all Senators ought to keep this in mind when they allow their clerks to be on the floor, and their clerks should not abuse the privilege of the floor.

I hope work will be expedited on the public address system. I know that work is being done on it. I know it takes a long time to lay 26 miles of wire and provide for 3,000 connections. I hope that in the interim, before the convening of the new Congress, the installation of the system will be completed, so that clerks can sit in the gallery which is set aside for that purpose.

I agree that they cannot hear what is being said now unless they come on to the floor. But with the installation of that system, they can sit in the gallery to my right and just behind me, which is set aside for them, and then they can advise their Senator if he needs advice when he comes on to the floor as to the status of a particular legislative measure.

Moreover, I do not think it is necessary for a Senator to have two clerks on the Senate floor at any one time, except when he is managing a bill or the situation is an exceptional one. I think the number should be reduced to one clerk. In fact, a Senator ought to be required, perhaps, to ask unanimous consent for his clerk to be on the Senate floor at any time, and I say this with due respect for Senators and particularly for their staff personnel. As a matter of fact, I claim a little credit for having put these divans in the rear of the Chamber on my left for the comfort of staff. There was a time when the clerks had to stand in the rear of the Chamber, and I asked the majority leader if I might recommend that the Sergeant at Arms put seats in for them. It is only when staff aides appear to add to the disorder and confusion that Senators become irritated. But, again, the blame is not with them in the final analysis, but with Senators for permitting this to happen.

Mr. President, I have taken an undue amount of time. I apologize to the majority leader. I do not want anyone to interpret anything I have said in any way adverse criticism of him or his statement.

I ask unanimous consent that the resolution to which I alluded earlier, which would amend rule XVI, be printed in the RECORD at this point, and I have added the names of those Senators who expressed a desire to be cosponsors.

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

Resolved, That Rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Whenever a general appropriation bill for a fiscal year has not been enacted before the first day of December of that year, and that bill has been reported by the Committee on Appropriations, a motion for the immediate consideration of that bill shall be decided without debate. Consideration of any such bill shall be a highly privileged matter, and debate thereon shall be limited to two hours upon each amendment offered thereto and to ten hours upon the passage of the bill. Any procedural question arising in the course of such debate shall be decided without debate. Debate upon the report of a committee of conference upon any such bill shall be limited to ten hours upon agreement to the conference report and to one hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion to further limit debate upon any such bill so privileged, or upon the report of a committee of conference upon any such bill, shall be decided without debate. Whenever debate upon any bill, amendment, or report is limited under this paragraph, the time provided for debate thereon shall be divided equally between Senators in favor of the bill, amendment, or report and Senators opposed to the bill, amendment, or report. Notwithstanding the provisions of section 139(a) of the Legislative Reorganization Act of 1946, as amended, any bill subject to the provisions of this paragraph may be considered in the Senate at any time at which the report of the Committee on Appropriations thereon has been available to Members of the Senate for one calendar day." The above provisions of this paragraph shall not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a ¾ vote of the total membership of a Senate committee.

U.S. PRISONERS OF WAR

Mr. JAVITS. Mr. President, there have been a very considerable number of statements made here about the number of prisoners of war, in fact almost daily, and it has been a matter of policy on the part of the President's party to make those statements every day. I am making the statement today.

My own statement, Mr. President, deals with the implications of a film shown the other day throughout the country of two prisoners of war being interviewed by a newsman—not an American newsman—who asked them certain stated questions.

Mr. President, I watched this particular interview, so I am able to speak about it in direct terms. I think we all have the rather clear impression—and it is very understandable—that those two American officers were chosen to be interviewed, and that they knew it, and that they felt a sense of trusteeship for hundreds of other POW's, and hence were very, very considered and cautious in their responses.

Obviously, Mr. President, we can all see through the purpose of the film, which was strictly North Vietnam propaganda. Much as we are grateful for anything we get on these POW's, any knowledge that even one of them is being decently treated, and any concept that they are alive, such as has been manifested to us by the lists which have been furnished, indeed in part through the good offices of two of our Senate Members, Senators KENNEDY and FULBRIGHT, which pretty much paralleled the information which was already in the hands of our Government authorities, I think it is very important, Mr. President, that the country noted, those who had not seen the film as well as those who had, that it was entirely a propaganda film entirely intended to blunt or slow up the drive by many hundreds of Americans—it is the universal feeling of this country—to win for the U.S. prisoners of war at least the minimal humane treatment required by the Geneva convention, to which Hanoi is a signatory; and of course, again, the overtone is that the wives and families of these prisoners and other organizations which are equally intent on procuring for them humane, internationally agreed upon treatment, should be sort of satisfied with these explanations, and lulled into thinking that maybe things are not all that bad for our prisoners in North Vietnam.

We have lots of other evidence, Mr. President, on that subject, as to the real picture of the illnesses, the inhumanity of depriving them of communication, and the dangers to which these POW's have been submitted, in addition to the deep and profound interrogations and deep brainwashing to which they have been subjected. So I do not think anyone in this country will be taken in by this film. Nonetheless, it is important to sound that note of warning.

With that in mind, Mr. President, I think it is also important that we keep our own house in order. Much criticism has been made, for example, of how prisoners of war, North Vietnamese prisoners of war, fare in South Vietnam. Our country has acted most commendably in respect of doing its utmost to see that under our general aegis, there was not any situation of inhumane treatment or violation of the Geneva Convention. I urge very much that our country continue those efforts, as it is the best way in which to demonstrate the good faith of our seriousness and indignation over the kind of treatment which we know has been meted out to our prisoners of war.

Finally, I wish to say that what the civilized world must condemn in the most unmitigated terms is the silence and doubt in which hundreds upon hundreds of families have been left by the refusal of the North Vietnamese to disclose lists of the prisoners as well as their condition. There are so many wives and children who do not know whether their fathers and husbands are alive or dead. This is the most inhuman aspect of all which has characterized the conduct of the North Vietnamese, and I hope that Ambassador Bruce, our Ambassador to the Paris talks, will continue in the most vigorous way, and unceasingly, to demand disclosure, which is the most elementary aspect of the Geneva Convention, to which Hanoi is a party.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask for 1 additional minute on this particular subject.

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

Mr. JAVITS. Mr. President, in my judgment, this is the way in which our country ought to proceed in respect of this matter. World indignation, Mr. President, can get results, and I believe it will in respect of the POW's as well.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. 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. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

A TRIBUTE TO JUDGE SIMON E. SOBELOFF

Mr. GRIFFIN. Mr. President, in a time when there has been a great deal of criticism, often justifiable, of our Federal courts, it is a pleasure to rise in praise of an outstanding jurist—Judge Simon Ernest Sobeloff, who retires today from the U.S. Court of Appeals for the Fourth Circuit.

In his long and distinguished career, Judge Sobeloff served as Baltimore City solicitor, U.S. attorney for Maryland, chief judge of the Maryland Court of Appeals, Solicitor General of the United States, chief judge and judge on the U.S. Fourth Circuit Court of Appeals.

That career has been marked by dedication to his profession and the courage to pursue justice even when the particular cause was unpopular.

Nowhere has Judge Sobeloff's courage been more evident than in his role in ending legislative resistance to school desegregation in the South. Sworn in as circuit judge in 1956, Judge Sobeloff became chief judge in March 1958, a time in which his court was facing the strain of attempts at massive resistance in defiance of the Supreme Court desegregation decisions. Rather than avoid the local criticism and leave it to the Supreme Court to force the States in his circuit to integrate, the judge faced his responsibility and gradually untangled the obstructions to school desegregation.

However, rather than ram the unpopular decisions down the necks of the school boards in his district and merely lecture southern lawyers and communities on their responsibilities, a course that could have destroyed the public school systems, Judge Sobeloff reasonably led them, often with affection and wit, away from resistance and toward moderation. As a result he sometimes found as much disfavor from the more liberal of his civil rights supporters who regarded him as too much of a gradualist, as among the stanch segregationists.

His gradual approach to school integration reflected his philosophy toward the role of the judiciary in our society, an approach that should be considered by all our present judges. In a speech to the Judicial Conference on the fourth circuit after his appointment to the Federal bench but before his confirmation, Judge Sobeloff offered the following reflections:

> The (Supreme) Court may reject a case, not because the question is unimportant, but because it thinks the time is not ripe for decision. In our system, the Supreme Court is not merely the adjudicator of controversies, but in the process of adjudication it is in many ways the final formulator of national policy.
>
> For several years before taking the school . . . cases the court repeatedly turned away opportunities to decide questions in that area, perhaps they deemed them premature . . . In the decisions of great constitutional questions, especially those in the realm of political controversy, timing can be of supreme importance.

Other Senators have this week justifiably described and praised Judge Sobeloff's long years of service to his State and his Nation so I will not repeat their descriptions of his distinguished career. However, I feel that I should note one fact that may have escaped the notice of some of Judge Sobeloff's other admirers. We can be proud that Judge Sobeloff began his 64 years of public service here on Capitol Hill. At the age of 12, in 1906, he was appointed a page in the House of Representatives.

We hope and can expect that Judge Sobeloff's acceptance of senior judge status will not deprive us of his wisdom, wit, and humanity. We hope that he will enjoy many more years of health and happiness and that in that period he may find time to write and speak so as to continue his tradition of making the complexities of the law more lucid for us all and, to use Senator MATHIAS' description, to continue "humanizing" the law.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am glad to yield to the distinguished Senator from New York.

Mr. JAVITS. Judge Sobeloff is a friend of mine of long standing, as well as a most distinguished judge. I feel that the Senator from Michigan has done a very fine thing in making this tribute to Judge Sobeloff, and I should like to associate myself with the Senator's remarks.

Mr. GRIFFIN. I thank the Senator.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, I, too, have had the great privilege of friendship with Judge Sobeloff and have been an admirer of his as well for a long time. I join the assistant minority leader in his very best wishes to Judge Sobeloff on his moving over to inactive status. I know that all it means is that they will have another judge in that circuit, because he is going to keep as busy as ever.

Mr. GRIFFIN. I thank the Senator.

INTERNATIONAL COFFEE AGREEMENT

The Senate resumed the consideration of the bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

Mr. MANSFIELD obtained the floor.

Mr. JAVITS. Mr. President, I should like to make one observation, with the indulgence of the majority leader.

Will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, we have had some protests about this matter, and I have looked into them. On the whole, these protests have been related to the alleged damage which would result to consumers, as well as some complaints that coffee was being held off the market, especially by Brazil.

I ask unanimous consent that the cable I received from the President of the Green Coffee Association of New York be placed in the RECORD at this time.

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

DECEMBER 22, 1970.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

Recent action of the International Coffee Organization executive director withholding 5,000,000 bags of quota from the market forces prices artificially higher at the expense of both the consumer and consumption. We urge rejection of continued U.S.A. participation in the International Coffee Agreement.

RICHARD F. WEAR,
President, Green Coffee Association of New York City, Inc.

Mr. JAVITS. Mr. President, however against this charge of a possible abuse, the enormous significance of this agreement to our Latin American neighbors must be weighed.

Western Hemisphere producers of coffee supply almost 70 percent of the dollar value of coffee entering international trade. They earned well over $1.6 billion from their coffee exports in 1969. For the 14 leading coffee-producing countries of Latin America, coffee exports provided on the average more than 17 percent of their total export earnings in 1969; and for six of these countries coffee provided from 27 to 57 percent of their total export earnings. Coffee is the breadwinner for some 11,500,000 workers in Latin America.

But the statistics that should concern us most directly here today are those that show the importance of the coffee trade not only for our neighbors but also for ourselves. The economic fact is that every dollar the producers earn from their coffee exports to the United States is a dollar more that they could

spend for imports from the United States—and in many instances that is how they spend those dollars. In Brazil and Colombia, for example, more than half of the billion dollars they spent for U.S. goods and services in 1969 were dollars they had earned from their coffee exports to the United States. In El Salvador the proportion was 47 percent; in Guatemala, 38 percent; in Costa Rica and Honduras, some 20 percent. And in many of the countries where these percentages are smaller, the percentages are nevertheless very impressive in absolute terms. For example, 5 percent of Mexico's imports from the United States were paid for with dollars earned by Mexico's coffee exports to the United States; but that 5 percent represented some $64 million. Peru's coffee earnings in the United State provided 12 percent of the dollars Peru spent for U.S. goods and services, but that 12 percent represented nearly $23 million.

Actions that adversely affect the dollar earnings of the Latin American coffee producers also adversely affect the dollar earnings of many thousands of workers and businessmen in our own country, who produce or supply goods and services to these millions of coffee producers.

Therefore, on balance, Mr. President, I am going to stand with what the legislative committee has done and it is my view that the bill should pass. However, I do express the feeling that our authorities should look into the issue of the alleged improper withholding of coffee, which has been charged to Brazil, and I believe the Department of State is investigating this charge.

Mr. KENNEDY. Mr. President, although I would prefer to see the International Coffee Agreement extended for its full term to 1973, I believe that the House measure should be adopted without amendment. It serves to extend the agreement until July 1, 1971, and will afford an opportunity to hold hearings on the question of a further, more substantial extension.

The short 7-year lifetime of the agreement has had a dramatic impact on the world coffee trade, and it offers substantial promise of being a model for a host of other commodities agreements between producing and consuming nations. The International Coffee Agreement has prevented the enormous fluctuations in the price of raw coffee which characterized the preagreement market situation. During the 1940's and 1950's, the range of fluctuation for green coffee exceeded 40 cents. In the past 7 years, that price spread has been cut in half. In fact, the price of raw coffee has actually declined from 41 cents per pound in 1965 to 38 cents per pound in 1969. Although an unexpected freeze and a severe drought in Brazil have distorted the price picture this year, the overall trend has been toward lower and more stable prices.

For the consumer, it also is clear that the agreement has meant declining prices relative to other items in the cost of living index. While the retail price for all foods has risen 24 percent between 1960 and 1969, coffee prices have increased only 1.6 percent.

By assuring an adequate supply during periods of low production, the International Coffee Agreement has held down the normal price increases. Brazilian crop failures in 1964 and 1969 posed dangers of vastly inflated consumer coffee prices; but in both cases, the International Coffee Organization released warehoused supplies and expanded quotas for other countries to prevent prices from skyrocketing. Presidents Johnson and Nixon both noted the importance of these measures to the U.S. consumer in their annual report to Congress on the agreement.

The agreement also has fulfilled its second purpose of stabilizing prices and preventing overproduction in the developing nations of Latin America, Africa, and Asia. In these areas, coffee is second only to petroleum as a source of foreign exchange earnings. Coffee exports provide over $2.5 billion in earnings to the less developed nations who participate in the agreement. To some nations, it is virtually their only source of dollar income.

Burundi, one of the newest African states, obtains over 80 percent of its export earnings from the sale of coffee; Columbia counts on coffee for 57 percent of its foreign earnings, and Brazil, despite its diversification, still depends on coffee for over 37 percent of its export sales. In addition, there are 14 countries whose foreign exchange receipts substantially rest on the coffee market. Instability in world coffee prices meant chaotic boom or bust economies for these nations in the decades prior to the International Coffee Agreement.

The United States has a significant stake in the prosperity of these developing nations. The 41 producing members of the agreement purchase $5.5 billion in American goods and services each year. A substantial portion of these U.S. exports are paid for with the dollars earned by the sale of coffee. President Kennedy noted that "A drop of 1 cent a pound for green coffee costs Latin American producers $50 million in export proceeds—enough to seriously undercut what we are seeking to accomplish by the Alliance for Progress." Today that 1 cent drop in world coffee prices means $72 million less in export earnings for the producing nations.

So, there can be little doubt that the International Coffee Agreement has realized its goals during its brief history and is worthy of extension by the United States.

However, a threat to its existence has been bluntly posed by the House Ways and Means Committee which has demanded that Brazil raise its export tax on soluble—instant—coffee bound for the United States. Without Brazilian acquiescence to this additional tax or a tariff imposed by the United States, the committee has stated it will refuse to consider extension of the entire International Coffee Agreement.

Before discussing this situation in detail, I would like to note that in the balance is the American consumer who has been protected from high coffee prices by the agreement, the 41 developing nations whose economies rest on the continuation of stable world coffee prices, and American firms whose $5.5 billion in exports depend on the purchasing power of these developing nations.

It is revealing to note that General Foods, the giant of the instant coffee field with some 50 percent of the U.S. market, is the only coffee company that has demanded an increase in Brazil's export tax. It claims that Brazil's share of the market has meant a decrease in U.S. employment and cites its own shutdown of a coffee plant in San Leandro, Calif., with 41 employees.

In fact, industry spokesmen say the plant closing was part of General Food's own modernization effort which resulted in much larger plants on the Gulf and East coasts, nearer to the source of its raw coffee producers. At the same time that General Foods has talked of a decrease in U.S. employment, it has been building plants in West Germany and England which are now exporting instant coffee to the United States.

General Foods has been virtually the only firm to register a demand for an increase in the export tax. The National Coffee Association, the U.S. coffee industry's major spokesman, has rejected General Food's demand for a threefold increase in Brazil's export tax on soluble coffee and adopted a resolution, which I ask to be printed in the RECORD at this point, disavowing the need for any increase in that tax at all.

The other firms apparently see no evil or unfair advantage in the fact that Brazil has taken the advice of the Punta de Este conference in 1967 attended by President Johnson calling for Latin American presidents to:

> Provide incentives and make available financial resources for the industrialization of agricultural production, especially through the development of small and medium industry and the promotion of exports of processed agricultural products.

Thus, Brazil has developed a fledgling instant coffee processing industry which since 1966 has been able to acquire 16 percent of the U.S. market. U.S. companies other than General Foods, do not see this as dangerous competition, and I seriously question whether the Congress should adopt the position of General Foods to the disadvantage of the American consumer. Prior to the United States adopting a policy of forcing Brazil to impose an additional tax on soluble coffee, I believe the Senate should hear from representatives of General Foods, consumer representatives and foreign policy experts. Therefore, while I urge passage of this bill to extend the International Coffee Agreement as passed by the House, I would question the reasoning contained in the committee report for the reduction in the time of the extension is still open to serious question and urge a serious inquiry by the House and Senate committees prior to the expiration deadline of July 1, 1971.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 19567) was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I say, for the information of the Senate, that the joint leadership is taking up only unobjected-to items on the 20 or so bills which were reported just yesterday and which reached the calendar today. With respect to those which have "holds" on them, the holds will be honored.

PROVISIONS FOR THE FREE ENTRY OF CAST BELL CARILLONS FOR THE USE OF INDIANA UNIVERSITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1538, H.R. 19113.

The PRESIDING OFFICER (Mr. McINTYRE). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 19113) to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1550 and 1552, which are likewise clear, with no "holds."

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

PROVISION FOR FREE ENTRY OF A CARILLON FOR THE USE OF THE UNIVERSITY OF CALIFORNIA AT SANTA BARBARA

The Senate proceeded to consider the bill (H.R. 14995) to provide for the free entry of a carillon for the use of the University of California at Santa Barbara which had been reported from the Committee on Finance with an amendment on page 1, after line 9, insert a new section, as follows:

SEC. 3. (a) The Secretary of the Treasury is authorized and directed to admit free of duty one MS–9 mass spectrometer (including all accompanying equipment, parts, accessories, and appurtenances) for the use of the New England Institute of Ridgefield, Connecticut.

(b) If the liquidation of the entry of any article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara and a mass spectrometer for the use of the New England Institute."

AMENDMENT OF SECTION 905 OF THE TAX REFORM OF 1969

The Senate proceeded to consider the bill (H.R. 17984) to amend section 905 of the Tax Reform Act of 1969 which had been reported from the Committee on Finance with amendments on page 1, line 7, after "(3)", strike out "and (4)" and insert "(4), and (5)"; in line 10, after the word "new", strike out "paragraph" and insert "paragraphs"; on page 2, line 18, after the word "than", strike out "money." " and insert "money."; and, after line 18, insert:

"(5) The amendments made by subsections (a) and (b) shall not apply to a distribution of stock by a corporation organized prior to December 1, 1969, for the principal purpose of providing an equity participation plan for employees of the corporation whose stock is being distributed (hereinafter referred to as the 'employer corporation') if—

"(A) the stock being distributed was owned by the distributing corporation on November 30, 1969,

"(B) the stock being redeemed was acquired before January 1, 1973, pursuant to such equity participation plan by the shareholder presenting such stock for redemption (or by a predecessor of such shareholder),

"(C) the employment of the shareholder presenting the stock for redemption (or the predecessor of such shareholder) by the employer corporation commenced before January 1, 1971,

"(D) at least 90 percent in value of the assets of the distributing corporation on November 30, 1969, consisted of common stock of the employer corporation, and

"(E) at least 50 percent of the outstanding voting stock of the employer corporation is owned by the distributing corporation at any time within the nine-year period ending one year before the date of such distribution."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes;

H.R. 10482. An act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes;

H.R. 18515. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

FOOD STAMP ACT—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. McINTYRE). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 22, 1970, pages 43325–43327, CONGRESSIONAL RECORD.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. 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. ELLENDER. Mr. President, this conference report deals with the food stamp bill. There were differences between the Senate and the House bills in 24 areas. I shall not undertake at this time to discuss each of those areas, but I will proceed to discuss five of the most important areas, and I will be glad to answer any questions that may be submitted.

Mr. President, the House bill was much more restrictive than the Senate bill. The conferees worked long and hard to reach a compromise which omits or tempers some of the provisions of each House.

Since there is no authority for the appropriation of funds for the program after the end of January 1971, it was almost imperative that a compromise be reached before Congress adjourns. The appropriation bill for the Department of Agriculture for 1971 provided $1.42 billion for the program contingent upon the enactment of authorizing legislation. The House food stamp bill would have provided open end authorizations for fiscal 1971, 1972, and 1973, while the Senate amendment would have authorized $2 billion for fiscal 1971 and $2.5 billion for fiscal 1972. The conference substitute authorizes $1.75 billion for fiscal 1971 and open end amounts for fiscal 1972 and 1973. This would give authority for the $1.42 billion already appropriated and allow for a supplemental amount if that should be necessary.

The most restrictive provision of the House bill would have required States to contribute to that part of the coupon allotment not covered by charges paid by program participants. The State contribution would have started at 2½ percent annually until it reached a maximum of 10 percent. The House conferees felt that this would provide for more responsible State administration, since

it would give the State a financial interest in effective and efficient program control. The Senate conferees felt that this provision, particularly in view of the current financial situation of State governments, might discourage State participation and result in denial of the benefits of the program in many areas. The managers on both sides felt very strongly, but in the end the House receded completely on this provision.

Another provision strongly contested was the work requirement provision of the House bill. This provision would have denied food stamps to households containing an able-bodied adult between the ages of 18 and 65 who refused to work. It would not be applicable to students or persons having responsibility for the care of dependent children or incapacitated adults. It would not require anyone to work for less than the minimum wage. However, it was ambiguous in the case of employment not covered by minimum wage laws or regulations, and the conference substitute provides that in such case the wage would have to be at least $1.30 an hour. In addition, the conference substitute makes it inapplicable to persons working at least 30 hours per week and to lockout, as well as strike, situations. A suggestion was made that it be further limited to excluding only the household member who refused to work, but House conferees argued that it was not practicable to prevent any member of a household from sharing in the food placed on its table.

The Senate amendment based program eligibility on income alone and made any family of four with an income of $4,000 or less per year eligible. The House took other financial resources into account, as well as income, and left the minimum standards to the Secretary of Agriculture. The conference substitute follows the House bill in this respect.

The Senate provided for free stamps to very low income families as a matter of right, while the House imposed a minimum payment of 50 cents per person or $3 per household of six or more. The House receded on this provision, permitting the Secretary to issue food stamps without charge to families with incomes of less than $30 a month for a family of four. This is still somewhat less liberal than the Senate provision for free food stamps for families with incomes of less than one-half the cost of a nutritionally adequate diet.

The Senate amendment provided for certification solely on the basis of an affidavit on the part of the applicant. The conference substitute adopted this provision but limited it to persons on public assistance, which should include the majority of applicants.

The Senate amendment would have extended the program to all areas not having a program by January 1, 1971. This provision was deleted in the conference substitute.

Mr. President, I have covered the principal differences between the House and Senate versions of this bill, and the manner in which they are covered by the conference substitute. I ask unanimous consent that a more detailed explanation of the differences and the conference substitute be printed in the RECORD.

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

SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

EXPLANATION OF FOOD STAMP CONFERENCE REPORT (H.R. 18582)

I. Resolution of Major Differences By Conference Substitute For Senate Amendment to H.R. 18582 (Food Stamp Bill).

The conference substitute—

(A) provides that all financial resources shall be taken into account in determining eligibility, with national standards being set by the Secretary (rather than the $4,000 for a family of four standard of the Senate amendment) Able-bodied adults working less than 30 hours per week would be required to accept employment at $1.30 per hour or applicable minimum wages but would not be required to work in strike or lockout situations. Households consisting of unrelated individuals under age 60, or including 18 year or older dependents for Federal tax purposes of persons outside the household would be excluded.

(B) provides for a coupon allotment to provide a nutritionally adequate diet (currently about $106 per month for a family of four), adjusted to reflect changes in food costs, rather than to provide the "low-cost diet" (currently about $134).

(C) authorizes free stamps for households with incomes of less than the equivalent of $30 per month for a family of four. Other households would pay a reasonable investment, not exceeding 30 percent of income.

(D) provides for certification solely by affidavit of households receiving public assistance.

(E) does not provide for extension of the program to areas not requesting it.

(F) does not require State contribution to the coupon "bonus" value.

II. Other Provisions of the Conference Substitute.

In addition to the above, the conference substitute would amend the Food Stamp Act of 1964 to

(a) make it the program's objective to permit low-income households to purchase a nutritionally adequate diet;

(b) provide for the use of stamps by elderly persons to purchase prepared meals from certain nonprofit organizations;

(c) extend the program to Guam, Puerto Rico, and the Virgin Islands of the United States;

(d) permit concurrent Federal direct food distribution

(i) during temporary emergencies when commercial channels of food distribution have been disrupted (instead of emergencies caused by disasters),

(ii) during transition to the food stamp program, and

(iii) on request of the State agency, no household to participate in both programs simultaneously;

(e) provide for temporary eligibility standards for disaster victims after commercial channels again become available and for special lower eligibility standards and coupon allotment schedules for Puerto Rico, Guam, and the Virgin Islands;

(f) permit households to elect to receive lower coupon allotments for proportionally lower payments;

(g) provide that the State plan require the State to—

(i) inform, and insure the participation of, low income households, and

(ii) provide for fair hearings on grievances of households;

(h) permit deduction of charges for coupon allotments from federal-aided public assistance payments at the election of the household;

(i) extend criminal penalties to alteration of coupons and actions with respect to authorization to purchase cards;

(j) authorize the Secretary to pay 62.5 percent of the direct salary, travel, and travel-related costs of household grievance hearing officials.

III. Detailed Comparison of H.R. 18582, as passed by House, the Senate Amendment Thereto, and the Conference Substitute Therefor.

1. Policy statement language differences (section 1 and 1(1) respectively) do not appear substantive.

Conference Substitute adopts House language.

2. *Senate* (section 1 (2)) amends "food" definition to include products necessary for personal cleanliness, hygiene, and home sanitation.

House contains no similar provision.

Conference Substitute omits this provision.

3. *Senate* (section 1 (3)) redefines "household" to include an elderly person eligible for the "meals on wheels" program.

House does not do this (creating a question as to how elderly persons who do not have cooking facilities can obtain the coupons to be used by them to participate in the "meals on wheels" program).

Conference Substitute adopts Senate provision, plus a provision designed to exclude households consisting of unrelated individuals under the age of 60 (such as hippy communes).

4. *Senate* (section 1(4)) extends definition of retail food store to include nonprofit institutions, boarding houses, and schools providing meals to nonresident persons 65 years of age or over and Department of Defense commissaries.

House (section 2(a)) extends definition of retail store to political subdivisions and nonprofit organizations participating in the "meals on wheels" program.

Conference Substitute adopts House provision.

5. *Senate* (section 1(5)) extends program to the Trust Territory of the Pacific.

House (section 2(b)) does not so extend it.

Conference Substitute does not so extend it.

6. *House* (section 2(c)) defines elderly person as one 60 years or over.

Senate does not define elderly person, although section 1(4) defines retail store as including certain agencies providing meals to persons 65 or over.

Conference Substitute adopts House provision.

7. *House* (section 2(d)) defines an "authorization to purchase" card, and (section 7) provides penalties for their misuse.

Senate does not provide for an "authorization to purchase" card.

Conference Substitute adopts House provision.

8. *Senate* (sections 1(6) and 1(15)) provides for formulation of food stamp program without request of State agency.

House (section 3) conditions program on request of State agency.

Conference Substitute adopts House provision.

9. *Senate* (section 1(7)) requires commodity distribution in food stamp area—

(1) in certain *disaster* caused emergencies;

(2) until the number of persons participating in the food stamp program exceeds the monthly average number receiving commodity distribution just prior to initiation of food stamp programs; or

(3) on request of State, and payment by State of all in-State costs.

House (section 3) permits such distribution—

(1) in certain emergencies limited to disasters;

(2) to cover transition to food stamp program; or

(3) on request of State, but not to households simultaneously receiving food stamps.

Conference Substitute adopts House provision.

10. *Senate* (section 1(8) bases eligibility on income alone and assures eligibility to any household with an income not exceeding the equivalent of $4,000 for a family of four.

House bases eligibility on income and other financial resources, but leaves standards to Secretary. Any household which includes an 18 year old dependent (for tax purposes) of a person not a member of an eligible household shall not constitute an eligible household during the tax period for which such dependency is claimed and one year thereafter. Able-bodied adults (except students and those needed to care for dependents) would have to register for and accept employment at minimum wages, but could refuse to work at struck plants.

Conference Substitute adopts House provision, but modifies work requirement to make work requirement inapplicable to anyone who is employed 30 hours per week and excuse anyone from accepting employment at a locked out plant or from accepting employment at less than $1.30 per hour in cases where no minimum wage is fixed.

11. *Senate* (section 1(9)) provides coupon allotment cannot be less than the amount required to purchase the low-cost diet established by the Agricultural Research Service. (Currently about $134.)

House (section 5) leaves determination of the cost of a nutritionally adequate diet to the Secretary. (Currently about $106.)

Conference Substitute adopts House provision, but provides specifically for adjustments annually to reflect changes in food costs.

12. *Senate* (section 1(9) and 1(13)) provides charge for coupons shall not exceed reasonable investment or 25 percent of income, and coupons must be free to any household whose income is less than half the cost of the low-cost diet. Any household, as a matter of right, may purchase any amount of coupons less than its full allotment and pay a proportionate charge.

House (section 5) provides charge shall represent a reasonable investment, but shall not be less than 50 cents per person per month ($3 per household of six or more persons) nor more than 30 percent of income. Secretary could permit household to purchase a smaller coupon allotment for a proportionately smaller price.

Conference Substitute adopts House provision, plus a provision authorizing the Secretary to issue free food stamps to families with incomes of less than the equivalent of $30 per month for a family of four (in lieu of House minimum charge provision).

13. *Senate* (section 1 (10)) provides for economic and program instruction.

Conference Substitute omits this provision.

14. *Senate* (sections 1 (11) and 1 (14)) provides specifically for the issuance of coupons and collection of charges through post offices or other methods convenient to participating households. Law now permits this, but does not contain a specific provision.

Conference Substitute omits this provision.

15. *Senate* (section 1 (12)) provides for certification solely by affidavit. A household moving from one political subdivision to another would continue to be certified for 60 days.

Conference Substitute adopts this provision, but limits selfcertification to households already receiving public assistance.

16. *Senate* (section 1 (13)) requires coupon issuance at least once a week, permits household to purchase at each issuance date all or any part of its monthly allotment not previously purchased, and permits household to elect to have charge deducted from federally-aided assistance payment.

House (section 6 (a)) permits charge to be withheld from federally aided assistance payment at election of household and the joint approval of the Secretaries of Agriculture and Health, Education, and Welfare.

Conference Substitute permits household to have charge deducted from federally-aided assistance payment.

17. *House* (section 6 (a)) provides for hearings on grievances.

Conference Substitute adopts House provision.

18. *Senate* (section 1(15)) would require Secretary to administer a food stamp program in any political subdivision which does not have a program on January 1, 1971 and in certain other cases.

Conference Substitute adopts House prosion.

19. *House* (section 6(b)) limits organizations furnishing "meals on wheels" to tax-exempt organizations not using federally donated foods.

Conference Substitute adopts House provision.

20. *House* (section 7) makes minor changes in the enforcement provisions contained in section 14 (a) and (b) of the law.

Conference Substitute adopts these changes.

21. *Senate* (section 1(17)) provides that no person will be charged with a violation of any Act on the basis of information contained in an affidavit filed pursuant to section 6(d) (should be 10(c)), except for fraud.

Conference Substitute adopts this provision corrected to refer to section 10(c), the self-certification provision.

22.. *House* (section 9) requires State to pay a portion of that part of the coupon allotment face value not covered by payments by households beginning at 2½ percent for fiscal 1971 and rising to 10 percent by fiscal 1974.

Senate (section 1 (18)) requires Secretary to pay States the costs of issuing coupons and collecting charges.

Conference Substitute omits both provisions.

23. *House* (section 10) authorizes such sums as Congress may appropriate for fiscal 1971, 1972, and 1973. *House* (section 8) authorizes Secretary to pay 62½ percent of outreach and grievance hearing costs.

Senate (section 1(19)) limits appropriations to $2 billion for fiscal 1971 and $2.5 billion for fiscal 1972. Senate would also repeal the existing provision limiting the funds to be used to those specifically appropriated for the Food Stamp Act (so as to exclude use of section 32 funds) *Senate* would permit obligation 15 percent in excess of appropriation.

Conference Substitute authorizes appropriations of $1.75 billion for fiscal 1971, open end for fiscal 1972 and 1973; authorizes Secretary to pay 62½ percent of outreach and grievance hearing costs.

24. *House* would continue State plans in effect for up to 180 days after bill's enactment or until changed to accord with bill, whichever first occurs.

Conference Substitute omits this provision.

DECEMBER 29, 1970.

Mr. ELLENDER. Now, Mr. President, as I have just indicated, there were 24 points of difference. The main ones were the ones I have just mentioned. There was really a lot of give and take by the conferees on both sides of the table. I am happy that we came to this conclusion because the absence of an agreement would have meant no food stamps after January 15 of next year.

If, perchance, there is need for more funds than that appropriated in the fiscal 1971 appropriation bill for the Department of Agriculture which, as I said, is $1,420 million, a supplemental can be presented to provide up to $1,750 million for fiscal year ending June 30, 1971.

If there are any questions I shall be glad to answer them. If not, I understand that my good friend from South Dakota (Mr. MCGOVERN) desires to make a statement and I yield to him for that purpose.

Mr. McGOVERN. Mr. President, the food stamp conference report that the Senate is now being asked to consider is, in my opinion, a mixed bag of groceries for America's hungry poor, some fresh and some stale, providing some hope on the one hand, and some discouragement on the other.

I had wished to be able today to stand on the Senate floor and tell the American people that the Congress had fulfilled President Nixon's pledge "to end hunger in America itself for all time." That, however, is not to be the case under the bill reported from the conference.

First, let me say what I find somewhat hopeful in the conference report. The authorization of $1.75 billion for this fiscal year is a step forward. It is five times as much money as the food stamp program had under the previous authorization and it is half a billion more than the administration requested for this fiscal year. This amount will permit continued expansion of the program. I have every hope that the full $1.75 billion will be appropriated through supplemental bills in the new Congress.

Second, the conference report provides for a national eligibility standard, replacing present State-by-State standards. While this is not specified as in the Senate bill, I have every expectation that this will be set by the Secretary of Agriculture at the Federal poverty level, as was done with the national school lunch program. This national eligibility level should permit millions more to take part in the program.

Third, the conference bill will permit elderly citizens, for the first time, to use food stamps to purchase already prepared meals. This will be of tremendous benefit to many aged individuals who have neither the energy or desire to shop and cook for themselves.

Fourth, it provides that families with less than $30 income a month shall receive their stamp allotment free. While this income level is less than half of what the Senate had set, it will be of benefit to about a million persons and it establishes the principle that our very poorest citizens are entitled to adequate nutrition without having to scrape together their last pennies.

These are the fresh groceries. Now for the stale ones, those that decided me to abstain from signing the bill as reported from the conference committee. Those that I sincerely believe represent steps backward from our commitment to feed hungry Americans.

The major piece of stale goods, the issue on which, in good conscience, I simply could not compromise was the so-called "Work Requirement." It has been said that I oppose a work requirement. It would be more accurate to say I oppose this work requirement which reads more like a declaration of serfdom for America's hungry poor. It cuts off food stamps to mothers and children where a father or even an older brother or sister refuses work.

The conference report also follows the House bill in that it makes no provision for suitability of work nor payment of the prevailing wage. Therefore a skilled worker or anyone else temporarily unemployed, a condition that grows more common in this Nation every day, could be made to take any job no matter how dangerous, or distant from his home, at grossly substandard wages.

Certainly the Senate had none of this in mind when it voted overwhelmingly for S. 2547 nearly a year and a half ago.

In conference, I offered what I believe was a more humane and realistic work requirement as a compromise. It provided for a proportionate decrease in stamp allotment for any family member who refused to accept a suitable job at the prevailing wage. The House conferees rejected this proposal. My only conclusion can be that the House conferees intended not so much a work requirement but an instrument to guarantee cheap agricultural and domestic labor, a view shared by George Meany, president of the AFL–CIO, who said,

> It is awful . . . The concept of requiring people to work under the most substandard conditions is a step backwards in America.

The conference report contains other significant steps backward, such as the provision dealing with the stamp allotment that provides only 29¢ per meal or $106 a month for a family of four. This is nothing more than a continuation of the economy diet plan, an unsatisfactory one which the Department of Agriculture has described as an emergency plan that is not nutritionally adequate. This diet demands that a homemaker be an expert in marketing and food preparation. In short, under this legislation even if we reach the still-hungry poor with food stamps there is no guarantee that they will not be malnourished.

The Senate bill provided for the low-cost diet, or $134 monthly, an amount defined as "nutritionally adequate" by the Department of Agriculture.

In conference, I offered as a compromise, the formula of 90 percent of the low-cost diet, or, in effect, a splitting of the difference between the Senate and the House to set a level of about $120 monthly. The House conferees refused. In light of the fact that the value of bonus stamps is the single most important factor in improving program participation this report insures a slowdown in the fight to end hunger.

My third objection to the conference report regards the process of certification. In its early hearings, the Select Committee on Nutrition and Human Needs heard time and again that a major factor in limiting food stamp participation is the complexity of redtape required by Federal regulations and implemented by local administrators. In cities around the country, like New York, Chicago, San Francisco and Seattle, applicants must line up for days at a time before they are approved for stamps. It is essential that we eliminate these obstacles that are keeping food from hungry Americans. The House bill as adopted in this conference report does not.

Finally, the conference committee reported an authorization that in my view is unsatisfactory. The Senate bill specifically provided for $2 billion this fiscal year and $2.5 billion in fiscal 1972. The House bill left the authorization open-ended but provided for a program extending into fiscal 1973. It is my feeling that the open ended procedure is unsatisfactory because it would permit the program to be restricted by budgetary demands rather than being authorized by law to meet the obvious need. The House offered to accept a specific authorization of $1.75 billion for this fiscal year and provide open ended authority for the next 2 fiscal years. I accepted the $1.75 figure for this fiscal year but insisted on $2.5 billion for the coming year and $3 billion for the 3d year. The House conferees rejected that proposal.

In all, when the conference began there were some 26 differences between the two bills. In the first day of the conference, the Senate conceded on 14 differences, some of them not terribly significant but others of some importance and designed to facilitate participation in the program. Among these were a mandatory nationwide food stamp program, the use of post offices to distribute food stamps in rural areas where banks are not available, and the use of stamps to buy items of hygiene as well as food. Among the remaining 12 items, six were essentially identical between the two bills. That left six including the four I have cited above, as well as a provision for free stamps for the very poor and 10 percent sharing of bonus costs by the States, a provision that would have forced many States to drop out of the food stamp program, and was, I believe, meant to do just that. The House conferees agreed to drop the cost sharing and offered free stamps for families with incomes of less than $30 a month instead of the Senate level of approximately $66. I accepted that offer, which was the only real compromise offered by the House conferees.

Indeed, immediately after the conference I contemplated attempting to persuade the Senate to reject the conference report, an action that would certainly be most deserved. But upon careful consideration, I have decided against that course of action because the parliamentary confusion involved and the short time left to this Congress would too greatly jeopardize the continuance of the food stamp program.

It is only the lateness of the hour that will allow the repressive provisions of this report to become law, and one can only angrily contemplate the 15 months that the House Agriculture Committee let the Senate bill languish in its grip and the failure of this administration to use its influence to get a bill out of the House before the last month of this Congress—quite frankly that was a most odd manner to go about "ending hunger in America itself for all time."

Thus, the will of the majority is once again thwarted. But, Mr. President, more is at stake in this struggle than the honor of the Senate and its rightful position in the legislative process. What is at stake is this Nation's human dignity. We cannot preserve that dignity and practice inhumanity toward our children.

During the last several days, I have experienced firsthand the intense frustration that our poor have felt for years when confronted with our inability as a nation to deal with their most immediate suffering—hunger.

Thus, it should come as no surprise that I serve notice today that this fight is not over and that my first priority on the return of Congress next year will be to amend this legislation in such a way as to bring it into the 20th century.

At this point I ask unanimous consent that the following articles be printed in the RECORD.

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

[From the Washington Post, Dec. 22, 1970]

CONFERENCE FAILURES PLAGUE THE HILL

The conference committee was invented to enable the House and Senate to reconcile their differences. It is thus a vital part of the legislative process. Without it, most of the work on Capitol Hill would amount to little more than wheel-spinning. But in order to operate successfully the conference must be a reliable instrument of compromise. If it fails in this, as it has done in several instances in these chaotic last days of the 1970 session, it becomes just another instrument of obstruction.

The most conspicuous conference failure at the moment led to the SST filibuster in the Senate. The House had voted $290 million to continue work on the SST. The Senate voted to terminate the program. But the Senate's quota of conferees was packed with a majority of SST supporters who quickly agreed with the House conferees on an appropriation of $210 million for the project. It was not a compromise but a flagrant betrayal of the Senate's decision, which led to a filibuster by the irate foes of the supersonic plane.

In some respects a more flagrant abuse of the conference machinery is the deadlock among the conferees on the food-stamp bills. The House passed an ordinary sort of bill that was more a gesture than a genuine resolution to end hunger in America. The Senate passed a much more comprehensive measure, calling for a $2-billion antihunger fund this year and $2.5 next. It would make the funds available without cost-sharing because of the fiscal crises in many states and cities; the House would require $200 million in matching funds which the states probably could not raise. The Senate prescribed numerous reforms to eliminate red tape in administration of the program, reflecting a passion for results which the House did not share. With the two bills thus far apart, the House conferees insisted on scuttling the Senate bill as the price of any legislation at all. The conference broke up in disagreement, and although the respective chairmen have now agreed to meet again the outlook for an acceptable compromise is grim. A vast amount of work on one of the country's most urgent domestic problems may thus go down the drain because conferees failed to meet their obligations.

Frayed nerves at the end of the session may account for some of this arbitrariness, but a more basic weakness is also in evidence. Only the senior members of the legislative committees, who have attained their powerful positions on the basis of seniority, are selected to be conferees. These men may be grossly unrepresentative of the bodies for which they speak. In effect, therefore, seniority and the conservation that often goes along with long tenure in one-party districts tend to become a serious drag on a supposedly democratic legislature.

We can only hope that frustrated legislators as well as the disillusioned public will

see the need for sweeping congressional reforms when the new session meets.

A CHRISTMAS STORY

Mr. MCGOVERN. Mr. President, in the New York Times of December 22, 1970, Tom Wicker has written a sad Christmas story. It is the story of the attempt by the Senate and its Select Committee on Nutrition and Human Needs, of which I have the honor to be chairman, to help the Nixon administration to meet its commitment to end hunger in America.

At the time he wrote his column, Mr. Wicker felt compelled to conclude:

"Thus ends, it appears, this tale of putting an end to hunger in America for all time."

But this story will not have such an ending. There are those who are pledged to write a happy ending. We will do our best this year to help the administration meet its own commitment. But this year will not be the end of the story.

Next year, I hope that Mr. Wicker will be able to write a new and more positive chapter.

Mr. President, I ask unanimous consent that the article "A Christmas Story" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

A CHRISTMAS STORY

(By Tom Wicker)

WASHINGTON, December 21.—Once upon a time a wave of public indignation arose when persons as different as Robert Kennedy and Senator Ernest Hollings of South Carolina discovered that in prosperous America there were millions of hungry people, many of them helpless children.

So great appeared the public interest that the Senate established a Select Committee on Nutrition; at its hearings in 1969 a Public Health Service survey showed that malnutrition in America was as widespread and serious as in the underdeveloped countries, resulting in physical and mental damage to untold numbers of children, and thus imposing a tax on society far into the future.

These and other events produced a Presidential message to Congress in May 1969 in which Mr. Nixon said that "something very like the honor of American democracy" was at stake in the effort he demanded "to put an end to hunger in America itself for all time." The White House Conference on Food and Nutrition, later arranged by Mr. Nixon, specifically endorsed a measure called the McGovern-Javits bill to expand and reform the food stamp program.

Mr. Nixon had made his own food stamp proposals, but the bill went well beyond them, calling for a nationwide program (about a third of the nation's counties have no food stamp program), simplified procedures for receiving stamps, an increase from $106 to $134 a month in stamp allotments for a family of four (which still would provide only the so-called "low cost" food budget), and a funding level that would rise to $2.5 billion in fiscal 1972.

This measure passed the Senate by 56 to 39 in September of 1969. The Administration indicated that it could accept it, even though it had preferred a more modest effort to end hunger in America for all time. But when the scene shifted to the House, there was no carefully prepared study by a special committee; instead, the matter went to the dark, medieval chambers of the House Agriculture Committee, where it languished like an undernourished child.

The attitude of Chairman W. R. Poage of Texas has been well-expressed by Mr. Poage himself. "You know what happens in the beehive," he said. "They kill those drones. This is what happens in most primitive societies. Maybe we've just gotten too far away from the situation of primitive man."

Unmoved by ample evidence of widespread hunger in America, Mr. Poage ultimately produced a bill that wrote into the food stamp program a requirement that recipients had to work if they were able, and that cut off food stamps from an entire family if any one member refused to work. It also required states to pick up 10 per cent of the cost of the stamps, a proposal patently designed to keep hard-pressed states from expanding or even having a program since the cost-sharing could run into millions. Nor was there in the Poage bill any specific fund authorization, which left the program precariously dependent on the annual mercy of the Budget Bureau and the appropriations committees.

But last week in the House, Mr. Poage was able to produce a letter from Agriculture Secretary Hardin giving Nixon Administration endorsement of the Poage bill against a bipartisan substitute much nearer the Senate version. Even so, the Poage bill passed by only 119 to 116 in an unrecorded vote, which a number of members apparently missed because they were attending Christmas and farewell parties.

The Administration is reported to have hoped the Poage bill would force Senate conferees to scale down the McGovern-Javits bill. This reckoned without W. R. Poage and the House conferees, all of whom would have been right at home in Dickensian London. Instead of a reasonable compromise to put an end to hunger in America for all time, the House group is demanding that the Senate take the Poage bill or nothing.

Senator George McGovern and the other Senate conferees say they already have made fourteen specific concessions (eliminating free stamps for the very poor, for instance, as well as a provision that would have made it possible to buy soap and other hygiene articles with the stamps). They have further offered to accept a less drastic form of work requirement and split the difference between $106 and $134, if the House conferees would accept the simplified procedures for receiving food stamps and drop the state cost-sharing proposal. But Mr. Poage and the others have adamantly refused compromise, on the strength of their 119-to-116 mandate and their beehive mentality.

Rather than accept the regressive Poage bill, Mr. McGovern now plans to return to the Senate and ask that the present inadequate food stamp program be continued unchanged. Thus ends, it appears, this tale of putting an end to hunger in America for all time.

[From the Washington Post, Dec. 23, 1970]

CONFEREES AGREE ON FOOD BILL

(By Nick Kotz)

House-Senate conferees yesterday approved a food stamp bill backed by the Nixon administration but opposed by influential food aid reformers.

Sen. George McGovern (D-S.D.) and Rep. Thomas Foley (D–Wash.) said they would oppose the conference report and urge the Senate and House to demand legislation with higher food-stamp benefits and without a stringent "work requirement."

All the conferees except McGovern agreed to the conference report after House Agriculture Committee Chairman W. R. Poage (D-Tex.) made three concessions from the House-passed bill.

He agreed to eliminate the requirement that states share program costs, agreed that families with less than $30 monthly income should get free food stamps, and agreed to an authorization of $1.75 billion for fiscal 1971.

As reported by the conference, the bill closely resembles the original Nixon administration proposal, except that it contains a stricter work requirement.

However, the conference report provides substantially fewer food aid benefits than the Senate-passed McGovern-Javits bill and the Quie-Foley bill which was narrowly defeated in the House.

The food stamp reform bill approved by the conference committee contains several liberalizing reforms.

These are: free stamps for poorest, a national eligibility standard to replace a patchwork quilt of varying state standards, simultaneous operation of food stamp and commodity programs and the use of food stamps for "meals on wheels" feeding of the elderly.

The conference report, however, contains a new restrictive feature requiring all members of a family between ages 18 to 65, except mothers and students, to accept virtually any work offered at a minimum salary of $1.30 per hour.

The conference report continues food stamp benefits at the present level of $106 monthly for a family of four. The Senate-passed bill proposed raising this so-called "economy or emergency diet" to $134 monthly to provide a nutritionally adequate, "low-cost food plan."

In a letter to his Senate colleagues, McGovern branded the conference report as unacceptable and asked for support to modify the work requirement, raise stamp benefits to $120 monthly, provide simplified self-certification for all food stamp applicants, and provide a $2.5 billion authorization for 1972 and $3 billion for fiscal 1973.

If these changes are not made, McGovern said Congress should simply extend the present law for six months.

McGovern stressed that these last-stand positions and other changes he earlier accepted in conference all represent compromises from the bill passed by the Senate in September, 1969.

McGovern objected to the work requirement because it cuts off aid to an entire family if one member won't accept an offered job, makes no provision for suitability of work, and doesn't provide for payment of the prevailing wage.

"I find denying children food because some adult in the family is found unwilling to work to be such an obnoxious provision that it renders the rest of the bill unworkable," McGovern said.

In turning down McGovern's suggestion that only the unwilling worker be denied food stamp aid, Poage said: "We couldn't buy the idea that poppa would sit at the breakfast table and not eat that egg that was bought with the kids' stamps."

Rep. Foley and Sen. Ernest F. Hollings (D-S.C.) joined McGovern in criticizing the level of food aid, inadequate program authorization and failure to provide simple certification to break a "red tape" bottleneck that they said sometimes blocks families from receiving benefits for months.

"I'm very disappointed," Foley said, "that the conference did not report a bill that adequately meets the needs of the hungry and malnourished. It will not redeem the President's pledge that we should end hunger in America. It is a compromise brought about by a conference committee which for the most part is insensitive to the problems of hunger."

Said Hollings: "I'm just sick about it. I stand with Sen. McGovern and I'm sorry the other Senate conferees capitulated. It is not a realistic food stamp program. It continues all the inequities. It does not provide adequately and it contains an unrealistic work requirement which will further hamper feeding the hungry, who predominantly are children, the aged, and the infirm."

Rep. Albert Quie (R-Minn.), co-sponsor with Foley of a more liberal House bill, said he is disappointed in the bill, but will support it as the best that can be obtained from the House.

[From the New York Times, Dec. 23, 1970]

FOOD STAMP COMPROMISE IS APPROVED BY CONFEREES—BILL HAS "MUST-WORK" PROVISION BUT FREES STATES FROM SHARING PROGRAM'S COST—MCGOVERN THREATENS FILIBUSTER

(By Marjorie Hunter)

WASHINGTON, December 22.—House and Senate negotiators agreed today on a food stamp bill that retains a stringent "must-work" provision but frees the states from sharing the cost of the program.

The compromise, hammered out after days of intensive bargaining, would also permit issuance of free stamps to the neediest.

The agreement was expected to win quick approval in the House but could be blocked by a threatened filibuster in the Senate by the sole dissenting conferee, Senator George S. McGovern, Democrat of South Dakota.

Senator McGovern said today that he would seek to have the Senate reject the agreement and send the bill back to conference. Otherwise, he said, he will launch a filibuster when the matter reaches the Senate floor after the Christmas recess.

Senator McGovern, the Senate's principal advocate of a liberalized stamp program, protested several features of the compromise, including the "must-work" requirement, the level of authorized funding and the ceiling on the amount of stamps issued to recipients.

The compromise was reached in mid-afternoon in a small Capitol conference room as labor representatives and other lobbyists for the poor gathered outside under a handsome crystal chandelier.

There was give and take on both sides as the conferees reconciled broad differences between the liberal Senate bill and the more restrictive House measure.

Under the program, due to expire Dec. 31, about 9 million poor Americans receive food at discount prices. The poor pay varying amounts, depending on their income, for stamps bearing, a higher face value when redeemed at grocery counters.

The compromise—far closer to the House position than to the Senate's—closely reflects requests by the Nixon Administration.

The compromise would do the following:

Require all able-bodied adults—except mothers with dependent children—to register for work and accept jobs to obtain food stamps for their families. There is no such provision in the present law.

Set a ceiling of $106 monthly on the face value of stamps issued to a family of four. The Senate had sought a ceiling of $134 monthly. The Secretary of Agriculture would be authorized to increase the ceiling to reflect rising food costs.

Delete a House-passed provision under which the states would have been required to share up to 10 per cent of the cost of the subsidies now wholly financed by the Federal Government.

Authorizes appropriations of $1.75-billion for the fiscal year ending next June 30, with open-ended authorizations for the following two years. The Senate version had called for $2 billion this fiscal year and $2.5 billion the following.

Permit issuance of free stamps to the neediest—such as a family of four with less than $30 monthly income. The Senate version had set the income ceiling at $60; the House version had not provided any free stamps.

Permit welfare clients to certify need on their own, with spot-checking to detect fraud, but requiring other stamp applicants to be certified under regulations set down by the Secretary of Agriculture.

FEAR FOR CHILDREN VOICED

The Senate conferees also receded on a number of points, including provisions authorizing the Secretary of Agriculture to set up stamp programs, even over the objections of states or localities, and the issuance of food stamps through post offices.

In asking the Senate to reject the compromise, Senator McGovern argued that "must-work" provision would deny food to children because their parents refused to work.

He also protested the $106 monthly stamp ceiling, saying that this "economy diet," providing 29 cents a meal a person, has been described by the Agriculture Department as "an emergency diet."

Rather than accept the compromise, Senator McGovern said that he would prefer a simple extension of the present law. In that way, he said, Congress could try again next year to enact "a meaningful stamp program."

[From the Washington Post, Dec. 24, 1970]

BOOKS: STILL HUNGRY, STILL POLITICS

(Reviewed by Nick Kotz)

The Case Against Hunger: A Demand for a National Policy. By Senator Ernest F. Holling (Cowles, 276 pp., $6.95).

(The reviewer is author of Let Them Eat Promises: The Politics of Hunger in America and is a member of the national staff of the Washington Post.)

While 200 House members sipped cocktails or otherwise absented themselves last week, the House, following the lead of its Agriculture Committee, narrowly voted down generous food stamp aid for America's hungry poor. Why?

Two days later, the senior members of the House Agriculture Committee refused to give even a morsel to their Senate counterparts who favored more food for the hungry. Why? Why is the most affluent nation in history unwilling to feed helpless, hungry children?

Some penetrating and disturbing answers to these questions are provided in a remarkable new book by Sen. Ernest F. "Fritz" Hollings (D-S.C.).

"The politics of hunger undergirds our national farm program," writes Sen. Hollings. "The main thrust [of food aid programs] has always been to sustain the farmer, not to feed the hungry.

The title of Sen. Hollings' book is *The Case Against Hunger* but it just as well could be the case against the farm lobby, against Congress, and against all of us for tolerating so much human suffering in a land of such abundance.

The Senator sympathizes with the economic plight of the small farmer, but he describes in devastating detail the political and economic motives governing the Agriculture Committees of Congress, which control the food aid programs.

"The farmer saw the food stamp program as a threat to his security," Hollings writes. "He saw it as government meddling with his farm laborers. Slavery is gone but the system persists, for the laborer-tenant is completely dependent on the farmer . . . The breaking point, as the farmer sees it, is the cost of labor . . . Start distributing food to the tenants and you have played hell with the system. Economic ties of the tenant to the farmer, already threadbare, will be severed."

Thus, Hollings explains, the rationale behind the thinking of House Agriculture Committee Chairman W. R. Poage (D-Tex.)—"a 1970 Scrooge [who] observed at a congressional hearing that bees got rid of their drones and maybe it wasn't such a bad idea for the human race." Thus, Poage's committee this week insisted on a "work requirement" designed to reinforce serfdom for the rural black, brown, and white poor. In a recent year in Poage's home county, 89 farmers received $798,000 not to plant food while several thousand desperately poor received $108,000 in food aid.

The list of Senate-House conferees who are now being permitted to control the fate of the hungry poor reads like the first team of big American agriculture. In addition to Poage, these men are Reps. Thomas Abernethy (D-Miss.), Watkins Abbitt (D-Va.), John McMillan (D.-S.C.), William Wampler (R-Va.), Page Belcher (R-Okla.), and Charles Teague (R-Calif.); in the Senate they are Allen Ellender (D-La.), Spessard Holland (D-Fla.), Herman Talmadge (D-Ga.), Carl Curtis (D-Neb.), Jack Miller (R-Iowa), George Aiken (D-Vt.), and George McGovern (D-S.D.). Only McGovern has backed generous aid to the hungry. The question today is whether Congress and the country will permit this unrepresentative group—which has White House backing—to prevail. And again, the Hollings book is pertinent.

Describing himself as a "victim of the hunger myopia," Hollings tells how, as a governor and senator, he blandly accepted all the myths about the poor (they won't work, etc.), how he refused to see hunger, lied about it in the name of industrial progress, and put the issue aside when it threatened his political career. And then came the bitterly cold morning when Hollings says "my myopia lifted and I saw hunger face to face . . . when I began to feel what it is to live without hope."

He writes of an abandoned Army camp: "The water spigots left open to drip were frozen. I will never forget the four children and the crippled man who were piled in a bunch of old mattresses and trash. No heat, no electricity. No one would believe it unless he saw it."

Hollings questions how we can learn to understand things most of us never see. Hollings learned by experiencing, yet Herbert Klein, director of communications for the Nixon administration, called his education process "a televised circus." And Vice President Agnew told a South Carolina audience: "It's time for every sensation-seeking, TV-worshipping politician to stop running around the country plucking the emotional heartstrings of a compassionate people and get to work representing the people electing him."

Commenting on these remarks in a letter to Hollings, Agnew wrote: "I cannot deny that the intense publicity given your recent visits to impoverished areas in South Carolina qualifies you for inclusion in this quotation. I guess all of us fall victim to the desire to be re-elected. However, my remarks are not personal. . . . Please do not become too highly sensitized to political criticism. The Republicans would like to have another senator from South Carolina and this has no bearing on you as an individual."

For the record, Hollings has just been elected to another six-year term. But the point is: How do Richard Nixon, Spiro Agnew, all of us, become sensitive to other matters besides political criticism and the events of our own narrow worlds?

Hollings suggests that President Nixon might look at hunger in his birthplace, Whittier, Calif., near his winter vacation home at Key Biscayne, and 20 blocks from the White House. The rest of us might follow that example. Or will the hungry have to wait for a new generation to do something about hunger? The questions are unanswered, either in Hollings' book or out of it, as we approach Christmas, 1970.

[From the Washington Post, Dec. 24, 1970]

CONGRESS ON CHRISTMAS EVE

We take our Christmas Eve's day text from Congressman Poage, protector of the public till against the possible subterfuges of the hungry, and a man whose holiday season remarks make Scrooge look like St. Vincent de Paul. The question under consideration was whether, having appended a work requirement to the legislation authorizing distribution of food stamps to the poor, Congressman Poage would be content merely to see those food stamps denied to an adult who failed to take any employment offered—as distinct from denying food stamps to his children also. The answer was that Congressman Poage would not be, but rather in-

sisted that it was worth denying the children food for the sake of preventing the offending parent from possibly eating any of it. Thus:

"We couldn't buy the idea that poppa would sit at the breakfast table and not eat that egg that was bought with the kids' stamps."

So much for a keen sense of the value of things: now there is no chance that "poppa" will deny a child his meal—the government will see to it that he has no meal in the first place.

The foregoing developed in relation to the conference report on the food-stamp program just before the legislators took off for a few days to celebrate Christmas. Elsewhere on the Hill other legislators had managed in the pre-Christmas rush more or less to do in the Family Assistance Program—or at least to make it next to impossible to pass that legislation in this Congress. We have not costed out exactly how Scrooge's employee, Bob Cratchit (at fifteen shillings a week, surely, a member of the "working poor") would make out under the Family Assistance Plan in its most recent Senate incarnation. However, we do know that under the present welfare laws the Congress has not seen fit to replace, poor old Cratchit wouldn't qualify at all. Medical aid for Tiny Tim, perhaps, but Cratchit would have to abandon his whole brood of them to qualify for federally aided assistance and—depending on various circumstances not described by Dickens—the government could also tax the salary of his working daughter (Martha) by reducing the AFDC benefit to the (deliberately fatherless) Cratchit family.

That is at least an approximate description of the kind of welfare statutes that have yet to be replaced. We believe that should the administration's welfare reform plan die in Congress, there will be more than enough blame to go around—between the branches of government and between the political parties. But for now we think it is worth noting that this debacle regarding both the food-stamp program and welfare reform would likely not have come about had the legislation in each case not got caught in the pressure politics of session's end. And they would not—in turn—have been caught there if there hadn't been so much leisurely dawdling and so little sense of pressure earlier on in the year. For the next legislative session we are ourselves considering introducing a bill that would provide a work requirement for Congress.

[From the Washington Post, Dec. 24, 1970]

FOOD STAMP BILL FACES A FIGHT ON WORK RULE

(By Nick Kotz)

Organized labor and civil rights groups said yesterday they would oppose a controversial "work requirement" attached to food stamp legislation, while the Nixon administration said it is studying its position on the issue.

The "work requirement" approved by a House-Senate conference committee will be challenged next week when Congress considers the conference report on food stamp aid for the poor.

Secretary of Agriculture Clifford Hardin said the administration favors the conference committee bill, but declined to say what position he would take on an effort to change the work requirement. He pointed out the administration had favored a less stringent requirement, and said he would now study the issue anew.

One administration source said he thought it was too late in the session to attempt modifying the conference report, while another source said the administration still favors a less stringent work requirement.

The work provision, initiated by the House Agriculture Committee, requires all members of a family between ages 18 and 65 except mothers and students to accept virtually any work offered at a minimum salary of $1.30 per hour. The requirement makes no provision for suitability of work or for payment of the prevailing wage. If one family member refuses to accept offered work, the entire family loses food stamp benefits.

Asked whether he favors cutting off food stamp benefits to children because an adult won't work, Hardin told a press conference: ". . . Of course, I don't. But you have to have responsibility in these programs and it may be necessary in some instances that there be such a requirement."

The Nixon administration originally favored a work provision identical to the one in its proposed Family Assistance program. In this provision, an entire family would not lose food or welfare benefits, but only the unwilling worker.

George Meany, president of the AFL–CIO, said of the work requirement contained in the conference report:

"We think it is awful and we are going to do everything we can to change it. The concept of requiring people to work under the most substandard conditions is a step backward in America and we are going to fight."

Clarence Mitchell, director of the Washington bureau of the NAACP, said: "There isn't any question that this work requirement is aimed at cheap farm labor. It's the old story of the people who come from these agricultural areas having more respect for animals than they do for people. They would never deprive beef cattle of food, but they will deprive children, invalids, and old people. It is unconscionable."

John Largamacino, deputy director and legislative director of Common Cause, said his organization strongly opposes the conference committee work requirement.

"This requirement penalizes children for the possible failure of a parent," said Largamacino. "It's a tragedy a bill like this can be distorted to penalize children rather than to help them."

Patrick E. Gorman, secretary-treasurer of the Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO), said: "The conferees gave a Scrooge-like Christmas present to the hungry poor. Instead of fighting hunger, their action would make it more difficult for the needy to participate in the food stamp program. It is a question whether the conference report is a food stamp bill or a measure to provide cheap and exploited labor."

The bill approved by House-Senate conferees maintains present food stamp benefits, but for the first time provides national eligibility standards and free stamps for families with less than $30 monthly income.

The program is designed to supplement a family's food-buying power. For example, a four-member family with $200 monthly income pays $60 monthly to receive $106 worth of stamps to use at groceries. The Senate-passed, McGovern-Javits bill provides $134 monthly benefits.

Hardin stressed at a year-end press conference that long strides have been made toward fulfilling President Nixon's pledge to end hunger in America.

"Never in the history of mankind," said Hardin, "has any nation made as massive an attack on malnutrition as this administration in its first two years." He cited an increase in food stamp beneficiaries from 2 million to 8 million and in children receiving free school lunches from 3 million to 6 million.

[From the New York Times, Dec. 24, 1970]

THE LIVELY DUCK

The unusual post-election session of Congress was expected to be a lame duck, but it has proved much more lively than lame. The productivity of both houses has been obscured by the spectacular impasse which the Senate Finance Committee created when it merged several unrelated bills into one huge unmanageable package.

In the last month, Congress has enacted or reached virtually final action on nearly a dozen significant measures. The Housing bill is considerably more ambitious than the Nixon Administration desired this year and its new provisions for the financing of new towns may have considerable impact on this nation's future urban growth.

The Occupational Health and Safety Bill is an unexpected triumph for the House-Senate conference committee system which has been the subject of much justifiable criticism of late. Only the sunniest optimists really expected a bill to pass this year. But after several arduous sessions with Administration, trade union and industry lobbyists hovering about, the conferees reached compromises on several bitterly contested issues. For the first time, workers can now look forward to effective federally enforced safety and health standards where they work.

The manpower bill which President Nixon unwisely vetoed is another significant accomplishment. As almost any Mayor could tell the President, there is no alternative to federally financed public service jobs to meet the double crunch of rising unemployment and unbalanced municipal budgets. It is difficult to reconcile Mr. Nixon's veto attack on dead-end WPA-type jobs with his solicitude for the survival of financially shaky aerospace companies. Apparently, one man's Lockheed is another man's leaf-raking.

The House and Senate also reached agreement last week on the Air Pollution Bill with its stringent requirement of a pollution-free automobile by 1975 and its tough standards for new power plants and manufacturing plants.

Until recently, Congress's recent approval of a sizable Federal program to assist family planning would have been regarded as a breathtaking accomplishment. It is highly significant that population control has now ceased to be politically controversial. Congress in the last several days has also completed action on bills to insure the brokerage accounts of small investors, extend aid to the bankrupt Penn Central Railroad, improve the law-enforcement assistance provisions of the Crime Control Act of 1968, and amend the food stamp plan.

Only the food stamp bill remains in doubt. Representative Poage, Texas Democrat, and his conservative colleagues on the House Agriculture Committee finally made some substantial concessions on their atrocious bill, although it remains inferior to the compassionate, constructive bill put through the Senate by Senator McGovern. Forty years after the Great Depression began, the most durable illusion in Congress is that poverty is due to an individual's moral failings. No amount of government coercion or food stamp blackmail can make men work who either cannot or will not work.

Yet if this lame-duck session has stepped lively and accomplished more than might have been predicted six weeks ago, the failure of the Senate to overcome the irresponsibility of its Finance Committee casts a dark shadow over the session and, indeed, over the good repute of representative government in this country. Whatever the fate next week of the welfare reform or the import quota bill, the Senate leadership in the new Congress has to look squarely at this problem and seek effective answers, whether they be revised procedures in the Senate or new members on the Finance Committee or both.

[From the Washington Post, Dec. 24, 1970]

REVISED FOOD STAMP PLAN IS ACCEPTED BY HARDIN

Agriculture Secretary Clifford M. Hardin says he favors the food stamp plan accepted Tuesday by a House-Senate conference, although the work requirement for recipients differs from his original recommendation.

Hardin told a news conference yesterday he originally supported a work requirement more in line with provisions spelled out in the Nixon administration's Family Assistance Program.

The conferees' food stamp plan includes a provision to cut off a family if a qualified adult member refuses to accept an available job at minimum wages.

The Family Assistance Program, now considered dead this session of Congress, is less restrictive. It would bar aid only to the individual in a family who refused work.

Sen. George McGovern, D-S.D., has sharply criticized the food stamp conference report and says he will seek changes, including a modification of the work requirement.

Hardin refused to say whether he would oppose or support a Senate move to change the bill produced by the conference.

At first he would not comment on the food stamp compromise, but later he said, "We're hoping that the bill will be passed."

[From the New York Times, Dec. 24, 1970]

A PLAGUE ON BOTH, ETC.

(By Tom Wicker)

WASHINGTON, December 23.— "When I was a Congressman I never realized how important Congress was," President Kennedy told the Economic Club of New York in 1962, "but now I do." As he gazes with the rest of us on the bald failure of Congress to get its work done, President Nixon must feel much the same; for if Congress is impotent, what of the nation itself?

In the brief Christmas recess, we are at least being spared for a while the dreary sight of so much ineptitude, indifference, frustration, selfish interest and lack of order in the name of order. But this momentary relief will not stop many an American from saying, with real feeling, "A plague on both your houses!"

There is little else to be said of a Congressional performance that includes but unfortunately is not limited to—

The sloth, delay and partisan infighting that left so complex and important a matter as welfare reform to be settled—but in fact frustrated—in the final week of a Congress that has been considering the matter for a year and a half.

The kind of personal autocracy that allowed Chairman Long of the Finance Committee to construct at his leisure a legislative monstrosity that lumps together welfare reform, Social Security benefits, trade legislation and medical insurance.

The supine showing of Senate conferees who allowed House conferees with weaker mandates but stronger spines virtually to reverse Senate decisions on the SST and food stamps.

Prevention by the Rules Committee of the House's right to vote on important consumer legislation and on strengthening laws against racial discrimination in employment.

There may be those who think that, at the least, what they consider bad measures—import quotas, SST development funds, welfare reform—are not being passed. But even if their judgment of these items is accepted, the tie-up of the Senate (which incapacitates the House, too) still cannot be defended.

Perhaps never before has unlimited debate been seen more nakedly for what it has become in the Senate—a device to prevent action on anything against which a minority of one-third plus one can be rounded up. And that is made no more defensible when the frustrated action is seen as undesirable.

Actually, there is a strong rationale for a certain kind of unlimited debate in a deliberative body that represents the major subdivisions of a continental democracy. It affords some protection, on great sectional and constitutional issues, against narrow or vindictive majorities, and it is occasionally useful in slowing or halting precipitate action until sober second thoughts can prevail.

In recent years, on major civil rights questions, it also was shown that a filibuster could not long be sustained against an aroused public opinion; given that imperative, unlimited debate might therefore be accepted as useful, not pernicious, in rare cases of grave national importance. But that is an intellectual concept that requires the tacit agreement and political restraint of those to whom the filibuster is available.

That concept has been so severely abused in the Senate as to mock the pretensions of those who argue the case. Filibusters are staged on almost any subject, on almost any occasion and without a shred of justification except the views and interests of those who prevent action. This year, a filibuster was mounted against a constitutional amendment to change the Electoral College—a parliamentary absurdity, since the amending process is itself the lengthiest, most difficult and most safeguarded of all American political procedures.

When Congress slunk off the public scene for Christmas, a filibuster was going against the SST conference report and against welfare reform. Another was threatened against trade legislation. Still another may be mounted against the food stamp conference report.

An ultimate of sorts may be reached next week if a $1.5-billion authorization to speed school integration is filibustered by liberals who think it soft on the South and by Southerners who consider it soft on the North—a strange sectional issue, indeed.

In every case, the filibusterers may have worthwhile causes, and the criticism is not so much of them as it is of a Congressional system—in which unlimited debate is only one part—designed primarily to prevent action rather than to take action. If Congress wonders why it has lost so much power to the executive, there is a major reason. And in a nation already racked with mistrust of its Government, the Congressional mess itself may be more important than the fate of any or all the bills caught in it.

[From the Baltimore Sun, Dec. 26, 1970]

FOOD STAMPS

The food stamp program has been a lifesaver for millions of Americans, probably literally in many cases. Federal subsidies provide food at much below normal retail cost for poor families under the program. But the program expires at the end of the year, and Senate-House differences imperil renewal of the program.

The bill which conferees agreed on just before the Christmas recess has several objectionable features, particularly one shutting off food stamps to a whole family if any member turns down a job. There is no such federal penalty in existing law, and there should not be one. The conference version also sets an unrealistically low limit on per family allotments, and authorizes less money for the program than is needed.

These are important sections of the bill, and it might be a good idea to take temporary steps to extend the life of the existing law, and then work out a new permanent program in the next Congress—if a new compromise can't be quickly worked out between the House version, which the conference bill resembles, and the more generous Senate version.

A better compromise is definitely called for, as the history of this legislation so far shows. The Senate voted for the more liberal provisions in its version by handsome margins. The House turned down similar liberal proposals by very close votes. A true compromise between House and Senate would much more closely follow the Senate bill. Though time is short, perhaps an adamant Senate can force a new conference and a better bill.

[From the New York Times, Dec. 27, 1970]

FRESH SKIRMISHES IN THE POLITICS OF HUNGER

It started with Mary Addison. The series of field trips that has taken the Senate Select Committee on Nutrition and Human Needs all over the country began almost two years ago with a visit to migrant labor camps in Collier County, Fla. Mrs. Addison, a deeply-wrinkled black woman of 65, had spent her life as a stoop laborer helping to harvest crops.

"What do you have to eat?" Senator George McGovern, chairman of the committee, inquired.

"Peas and beans," she answered, "and sometimes a piece of fatback."

Then there was Dolores Robinson, living at 203 Bates Street, almost in the shadow of the Capitol in Washington, D.C. She and her 11 children lived on welfare. Enrolled for a time in a food stamp program, she had received $148 worth of stamps redeemable for groceries at stores for $96 in cash. She sometimes could not raise the $96.

These are the people whom members of the select committee came to know. They heard testimony from nutrition experts on the existence of hunger in a land fat with agricultural surpluses and on the impact malnutrition can have on human lives, stunting the body, causing diseases such as rickets and goiter, dulling the mind.

"I wouldn't have believed these things existed in America," commented one of the hunger investigators, "if I hadn't seen them with my own eyes."

The public outcry that resulted from these revelations caused food bills to be introduced in both the House and the Senate. President Nixon, in a special message, declared that "the moment is at hand to put an end to hunger in America itself for all time."

As a result of Administration efforts and Congressional and public pressures, twice as many needy Americans are being helped by food programs today as a year ago. When the President sent his message to Congress in 1969, only 6.9 million of an estimated 25 million hungry Americans were receiving some form of food assistance, either through the commodity program (the free distribution of surplus foods) or the food stamp program (which permits the needy to buy stamps redeemable at bonus amounts at grocery stores). Today, 11.7 million Americans are being aided and efforts to expand the food stamp program have come in both the House and Senate. The present food stamp program expires at the end of this year.

The Senate passed a liberalized food stamp program some months ago, but the House delayed action and finally passed a much more restrictive bill, 119-to-116.

It was the view of Congressman W. R. Poage of Texas, chairman of the House Agriculture Committee, which prevailed—that the states ought to be made to assume some of the cost of the food stamp program, that the level of spending ought to be held down and that everyone who could work, at whatever job, ought to be made to work. "What this program needs," said one of his colleagues, Congressman Thomas G. Abernethy of Mississippi, "is a little sand."

For the past week, under pressure of adjournment, with the expiration of the present program imminent, a House-Senate conference committee tried to iron out the differences between the liberal Senate bill and the restrictive House version.

CONFEREES' VERSION

The version that emerged from the conference committee last week authorizes spending at a $1.75-million level (some $500-million more than the House or Nixon Administration wanted) and provides for free food stamp to the poorest of Americans (those in families of four with annual incomes of only $360). It calls for the setting of national eligibility standards, provides for the simultaneous use of both the food stamp and commodity programs by localities

and allows the elderly to use food stamps to purchase prepared meals.

It also, however, contains a little sand. The requirement for state matching funds was dropped (at the insistence of Senator McGovern, who felt that to impose new costs on states would be to sabotage the whole program), but the stringent work requirement was retained. Those able to work are required to take any available job even at less than prevailing wage scales, or all members of a family will be dropped from the food stamp program.

George Meany of the A.F.L.-C.I.O. has termed this provision "awful." He and other labor leaders see it as an attempt to exploit cheap farm labor, especially in the South.

Where the Senate bill would have provided assistance to a family of four of up to $134 monthly (which translates into 42 cents a meal) the House version and the conference committee version provides for only the current level of assistance of up to $106 monthly (which translates into 29 cents a meal). Nutrition experts consider this amount enough to purchase only an "emergency" diet.

Senator McGovern refused to sign the conference report. Some members of the House, favoring a more liberalized food program, hope to bring up the issue on Tuesday when Congress reconvenes following its Christmas recess.

—JOHN A. HAMILTON.

[From the Washington Star, Dec. 28, 1970]

A STONE FOR THE HUNGRY

Perchance enough of the Yuletide mellowness will prevail until tomorrow to prevent House approval of the stonehard food stamp bill which has come out of a conference committee. Perhaps the gastronomic excesses of the season will remind congressmen that there is still hunger beneath the opulence—that millions of Americans considered themselves lucky if they had hamburger for Christmas. We hope this knowledge will inspire the House to override the conference offering and recast the bill in the more beneficent pattern shaped by the Senate.

If it doesn't, the best course would be simply to continue the food stamp program as it is presently constituted, on a temporary basis, and leave the task of improvement to the 92nd Congress. The program is scheduled to expire at year's end, and its life must not be snuffed by a House-Senate deadlock. The time margin for engineering its survival is much too close for comfort, and the blame lies squarely with the House—both its conservative and liberal wings. But at least there seems to be agreement on minimum financing (a higher authorization of $1.75 billion), and a simple extension of the existing setup with that funding would be a conscionable emergency solution.

Something better may still be possible, however. House liberals and moderates are expected to make a final attempt, tomorrow, to weed out the miserly provisions embedded in the bill by Representative Poage, chairman of the House Agriculture Committee, and a majority of that panel. Certainly the liberals owe a strenuous effort at redemption; many were absent from the floor, attending festive events, when the Poage proposition passed by a three-vote margin on December 16. Possibly it can be overturned if enough congressmen find their way to the House chamber tomorrow.

The intolerable part of the House measure, and the conference proposal, is the "work requirement" which Poage has defended against all challengers, including the Nixon administration. Under it, a whole family could be cut off from food stamps if a member declined to accept offered employment in about any kind of labor, regardless of how paltry the wages. There is even an interstate provision which might oblige an unemployed technician to pick cotton in a neighboring state without any minimum wage protection. It is a cruel stricture that could cause many children to pay, in hunger, for the unwillingness of a parent, or even a brother or sister, to accept a certain type of work. And it would lead to more abandonment of families by fathers.

The number of Americans depending on food stamps has almost tripled in little more than a year and is up to about 9 million. It is unthinkable that Congress would turn to repression in this program in a time of rising unemployment, and in view of an estimate that at least 15 million should be receiving food stamps.

[From the New York Times, Dec. 29, 1970]

HUNGER IN THE HOUSE

To say that there is hunger in America, as medical experts have said following extensive surveys in poverty areas, is to extend a fundamental challenge to the world's most prosperous people to eradicate it. To say further, as the experts have said, that this hunger has sometimes led to the stunting of physical growth, to diseases such as rickets and goiter and, in especially severe cases, to irreversible brain damage is to require hunger's eradication.

President Nixon has personally vowed "to put an end to hunger in America itself for all time." The Senate has also accepted the challenge by enacting an enlightened food stamp program that stretches the food dollars of the very poor to allow them to purchase at least an "economy" level diet. The Senate's bill provided for assistance of up to $134 a month for a family of four, or 42 cents a meal.

The House, however, has not done nearly as well. After unconscionable delay, it enacted a wholly inadequate program that provides nothing more than an "emergency" level diet and assistance of up to $106 a month, or 29 cents a meal. It tied this assistance to a stringent work requirement: if any able-bodied member of a family (except women with young children) refused to take a job, every member of the family would lose food stamp eligibility.

Harsher still, the House included no "suitability" modification in the work requirements; it denied any protection of "prevailing wages." Thus, a farm worker or carpenter or skilled mechanic or anybody else temporarily unemployed could be made to take any job at grossly substandard wages.

Other backward provisions of the House bill were dropped by the House-Senate conferees, but these remain. America can do better than this. The House can do better than this. Its restrictive bill passed narrowly, the key vote being 119 to 116, and it came late in the evening when many members had left the floor.

Tomorrow, the conference committee's report is expected to be offered for House approval. To end hunger in America requires that members reject it. Representative Thomas S. Foley of Washington, a leader in the anti-hunger fight, will urge that the House conferees be instructed to meet again with those from the Senate and to accept reasonable modifications in the present draft. It is important for most of his colleagues to stand with him in his last-ditch stand.

[From the Washington Post, Dec. 30, 1970]

CONGRESS: WHAT REMAINS TO BE SAVED

There was a fine irony to the manner in which the Senate on Monday dealt with the President's Family Assistance Plan. Sweet reason—as it seemed—prevailed, if not downright statesmanship and a holy spirit of compromise. Only the result of all this was merely to detach the welfare plan from a conglomerate measure that was over burdened in the first place and to strip that measure (the Social Security Amendments of 1970) of a number of appended grotesqueries (from a trade bill to some punitive anti-poor bits and pieces). So Russell Long and his minions on the Senate Finance Committee are now presumably to be commended for having undone their own disastrous handiwork—and in return for this latest blow to the welfare bill, we are promised that the Finance Committee, which held up the bill for half a year in hostile and capricious hearings will be happy to hold hearings on it again in the new Congress. We plan to come back to the subject of this bill, whatever its fate, but for now it may be a bit more to the point to concentrate on a couple of legislative items that still seem to have a chance of passage in decent form.

One of these is the so-called Emergency School Aid Act of 1970. This is the $1.5 billion two-year program for encouraging racial desegregation of the schools that was sent down by Mr. Nixon last spring and which has been improved by the House Committee on Education and Labor and passed by the House itself. About 10 days ago we lamented that only an act of divine intervention could rescue this measure from its antagonists in the House, one of whom—Rep. Durwood Hall (R-Mo.)—explained his angry obstruction on the grounds that "they reprogramed this dog they said was dead last night." Well, the "dog" lives, and we are prepared to believe that it does so only by the agency of the supernatural. Now, however, the bill faces a new set of hazards in the Senate.

Senate opposition has proceeded from two sources: Southerners who are fearful of the impact of the bill on the schools of the South, and Northern liberals who suspect its House version of being drawn in a way that could result in misdirection of funds. We believe that each side has a point, that both Southern apprehensions and liberal misgivings have a basis in reality. And while we tend to sympathize with the latter—the Nixon administration's record of steadfastness on this score is not inspiring—we believe that the House bill with perhaps a few additions from Senator Mondale's substitute should be passed—and passed now. This is a subject that has deeply divided the civil rights lobby, with numerous persons whose commitment to school desegregation cannot be challenged, arguing that the bill in its House-passed form is at once too weak and too susceptible of misuse to be worth passage. We disagree. To say that the Mondale bill is better, which we think it is, does not lead us to conclude that (1) Congress would have no say-so in the administration's use of the money authorized by the House version, or that (2) the latter version is worse than nothing. It is our view that there is much more to be gained than lost by schools and schoolchildren from the passage of this measure in a slightly amended House form.

Finally, there is the food stamp program. Congressman Foley of Washington intends to ask the House, by a floor vote, to instruct its conferees to modify the work requirement and benefit size of the conference bill negotiated last week. His move should be fought for and supported. For one thing, we are talking about improvements in the bill that only failed to pass in the House by a handful of votes and that are intended simply to soften the brutalities of Agriculture Committee Chairman Poage's measure. We are talking about preventing recipients from having to accept hazardous, underpaid farmwork for their stamps, about permitting children to receive food should an adult default on work requirement, about phasing the program over a year and a half from what the Agriculture Department calls an "emergency" diet allowance to what it calls a "low cost" diet allowance. The monetary difference is that between $106 a month and $134 a month for a family of four. These are not exactly princely sums; they are not expenditures too high for the country to afford. A "yes" vote to Congressman Foley's pro-

posal is perhaps the most important and desirable step that could be taken by this Congress in its remaining days.

Mr. McGOVERN. Mr. President, I intend with some reluctance to cast my vote for this program which I regard as being a long way from being up to the level authorized by the Senate almost a year and a half ago. I do so only because I cannot bring myself to prejudice the continuance of the program which now reaches some 9 million people and which I hope over the next couple of years will be expanded by several million people.

Mr. President, I want to take a moment to commend my Senate colleagues in the food stamp conference, and the members of the Senate Agriculture Committee under their particularly able and distinguished chairman, ALLEN ELLENDER. I also wish to make special mention of all those who have served with me on the Select Committee on Nutrition and Human Needs, two of whom are on the floor with me this morning. Senator JAVITS, the ranking minority member, has been a tower of strength in moving this body and the Nation forward in the effort to end hunger, and Senator PERCY, likewise an important source of support in all our efforts. I commend also my good friend and colleague, Senator HOLLINGS, for his courageous contributions to this effort.

Finally, I would like to mention the staff of the Select Committee on Nutrition who have worked with intelligence and deep personal commitment, especially the able staff director, Kenneth Schlossberg, and the committee counsel, Gerald Cassidy.

Several Senators addressed the Chair.

Mr. McGOVERN. Mr. President, I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, first, I express very great appreciation to the Senator from South Dakota. He has been gracious and entirely in accordance with the facts in stating that the other members of the conference on the part of the Senate who may not have agreed with him on many details of the Senate bill which was sponsored by the Senator from South Dakota had stuck by him throughout the conference, and I think that is the case.

I think the settlement which was made was the best that could be made and I think it does cover considerable concessions of the other body, which I shall mention in a moment.

I express appreciation to the Senator from South Dakota who has been most gracious and generous in his comments to the rest of us, and I wish to express to him my commendation.

Second, I think he is entirely practical in calling attention to the fact that the existing situation requires us to have a bill. That situation is this. The Agriculture Appropriation bill for 1971 includes, it is true, an appropriation of $1.420 billion for the food stamp program for this fiscal year. But, unfortunately, Mr. President, only $700.7 million of that total amount had been previously authorized, so that that was all that could be spent on the 1971 program in the absence of an additional authorization. The Senator form South Dakota, and I think my distinguished chairman, the Senator from Louisiana, correctly stated the situation when they said that some time in January—and there is a question of just when in January—that $770 million would have been exhausted but for the making of an additional authorization as provided in the conference bill.

The making of that additional authorization will make available all of the remaining amount in the appropriation bill for fiscal year 1971; that is, the difference between $1.420 billion and the $770 million which I have mentioned, and will also make available in the discretion of Congress a supplemental item if it be needed, and I am sure the Senator from South Dakota thinks it or part of it will be needed, to finish out 1971. So adoption of the conference bill will meet a practical situation which is obvious to anyone who looks at the situation as it now exists.

I am grateful for the practicality the Senator manifested in his statement. Everyone knows he would have preferred a more liberal bill, and I think he has stated the things he would have preferred and that he fought for in conference and on the floor of the Senate.

Mr. President, I have a list of 13 improvements which, in my judgement, have been made as contrasted with the House bill. Most of them are improvements as contrasted with existing legislation. I invite any comment as I go along with respect to these 13 points which I have had carefully prepared by the staff of the Committee on Agriculture and Forestry. Several of them have been mentioned by the distinguished Senator from South Dakota.

I call attention to the first item, in particular. The House provision requiring a State contribution to the bonus value of food stamps was dropped in the conference. That was one of the provisions most objectionable to the Senator from South Dakota and many other Members of the Senate, and many other Members of the other body.

There were three concessions made by the House from their original work requirement which I shall list, as I understand them to be, as follows:

First, the work requirement was made inapplicable to persons working 30 hours per week, which was not in the House bill.

Second, the work requirement was made inapplicable to lockout situations, which was not the case under the House bill.

Third, the work requirement was modified to provide for $1.30 minimum wage where no Federal or State statutory minimum or Federal regulatory wage was applicable.

To make that point clear, if the Federal minimum wage were applicable, $1.60 would be the minimum. If there were no Federal provision applicable but a State provision was, that would apply, and if neither were applicable, the $1.30 per hour would be required before anyone could lose his right to food stamps by reason of turning down jobs offered to him.

The Senator from South Dakota mentioned the remainder of the concessions made by the House, which was that the conference bill makes specific provision for the adjustment upwards of coupon allotments to reflect changes in food prices. The conference bill allows the Secretary to make changes from $106 per month for a family of four, which is provided by the bill—to make them upward as the rise of food prices may require in the event there is such a rise. That is a distinct change and liberalization of the provision of the House bill.

The next item, as mentioned by the Senator from South Dakota, is that free stamps were authorized for households with incomes of less than $30 per month for a family of four. No free stamps were provided at all under the House bill, and there was no clear provision for free stamps under current legislation.

Next, certification solely by affidavit was provided for households on public assistance or on welfare. The House would have required investigation and certification under rules provided at the Federal level or the State level in every case. The conference bill provides that for any family or individual who is on welfare, self-certification is permitted, and the investigation process need not be applied except in the case of applicants who are not on welfare.

This was a substantial concession from the provisions of the House bill and over the provisions of current legislation as far as nationwide legislation is concerned, although there are some States that now have different provisions.

The next change has been mentioned by the Senator from South Dakota, and I think it is peculiarly valuable.

It is that the term "household" is defined in the conference bill to include elderly persons, single persons, or others, so as to provide a method for making food stamps available for what we refer to as the "meals on wheels" program. In other words, the elderly person who does not have a home of his own, or who does not prepare food for himself, or cannot do so, may use his food stamps at a restaurant or wherever he cares to eat.

The next change was that the term "household" was further defined so as to exclude households consisting of unrelated individuals under the age of 60, such as "hippy" communes, which I think is a good provision in this bill.

The next is that the Senate provision with respect to having coupon charges deducted from Federally aided assistance payments was adopted. In other words, to simplify the process, families which are on assistance and are receiving welfare payments or similar assistance payments may have their food stamps so handled that they will be deducted from those payments, and do away with two separate operations and with applications monthly, or whenever it is that applications are required.

The next is that the Senate provision absolving anyone from charges of violation of any act on the basis of information contained in an affidavit filed pursuant to section 10(c)—except for fraud—was adopted.

The 12th one is that a specific maximum appropriation for fiscal 1971, intended to serve as a target, was agreed to.

The amount specified is $1.75 billion; and, as I remember it, that is the amount offered as an amendment to the Senate appropriation bill, when it was being considered by the Senate, by the distinguished Senator from South Dakota. So that his own provision as enacted in our appropriation bill becomes a part of this bill.

The last of the provisions may not seem of great value, but I think it does have considerable value. The House provision keeping State plans in effect for 180 days was dropped. In other words, there is to be some latitude permitted to cover the cases that may be found by the Federal and State authorities as they go into the various new communities.

I am sure about these 13 changes, all of which I think have some meaning, and most of which meet either in part or in whole suggestions made by the Senator from South Dakota in his bill, which was adopted by the Senate.

I again express my appreciation to the Senator from South Dakota, and I especially appreciate the attitude of the distinguished Senator from Louisiana, who was most patient and most tolerant throughout this rather long conference, in some instances not highly agreeable conference, but in no instance disagreeable so far as the Senator from South Dakota was concerned. I think that is true with reference to all Senate conferees.

Mr. President, I am glad to yield the floor, unless there are questions.

Mr. MILLER. Mr. President, I was one of the members of the conference on the food stamp bill, and I would like to join with other Senators in expressing my appreciation to the Senator from South Dakota for taking a realistic position on some of the positions in the Senate-passed bill which he felt so strongly about.

There were a good many of us in the Senate Agriculture and Forestry Committee who had misgivings over the amendment by the Senator from South Dakota which was offered on the floor of the Senate to the food stamp bill well over a year ago. The distinguished chairman, the Senator from Louisiana, as I recall, warned at the time that, if that amendment, without any changes in it, were adopted, it could mean holding up the food stamp legislation for a long time. A majority of the Members of the Senate, however, did adopt the McGovern amendment. But I regret to say that the Senator from Louisiana's prediction came true, and it was not until almost the dying days of this Congress that the House saw fit to even appoint conferees, much less have a conference on this legislation.

There are some items in this conference report which the Senator from Iowa would rather not see in it, just as the Senator from South Dakota would rather not see them in it. But, as he has said, this is the last hour of this Congress, and we have to make a decision on whether the great amount of good in this legislation outweighs some of the points over which we do not agree.

The decision is quite obvious, because, if we do not act favorably on the conference report, the food stamp program will die before the next session of Congress begins.

Because of some unfortunately superficial comments by members of the press regarding the work requirement, I would like to make one thing clear.

In the first place, in fairness to the House conferees, I should say that, during our entire deliberations, I never heard one statement at all to the effect that they were seeking cheap labor. Whoever talked about cheap labor certainly did not hear it from the conference committee, and certainly not from the Senate side, and not from the House side.

I think I repeated this at least three times, so everyone in the conference would understand exactly what the House was asking. What the House asked for, and what is in the conference report, is simply that, if there is a job that one drawing food stamps is requested to take and that job is covered by the Federal minimum wage, then the Federal minimum wage will apply.

If there is a job which is not covered by the Federal minimum wage, but is covered by a State minimum wage, the State minimum wage will apply. And if there is a job that is covered by neither the Federal nor the State minimum wage, then the hourly salary will be not less than $1.30.

That was what was agreed to in conference and that is what is in the conference report, and I hope that those who have been writing to the effect that this is a $1.30 bill will read the language and will understand exactly what is in the bill.

There are two minuses and one plus, at least, in the work requirement. One of the minuses is that there is nothing in here regarding the stability of employment. The Senate Finance Committee spent long hours, along with their able staff, in trying to develop work requirements that would be fair and realistic in connection with the welfare reform bill. I sought to have the House conferees consider the language that we had developed, but they were adamant. They thought it was too long and too complicated, and I will grant that it is longer and more complicated than the language in the conference report; but we are not going to get the fairness and equity that we need in this program unless we go into more detail than we have in the conference report.

Another minus has been pointed out by the Senator from South Dakota, namely, the rather harsh rule that if, let us say, the father of a family refuses to take training or to take work, then the entire family loses its food stamp allotment.

I was the one who sought to get the House to change that, to provide for at most a proportionate decrease in the food stamp allotment to the family. I pointed out that we had developed a similar approach in the welfare reform bill in the Senate Finance Committee, under which, in connection with the $1,600 family allowance for a husband, a wife, and two children, if the husband refused to take work, there would be a $500 reduction of the $1,600 family allowance. That is more than a proportional reduction, but the Finance Committee felt that there ought to be more than a proportional reduction with respect to the adult members, at least.

Unfortunately, the House conferees were adamant on this point, and I told the Senator from South Dakota that next year I would be pleased to join with him in an amendment or in a bill to try to remove this harsh requirement, or certainly to modify it to make it more realistic.

On the other hand, I think that something should be said for the House position. The House conferees unanimously felt that if a father is so unwilling as to refuse to take training to work, or to work to support his family, under those circumstances the mother should seek a legal separation, in which case she and her children would continue to receive food stamps.

Frankly, I do not believe we will have many instances where this will happen And so many millions of other people will be eligible for food stamps that this certainly should not be a roadblock to passage of this legislation.

There is a plus in the conference report, and that is this: that the bill does exempt from the work requirement mothers of small children, and that is true even if day care centers are available. This is not what the Senate Finance Committee or the House Ways and Means Committee developed in connection with the welfare reform bill. In that case, both committees agreed that if there is a mother with small children—and I am not talking about babes in arms, but I am talking about those, certainly, of school age—and a suitable day care center is available, then, in that case, the mother should take training or should work.

However, in the conference report—and this was House language—there is no requirement of a mother to take work or training for work if she has small children, and so I suggest that is a more liberal position than we might have hoped for.

The Senator from South Dakota has referred to the amount of monthly allotment of food stamps in the case, for example, of a husband, wife, and two children, a family of four, amounting to $106. That could be a little confusing, in that the conference report does not contain that language.

The conference report contains the language of the House bill, which is simply that an adequate and nutritious diet will be provided for. It so happens that the way the Department of Agriculture is administering this program today, an adequate and nutritious diet for a family of four is deemed to cost around $106 a month. But, as the House conferees pointed out, they did not care whether it cost $50, $100, or $150; whatever it cost must provide for an adequate and nutritious diet. Then, as the Senator from Florida has pointed out, we do have an increase in the cost of food automatic escalation clause to cover future costs of program.

The Senator from South Dakota wanted to have a $134 program—that is, as of now—which, of course, would escalate upward with increases in the cost of food. He pointed out that this is regarded as a low-cost diet, whereas the present Department of Agriculture program is the economy diet.

I attempted to get the two sides together by suggesting that we split the difference and go up to about $121 as our starting point, and I thought at one time that the House conferees were going to agree, but finally they refused to agree, and they said the adequate and nutritious diet provision in their bill meant exactly what it said, nothing more and nothing less, and refused to budge on it.

I will say this, in fairness to the House conferees: They did point out that if we went up to $134, which is the low-cost diet, we would find recipients of food stamps, especially those on welfare, who would be receiving a diet just as good as probably millions of low-income working people, who do not receive food stamps, but have to skimp along and get along on a low-cost diet, and it was felt by the House conferees that there ought to be some difference. Whether it ought to be on the basis of a low-cost diet as against an economy diet, or something in between, I do not pretend to know, but I will say that if the Department of Agriculture does not administer this program in a way which meets not only the letter but the spirit of the language "adequate and nutritious." I shall be happy to join with anyone in trying to do something about that, because it will be frustrating the clearly expressed intention of Congress.

On self-certification, Mr. President, I think that we arrived at a fair compromise, to exempt from investigation all who are now on welfare, which covers most of the people who will be receiving food stamps, and there is no need to have an investigation if they have already been investigated in order to get on welfare.

The others, however, will have to be subjected to an investigation. I would like to have seen a little different approach. I think the Senate Finance Committee arrived at a very good approach to this problem in connection with the Family Assistance Plan legislation. We provided that the States would have an option. If a State wanted to have self-certification, that would be all right. If another State wanted to have an investigation first, that is all right, too. Let the States determine it for themselves.

But I think that we came out pretty well on this point, and I do not believe there will be the long lines of people waiting for food stamps that we have heretofore found, because so many of them had to be subjected to investigation.

Finally, Mr. President, there is one thing that needs to be said about our welfare legislation. We ran into this in the Senate Finance Committee in connection with our problem on welfare reform. Many people have thought of welfare reform in terms of the Family Assistance Plan, and that is only a part of it. It was not until the House-passed bill came before the Senate Finance Committee that our able staff, for the first time, I think, in history, decided to put all of the categorical welfare programs side by side and see how they worked out. So we had the Family Assistance plan, food stamps, State supplements, medicaid, and in many cases low-income housing with rent supplements.

Unfortunately, the eligibility requirements for these various programs have never been integrated. One of the reasons, I suppose, is that the Senate Agriculture Committee has jurisdiction over the food stamp legislation, and the Finance Committee has jurisdiction over a good many of the other programs. I would hope that next year, when we shall be working on welfare reform again, we will be able, in conjunction with the Agriculture Committee, to work out uniform eligibility requirements for all of these categorical welfare programs. I think it will make the costs and difficulties of administration much less, it will be much fairer, and it is something that is long overdue.

Finally, Mr. President, I do believe that, on balance, this is going to be a better program than we have had before. I want particularly to commend my fellow conferees from the Senate side, who I think did a superb job of supporting Senator McGOVERN on some of the points over which we frankly had disagreed in the Senate Agriculture Committee. This is conference representation of the Senate in its finest sense, and I must say that I have never seen its equal in any previous conferences on which I have had the privilege of serving.

I yield the floor.

STATEMENT OF SENATOR JACOB K. JAVITS PROTESTING FOOD STAMP CONFERENCE REPORT

Mr. JAVITS. Mr. President, I speak as the ranking Republican member of the Select Committee on Nutrition and Human Needs, the so-called Hunger Committee—chaired so ably by Senator McGOVERN.

We face a very sorry situation. However the vote is taken, I shall vote "nay" on this conference report, because I feel that, in conscience, I am free to do that and should do it.

I have no criticism whatever of Senator McGOVERN's feeling that he has to vote, most reluctantly and with deep sorrow, for the conference report. I understand it completely. And I would say immediately that were I in his position, I probably would do the same thing; for he has the double responsibility of being both a member of the Agriculture Committee and a conferee and the chairman of the Select Committee on Nutrition and Human Needs. Probably, in the course of prudence which that joint committee membership would necessarily impose upon him, he is doing exactly what his conscience dictates, and I know that this represents no derogation whatever of his efforts in this field, which will continue to be unflagging.

Mr. President, I feel that I can get as I am because a protest really must be made against this conference report, and the only way Members have of protesting is by their action on it. I know that there is no point to some dug-in opposition, which I am not going to make, or some effort to block consideration, which I am not going to do; because, obviously, with Senator McGOVERN's most reluctant feeling that this is the best that can be done, that is the way it is going to be done.

I wish to express myself in protest of what is being done and to pledge my efforts, with those of Senator McGOVERN and—I was very pleased to hear—Senator MILLER, to correct the real injustices which are being perpetrated. Specifically, I refer to the work requirement which I hope can and will be dealt with in future welfare legislation.

BELIEVES "SOME WAY" WOULD BE FOUND TO CONTINUE PROGRAM IF REPORT REJECTED

It is alleged by distinguished and prestigious Senators, that if we do not accept this conference report, this program is likely to die in the middle of January in the absence of a new authorization, which is represented by this bill.

I believe—and men can seriously differ—that with 9 million people participating in the food stamp program, we would find some way to continue the program, even if this conference report is rejected, until Congress returns on January 21. That is only a belief—a personal belief, and other Senators have the right to take the situation on its face.

So I draw no brief for my position beyond the fact that I think the deficiencies are so serious as to deserve a protest, which I am proposing to make.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, as a member of the Select Committee on Nutrition and Human Needs, I should like to state that the committee has benefited greatly from the inspired leadership of Senator McGOVERN and our ranking Republican member, Senator JAVITS. I think that because of this leadership and because of this committee, we have moved forward to our present level of support for food stamps.

Though I find myself dreadfully disappointed in the outcome of the conference report, I shall cast a vote for it, with tremendous reluctance—as much reluctance as I have had for any bill. I do so simply because I recognize the problem we face and that, therefore, we have no alternative but to support this conference report.

I am disappointed in the fact that we have at this point reached a level of support still well below the Department of Agriculture's minimum figure for a nutritionally adequate bill.

However, I commend the conference committee for bringing us from absolute darkness to a point where we can at least see the light at the end of the tunnel. I think we have really made a commitment that we are going to find the resources to solve the problem of inadequate nutrition for American citizens, young and old, black and white, South and North, rural and urban. Wherever these hungry Americans may be, we are going to find them and see that they have available adequate nutrition to build their minds and bodies. If we can deliver food 12,000 miles from here—and deliver it in ade-

quate quantities—to our forces in South Vietnam and to our allied forces, we should be able to deliver it to our own citizens.

So I will not stop the good fight until we reach an adequate level of support for nutrition programs. I will oppose every low priority item, such as the SST, until such time as we have won this fight.

I feel that the only alternative I have available is to vote for the conference report. I express deep appreciation to the members of that conference committee, particularly Senator ELLENDER, who has done much in moving us ahead in this field. Though we would like to see faster progress, I think that when we look back and see what Senator ELLENDER has accomplished, we can all be grateful for his dedication to this program. We are also particularly grateful to a former Governor of a great State, Senator HOLLINGS, who also has helped awaken us and the country to the great need and has given us the will to find the way to fulfill this need.

Mr. JAVITS. Mr. President, I express my thanks to Senator ELLENDER and to Senator HOLLINGS—who really has had an extraordinary career in this matter—for all they have done. I agree with Senator PERCY that they have done a great deal and that we are much further than we ever were and ever dreamed of being. I should like very much, with deep conviction, to join in that sense of appreciation.

WORK REQUIREMENT "BARBARIC"—PRIMITIVE CONCEPT OF "WORK OR STARVE"

What breaks the camel's back for me, in terms of what we are about to do—and there is no question that we will—is the work requirement. It is absolutely right—and in respect to welfare and other matters we will undoubtedly, and we should, do our utmost to bring about conditions under which people learn and get jobs—that the so-called poverty syndrome should be ended.

The theory that if a father cannot or will not work, he is not eligible for stamps thereby cutting his family off from getting stamps can be called barbaric. This theory is pretty difficult to swallow. It really, in effect, is the primitive concept of "work or starve." Whatever may be the justification for applying it to any one human being, it certainly should not be visited upon those who cannot help themselves—to wit, the children in the family. I am not saying this for tear-jerking but because I cannot bring myself to support personally—and I mean it strictly personally—a conference report which has been imposed upon the Senate by the other body and which carries so harsh a requirement. I want to dedicate—as does the Senator from South Dakota (Mr. MCGOVERN) and others, including the Senator from Iowa (Mr. MILLER)—my efforts to alleviating what we call in the testament of my faith, the "stern decree."

SELF-CERTIFICATION

I feel that the self-certification provision is most unfair. It is true that self-certification will apply to welfare cases, that is, the poor on welfare, but they are entitled to food stamps, anyway, in most states, and they go through all the certification necessary. So really, this is a distinction without a difference. The fact is that the working poor, those whom we really should depend on for affidavit certification, those who feel most abused and oppressed when they have to qualify as welfare cases in order to get food stamps, and stand in line, and so forth, they are the very ones not subject to self-certification. That fact should be revealed in all its stark impact. They represent about 42 percent of all food stamp recipients, so that we are dealing with a very considerable number of people.

COUPON ALLOTMENT VALUE

Then, as the Senator from South Dakota (Mr. MCGOVERN) has so properly argued, the failure to adopt the low-cost food plan standard, which is minimal enough, represents another additional burden that this conference report has to bear.

OPEN-ENDED AUTHORIZATION

Finally, the fact that the last 2 years are left open, leaving us susceptible to the standard of budget exigencies rather than to need in the area of food and hunger, makes it impossible for me—and again I speak personally—to stay with this report.

JUSTICE AND HUMANITY REQUIRE CHANGES IN THE LAW

Let me conclude as I began, that I blame no one. I understand perfectly the views and feelings expressed by the other members of the special committee, of which I am the ranking minority member; but I feel that these matters I have named demand so much protest that, as I am in a position to do it, I wish to do it, and will dedicate myself to bringing about changes in the law which elementary justice and humanity require to be made.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram I have received from a very distinguished American, Dr. Kenneth B. Clark, professor of psychology, at the City University of New York.

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

NEW YORK, N.Y.,
December 22, 1970.

Sen. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

We urge that the Senate stand firm on the Food Stamp Program Bill. We make this plea in the names not only of the hundreds of thousands of New Yorkers, but also the millions of Americans throughout the Nation who have a right to protection against hunger in an affluent democratic nation.

Dr. KENNETH B. CLARK,
Professor of Psychology,
The City University of New York.

Mr. DOLE. Mr. President. I wish to commend the conferees for agreeing to legislation that will substantially improve and expand the food stamp program. If this conference report is not approved, the food stamp program will die on January 31; after being given a 1 month extension by the Appropriations Committee. We cannot allow this to happen.

For years, food programs were designed as much to get rid of surplus commodities as to feed hungry people. But in the past 2 years, tremendous progress has been made in meeting the food needs of the poor. A family food program—either food stamps or commodity distribution—is now operating in virtually every county in the Nation, and is reaching over 12 million needy persons—a record high. This is largely the result of major modifications made in the food stamp program last December. Families are now required to pay less for food stamps and receive more bonus stamps. Currently, about 9 million people are receiving food stamp benefits, up from 3.6 million last December.

Other changes in the program required legislative action. The conference report represents a further effort to eliminate poverty-related malnutrition. However, each of us has received a letter from the junior Senator from South Dakota (Mr. MCGOVERN) asking us to reject the conferee's report because of four specific objections he has to the report.

Contrary to the allegations contained in the Senator from South Dakota's letter, the work requirement requires that only certain unemployed able-bodied persons will be required to register for and accept employment. No person will be required to accept a job that is not covered by the State or Federal minimum wage laws or Federal wage regulations, or at less than $1.30 an hour if the job were not specifically covered by such laws. Is it unreasonable to require an able adult to register for and accept employment as a condition of providing his family adequately nutritious food? The conferees agreed to consider necessary changes in this requirement if a family assistance program is approved by the Congress and this will provide an opportunity to correct any inequities.

If my colleagues in the Senate truly want to provide a nutritionally adequate diet, and $134 is necessary to meet that goal, I fail to see how we can ever justify providing only $120. But the fact of the matter is that a monthly food stamp allotment of $106 for a family of four will allow them to purchase a nutritionally adequate diet. In describing the economy plan, which calls for $106 for a family of four, the Agricultural Research Service of the Department of Agriculture said, and I quote,

Plans for adequate diets at still lower cost could be developed.

In addition, I ask unanimous consent that a letter from Assistant Secretary of Agriculture Richard Lying concerning the cost of an adequate diet be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 31, 1970.

Hon. ROBERT DOLE,
United States Senate.

DEAR SENATOR DOLE: you have inquired whether the Economy Food Plan would provide families with an adequate diet.

The Economy Food Plan, which is the least expensive of the food plans published by

USDA, does provide families with nutritionally adequate diets. In fact, adequate plans can be developed at still lower cost.

It is obvious, of course, that the more expensive food plans published by the Department offer families a broader range of choice and allow them to utilize foods with lower nutritional value per dollar.

Thank you for your inquiry.

Sincerely,

RICHARD LYING,
Assistant Secretary.

Mr. DOLE. Mr. President, furthermore, the Senate provision requiring the Secretary of Agriculture to adjust the total coupon allotment annually to reflect changes in the prices of food will insure that the allotments continue to provide nutritionally adequate diets.

From figures supplied by the Department of Agriculture, it has been possible to calculate that a 1-percent increase in the coupon allotment will cause a 4.5-percent increase in the bonus cost of the program. Consequently, to raise the coupon allotment to $120 would increase the cost of the program by 60 percent—to a figure higher even than that proposed by the Senator from South Dakota. If the difference between $120 and $106 was the difference between an adequate diet and malnutrition, this argument would not be persuasive. However, since $106 does provide for an adequate diet, there is virtually no justification for the enormous increase in the cost of the program that would result from increasing the coupon allotment to $120 per month.

The $1.75 billion level of authorization for this fiscal year is identical to the level of appropriations in the Senate appropriations bill. The open end authority for the next 2 fiscal years will permit funding to be geared more realistically to meet the program's needs than the Senate bill.

The conferees agreed to the Senate provision for simplified certification of families receiving public assistance, but left unchanged the secretary's authority to establish procedures for determining eligibility of those not receiving any public assistance. Many of these people have uncertain income streams and sometimes significant month-to-month variations—they may be between jobs, working part-time or at substandard wages. Because the cash contribution of the family is related to income and family size, rather precise income determinations are necessary. The Department of Agriculture has already announced that it will provide States with guidelines to reduce "red tape" in the certification process. The conferees have provided the secretary the authority to modify the system to assure maximum participation and prudent administration.

In addition, this legislation will:

Direct the Secretary of Agriculture to establish uniform national eligibility standards. Under the present act, eligibility standards vary by States because they are geared to each State's welfare standards. Where welfare standards are low, food stamp eligibility standards are low. This bill will remove that inequity and—

Provide that no family will be required to pay more than 30 percent of its incomes for its food stamp allotment. Those with very low incomes will be given free stamps.

Allow participating families to purchase less than the full amount of the total food stamp allotment. This would increase program flexibility for the families.

Provide welfare families with an opportunity to purchase their stamps under a voluntary checkoff system; that is, by deducting the purchase price of food stamps from the welfare check. This system is a completely voluntary one, but it will make it easier for welfare families to participate in the program.

Provide for concurrent operation of the food stamp and commodity distribution programs. The family would elect to participate in one program or the other—but not both.

Require States to undertake outreaching efforts to inform eligible families about the program. This is vitally necessary if we are to reach those of the poor who need a dietary supplement. Food and nutrition education is a critical element in improving the diets of the poor.

Provide that elderly persons who are participating in the program will be permitted to use food stamps to purchase meals delivered to them if prepared by political subdivisions or nonprofit organizations.

Expand the program to the needy in Guam, Puerto Rico, and the Virgin Islands.

Contrary to the objections raised by the Senator from South Dakota, the modifications recommended by the conferees will improve and revitalize the food stamp program. By adopting this legislation, we will be making a great stride toward providing every American family a nutritionally adequate diet.

Mr. President, let me just add here, that I also serve on the Committee on Nutrition and Human Needs, as well as on the Committee on Agriculture and Forestry, and I certainly commend all those on both committees who have been dedicated and who have such a sincere interest in solving this very important problem.

It is my opinion that progress has been made, indeed, that great progress has been made.

Mr. ELLENDER. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. TALMADGE and Mr. BYRD of West Virginia moved to lay the motion on the table.

The motion was agreed to.

DISABLED VETERANS' AND SERVICEMEN'S AUTOMOBILE ASSISTANCE ACT OF 1970

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 370.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 370) to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty, which were in lieu of the matter proposed to be inserted to the text of the bill, insert:

That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".

SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended to read as follows:

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.
"1901. Definitions.
"1902. Assistance for providing automobile and adaptive equipment.
"1903. Limitations on assistance.

"§ 1901. Definitions.

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veterans entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty;

"(i) The loss or permanent loss of use of one or both feet;

"(ii) The loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment

"(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance or $2,800, which-

ever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

(b) The analysis of title 38, United States Code, and the analysis of part III thereof, are each amended by striking out

"39. Automobiles for Disabled Veterans ---------- 1901"

and inserting in lieu thereof:

"39. Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces ---------- 1901".

And, in lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof."

Mr. CRANSTON. 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. CRANSTON. 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. CRANSTON. Mr. President, in a moment I will move that the Senate agree to the amendments of the House to the amendments of the Senate to H.R. 370, the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

On Tuesday, the House acted on this measure and amended our amendments, adopted on September 25, 1970, to the bill. Our amendments had been proposed by the Labor and Public Welfare Committee in Report No. 91-1233.

TITLE I

With respect to title I of the bill as it passed the Senate, amending chapter 39 of title 38, United States Code, with regard to automobile assistance for disabled veterans and servicemen, the House has proposed a viable compromise coming closer to or accepting the Senate version on two of the three points in question.

The House amendment to our amendment raises the automobile allowance for seriously disabled service-connected veterans of World War II, the Korean conflict and the post-Korean conflict from the present $1,600 to $2,800. The Senate version raised it to $3,000 and the original House version had raised it to $2,500. So the other body has more than met us half way on the allowance amount.

On the second issue, the provision for Veterans' Administration installation and replacement of the necessary adaptive equipment, as well as for its continuing repair and maintenance, which the Senate version added, I am delighted to report that the House has accepted this fully. This is a new and added benefit that not only increases the overall quantity of assistance provided—since under present law the cost of adaptive equipment must be covered within the current $1,600 automobile allowance itself—but also the quality of adaptive devices available to our disabled veterans and servicemen. The provision specifically requires the Veteran's Administration to establish and enforce minimum standards for safety and quality on any adaptive equipment provided under the new provision.

However, on the third point of controversy in title I of the Senate version, I very much regret to advise my colleagues that the House action proposes no compromise, and I accept the House amendment on this point only with the greatest reluctance in view of the extremely late hour in this 91st Congress and my understanding that the other body is adamant in refusing to consider a more acceptable resolution.

This question regards the standard of service connection to be applied to Vietnam era veterans and servicemen—post-August 1, 1964—with respect to their eligibility for automobile assistance under the revised chapter 39 of title 38. Under present law, which covers only veterans and does not extend benefits to servicemen, all post-Korean conflict veterans—those with service after January 31, 1955—are subject to a stricter standard of service connection—the disabling injury or illness must have arisen or been aggravated in the line of duty as a direct result of the performance of military duty—than are veterans of World War II and the Korean conflict. It has long been recognized that this direct-performance standard is inequitable as applied to the wartime veterans of the Vietnam era. They should be treated exactly the same as veterans of prior wartime service—those of World War II and the Korean conflict—to whom the only standard applied is whether or not the disabling injury or illness arose or was aggravated during any period of active military, naval or air service in the qualifying service period: The Senate version removed this discrimination against Vietnam era veterans; whereas the original House version had continued it with respect to veterans but added the coverage of Vietnam era servicemen under the more liberal "wartime" standard, in which latter standard the Senate concurred.

Now, the House amendment before us restores the original House version disparity of standards between those applied to Vietnam era veterans and those applied to veterans of prior wartime service and even those applied to servicemen from the same Vietnam era service period. As the July 6, 1970, report of the Administrator of Veterans' Affairs and the Senate report on the bill noted—report pages 6 and 14-15—this disparity as well as being unfairly discriminatory against Vietnam era veterans might create certain administrative anomolies. A Vietnam era serviceman whose injury or illness arose in such a way as to meet the more liberal wartime service-connection criterion would lose his eligibility for automoble assistance upon becoming a veteran if he had not before discharge applied for it and if the circumstances surrounding the illness or injury were such as not to meet the stricter peacetime standard applied to all post-Korean conflict veterans by the House amendment. The difficulties with this result are clearly pointed out in the Senate report.

However, the problem now facing the Senate is very difficult in view of the firm view of the other body that the more liberal wartime standard of service connection should not be applied to Vietnam era veterans. Staff discussions between the Senate and House committees have disclosed that the other side would give consideration only to altering the Vietnam era servicemen's service-connection standard so as to apply the same stricter direct-performance standard to servicemen of that service period as it proposes to apply to veterans of that period. But, the other body apparently will give no further consideration to accepting the Senate eligibility requirements which remove all disparities by applying the more liberal service-connection standard to both veterans and servicemen of the Vietnam era, just as they are applied to

veterans and servicemen of World War II and the Korean conflict.

Given the choice between, on the one hand, conceptual neatness and administrative convenience which would arguably be achieved by returning the bill to the House again for consideration of applying a more restrictive service-connection standard to servicemen as well as veterans of Vietnam era service and, on the other hand, extending automobile allowances and adaptive equipment provision, replacement, installation, and repair assistance to certain seriously disabled servicemen who might not qualify for such benefits if they left service and applied for these benefits under the stricter standard applicable to those in veteran status, I choose providing benefits to as many as possible of these most seriously service-connected disabled persons.

Thus, I propose the Senate accept the House provision on this issue but do so only with the following understandings:

First. The Administrator of Veterans' Affairs will do everything possible to ensure that every serviceman who might possibly be eligible for assistance under this revised chapter in light of the definition of "eligible person" in section 1901 (1) (B)—those on active military service—be fully advised of this possible eligibility and be urged to file an application for assistance under chapter 39—including both the allowance under subsection (a) of section 1902 and adaptive equipment under subsections (b) and (c)—immediately and, at all events, prior to separation from active duty. I also urge the Secretary of Defense and the Secretaries of the three armed services to cooperate fully with the Administrator of Veterans' Affairs, doing all possible to facilitate the Veterans' Administration's counselling of such disabled servicemen, to assist these servicemen to make immediate application for these benefits and to provide for that application to be transmitted to the Veterans' Administration immediately.

Second. An application for automobile assistance under chapter 39 shall be construed to include application for adaptive equipment and necessary repair, replacement, and reinstallation under that chapter.

Third. Such an application for benefits under chapter 39 will be considered to have been submitted on the date shown as the date of signature by the applicant.

Fourth. Submission of such an application, the assumption in the July 9 report of the Administrator of Veterans' Affairs to the contrary notwithstanding, shall render a serviceman an eligible person for purposes of all assistance under this chapter, regardless of when the assistance is actually able to be provided by the Veterans' Administration. It is our intention that no individual be cut off from assistance to which he is eligible as a serviceman, once he has applied for it, merely because the processing has not been completed on such application.

Fifth. A serviceman who has received assistance under chapter 39 shall thereafter be eligible under section 1901(1) (B) without time limitation and without regard to continued active duty status for repair, replacement, and reinstallation of the adaptive equipment which he shall have received under section 1902(c) in a vehicle he has purchased with assistance under this chapter or any automobile or other conveyance he shall subsequently acquire.

In sum, it is our understanding and expectation in agreeing to the House amendment that the Veterans' Administration—and the Department of Defense providing full cooperation to the VA—will do everything possible to see that all servicemen potentially eligible for benefits under this chapter apply for them while they are still in the service, actually receive them expeditiously, and are given every benefit of the doubt in interpretations regarding their eligibility for full benefits under this chapter, and will generally afford to the provisions of this chapter the broadest, most liberal and inclusive construction possible.

TITLE II

As to title II of the Senate version deleted by the House amendment, that title provided needed improvement and updating of the flight training and farm training programs. The farm and flight provisions have long been fought for by the senior Senator from Texas, my good friend, RALPH YARBOROUGH, who is on his way to the floor to comment on his deep interest and long efforts in this regard.

I want to pay particular tribute to his statesmanship in being willing to recede from this twice-passed Senate provision in view of the clear indication from the other body that there is no chance for its acceptance on that side.

As always, Senator YARBOROUGH is once more placing the welfare of this Nation's veterans above all else in order to ensure that the seriously injured veterans could receive benefits under the automobile assistance program provided in title I of the bill and will not be deprived of those badly needed benefits because the other body has adamantly refused to give consideration to Senator YARBOROUGH's provision in title II of the bill.

I know that the Senator from Texas wanted to go to conference on this matter. I know that he attempted to do so. I know that it was only in view of the late hour and the lack of an opportunity to come to grips with this matter that he decided not to seek that conference, but to take the magnanimous step he has taken to assure that this program will go to the White House to be signed by the President.

Although enactment of these important farm and flight training provisions would have been a fine tribute to RALPH YARBOROUGH's dedication to veterans affairs as his term in the Senate draws to a close, the gracious and wise course he has chosen today is also a fitting token and a tribute to his great work and his great devotion to the needs of the veterans of our Nation.

I thank him for his great cooperation on this bill, for his wise counsel, active participation, fierce advocacy for the Nation's veterans and outstanding cooperation in all of the veterans measures that we have considered in the Veterans Affairs Subcommittee, in the full Labor and Public Welfare Committee, and on the Senate floor, during my 2 years as chairman of that subcommittee.

Without his great concern for veterans benefits, the progress I feel we have made in veterans affairs over the last 2 years would have been absolutely impossible.

All the veterans of this Nation have been extremely fortunate that RALPH YARBOROUGH, a man who served as chairman of the Veterans Affairs Subcommittee for 7 years—longer than any other Senator—has been chairman of the full Labor and Public Welfare Committee during this crucial period for veterans benefits.

In that capacity, he has had the opportunity to be of unfailing assistance in all efforts to improve these benefits, and he has in every instance exercised the full powers of his chairmanship toward these ends.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CRANSTON. I gladly yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the comments of the able Senator from California concerning the distinguished Senator from Texas who departs the Senate to return to Texas are timely and they are deserved. I am sure that those of us who have had the responsibility of serving on the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee have understood, as perhaps the membership generally has not understood, the expertise, the compassion, the diligence, and the effective work of the Senator from Texas (Mr. YARBOROUGH), during the years he was chairman of the subcommittee and, of course, during his chairmanship of the full Labor and Public Welfare Committee.

RALPH YARBOROUGH is a constant crusader. I think of him in that terminology because it is true.

In his efforts to aid the veterans who have served our Nation in various conflicts and in peace time, he has performed a vital task. He has been truly understanding of the needs of our veterans. He has always thought of the high purpose involved in these matters. He has realized also the necessity of effecting compromises—not as a retreat from principle—when the continuation or the improvement of benefits to our veterans require such compromise.

Certainly that to me is a continuing example of the efforts of the Senator from Texas.

Mr. President, what I have said about the Senator from Texas, I now take the opportunity to transfer, at least in part, to the able Senator from California who has chaired the Subcommittee on Veterans' Affairs and who has also been a crusader and a champion. He has been a realist as Senator YARBOROUGH has been a realist in these final hours in an attempt to bring forth legislation which will benefit the veterans of the Armed Forces of the United States.

Mr. CRANSTON. Mr. President, I thank the distinguished Senator from West Virginia. I, of course, concur fully in all that he has said about the distinguished Senator from Texas who, happily, came on the floor during the

course of the Senator's remarks so that he heard part of them. I regret that he did not hear all of my remarks, but I have not finished what I have to say about RALPH YARBOROUGH.

I think that the Senator from West Virginia has been of great help on this committee, and he has provided great leadership in the past as chairman. He has been of great assistance to me in my freshman efforts to seek to continue the work that he and RALPH YARBOROUGH initiated in this committee.

I look forward to working with the distinguished Senator from West Virginia in the years ahead in the vital area of veterans affairs.

I yield now to the Senator from Texas, the chairman of the Labor and Public Welfare Committee, whose deep interest in this bill and in veterans affairs generally is well known and appreciated throughout the United States.

STATEMENT ON DISABLED VETERANS' AUTOMOBILE ASSISTANCE ACT, H.R. 370; TRIBUTE TO SENATOR ALAN CRANSTON'S GREAT WORK AS CHAIRMAN OF THE SENATE VETERANS AFFAIRS SUBCOMMITTEE AND REGRET AT THE HOUSE VETERANS AFFAIRS COMMITTEE'S OPPOSITION TO THE COLD WAR GI FARM TRAINING AND FLIGHT TRAINING

Mr. YARBOROUGH. Mr. President, I am tremendously grateful to my colleagues, the Senator from West Virginia, who was himself a very able chairman of the Veterans' Affairs Subcommittee, and the Senator from California (Mr. CRANSTON), the present chairman, for their kind remarks.

I will tell the Senators how my great interest in veterans affairs arose.

During World War II, I was on the staff of an infantry division, and after my division had taken part in combat in Europe, we were redeployed to the Pacific. While we were on the ship en route to the Pacific, in late August or early September of 1945, I had the opportunity to visit with many of the men, and I found that their greatest fear was the uncertainty of the future.

They did not know what job opportunities, if any, would be available to them upon their return to civilian life.

I decided then that if I were ever in a position to be of service to the veterans, I would try to help in this field of readjustment. That is why I worked so many years for the cold war GI bill.

I thank my distinguished colleagues for what they have done in this field while serving as chairman of the subcommittee. I was chairman for 7 years, longer than anyone else.

The distinguished Senator from West Virginia, despite his tremendous responsibilities as chairman of the Public Works Committee, took the chairmanship and compiled a great record of service.

At the beginning of this Congress, Senator CRANSTON agreed to chair this vital subcommittee and moved it to unprecedented heights of achievement.

I think it is a tribute to the Senate and its dedication to the welfare of people that with a small Subcommittee on Veterans' Affairs the Senate has done more to push veterans' rights than the other body with a full Veterans' Affairs Committee.

The Senate Labor and Public Welfare Committee passes veterans bills and the other body cuts these bills down. This is a good example. The Senate bill had an improved veterans farm training program in it. The farm organizations of the country, the agricultural colleges, and the many agricultural interests in this country were begging for this provision. The House struck it out. We begged them to go to conference on the matter but they refused to go to conference. We had an improved flight training provision, but the House also struck it out.

Mr. President, this bill is much better than the last House bill. The House bill came over to the Senate and the Subcommittee on Veterans Affairs under the leadership of the able Senator from California increased the benefits in the bill. Finally, the matter was compromised with the House. This is a far better bill for veterans and the people than the bill we would have had if we had taken the House bill that they had tried to get us to accept.

The people in the executive department do not push for benefits for those who fought this war. Everything that has been done for the disabled veterans has come from Congress.

I am proud of the fact that the Senate placed me on the Veterans Affairs Subcommittee, and it has been an honor for me to remain on that committee for 13 years.

I thank the Senator from California for focusing public attention on the matter of conditions in veterans' hospitals. His hearings which were held on conditions in veterans' hospitals gave wide attention to the situation that exists there. He exposed the acute shortages of medical manpower and facilities. The Senator has focused public attention on the matter and improvements have been made.

His hearings in connection with the unemployment of veterans show that veterans have a higher rate of unemployment than any other group.

Although our subcommittee is to be eliminated at the end of this Congress, I hope that the new committee will continue the work that has been done by the distinguished Senator from California and move forward with his proposals.

Mr. President, the present bill is designed to increase the automobile allowances for disabled veterans and also liberalize the eligibility requirements for receiving such allowances. As originally passed by the House, H.R. 370 would have raised these allowances for disabled veterans from $1,600 to $2,500. The Senate revised this bill in four principal ways.

First, the Senate raised the automobile allowance from $1,600 to $3,000 instead of the $2,500 as the House had provided.

Second, the Senate version of this bill requires the Veterans' Administration to provide the essential adaptive equipment for the automobiles as well as the allowances. Furthermore, under the Senate version of this bill the Veterans' Administration would be responsible for the repair and replacement of such adaptive equipment.

Third, the Senate enacted as title II of this bill my bill to provide a new farm cooperative training program for veterans and to establish a new loan program to assist veterans in obtaining a private pilot's license. Both of these programs have received strong support from veterans groups, flying groups, and farm organizations throughout the country and have on two occasions passed the Senate by unanimous vote. The first time these two programs passed the Senate they were part of the GI bill amendments of 1970. During the conference on that bill, it became apparent that the House would not agree to raise the educational allowances for veterans taking training under the GI bill unless the Senate agreed to drop these two programs. Because of the urgent need to raise the educational allowances, the Senate conferees agreed with me to delete these two programs from that bill. However, because of the great need for both of these programs, I reintroduced them in a separate bill at the beginning of the second session of the Congress. Again, both of these programs received widespread public support.

The farm training program that I proposed gained the support of such respected farm organizations as the National Farmers Union, the National Grange, and also is supported by the American Vocation Association and the National Vocational Agriculture Teachers Association. In addition to the support this program I have worked for has received from these farm organizations and vocational groups, this program has also received the support of State agricultural education experts in 26 States. These authorities in the field of agricultural training are all united in their belief that first, the present farm training program is not effective, second, the farm training program that I have proposed is a practical and workable program, and third, there are many veterans who would take training under the new practical program.

Despite the compelling need for both of these measures, the House has again refused to accept them. I regret that the House has been unable to see the wisdom of the Senate action in this matter. However, I will not allow the House and its unwise action on these two measures to jeopardize this bill which is so vital to our disabled veterans.

The bill as passed by the House does contain two of the provisions added by the Senate. First the House accepted the Senate's provision with regard to providing adaptive equipment for the automobiles of disabled veterans. Second, the House agreed that the automobile allowance should be raised from $1,600 to $2,800. Although I firmly believe the Senate's increase to $3,000 is well justified, the compromise figure of $2,800 is a major gain for these veterans.

Mr. President, I believe that this bill will greatly benefit the many disabled veterans of this country and should be passed.

It is also proper to note that this is the last veterans measure to be passed by the Labor and Public Welfare Committee. Under the Reorganization Act, jurisdiction for veterans affairs will be combined in a new Veterans Affairs Committee to be instituted at the beginning

of the 92d Congress. Having served as chairman of the Subcommittee on Veterans Affairs for longer than any other man in history, 7 years, and as a ranking majority member of this subcommittee now and as a member of the Senate Veterans Subcommittee for the past 13 years, I take this opportunity to pay tribute to the distinguished chairman of the subcommittee, Senator ALAN CRANSTON, for his diligent efforts on behalf of all American veterans.

At the beginning of this Congress when I was working out subcommittee assignments, a number of Senators showed no interest in chairing the Veterans Affairs Subcommittee. Senator CRANSTON, however, was not only willing to serve in that capacity but was eager to work on projects to benefit all veterans both young and old. In the 2 years that he has chaired this subcommittee, he has left an indelible mark on the history of veterans affairs. Not only has he led the subcommittee in passing numerous bills, but he has also awakened the conscience of America to the plight of our veterans' health and hospital care programs.

During his chairmanship, the Subcommittee on Veterans Affairs has reported out favorably 14 bills, either separately or combined into other bills, all of which have unanimously been approved by the full Labor and Public Welfare Committee and the Senate. Ten of these bills are now law. Two of these bills still await House action. We are taking final action on the last of these measures today. This is a record of which Senator CRANSTON can take great pride. I am extremely pleased that I was either a sponsor or cosponsor of all of these measures and was able to work with Senator CRANSTON in obtaining approval of them.

In addition to legislation that has been passed, Senator CRANSTON performed an invaluable service for the wounded veterans of America by investigating the status of care in our Nation's Veterans' Administration's hospital. As a result of the facts that Senator CRANSTON's investigation uncovered, we in Congress were successful in obtaining an additional $105 million for veterans hospital and medical care.

As one of his last actions, Senator CRANSTON held extensive hearings on the problems of employment for returning Vietnam veterans. These hearings brought to light the tragic situation that many young men find themselves in when they return from the war. They are not only veterans of an unpopular and unwise conflict but many of them have also been denied opportunities for meaningful employment. I have encouraged Senator CRANSTON to push on in this area and I am hopeful that it will ultimately result in the passage of a "GI Reemployment Act" and when coupled with the Cold War GI bill will open new doors for our Nation's veterans.

In conclusion, Mr. President, I wish to thank Senator CRANSTON for his efforts and his dedication in this assignment. He has been a loyal and hard working subcommittee chairman. He has performed his duty with devotion which is above and beyond the usual call. As I leave the Senate at the end of this term, I am confident in the faith that the work for progress in this Nation will continue under the leadership of Senator ALAN CRANSTON.

Mr. CRANSTON. I thank the Senator from Texas. Thanks should go to him and not to this Senator for what has been accomplished over so many years in connection with veterans' affairs. He used his great talents, his compassion and his great skill as a legislator in his capacity as chairman first of the subcommittee and then of the full committee to obtain benefits for the veterans of our land, to whom we owe so much.

I now yield to the Senator from Kansas, a distinguished Member of this body, who is a disabled combat veteran, who has had firsthand knowledge from his own experience of the matters to which this bill relates.

Mr. DOLE. Mr. President, I thank the Senator for yielding. I want to say to the Senator from Texas, the Senator from West Virginia, and others that as a recipient of many disabled veteran benefits long before I became active in politics, I fully recognize the efforts of the Senator from Texas, and others concerning veterans.

I recall specifically when the first bill was passed by Congress and signed by the President with respect to automobiles for seriously disabled veterans. I remember the automobile received as a result of that legislation. I can recall some problem with respect to the second issue, of adapting equipment.

I applaud the Senator from California and others for this revision of the bill.

But above and beyond that I wish to say that through Congress as a whole certainly the American veteran, and particularly the disabled American veteran, has been cared for properly and, yes, with compassion and, yes, with reason and responsibility, because Members of Congress, the Senate and the House, whether Democrats or Republicans, do care about America's disabled veterans.

So I endorse the bill now before the Senate. But primarily rise to indicate my appreciation to the Senator from Texas and the junior Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator from Kansas for his very constructive and generous remarks.

I now yield to the Senator from Massachusetts, who is likewise a distinguished former chairman of the Subcommittee on Veterans' Affairs.

Mr. KENNEDY. I thank the Senator for yielding.

Mr. President, I wish to commend the Senator from California for the work he has done, not only in connection with this legislation but also in terms of the entire program of veterans legislation which we have been focusing on in the subcommittee and in the Committee on Labor and Public Welfare.

It has been a difficult challenge to follow the chairman of the full committee, the distinguished Senator from Texas (Mr. YARBOROUGH), whose efforts over the period of time he has served not only as a member of the full Committee on Labor and Public Welfare but also as its chairman have brought so many benefits to veterans. But Senator CRANSTON has chaired that subcommittee with distinction, and has been extremely effective in securing and expanding responsible programs for veterans.

As I listened to the colloquy about the cold war GI bill, I recall how many hundreds of thousands of veterans now will be able to receive a decent education because of the Senator's efforts. I think all of us, when we speak about veterans and legislation for veterans, have to recognize the Senator's extraordinary achievements.

I think the Senator from California has focused on some of the greatest needs which veterans in our country face at this time. All of us know the tragedy of Southeast Asia and realize that the greatest and highest percentage of wounded have come from South Vietnam because of the nature of guerrilla warfare, landmines, and booby traps. We realize that the losses of these servicemen have been extremely severe. They deserve the best attention we can provide, as a nation that prides itself in good medical care.

I think the Senator from California focused attention on this issue and helped dramatize it and awaken the conscience of the country on this matter, as well as on the legislation we are considering today.

I, too, join Senators in commending the Senator for the work he has done in this endeavor. It has not been easy work. It has been difficult and complex, and it has required a great understanding of the nature of these problems.

As a member of the full committee and a former chairman of the Subcommittee on Veterans' Affairs I commend him for the service he has performed.

Mr. CRANSTON. I thank the Senator.

Mr. President, I yield again to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I appreciate very much the kindness of the Senator from California in yielding to me again so that I may make an observation.

The Senator from Massachusetts also served as the chairman of the Subcommittee on Veterans' Affairs, and one of the great treasures of my service in the Senate has been the fact that I have served on the Committee on Labor and Public Welfare, with three brothers of one distinguished family. Each one of those three brothers was concerned enough for American veterans to seek and obtain service on the Veterans' Subcommittee. I served on that Veterans' Subcommittee with John F. Kennedy, with Robert F. Kennedy, and now with EDWARD M. KENNEDY.

I shall never forget the first time that the GI bill came out of that committee. We got it out in 1959, by a vote of three to two. The Senate passed it. The deciding vote was cast by the then Senator and later President John F. Kennedy, who came in from some engagement to cast the deciding vote, and with that we had the first cold war GI bill.

I want to thank the Senator from Massachusetts for the contributions of the three Kennedy brothers, who always have supported veterans legislation in the Veterans' Subcommittee.

I thank the Senator from Massachusetts for his individual efforts and for

how devoted he has been. He has been concerned about the war in Vietnam. He has seen the conditions under which our GI's serve in combat and the difficulties of the service there.

I join the Senator from California in my gratitude for what he has done for the veterans of our country.

Mr. CRANSTON. Mr. President, I want to join the distinguished Senator from Texas in expressing my deep gratitude and the country's great debt to the Senator from Massachusetts for his tremendous work in behalf of veterans. I deeply appreciate his comments. I want to note that the Senator from Massachusetts (Mr. KENNEDY), just in the last year, made a tremendous contribution in the enactment of Public Law 91-219, wherein title II bears the imprint of his work in great new benefits and opportunities that were given to disadvantaged veterans under the GI bill we passed last March. That is landmark legislation that he and I worked together on to establish new programs, new procedures, that will be tried, that will be expanded, that are working, and that ultimately will benefit millions upon millions of Americans, not only veterans but others who it will be found can benefit from programs of that sort. The country's debt is one that can never be fully paid to the Senator from Massachusetts for that particular contribution.

I would like to proceed, before concluding, as the Senate considers this last veterans measure of the 91st Congress, to express my personal and deeply felt thanks to each member of the Veterans Affairs Subcommittee and each member of the full Labor and Public Welfare Committee, many of whom have been on the floor and have spoken during these moments. They have provided unanimous and bipartisan support for every veterans measure considered in subcommittee and in full committee, and I think we have achieved a record of sorts in going on to achieve unanimous action by the Senate in every measure that came out of our committee in the last 2 years.

The members of the subcommittee, in addition to myself and the Senator from Texas, are the Senator from West Virginia (Mr. RANDOLPH), who has just spoken, and has been a great ally and a great champion of veterans' benefits, having previously chaired this subcommttee as noted previously; the Senator from Minnesota (Mr. MONDALE); the Senator from Iowa (Mr. HUGHES); the Senator from Pennsylvania (Mr. SCHWEIKER), who has provided outstanding leadership for the minority side of this subcommittee and has always exercised the greatest degree of cooperation with me and the subcommittee on all matters; the Senator from Colorado (Mr. DOMINICK); and the Senator from Ohio (Mr. SAXBE).

I also wish to name the other members of the full Labor and Public Welfare Committee who have been so helpful:

The Senator from New Jersey (Mr. WILLIAMS); the Senator from Rhode Island (Mr. PELL); the Senator from Massachusetts (Mr. KENNEDY), who has participated in this colloquy and who has been another forceful former chairman of the subcommittee; the Senator from Wisconsin (Mr. NELSON); the Senator from Missouri (Mr. EAGLETON); the Senator from New York (Mr. JAVITS), who is also presently on the floor and has given us bipartisan support in the full committee; the Senator from Vermont (Mr. PROUTY); and my senior colleague the Senator from California, GEORGE MURPHY, who likewise is present at this moment.

I also want to note the contributions made by many staff members of the Labor and Public Welfare Committee during our work on veterans affairs legislation, Bob Harris, Jack Forsythe, Gene Godley, Boe Martin, Jay Cutler, Michael Gordon, Roy Millenson, and Marian Laster, and by Bette Noble, who left my staff only a short time ago, and Roger Shepard of my staff, both of whom have worked on many veterans matters. The veteran's subcommittee staff has been headed by the very able Jon Steinberg, its counsel, whose dedication, creativity, his care for the smallest detail as well as his capacity to conceive the broadest aspects of vast issues, has made him invaluable to me, to the other members of the committee, and to the veterans of America and their families. Happily, he has been assisted the last few months by another able staffer, Bill Reid, who came to the subcommittee to serve as Associate Counsel after devoted service on the staff of the distinguished Senator from Texas (Mr. YARBOROUGH).

Finally, I wish to pay tribute and express my great appreciation to the chairman of the House Veterans Affairs Committee, my good friend OLIN E. TEAGUE of Texas. Although we have not always agreed on all veterans measures, as we do not on a number of the provisions of the bill before us this morning, I have counted by association with him and our close cooperation on many, many matters—legislative and matters of oversight, such as our hospital investigations—as one of the very most significant aspects of my first 2 years of service in the Senate. He, and his very able staff members on the House Veterans Affairs Committee, led by Oliver Meadows, the staff director, "Pat" Patterson, the counsel, and Gene Howard, investigator, as well as many other Members of the House Committee have been unfailing in their courtesty, helpfulness and openmindedness on virtually every matter within our mutual interests during the last 2 years.

I want to say also that the Senator from Georgia (Mr. TALMADGE), my opposite number on the Veterans' Legislation Subcommittee on the Finance Committee, assisted by chief counsel Tom Vail and professional staff member, Michael Stern, has been a splendid example of cooperation on matters of mutual interest. He himself and his committee have likewise been able to work in a bipartisan and highly effective way to bring to the floor and to pass legislation of great significance to our veterans.

The same spirit of assistance has also pervaded the work of many, many staff individuals in the Veterans Administration—particularly in the Office of the General Counsel, the Department of Veterans Benefits, and the Department of Medicine and Surgery. Those individuals are too numerous to mention, but they all know who they are, and how grateful I am for their helpfulness to us.

In closing, I want to pay one last tribute to the great work which has always been done for the subcommittee by Mr. Hugh Evans of the Office of Legislative Counsel. The efforts of the attorneys in that office are absolutely indispensable to the orderly and effective functioning of the Senate and are too seldom noted. Hugh Evans' work has been of first-rate quality and consistency.

As we now come to the last act of the Veterans Subcommittee in this session, as I move that the Senate act on this legislation, let me say that we have much work yet to do in veterans affairs in terms of pursuing first class medical care for them, medical care that they do not yet have, which they fully deserve; and we must pursue that matter in the next session of Congress.

They have not yet achieved educational opportunities equal to those given veterans of other wars. We must pursue that matter.

The problem of unemployment among veterans ranks with that of blacks, browns, and the highly skilled technicians in the defense and aerospace industry, as being the greatest unemployment problem in our Nation. We must deal with that problem in the coming years.

I hope I will have an opportunity on the new Veterans Affairs Committee that will be established in the coming Congress to assist in this work. I shall do all I can in every way in that committee, and if I am not privileged to be included on that committee, to do everything I can to see to it that our Nation meets its obligations—obligations not now being met fully—to the veterans of all wars fought by this Nation.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished and dedicated Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I shall ask a question, or probably two questions, as the Senator concludes his very comprehensive remarks. His statement merits the commendation of the chairman of the committee and the members of the committee on which we are both privileged to serve.

Would the Senator, for the RECORD, indicate the number of veterans who are now eligible to receive one type or another of assistance in the United States?

Mr. CRANSTON. I cannot give the Senator a precise figure, but there are approximately 28 million veterans, of which somewhere between 7 and 8 million are receiving some form of assistance.

Mr. RANDOLPH. Seven or eight million former members of the armed services who are now veterans receive benefits and assistance?

Mr. CRANSTON. That is correct.

Mr. RANDOLPH. Can the Senator give us an estimate of the number of dependents, or those that are included within the families of those veterans? I recognize that many of these men are, of course, unmarried, but many of them

support families, wives and growing children, or a father or a mother.

Mr. CRANSTON. I would be happy to respond, but first I would like to comment on the total number of veterans. There are 28 million veterans in the United States who are eligible for some form of benefit. The fact that this figure is so great is a sad commentary on the state of our world, when we have had so many wars and so many men in the armed services, in this time when peace has eluded our Nation.

In answer to the question, in terms of veterans and their families and dependents, we come almost to the figure of 100 million. It is 98 million, to be precise. This is almost half of the American population.

Mr. RANDOLPH. I thank the Senator for his responses. The figures alone do not tell the story; it is when the statistics are considered in terms of the welfare of all the people involved that we realize the importance of these programs. The numbers are important to show the tremendous population figure as compared to the total population, constituted by veterans and their families.

I thank the Senator.

Mr. CRANSTON. Yes. The figures do not portray the diseased and broken bodies or the destroyed lives of so many veterans. The Senator and I, who have visited veterans' hospitals, know of the veterans who lie on their backs in bed, not able to move a muscle, who require the assistance of someone else to meet their every need, and often that someone else, due to lack of adequate funds, is not present and the veteran must wait and wait.

Mr. RANDOLPH. I recall, on Veterans Day, November 11 of this year, I visited a veterans' hospital, and talked with some 60 veterans who were there. They had varying medical and health problems, and injuries. It was an experience to cause pause to persons who have the decisionmaking responsibility, as we do in part, with reference to placing men in actual combat. It is a big question mark. And yet those men were almost uniformly cheerful, talking much as able-bodied people talk about their problems, and they believe there is still a great future for this country and its people.

Mr. CRANSTON I thank the Senator, whose understanding of this country and the problems with which we are concerned is so great and whose sympathy is so deep.

In closing, I would like to say that as the Senate passes this important measure, I urge the President to sign it into law at the earliest possible moment in order to provide the badly needed increase and expansion of benefits for these so seriously disabled veterans eligible for special automobile assistance under this provision.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate to the text of the bill.

The motion was agreed to.

Mr. CRANSTON. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate to the title of the bill.

The motion was agreed to.

Mr. CRANSTON. I yield the floor.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the able Senator from California (Mr. MURPHY), the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I should like to acquaint the deputy leader with my problem.

Mr. BYRD of West Virginia. May I say that the Senator did not ask me to do this.

Mr. JAVITS. I think it is fine; we will work it out. I wanted to use this moment to serve notice——

Mr. BYRD of West Virginia. He has been waiting patiently for a long time.

Mr. JAVITS. I have been waiting for the calendar to be clear, in order to call up a private bill that has been on the calendar for 6 months, and we simply must dispose of it. I have put myself at the convenience of the leadership, and I shall not object to this request. But I would greatly appreciate it if the Senator would let me know the earliest moment when we can get at this matter and dispose of it.

Mr. BYRD of West Virginia. Mr. President, I am aware of the matter which the Senator has mentioned, and I am sure that he has already discussed it with the majority leader.

Mr. JAVITS. I have.

Mr. BYRD of West Virginia. His request will be kept in mind.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is ordered.

AUTHORIZATION TO PRINT COMMITTEE REPORT

Mr. RANDOLPH. Mr. Persident, on behalf of the chairman of the Special Committee on Aging, the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that the report entitled "Economics of Aging: Toward a Full Share and Abundance" be printed, with minority and additional views, during the adjournment of the Senate.

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

RURAL LEGAL ASSISTANCE

Mr. MURPHY. Mr. President, I rise at this time to discuss a most serious and vexing problem which concerns not only the State of California, but many other States, and also the procedures followed in this body in the consideration of presidential nominations.

As most of my colleagues are aware, the Governor of California, Ronald Reagan, on December 26, 1970, vetoed a $1.8 million Federal grant that had been awarded to the California rural legal assistance program.

At the outset, I would like to point out that I am in complete agreement with the Governor's veto and his action. As one of the original supporters, in fact one of the originators of the legal services program in the OEO, I have consistently opposed the diversion of moneys which, in my opinion, should be used for legal assistance to individuals and families of the poor who cannot afford to hire lawyers. That was the original basis of the entire program, so that if a fellow who needed a lawyer did not have any money, we would provide the legal service for him. I share Governor Reagan's concern that too much of this money is being used by the California Rural Legal Assistance Group, not for causes based on individual personal or family needs, but for programs of legal reform, which is an entirely different thing, in the opinion of this Senator. I share Governor Reagan's concern that too much of this money is being used by the CRLA for programs of legal and social reform. I believe many of these activities are being instituted and managed by a group of young lawyers who want to develop these social reform programs—and perhaps rightly so—but in my opinion are undertaking to do so at the expense of the poor.

Let me make it clear I am not opposed to legal and social reform. Certainly my record here in the Senate for the past 6 years shows my compassion for the needs of the poor is second to that of no one in this Chamber. Sometimes I may have attempted to approach the problem on a more practical and more direct basis, such as getting the politics out of the poverty program, but my sensitivities are as acute as those of any other Senator. However, I believe those who want the type of legal services program that has been carried on by the CRLA should come before the appropriate committees of the Congress and outline their program and request for funds. What I strongly object to is their taking funds properly authorized for a program designed to provide legal assistance for individuals and families and putting them to another and entirely different use.

There is also confusion, Mr. President, on the matter of the Governor's veto, and this is very often mixed up with the matters of the use of these legal funds. I would recite that at the outset, in order to get the program of the OEO launched, there was an insistence that the Governors of the several States have the right to veto the programs within their States. Then the following year, there was a move made to remove or modify the Governor's veto. At that time, I thought, as did many of my colleagues, very carefully and cautiously for a long time as to whether the responsibility for the conduct of those programs should rest with the elected representatives of the people in the several States, or whether the control and responsibility should be vested in an appointee who would reside here in Washington, 3,000 miles away from California.

This has been a continuing disagreement. I have had it not only in connection with matters involving the rural legal assistance program, but many others, the FEPC, where lawyers from

the Attorney General's office said that they and only they were properly suited to handle the matters of the FEPC. I think this is a ridiculous consideration.

I sincerely believe that the Governor should have the veto. In actuality, at the present time, he only has the veto in name. What it really amounts to is a substitute for the veto that was taken away, and the Governors was afforded only the opportunity to object.

Mr. President, I sincerely believe—and I have been quite interested in this, having been at least the godfather of the entire idea—that the California Rural Legal Assistance Group has failed to represent what I consider the true legal needs of the poor. I was enthusiastic about this program because there have been times in my life when I needed a lawyer badly and could not afford one, and I knew how important it was. That is why I was enthusiastic at the instigation of this program, at the beginning.

I point out that the activities of the CRLA in California have been under fire for what are considered violations of the OEO guidelines almost from the very beginning of the program. I recall that in their opening activity, they enjoined the Governor of the State, the State legislature, and the Secretary of Labor. This was the beginning of a series of suits that have confounded many people who do not understand exactly the purpose of these suits and only know that the general public and their taxpaying dollars are paying for these suits, which quite probably a great number of public would not want brought. This view is shared by many in California.

Mr. President, I ask unanimous consent to have statements of these people printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MURPHY. I think that if Senators will look at these statements, they will find that these are not irresponsible people. Here is one from the foreman of the grand jury of Stanislaus County. Here is one from Senator Fred Marler of the California State Senate. Here is one from the chief administrative officer of Stanislaus County. I will not take the time of the Senate to read all these, but these are the types of objections.

I assure Senators that these letters are not lightly written, and the Governor did not do this without full consideration. This is not the prime reason, however, for my remarks today.

Yesterday, a distinguished citizen, Mr. Frank Carlucci, the President's nominee for Director of the Office of Economic Opportunity, appeared before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare for the hearing on the confirmation of his nomination. At that time, he was questioned by my good friend and distinguished colleague the junior Senator from California as to what he intended to do about the Governor's veto of the CRLA grant. Mr. Carlucci indicated that he had not had a chance to review the supporting data submitted by the Governor. He also said that he wanted to discuss this question with interested parties, including representatives of Governor Reagan, who intended and planned to be in Washington next week. It seems to me that this was a proper request and a proper consideration for Mr. Carlucci.

As a result, Mr. Carlucci said that he would issue a 30-day grant to the CRLA so that they might continue their operation, giving him time to go over the facts, the information, with the representatives of the Governor, and then to make the decision as to whether or not he should override the Governor's veto. As I have pointed out, it really is not a veto. It appears to be a veto. In actuality, it is merely the right to object. I think that this request is understandable. I think it is completely fair. As a result, Mr. Carlucci said that he would issue the 30-day grant to the CRLA.

But this did not satisfy my distinguished colleague, who, after the hearing, issued a statement saying that he would block the nomination in this Congress, and further stated that in the event that the nomination was resubmitted, he would allow its approval only if the veto had been overridden and, in that event, how soon the override would take place.

Certainly, Mr. Carlucci's record, both in the Foreign Service, where he was cited for his work, and at the OEO, where he has held the No. 2 position, has been, to my mind, exemplary. By all standards we normally use in this body to judge a Presidential nomination, I would find Mr. Carlucci well qualified and that his nomination should be confirmed. I cannot find fault with his desire that there should not be a 30-day period during which he could study the reasons and details of the Governor's veto and then make his decision.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. MURPHY. I yield.

Mr. JAVITS. Mr. President, one could put this question down, as between the two Senators from California, as an intra-California question. The Governor used his authority, which, as Senator MURPHY properly says, is not a veto, to challenge a particular funding; and, of course, the Governor can be overruled by the Director of the OEO. The difficulty is that Mr. Carlucci, who I think is eminently qualified to be the Director of the OEO, is caught in the squeeze. This is most unfortunate. I do not wish to add fuel to the flames in any way. I rise only as I am the ranking minority member of the committee, very greatly interested in this matter because I felt that the OEO has many problems, as we all know. It has just been funded by the HEW-Labor conference report we put through. Morale in the agency is of the greatest consequence. I still hope, although the hours are short, that we will find some way in which, completely consistent with his conscience and his principles the Senator from California (Mr. CRANSTON) might see fit to allow the Carlucci nomination to be acted upon, either by a meeting of the committee if that is humanly possible, or by polling the committee which is possible also, if there is no objection.

But I rise now to express my conviction that Mr. Carlucci will make a fine Director for the agency, that it would be extremely deplorable and regrettable if the agency is left, in fact, without a head because Mr. Rumsfeld has already said he is leaving and Mr. Carlucci has been designated. And if this problem, which really should not be a problem, as the Senator from California (Mr. MURPHY) says, is not resolved in some way—a morale problem may result.

I know a great deal about Mr. Carlucci's record. It is a most admirable and objective one. I think he would be a very non-partisan director of the agency. I hope very much that in the interests of holding to the war on poverty—which remains a crying need in this country right to this moment—we will find a way out of this momentary impasse and enable the agency to have a head and not cause a fine man, who is its nominee, to be caught in the crack, as it were. The Senator from California (Mr. MURPHY) is right about this if Mr. Carlucci does it under this kind of situation he will put me in doubt and others in doubt as to whether he is a suitable nominee to serve as director, because he would be deciding off the top of his head something which he has a statutory obligation to look into. So it is a tough one.

As I have said, I rise only to affirm my support of this man as the nominee and urge the highest exigency be given to this agency to have a head and to express the hope, as I say, without further muddying the waters, that we may find a way, even though our time is short.

Mr. MURPHY. I thank my distinguished colleague from New York. With his usual wisdom, which I have found characteristic, the Senator from New York has anticipated the hope that I was going to express. I believe that my colleague from New York will be pleased, as I am pleased, after a conversation with my distinguished colleague from California (Mr. CRANSTON) to report that there is a form of compromise in the works.

Exactly what the compromise would be, I do not know, but I wanted to take this opportunity to make my position clear, and to place into the RECORD the reasons and the letters, so that my colleagues in the Senate might have an opportunity to realize that the Governor of California had not done this lightly or done this in any kind of partisan manner, but had done it with some reason, as I am sure my colleagues will agree, when they have read it.

If Mr. Carlucci's nomination is blocked, it can be for none other than partisan reasons. I had hoped we had passed that point in approving Presidential nominations. Moreover, such a move can have no other result than to interfere with Mr. Carlucci's task in developing the fiscal year 1972 budget for his Department, as well as the enabling legislation that must be readied for introduction in the 92d Congress.

I believe that the issue of the Governor's objection or veto, if you will, Mr. President, to this CRLA funding is a matter that should be settled by Mr. Carlucci and the Governor, as is required by law.

I do not think that the senatorial power of confirmation used in this particular manner would be appropriate. I sincerely hope that my good friend will see fit, as the Senator from New York has suggested, to permit this important agency to have a Director immediately. During the 30-day period the evidence can be looked at, studied, and evaluated, and then at the end of that time the new Director, having been confirmed, can make the decision whether he would choose to override the Governor's veto.

I am sincerely thankful to my friend from New York for his support in this matter. I am quite certain that my dear colleague from California will understand my reasons for rising at this time to explain my position and my feelings.

I wish, once and for all, that we could get this entire matter of legal assistance unraveled.

We got into this simply and directly: If a man is so poor, he cannot afford a lawyer to look into the conditions he is going to find when he signs his name to anything, or to buy a car or a house, or for whatever purpose he needs a lawyer for. That is what it was all about. Then along came some young men and they started to reach out to create lawsuits. I spoke to one of the leaders on the telephone and he said, "But you do not understand, Senator." I said, "I do understand because I thought it up. What you are talking about is something entirely different. I do not object to it, but do not take the money provided for the individual purpose and use it for your plans, however extensive and important they may be. Come to Congress and tell them your plans and get your own money. In the meantime, leave this money alone so that we can do the job."

I know the record. They bragged that they won 89 percent of the cases. That is easy to analyze. It cannot be faulted except one might say they made most of the cases themselves, because they put them together themselves, and it would be ridiculous if they could not put a case together that they could win, and they won 89 percent of them. But this entire matter has been confused beyond recognition. I have been attacked in the press as being against the poor man. Nothing could be further from the truth. It simply is that I opposed the designs of this group of young lawyers handing out this money for legal reform, to which I do not object. Legal reform is badly needed. Social reform is also badly needed. But let them please get their own money for it, and leave this money alone, so that the poor fellow who needs it to get a lawyer can use it, but leave the money alone for those purposes—for the purpose for which it was provided.

Thank you, Mr. President. I yield the floor.

EXHIBIT 1

EXAMPLES OF STATEMENTS RECEIVED BY THE CALIFORNIA STATE OFFICE OF ECONOMIC OPPORTUNITY IN OPPOSITION TO FURTHER FUNDING OF THE CALIFORNIA RURAL LEGAL ASSISTANCE

Newton Dal Poggetto, president, Sonoma County Bar Association (December 23, 1970): "The Santa Rosa CRLA office does not adequately service the existing needs of the poor in every day situations which require legal help."

James W. Houlihan, Deputy District Attorney, Santa Barbara County (December 8, 1970): "The case involved an 18-year old boy committing statutory rape on a 15-year old girl, and when the girl's parents objected, members of the CRLA office took the girl from her parents, taking her to Mexico and arranged for them to get married."

Currently, the Santa Barbara County District Attorney's Office is appearing on behalf of the people of the State of California in a case brough by CRLA . . . A criminal matter. . . .

"It has been my experience that Mr. Haynes, as a member of CRLA, would write false letters to the editor of the local paper containing falsehoods and made use of a 'back-door' policy in talking to judges outside the presence of opposing counsel.

"I do not believe that the poor of this community (Santa Barbara) would suffer if the CRLA Office was disbanded. However, as in any community of this size, we should have some workable legal aid for the poor, which is not CRLA. . . ."

Resolution adopted unanimously by the Madera County Board of Supervisors (January 2, 1968): "Whereas, CRLA has been given not only the opportunity to demonstrate, but it has wantonly and viciously used its authority, money and ability to attack governmental administration of schools, welfare and health, thus devoting taxpayers' money to attack and harass local governmental administration with silly, frivolous and absured grievances without understanding or appreciation of the individual's rights, or the rights of the public, or its counterpart, the Government . . .

"Whereas, the real need of the poor and the underprivileged is to represent such persons with care and understanding in domestic, contractual and tort litigation. However, the CRLA has turned some of these people away with the excuse of being busy and unavailable for such representation.

"Whereas, the activities of the CRLA have been distorted and misguided with an arrogant disregard of the desirable and benevolent assistance of the underprivileged. The underprivileged concept has been the excuse and the shield for the extravagant expenditure of public funds . . .

"Now, therefore, be it resolved that this board does recommend to the Governor of the State of California that he veto this . . . program until and unless some beneficial and truly helpful legal assistance program is formulated."

Donald M. Handly, Madera County Administrative Officer (December 17, 1970): "Although not current, these comments are still appropriate and reflect the grave concern of the Madera County Board of Supervisors toward the operation of CRLA."

John W. Martin, President, Stanislaus County Bar Association (December 9, 1970): "It is the opinion of the Stanislaus County Bar Association that CRLA is not adequately serving the needs of the poor, measured by the express purposes for which it was originally funded. It is, therefore, additionally the opinion of the Stanislaus County Bar Association that operations of CRLA should not be continued on their present basis.

"I am authorized to say that this letter reflects not only the opinion of the present officers and executive committee, but the opinions of 13 former presidents, who's names I am authorized to use."

Alexander M. Wolfe, District Attorney, Stanislaus County (December 14, 1970): "This is to request that you (Governor Reagan) veto any appropriation of funds for CRLA because of its preesnt operation. It is the opinion of this office that CRLA is not carrying out the purposes for which it was intended. . . . This request would not be made if CRLA were truly serving the needs of the poor.

"On November 30, 1970, CRLA filed a complaint in the Federal District Court for the Eastern District of California seeking a restraining order against the Stanislaus County grand jury and me from proceeding with any investigation of CRLA. In this action, CRLA labeled itself 'a Federal legal services project.' By virtue of this descriptive title, and having in mind the various types of actions which CRLA has filed and the course of conduct it has pursued, it would appear that the Federal Government, knowingly or unknowingly, is financing groups to undermine the operation, effectiveness and integrity of State and Federal Governments. I cannot believe that Congress or the President of the United States ever intended such a result."

Board of Supervisors, Stanislaus County (December 1, 1970): "Whereas this board of supervisors desires to express itself toward elimination of wasted money and manpower and duplication of efforts of existing governmental agencies . . . it is ordered by a majority vote of this board that the chief administrative officer be authorized and directed to draw a letter. . . . urging that CRLA be abolished."

Resolution adopted unanimously by the 1970 Stanislaus County Grand Jury (December 16, 1970): "There is growing public concern that CRLA is not carrying out its stated corporate purpose of providing adequate legal assistance for the poor.

"CRLA has refused to comply with the process of this grand jury in an investigation of the corporate activities of CRLA to determine whether it is providing adequate legal assistance for the poor.

"Therefore, the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he veto funding of the legal services program of CRLA."

William Zeff, Superior Court Judge, Stanislaus County (December 23, 1970): Contrary to policy statements and opinions issued by CRLA . . . that it is not to become involved in fee-generating cases or cases in which the state is obligated to furnish counsel, the fact is that CRLA has, from time to time, persisted in becoming involved in just such kinds of cases when, for reasons best known to themselves, they decide that it is a proper case to assume.

"It has also been noted that in civil actions instituted by the CRLA in behalf of one who has been qualified to proceed in forma pauperis and having obtained an order of the court waiving the usual costs incident to such proceedings, there is no hesitancy to incur expense for services which are not normally employed even by privately financed litigants.

"It has been noted also that the local office almost uniformly assigns two lawyers to the presentation of each case without regard to how simple the case may be. In fact, I have on occasion asked of such counsel why it was thought necessary to have two lawyers present in the presentation of simple matters and when informed that this was the policy, I have stated that as an interested taxpayer, I regarded such policy as extravagant and a waste of public funds.

"The clear impression gained from observing the activities of the local CRLA office is that its primary concern appears to be with effecting social change and the originally expressed purposes of assisting the indigent have apparently been lost sight of."

Bertram N. Young, District Attorney, Monterey County (December 8, 1970): "It is my recommendation that California rural legal assistance shall no longer be permitted to operate in Monterey County. It has become a totally irresponsible and unrestrained operation of an agency funded by the Federal Government which has interfered with and has harassed county and state agencies and departments with almost total abandonment of its original concept to serve individual poor people in rural counties.

"I have noticed with disgust and alarm its repeated activities in criminal matters . . . my opinions are based not only on specific matters but have come to my attention by general discussion in past months with members of the local bar and members of my own staff who have sent indigent people to CRLA for help in matters involving divorce, bankruptcy law, landlord problems and problems with creditors. The almost uniform reaction has been that those indigent persons are told by CRLA in effect, 'We do not have time for your individual cases.'

"The actions of this agency have been a gross interference with and infringement upon the authority of the grand jury of the county, the board of supervisors of the county, and those fields in which the office of the attorney general of California could, and would, act for complaints within its authority.

"This agency has failed miserably to discharge its obligations to the indigent rural people, has wasted hundreds of thousands of dollars of our taxes, and has caused expensive and time-consuming involvement of our local agencies in answering its vicious attacks."

Dr. Clifford F. Loader, Mayor, City of Delano, President, League of California Cities (December 19, 1970): "After careful evaluation, I urge that you veto the funds for the California rural legal assistance program, known as CRLA. The damage done to democratic society far outweighs the service to poor people. A different way of giving legal aid to the poor should be devised that is free of activist political action.

Imperial County Bar Association (March, 1970): "CRLA does not function as a law office which specializes in what has come to be known as 'poverty law', but rather, it functions as a device for promoting special interest groups and only operates as a law office because it has determined that this is a convenient means to effectuate its ends.

". . . the Federal Government should not subsidize any particular salient social or political activity.

"This committee feels also . . . that some of the procedures and techniques utilized by the CRLA practitioners are not consistent with the commonly accepted canons of legal ethics under which our private attorneys practice. Further official sanction or sponsorship of CRLA by the local bar association . . . would, in our opinion, constitute an implied acquiescence and approval of professional legal practices incompatible with our own canon of legal ethics."

E. O. Steimle, Secretary, Board of Trustees, Brawley School District (December 17, 1970): "CRLA has repeatedly harassed and weakened the programs of our schools."

"Please limit the damage of CRLU by cutting off their funds."

William H. Staffers, Monterey County Counsel (December 16, 1970): "I am convinced that the taxpayers' money could be better spent through funding organizations who limit their activities through advising and representing poor individuals rather than litigating class actions and causes.

"I am opposed to future funding of CRLA as it is presently constituted. . . ."

Fred Marler, Jr., California State Senator, 2d District (December 18, 1970): "There is certainly a need for legal services for those who cannot afford them. But it is obvious to me that CRLA is not doing the job for which funds were provided. It is my sincere hope that you (Governor Reagan) will veto any further appropriations for this extremely unfortunate flaw in our Federal Government's attempt to help the poor."

RESOLUTION OF THE 1970 STANISLAUS COUNTY GRAND JURY

Whereas, as the result of its investigations during its term of office, the 1970 Stanislaus County Grand Jury, representing the conscience of the community, recognizes the need for adequate legal assistance for the poor; and

Whereas, there is growing public concern that California Rural Legal Assistance, Inc. is not carrying out its stated corporate purpose of providing adequate legal assistance for the poor; and

Whereas, California Rural Legal Assistance, Inc. has refused to comply with the process of this Grand Jury in an investigation of the corporate activities of California Rural Legal Assistance, Inc. to determine whether it is providing adequate legal assistance for the poor;

Now, therefore, be it resolved that the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he veto funding of the legal services program of California Rural Legal Assistance, Inc.; and

Be it further resolved that the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he cause investigations to be instituted and conducted by appropriate federal, state and local agencies into the corporate activities of California Rural Legal Assistance, Inc.; and

Be it further resolved that a copy of this Resolution shall be forthwith transmitted to the Governor of the State of California, to all Stanislaus County members of the State Legislature, to the elected California representatives in Congress, and to the federal officials having jurisdiction in this matter for appropriate action consistent with this Resolution.

The foregoing Resolution was unanimously adopted, a quorum of sixteen members being present, at a regular meeting of the Grand Jury held on Wednesday, December 16, 1970, at Modesto, California.

JAMES P. LIVINGSTON,
Foreman.

DECEMBER 18, 1970.

Hon. RONALD R. REAGAN,
Governor of California, State Capitol, Sacramento, Calif.

DEAR GOVERNOR REAGAN: Since you will soon make a decision regarding continued funding for certain federally financed legal organizations, including California Rural Legal Assistance, Inc., this letter is written to respectfully ask that you decline to accept such funds.

I am convinced that this agency has fallen far short of its objective; namely, to provide legal aid for those who cannot afford it.

Naturally, during my years in the legislature many constituents have brought their problems to my attention or that of my staff. Upon evaluation of these problems I realized that there was no legislative or agency remedy for many of them. These particular constituents obviously needed an attorney and many of them could not afford one. Consequently they were referred to C.R.L.A.

This has been especially true in my district office in Yuba City. My field representative there, Mr. Blaine Graham, has informed me on many occasions that he has referred such cases to the Marysville office of C.R.L.A. and that these constituents have returned to him saying that C.R.L.A. would not accept them as clients even though they qualified for help insofar as financial inability to pay was concerned.

At my direction Mr. Graham contacted Mr. Richard Turner of your legal staff and has been supplying him with documented evidence which serves to show that this organization is not providing legal services for the poor per se.

He has also discussed this matter with Superior Court Judges, members of the local Bar Association, District Attorneys, County Welfare Directors and others and has found that nearly all of them agree with his conclusion.

Rather C.R.L.A. is engaged in devoting a major part of its time to so-called "class actions" and "landmark" cases.

For example, this organization brought suit against the Yuba City Unified School District when that district sought to take disciplinary action against three high school boys in connection with the length of their hair. It was later established that at least one of these boy's parents had the means to retain counsel but that the C.R.L.A. virtually insisted on acting as counsel in the action.

This organization has also carried on a program of harassment aimed at the Director of the Sutter County Social Welfare Department. It is my understanding that word of this particular activity of C.R.L.A. has already reached your office from other sources but it is true that the harassment is continuing. Mr. Graham recently personally witnessed a C.R.L.A.-led protest at the Sutter County food commodity distribution building. An anonymous note was pushed through Mr. Graham's office mail slot alluding to the protest in a somewhat ambiguous fashion. He found that newsmen and camera crews had already been summoned in advance of the "protest" and that many of the participants were not welfare recipients of this area but appeared to have been imported for the occasion.

There is certainly a need for legal services for those who cannot afford them but it is obvious to me that this organization is not doing the job for which funds were provided. Actually, C.R.L.A.'s activities have resulted in the taxpayer financing lawsuits against himself, a situation which I don't believe should be allowed to continue.

It is my sincere hope that you will veto any further appropriations for this extremely unfortunate flaw in our federal government's attempt to help the poor.

Sincerely,

FRED W. MARLER, JR.

MODESTO, CALIF.,
December 11, 1970.

Mr. LEWIS K. UHLER,
Director, State Office of Economic Opportunity, Department of Human Resources Development, Sacramento, Calif.

DEAR MR. UHLER: Recently you sent a letter and a questionnaire to at least two members of our Board of Supervisors asking their evaluation of the CRLA program.

Rather than respond individually, they discussed the matter with their colleagues at a regular Board meeting.

As a result of this discussion, our Supervisors adopted a motion urging that the entire program be abolished. A copy of their Board order is enclosed.

Cordially,

GEORGE GAEKLE,
Chief Administrative Officer.

URGING THAT CALIFORNIA RURAL LEGAL ASSISTANCE BE ABOLISHED

Whereas, the Department of Human Resources, Office of Economic Opportunity, has submitted a questionnaire for the purpose of evaluating the California Rural Legal Assistance; and

Whereas, this Board of Supervisors desires to express itself toward elimination of wasted money and manpower and duplication of efforts of existing governmental agencies; and

Upon motion by Supervisor Franzen, seconded by Supervisor Fahey, it is ordered by majority vote of this Board (Supervisor Vander Wall dissenting) that the Chief Administrative Officer be, and hereby is, authorized and directed to draw a letter in the place and stead of said questionnaire urging that the California Rural Legal Assistance be abolished.

MODESTO, CALIF.,
December 14, 1970.

Re: California Rural Legal Assistance, Inc.

Hon. RONALD REAGAN,
Governor of California,
Sacramento, Calif.

DEAR GOVERNOR REAGAN: This is to request that you veto any appropriation of funds for California Rural Legal Assistance, Inc. because of its present operation. It is the opinion of this office that CRLA is not carrying out the purposes for which it was intended as enumerated in its Articles of Incorporation as filed with the Secretary of State on March 3, 1966. This request would not be made if CRLA were truly serving the needs of the poor.

Although CRLA was incorporated pursuant to the General Non-Profit Incorporation Law of the State of California, events of the past month would appear to indicate otherwise. Specifically, during the latter part of November, 1970, the Stanislaus County Grand Jury voted to undertake an investigation of the operation of CRLA. The local Directing Attorney of CRLA stated in the public press that he welcomed such an investigation. It was only after my office issued subpoenas to various officials of CRLA, including a number of subpoenas duces tecum, as well as a subpoena duces tecum issued to a Fresno bail bondsman, that CRLA claimed that it was immune from investigation by county grand juries by virtue of the Supremacy Clause of the United States Constitution.

On November 30, 1970, CRLA filed a complaint in the Federal District Court for the Eastern District of California seeking a restraining order against the Stanislaus County Grand Jury and me from proceeding with any investigation of CRLA. In this action, CRLA labeled itself "a federal legal services project." By virtue of this descriptive title, and having in mind the various types of actions which CRLA has filed and the course of conduct it has pursued, it would appear that the federal government, knowingly or unknowingly, is financing groups to undermine the operation, effectiveness and integrity of state and local governments. I cannot believe that Congress or the President of the United States ever intended such a result.

Very truly yours,
ALEXANDER M. WOLFE,
District Attorney.

MODESTO, CALIF.
December 9, 1970.

Mr. LEWIS F. UHLER,
Department of Human Resources Development, Office of Economic Opportunity, Sacramento, Calif.

DEAR MR. UHLER: It is the opinion of the Stanislaus County Bar Association that California Rural Legal Assistance is not adequately serving the needs of the poor, measured by the express purposes for which it was originally funded. It is, therefore, additionally the opinion of the Stanislaus County Bar Association that operations of CRLA should not be continued on their present basis.

I am authorized to say that this letter reflects not only the opinion of the present officers and Executive Committee of the Bar Association, but the opinions of the former Presidents, whose names I am authorized to use:

Douglas M. Sutter, William R. Lundgren, Alexander M. Wolfe, Lewis N. Hawkins, Carlos J. Badger, James P. Mower, E. Dean Price, Cleveland J. Stockton, J. Wilmar Jensen, Jared Hawkins, Elmer L. Winger, Ronald E. Bates, and Arthur R. Friedman.

Very truly yours,
JOHN W. MARTIN,
President.

December 19, 1970.

Hon. RONALD REAGAN,
Office of the Governor,
State Capitol,
Sacramento, Calif.

DEAR GOVERNOR REAGAN: After careful evaluation, I urge that you VETO the funds for the California Rural Legal Assistance program, known as CRLA.

The damage done to Democratic Society far outweighs the service to poor people. A different way of giving legal aid to the poor should be devised that is free of activist political action.

Respectfully yours,
Dr. CLIFFORD F. LOADER,
President, League of California Cities,
Mayor, City of Delano.

REPORT OF IMPERIAL COUNTY BAR ASSOCIATION, SPECIAL COMMITTEE ON C.R.L.A.

It is the recommendation of this committee that the Imperial County Bar Association withdraw its representative from the C.R.L.A. Board of Directors and sever all official connection between Imperial County Bar Association and C.R.L.A., and further, that the Imperial County Bar Association urge the State Bar of California to reconsider its position with respect to C.R.L.A. toward the end of severing all official connection between the State Bar of California and C.R.L.A.

The committee has studied and observed the functioning of California Rural Legal Assistance. The committee feels that C.R.L.A. as it is operated and staffed exists primarily for the purpose of provoking social reform. The committee feels that C.R.L.A. does not function as a law office which specializes in what has become to be known as "poverty law", but rather, it functions as a device for promoting special-interest groups and only operates as a law office because it has determined that this is a convenient means to effectuate its ends.

When C.R.L.A. was originally formed with federal financing, it was represented to the Imperial County Bar Association by the then director, James Lorenz, that it would be an organization which provided legal services for poor individuals unable to hire their own attorneys. This is still its ostensible purpose. However, a study of the manner in which C.R.L.A. functions clearly shows that it is C.L.R.A.'s intention to promote whatever social reforms it determines will be helpful to the poor by means of legal actions. One needs only to read the C.R.L.A.'s current funding request and its house organ, NOTICIERO, to determine that its lawyers and other members of its staff consider this to be C.R.L.A.'s prime function.

It is the feeling of this committee that the federal government should not subsidize any particular salient social or political activity. We believe that neither themselves, the Imperial County Bar Association, nor the State Bar of California should, by participating in the functioning of C.R.L.A., put a stamp of approval on C.R.L.A.'s own particular concepts of social reform. To use an analogy, one cannot quarrel with the right of the A.C.L.U. to espouse particular political or social causes. It is hoped, however, that no one would propose that the A.C.L.U. should be subsidized by the federal government or sponsored by the American Bar Association, the State Bar, or the Imperial County Bar Association. It seems fairly obvious that A.C.L.U. and C.R.L.A. are birds of a feather.

This committee feels also, judging by the practices employed in this county, that some of the procedures and techniques utilized by the C.R.L.A. practitioners are not consistent with the commonly accepted canons of legal ethics under which our private attorneys practice. We feel that this is particularly so in the area of direct solicitation of litigation where the same can be justified as a technique to effect social reform. Further official sanction or sponsorship of C.R.L.A. by the local Bar Association and by the State Bar would, in our opinion, constitute an implied acquiescence and approval of professional legal practices incompatible with our own canon of legal ethics.

It is further the recommendation of this committee that the County Bar Association once again take over the function of the Lawyers Referral Service.

Respectfully submitted,
WILLIAM E. LEHNHARDT,
Chairman.
ORLANDO B. FOOTE,
RUSSELL H. YEAGER,
DAVID BLUME,
F. DOUGLAS MCDANIEL.

February 16, 1970.

Mr. JAMES H. CARTER, *President,*
Imperial County Bar Association,
El Centre, Calif.

DEAR MR. CARTER: At the last regular meeting of this Commission questions were raised regarding the availability of legal services to the low-income residents of Imperial County. It was pointed out that the California Rural Legal Assistance office were now handling very few domestic and individual cases so some other channels have to be found. The Commission would like some information as to what other channels are available at a cost relative to their income.

I have been requested to contact the Bar Association and ask if it would be possible to have a representative present at our next regular Commission meeting to give us some information or guidance on this question.

Our next meeting will be held at the Lion's Memorial Center in Brawley on Thursday, March 4, 1970 at 7:30 p.m. Will you please inform this office if a representative can attend.

Sincerely yours,
CAMERON HENDRY,
Executive Director.

MINUTES OF IMPERIAL COUNTY BAR ASSOCIATION MEETING, MARCH 13, 1970

The meeting was called to order by President James Carter, at 12:30 p.m., on March 13, 1970.

Guests introduced: Two guests were introduced, the first being John Netterblad, from San Diego, introduced by Russ Kirk, and Lawrence Sattinger, from San Diego, introduced by David Dotson.

Report on Conference of Bar Delegates: President Carter reported that he and Franklin D. McDaniel and David Dotson of the Imperial County Bar Association, attended the Conference of Delegates meeting on the week-end of March 6th and 7th.

Mr. McDaniel reported that the conference of delegates considered several resolutions and proposals including a possibility of establishment of a client's security fund for reimbursement to clients of embezzled funds; group legal practices in California; and appeals for scholarships for minority law students. Mr. McDaniel further suggested that the local bar association consider establishment of a scholarship for mexican-american law student.

California Rural Legal Assistance: Committee chairman William Lehnhardt reported that his committee had submitted a written report and recommendations to the Imperial County Bar Association, a copy of which report was mailed to each member of the Bar. Mr. Lehnhardt offered several comments on the report including the fact that no direct emphasis was to be placed on the local CRLA office. Mr. Lehnhardt further stated that he would resign his position from the Board of Trustees of California Rural Legal Assistance in the near future. Mr. Altshuler, of the California Rural Legal Assistance office of El Centro then replied to Mr. Lehnhardt's comments and Mr. Lehnhardt's committee report and suggested that an in depth

study be made of the issues raised by the committee's report.

Mr. Charles Pinney moved that the Imperial County Bar Association adopt the Lehnhardt committee report and the recommendations contained therein, and that the Imperial County Bar Association pass a resolution withdrawing all support of California Rural Legal Assistance, withdrawing its members from the Board of Trustees, withdrawing the Lawyer's Reference Service from control of California Rural Legal Assistance and restoring its control to the Imperial County Bar Association, that a copy of the resolution and recommendations be forwarded to the State Bar and to the Board of Trustees at California Rural Legal Assistance. This motion was seconded by Mr. T. J. Sands and after substantial discussion the motion was passed.

Economic Opportunity Commission Request for services and guidance: President Carter then read a letter from Cameron Hendry the local director of the Economic Opportunity Commission. The letter stated in substance that the local office of the California Rural Legal Assistance had not been handling all matters concerning domestic relations cases of indigent clients and Mr. Hendry requested that representative of the Imperial County Bar Association meet with the Economic Opportunity Commission of Imperial County and render some guidance on the question.

Mr. Charles Pinney moved and Mr. Charles F. Sturdevant, Jr., seconded a motion that President Carter appoint a representative to the Economic Opportunity Commission meeting to render such requested guidance. President Carter stated to the assembled meeting that he would appoint this representative at a later date and inform this representative and the Economic Opportunity Commission of said . . .

Medical Insurance: Ron Lane informed the meeting that the Connecticut General Insurance Company's medical plan had gone into effect on March 1, 1970, and not on January 1, 1970, as originally planned.

Mr. Lane further informed the meeting that there were some claims between January 1, 1970, and February 28, 1970, amounting to approximately $300 to $400 and Mr. Lane suggested that the members of the medical insurance plan each be assessed on a pro-rata basis to cover the claims for January and February. Mr. William Byrd moved and Mr. McDaniel seconded that this plan be adopted to direct the administrator to bill the member of the plan on a pro-rata basis to pay these claims. After a short discussion the motion was passed.

Imperial County-San Diego County Bar Association Meeting: Mr. Lou Plourd informed the group that the San Diego Bar Association meeting with Imperial County would be held in Imperial County this year and after discussion it was suggested that the first choice of dates be April 17, the second choice to be April 24, and if neither of these dates is agreeable to the San Diego Bar Association then to suggest that the meeting be held on May 8th or May 15th. It was further suggested that a Golf Tournament be held in conjunction with the meeting at the Imperial Valley Country Club and that the committee, composed of Mr. Thomas Nassif, Mr. Charles Pinney and Mr. John Carter, be appointed to set up plans for the Golf Tournament.

Adjournment: The meeting was adjourned at 1:55 p.m. Respectfully submitted.

———, *President.*

Attest:

Mr. T. J. SANDS,
Secretary Pro-Tem.

SALINAS, CALIF.,
December 8, 1970.

Re C.R.L.A.

Mr. LEWIS K. UHLER,
Director, Office of Economic Opportunity, State of California, Department of Human Resources Development, Sacramento, Calif.

DEAR MR. UHLER: It is my recommendation that California Rural Legal Assistance shall no longer be permitted to operate in Monterey County. It has become a totally irresponsible and unrestrained operation of an agency funded by the Federal Government which has interfered with and has harassed County and State agencies and departments with almost total abandonment of its original concept to serve individual poor people in rural counties.

I have noticed with disgust and alarm its repeated activities in criminal matters, the details of which are set forth in the questionnaire sent to me and many other members of the Bar sometime ago. My opinions are based not only on specific matters but have come to my attention by general discussion in past months with members of the local Bar and members of my own staff who have sent indigent people to C.R.L.A. for help in matters involving divorce, bankruptcy law, landlord problems and problems with creditors. The almost uniform reaction has been that those indigent persons are told by C.R.L.A. in effect, "we do not have time for your individual cases".

The actions of this agency have been a gross interference with and infringement upon the authority of the Grand Jury of the County, the Board of Supervisors of the County, and those fields in which the office of the Attorney General of California could, and would, act for complaints within its authority.

This agency has failed miserably to discharge its obligations to the indigent rural people, has wasted hundreds of thousands of dollars of our taxes, and has caused expensive and time-consuming involvement of our local agencies in answering its vicious attacks.

Very truly yours,

BERTRAM N. YOUNG,
District Attorney.

SANTA ROSA, CALIF.,
December 23, 1970.

Mr. GEOFFREY L. CLARK,
Office of Economic Opportunity, Sacramento, Calif.

DEAR MR. CLARK: Confirming our telephone conversation of December 21, 1970, reporting an action of the Executive Board of the Sonoma County Bar Association at their meeting on that date, the following is the resolution adopted by the Board:

RESOLUTION

Whereas, the Sonoma County Bar Association filed its application with the Office of Economic Opportunity for the funding of a proposed legal assistance program for Sonoma County in 1967, and

Whereas, the California Rural Legal Assistance corporation has been and still is funded by the Office of Economic Opportunity for legal services to be rendered to the indigent in Sonoma County, and

Whereas, this Board continues to believe that the legal care type program proposed in its said 1967 application is still the best type of program for the poor in Sonoma County,

It is resolved that the Executive Board of Sonoma County Bar Association re-affirms its position as set forth in said 1967 application for a legal assistance program in Sonoma County.

It is further resolved that the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best meet the needs of the poor in Sonoma County.

It is further resolved that this Executive Board re-affirms its position that local control by the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best implement the indigent legal services program and provide the most efficient utilization of Federal funds.

It is further resolved that the Sonoma County Bar Association accept funding by the Office of Economic Opportunity for indigent legal services in Sonoma County in place of the California Rural Legal Assistance corporation.

I am enclosing a photocopy of our 1967 legal services application, which was the result of a great deal of time and effort on the part of several members of our Bar Association. We studied the matter for several months and obtained approval of the Sonoma County Community Action Council. We did not obtain the approval of the Sonoma County Board of Supervisors. The Board of Supervisors refused to act on the ground that some of its members feared the program would create a divorce mill. It is doubted that the present Board of Supervisors would take this position.

It is my personal position that the lawyers I have talked to feel that the Santa Rosa California Rural Legal Assistance office does not adequately service the existing needs of the poor in every day situations which require legal help. We obtained figures from the Santa Rosa California Rural Legal Assistance office on their activities for 1970, and after our Board studied them, we were unable to conclude that the figures were meaningful.

The Resolution will be taken up at our January or February Sonoma County Bar Association meeting for action by the entire bar association. If we may be of any further assistance, please advise.

Sincerely,

NEWTON DAL POGGETTO.

AFFIDAVIT

STATE OF CALLFORNIA AGAINST COUNTY OF SANTA BARBARA

I, James W. Houlihan, being duly sworn, depose and say:

That I am a duly appointed, sworn Deputy District Attorney of the County of Santa Barbara, State of California; that prior to being sworn in in this county on November 20, 1967, I was a legally appointed, sworn in Deputy District Attorney of the County of Tulare, State of California, from approximately the 1st lay of September, 1966, to November 20, 1967. Prior to that, I was a legally appointed police officer of the City of Los Angeles, retiring with the rank of Lt. of Police.

My first contact with the California Rural Legal Assistance was with a Mr. Gary Bello in Visalia, California. Mr. Bello's actions were so obnoxious, demanding and showed such a lack of any ethical standards that on at least one occasion he was ordered by the Judge to leave his courtroom. During the period of time, he or members of the staff of C.R.L.A. interfered with the prosecution of several criminal cases involving arrests made by the Visalia Police Department.

In Santa Maria, Donald W. Haynes was the Senior Attorney of C.R.L.A. During his tenure it was known by many of the other attorneys in town that he did not have enough legal work to do. However, in my official position, I found that he actively defended one, Michael Diaz, charged with the crime of contributing to the delinquency of a minor (P.C. Sec. 272), and appeared in court as attorney of record for said Diaz. The case involved an 18 year old boy committing Stat Rape on a 15 year old girl, and when the girl's parents objected, members of the C.R.L.A.'s office took the girl from her parents, taking her to Mexico and arranged for them to get married. (At least, this is what Mr. Haynes stated to the Court.) I seriously considered taking the case to the Grand Jury, charging Mr. Haynes and others with a felony. However, due to

evidentiary problems and the press of other felony matters, I did not do so.

Mr. Haynes, in the case of *People v. Angel DeJesus* (another criminal case involving failure to provide for children), did represent said defendant in court as his attorney. I recall several other cases involving Failure to Provide where Mr. Donald Haynes did enter on the part of the defendant and, in one particular case, advised the defendant not to take blood tests.

In *People v. Santiago Arguijo,* (another criminal failure to provide case), both Mr. Wolpert and Mr. Burton Fretz of the C.R.L.A. have indicated that they were representing the defendant.

Currently, the Santa Barbara County District Attorney's office is appearing on behalf of the People of the State of California in a case brought by the C.R.L.A. on a Writ of Habeas Corpus in the case of *Tiburcio Cardoza v. Guadalupe Justice Court.* This is a criminal matter in which the C.R.L.A. is attempting to have the Superior Court set aside a plea of guilty entered in 1968 by Mr. Cardoza. There was one interesting point in that the Petitioner (Cardoza) claims not to be able to speak, read or write English, yet the petition for the writ is in English. There was no English to Spanish interpretation under oath. There were two affidavits attached and the facts of each differ to a point that I, as a non-Spanish reading person, could determine that there were different facts stated in each of the three documents. This is either a case of perjury or clerical error.

During the recent lettuce strike, a Mr. Charles Farnsworth, United Farm Workers attorney, came to town and did not have an office. During his stay in town I saw Mr. Farnsworth in constant company with Mr. Fretz of C.R.L.A. In fact, on one occasion, Mr. Joseph Gallas, an attorney at law, informed me that if I could not find Mr. Farnsworth at the Union Hall he would probably be at the office of the C.R.L.A. as he was using their law library and, by innuendo, possibly their staff to do legal work. On one occasion, after the arrest of Raul Santiago, UFWOC Union Labor Organizer, and two others for attempted murder, Mr. Fretz was the first attorney to appear for the UFWOC to interview and advise Mr. Santiago and the other two arrestees at the Sheriff's Station. In fact, he made at least two contacts with the defendants on that particular day.

Since the conviction of Raul Santiago for a traffic offense in the Guadalupe Justice Court, Mr. Farnsworth and Mr. Fretz of the C.R.L.A. have been filing many disqualifications against Judge Stewart, causing undue hardship upon the court system. The only grounds for asserting such disqualification is Judge Stewart's alleged lack of sympathy with the lettuce strike. Judge Stewart, in my mind, even though he is a lay Justice, is probably the most respected and fair jurist in the County of Santa Barbara. The people of Guadalupe would have no one else as their Judge. He is continually striving to do an outstanding job.

It has been my experience that Mr. Haynes, as a member of the C.R.L.A., would write false letters to the Editor of the local paper containing falsehoods and made use of a "back-door" policy in talking to Judges outside the presence of opposing counsel. Mr. Fretz, in his appearances in court, has been very poorly prepared and most arguments are based upon emotion and a non-legal approach. His appearance and that of his associates in the courts here create a very unfavorable feeling toward the office. This is particularly true with regards to the long hair of the associates and their carrying of purses.

When I came to the City of Santa Maria, the C.R.L.A. would not take any cases for a poor person unless it was a "class" action. For a long period of time, I have followed the approach that when persons call our office for legal assistance I would refer them to C.R.L.A. On many occasions these people would call back and state that C.R.L.A. would not help them. I then informed the person to go back to C.R.L.A. and get a rejection in writing and inform C.R.L.A. that the purpose of this was to forward the said rejection to their Congressman. In almost every case, at least to my own knowledge, the case was taken and handled by C.R.L.A.

Apparently, they are now handling divorce actions, but not until the party has first gone to private attorneys and gotten rejections. This, of course, is in a geographical area where there are few private attorneys. Consequently, it causes a hardship on both the attorneys and the applicant. This referral procedure was not started until there had first been a movement started to furnish these poor people the proper forms and printed instructions so that they could proceed In Propria Personna. The Superior Court Judge has a very strong feeling about In Propria Personna representation and it is believed this judicial pressure is what caused the C.R.L.A. to start accepting a limited number of cases.

I do not believe that the poor of this community would suffer if the C.R.L.A. office was disbanded. However, as in any community of this size, we should have some workable legal aid for the poor, which is not the C.R.L.A., but rather a community action program or whatever program existed in the City of Visalia.

Dated at Santa Maria, California, this 8th day of December, 1970.

DAVID D. MINIER,
District Attorney, County of Santa Barbara.
By: JAMES W. HOULIHAN,
Deputy District Attorney.
J. E. LEWIS,
County Clerk.
By FRANCIS PEDEGO,
Deputy Clerk.

MADERA, CALIF.,
December 17, 1970.

LEWIS K. UHLER,
Director, State of California, Office of Economic Opportunity, Department of Human Resources Development, Sacramento, Calif.

DEAR MR. UHLER: Attached is the response of Supervisor John W. Schmitz Jr. to your inquiry regarding the 1971 refunding proposal for the California Rural Legal Assistance.

Also attached are copies of a letter dated November 12, 1968 which was directed to your office and a copy of Resolution No. 68–1. Although these documents are not current, the comments are still appropriate and reflect the grave concern of the Madera County Board of Supervisors toward the operation of the California Rural Legal Assistance program.

Sincerely,

DONALD M. HANDLY,
County Administrative Officer.

RESOLUTION No. 68–1

Whereas, the Board of Supervisors of Madera County was hopeful that the granting of E.O.A. funds to the California Rural Legal Assistance would benefit in some way the poor and underprivileged that may have escaped other governmental programs, and

Whereas, it did not raise its voice in opposition in the beginning because this Board wished to give any legitimate and worthwhile program an opportunity to demonstrate its benefits and efficiency, and

Whereas, the California Rural Legal Assistance has been given not only the opportunity to demonstrate, but it has wantonly and viciously used its authority, money and ability to attack governmental administration of schools, welfare and health, thus devoting taxpayer's money to attack and harass local governmental administration with silly, frivolous and absurd grievances without understanding or appreciation of the individual's rights, or the rights of the public, or its counterpart, the government, and

Whereas, the real need of the poor and the underprivileged is to represent such persons with care and understanding in domestic, contractual and tort litigation. However, the California Rural Legal Assistance has turned some of these people away with the excuse of being busy and unavailable for such representation, and

Whereas, the activities of the California Rural Legal Assistance have been distorted and misguided with an arrogant disregard of the desirable and benevolent assistance of the underprivileged; that the underprivileged concept has been the excuse and the shield for the extravagant expenditure of public funds for the devious objectives of the California Rural Legal Assistance.

Now, therefore, be it resolved that this Board does recommend to the Governor of the State of California that he veto this E.O.A. program until and unless some beneficial and truly helpful legal assistance program is formulated.

Be it further resolved that a copy of a prior resolution in connection with the lawsuit commenced by the California Rural Legal Assistance against the Madera Unified School District is attached hereto marked Exhibit "A" and made a part hereof.

Be it further resolved that a copy of this resolution be forwarded to The Honorable Ronald Reagan, Governor of the State of California, Congressman B. Sisk, Senator Howard Way and Assemblyman Ernest Mobley, U.S. Senators George Murphy and Thomas H. Kuchel, Congressman Harold T. "Bizz" Johnson, and Mr. Sargent Shriver.

The following Resolution was adopted this *2nd* day of *January,* 1968, by the following vote:

Supervisor Schmitz voted: Yes.
Supervisor Balmat voted: Yes.
Supervisor Thompson voted: Yes.
Supervisor Neufel voted: Yes.
Supervisor Cornwell voted: Yes.

HAROLD BALMAT,
Chairman, Board of Supervisors.

Attest:
[SEAL] HANORA H. DWYER,
Clerk, Board of Supervisors.
By UARDA PEZALLA,
Deputy Clerk.

The foregoing instrument is a true and correct copy of the original on file in this office.

Attest: January 4, 1968.

HANORA H. DWYER,
County Clerk and Clerk of the Board of Supervisors in and for the County of Madera, State of California.
By CATHY AGUIRRE,
Deputy.

MODESTO, CALIF.,
December 23, 1970.

CALIFORNIA OFFICE OF ECONOMIC OPPORTUNITY,
Sacramento, Calif.
Attention: Mr. George Goff.

GENTLEMEN: I have been requested to comment with regard to the activities and the operations of the local California Rural Legal Assistance office, looking toward an evaluation to be made with regard to the legal services which are being afforded to those who are unable to pay for such services.

Since insufficient time has been allotted for the purpose of making an in-depth study concerning the matter, I am, of necessity, limited to a report of the gross impressions of the activities of the local C.R.L.A. office.

At the outset, it should be made unmistakably clear that I have no quarrel with the premise that the disadvantaged, the needy, the poor, and those for whatever rea-

son who are unable to obtain legal services by reason of lack of financial ability, are entitled to have such services furnished at public expense, and that such legal assistance should be capable, efficient and competent.

A serious question is presented, however, as to whether locally there has not been a duplication of services, having regard for the fact that in civil matters, services of the Stanislaus County Legal Assistance are available, and in criminal matters, the office of the Public Defender is available, and that in fact there are other services which may overlap, but which are also available to some affected segments of our community when dealing with particular problems.

Contrary to policy statements and opinions issued by C.R.L.A. and reiterated from time to time by counsel for C.R.L.A., that it is not to become involved in fee generating cases or cases in which the state is obligated to furnish counsel, the fact is that C.R.L.A. has, from time to time, persisted in becoming involved in just such kinds of cases when, for reasons best known to themselves, they decide that it is a proper case to assume.

It has also been noted that in civil actions instituted by the C.R.L.A. in behalf of one who has been qualified to proceed in forma pauperis and having obtained an order of the court waiving the usual costs incident to such proceedings, there is no hesitancy to incur expense for services which are not normally employed even by privately financed litigants.

It has been noted also that the local office almost uniformly assigns two lawyers to the presentation of each case without regard to how simple the case may be. In fact, I have on occasion asked of such counsel why it was thought necessary to have two lawyers present in the presentation of simple matters and when informed that this was the policy, I have stated that as an interested taxpayer, I regarded such policy as extravagant and a waste of public funds.

The clear impression gained from observing the activities of the local C.R.L.A. office is that its primary concern appears to be with effecting social change and the originally expressed purposes of assisting the indigent have apparently been lost sight of.

Radical changes in the operating procedures of the C.R.L.A. are necessary to correct the existing situation if the originally expressed and noble objectives of the C.R.L.A. are to be implemented.

Very truly yours,

WILLIAM ZEFF, *Judge*.

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 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. 13000) to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 15728) to authorize the extension of certain naval vessel loans in existence and new loans, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, and it was signed by the Acting President pro tempore (Mr. METCALF).

SENATE RESOLUTION 504—CONTINUING FOR 1 MONTH CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The PRESIDING OFFICER (Mr. SAXBE). At this time, by unanimous consent, the Senator from Connecticut (Mr. RIBICOFF) is recognized.

Mr. RIBICOFF. Mr. President, I submit a resolution which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

RESOLUTION

Continuing for 1 month certain authority for investigations by the Committee on Government Operations into the efficiency and economy of operations of all branches of Government

Resolved, That the authority to make investigations conferred upon the Committee on Government Operations by Senate Resolution 308, Ninety-first Congress, agreed to February 16, 1970, together with any authority contained in section 7 of such resolution, is extended until February 28, 1971. In carrying out investigations, holding hearings, and reporting such hearings under the authority of such resolution and this resolution, the Committee on Government Operations is authorized to expend any part of the amount specified in section 8 of such Senate Resolution 308 which remains unexpended on January 31, 1970.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JAVITS. Mr. President, reserving the right to object, I want to ask the Senator a couple of questions. I have been consulted by the Senator. I am the acting ranking member of this committee because of the very sad illness of the Senator from South Dakota (Mr. MUNDT). and I have been consulted by the Senator regarding this matter. I shall not delay action on it, but I did want to ask two questions for the RECORD.

One, is it assumed that this resolution will mean, aside from the continuance of the work of the committee, any change in existing law respecting whether there is any authority to extend the work, in view of the fact that we will have a new Congress?

Mr. RIBICOFF. Mr. President, not at all. My understanding is that basically, until the new committees are constituted, the work of the old committee will continue. The authority of this committee to act extends until January 31, 1971. There are some investigations now currently in process on which hearings are slated to be held in January and February. There will be no need for further funds. The committee has sufficient funds in its prior authority. I do not conceive of any new authority being given to the committee.

Mr. JAVITS. Mr. President, if I may make the situation clear to the Senate, will it be understood that if this resolution is considered and acted on, whatever the law provides with respect to the power to continue this authority will continue to be the law, unchanged by this resolution; and will it also be understood that this resolution represents no waiver of precedent or otherwise adversely affects the right of Senators who will be sworn in or who will continue as Senators in the new Congress to challenge the continuance of the rules of the Senate under the Constitution which provides that each body shall deal with its own rules in every new Congress.

Mr. RIBICOFF. That is my understanding of the situation.

Mr. JAVITS. Mr. President, I thank my colleague. I have no desire in any way to stand in the way of my own committee. However, I did not wish by allowing this resolution to go through to yield or compromise any of the rights in respect of the power of the Senate to write new rules in the new Congress.

ESTABLISHMENT OF A WORKING CAPITAL FUND FOR THE DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. (Mr. SAXBE) laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, which were, on page 29, strike out lines 1 to 5, inclusive, of the Senate amendment and insert:

TITLE V—CARRY FORWARD IN COMPUTING MINIMUM TAX ON TAX PREFERENCES

SEC. 501. 7-YEAR CARRY FORWARD.

(a) In General.—Section 56.

On page 29, line 22, of the Senate amendment strike out "carry backs and".

On page 29, line 23, of the Senate amendment strike out "years" and insert "year".

On page 30, line 3, of the Senate amendment strike out "Carry Backs and".

On page 30, line 18, of the Senate amendment strike out "shall be a tax carry back" and all that follows down through line 25 and insert "shall be a tax carry over to each of the 7 taxable years following such year. The entire amount of the excess for a taxable year shall be carried to the first of such 7 taxable years, and then to each of the other such taxable".

On page 31, line 4, of the Senate amendment strike out "(b)" and insert "(b) Effective Date.—"

Resolved, That the House agree to the amendment of the Senate to the title of the bill.

Mr. LONG. Mr. President, I ask unanimous consent that this matter be the pending question after the disposition of the resolution of the Senator from Connecticut.

Mr. JAVITS. Mr. President, reserving the right to object, may we know all

about the matter. I was intending to call up a matter myself. Is this a conference report?

Mr. LONG. Mr. President, we accepted the amendment of the Senator from Iowa (Mr. MILLER). This amendment provided that you could have a 3-year carryback and a 5-year carry forward of regular tax liabilities to the extent they are not used to offset references otherwise subject to the minimum tax. The House agreed to the essence of the Senate's amendment, but provided that taxpayers could have a 7-year carry forward of the regular tax liabilities rather than a 3-year carryback and a 5-year carry forward. As I understand it, the Senator who offered the amendment in the Senate is willing to accept the modifications.

Mr. MILLER. Mr. President, inasmuch as I am the author of the amendment which the House has amended, I believe I should advise the Senate that it should agree with the House amendment.

My amendment would have provided for a 3-year carryback and a 5-year carryover of Federal income tax in excess of the preferences taken into account for purposes of the minimum tax.

I understand that the Treasury Department contends that the 3-year carryback feature would pose the problems of reviewing previously filed tax returns and making tax refunds. This would not be true with respect to the carryover feature.

Accordingly, the House has removed the 3-year carryback feature; but in lieu of the 5-year carryover feature has provided for a 7-year carryover.

All of this means that taxpayers would have an 8-year period—counting the taxable year—for averaging out tax preferences and Federal income tax instead of 9 years as provided by my amendment.

This represents a fair compromise, and I believe the Senate should agree with the House amendment.

Mr. President, let me ask the distinguished chairman another question about the bill. It has been suggested that it is possible for different amounts of excise tax to be levied in the instance where a dealer or distributor purchases both the truck and the hoist from a single manufacturer and combines them for resale, as contrasted with the situation where the truck and the hoist are purchased from two different manufacturers and combined for resale. I would not think the bill we approved calls for such a result. Can the chairman of the committee enlighten me?

Mr. LONG. Mr. President, it is the Committee on Finance's intention that identical excise-tax results be obtained where a dealer or distributor purchases both a truck and a hoist from a single manufacturer and combines them for resale, and where a dealer or distributor purchases a truck from one manufacturer and a hoist from another manufacturer and combines them for resale. That is the way we understood the bill and that is the basis on which we approved it.

The PRESIDING OFFICER. The question is whether this will be the pending business after the conclusion of the resolution of the Senator from Connecticut.

Mr. LONG. Mr. President, I believe we should act on the bill now.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I move that the Senate agree to the House amendment.

The motion was agreed to.

ORDER FOR RECESS UNTIL 12 NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

SENATE RESOLUTION 504—CONTINUING FOR 1 MONTH CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The PRESIDING OFFICER. The question recurs on the resolution of the Senator from Connecticut, continuing for 1 month certain authority for investigations by the Committee on Government Operations into the efficiency and economy of operations of all branches of Government.

Mr. RIBICOFF. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE NOMINATION OF FRANK CARLUCCI

Mr. CRANSTON. Mr. President, the junior Senator from California knows full well why the senior Senator from California felt it necessary to take the floor to discuss CRLA and the pending nomination of Mr. Carlucci to be the head of the OEO.

The senior Senator has exercised his customary restraint—a restraint that has marked the relations between both of us when we have differed. I will exercise the same restraint.

In no way have I indicated any position on the nomination of Mr. Carlucci or whether I feel he should be approved for the Senate office for which he has been nominated.

I have not indicated any plan or intention of seeking to block that nomination in the next session of the Congress.

Mr. Carlucci took the position before the Labor and Public Welfare Subcommittee yesterday which was considering his nomination that he could not act upon the California Governor's veto of CRLA funding until he had seen certain documents that somehow took more than a week to cross the continent from the Governor's office to his office in Washington.

I, in the same way, feel that I cannot vote intelligently upon his nomination, and I feel that the committee cannot act wisely upon his nomination, until we have seen the evidence upon which he bases his action, which is not now available to him or the committee, and until we have also seen the degree of dispatch which he is able to exercise in dealing with that veto and exercising his power to override or decline to override that veto.

Nothing else is involved in my action on the subject.

To make very plain that these are the only reasons, I ask unanimous consent to have printed at this point in the RECORD the closing statement I made yesterday in the committee hearings, stating my feelings at that point about his nomination. I also ask unanimous consent that I may have printed in the RECORD certain documentation presenting the other side of the issue, to help explain the documents to be printed in the RECORD by the senior Senator from California.

I exercise a great deal of restraint. I will not put into the RECORD the 471 communications, bound in these two volumes, from California and elsewhere in support of the CRLA.

Mr. GRIFFIN. Mr. President, reserving my right to object, I object.

The PRESIDING OFFICER. Objection is made to the inclusion of the material in the RECORD.

Mr. GRIFFIN. Reserving the right to object, the junior Senator from California, I take it, is indicating that he is going to block this nomination in this session of the Congress. Is that the understanding?

Mr. CRANSTON. It is not necessarily the intent of the junior Senator from California. As the senior Senator from California has stated earlier in his remarks, discussions are underway that might lead to a solution to the problem in time for the matter to be dealt with.

Mr. GRIFFIN. Mr. President, I shall object for the time being. I want to have the floor when there is an opportunity.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, rather than having printed in the RECORD the material that I have been denied the right to have printed in the RECORD, I will read the closing statement I made yesterday which makes very plain the position I took in the committee yesterday. I will later seek, if it can be obtained, unanimous consent to have printed in the RECORD certain other documents in relation to the documents that will be printed in the RECORD by the senior Senator from California.

Mr. GRIFFIN. Mr. President, if I can get unanimous consent that I can be recognized for 5 minutes following this, I will withdraw my objection.

The PRESIDING OFFICER. Without objection, the Senator from Michigan will be recognized after the Senator from California.

Mr. CRANSTON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point my closing statement at the Carlucci confirmation hearing.

There being no objection, the closing statement of the Senator from California at the Carlucci confirmation hearing was ordered to be printed in the RECORD, as follows:

CLOSING STATEMENT

After extremely careful consideration, I have decided to do what I can to see that any Senate approval of Mr. Carlucci as the new director of O.E.O. is withheld until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of the $1.8 million California Rural Legal Assistance Grant. I wish to say briefly why I have decided to do so.

Governor Reagan, relying upon a patently specious investigation, has attempted to discredit what everybody who has studied C.R.L.A. has declared to be the finest legal services program in the United States. Although Mr. Carlucci has the power to override that veto, he has stated this morning that he is unwilling to tell us today, or tomorrow apparently, whether he will do so. Whether Mr. Carlucci overrides the veto of C.R.L.A. and whether he does so in time to prevent disruption of the program and a disservice to its present clients, in my opinion, will be a crucial indication of what kind of director of O.E.O. he would be, were he to be confirmed by the Senate.

If the Economic Opportunity Act means anything, it means that the poor must be able to speak for themselves and to guide their own destinies Americans are proud that through the Office of Economic Opportunity the poor, whose interests were ignored for so long, have been given new reason to have faith in the American system.

The lawyers who have represented the poor have exemplified the best in the poverty program. California Rural Legal Assistance has led the way. It is the dedication of those lawyers to the true interest of the poor that has made them unpopular with Governor Reagan; it is that same dedication that has given them credibility with the poor.

We have raised the hopes of the poor. What happens to C.R.L.A. is far more important than what happens to one program. If the finest legal services program is lost to the poor, the message is clear—any program the poor have faith in, any program that truly represents their interests—is subject to the death penalty for purely political reasons.

The legal services program is generally conceded to be the most important part of the War on Poverty. If C.R.L.A. can be cancelled out, or can be subjected to harassment and excessive delay before it is refunded, on the basis of isolated charges which are deliberately raised at the eleventh hour, then the legal services program, throughout the rest of the country, is in very serious trouble. And, then, Mr. Carlucci as director of O.E.O. would not have shown his concern for and ability to protect the interests of this country's disadvantaged.

I have grave reservations about a 30-day extension in terms of its being of any substantive value. I know that 30-day extensions have been used to hamper, thwart and decimate legal assistance programs in Florida, Mississippi and for the Navajo Indians.

If the C.R.L.A. veto is not promptly overridden, many other governors will be encouraged to veto legal services programs in *their* states, or to try to seriously restrict the work of those programs. *Full* legal representation of the poor will be subjected to protracted threats, particularly where poor people seek judicial review of governmental decisions which are adverse to them. The message will go out to the poor that the rich man can sue the government, but the poor man cannot, that the peaceful redress of grievances under law is available to the rich but not feasible for the poor. This would indeed be disastrous at a time when an increasing number of people are questioning whether the American governmental system still permits peaceful change through law. And let me stress in C.R.L.A.'s case that its 86 percent success record for litigated cases shows convincingly that without effective access to the judicial process the system operates in numerous ways to deprive the poor of rights and benefits they are entitled to under law.

The question is, are we going to do all we can within the system to encourage peaceful change. Or, as the question is put at this confirmation hearing, is Mr. Carlucci going to use his best efforts to further peaceful change through law and our institutions of justice? We need to know very soon what Mr. Carlucci's answer is.

The Senate must be convinced that the next director of O.E.O. is dedicated to the purposes of his agency—protecting and encouraging the poor, and helping them to help themselves.

Does he as director-designate have faith in the orderly process within his own agency—a process which has produced an evaluation confirming the professional excellence of C.R.L.A.

Until we have answers to those crucial questions in terms of *his* action on the C.R.L.A. veto—until we see whether the acting director will serve the aim of the Economic Opportunity Act, I am not prepared to act on this most important nomination.

Furthermore, if the Senate does not act to confirm Mr. Carlucci's nomination during this Congress, then, when and if that nomination is before this committee in the 92nd Congress, the question I will ask if by then there *has* been an over-ride of Governor Reagan's veto in judging Mr. Carlucci's suitability to head the poverty program, will be:

Did he make the over-ride decision in time to prevent the disruption of this program, the destruction of current cases, the departure of present employees who would be forced to go elsewhere to earn livelihood for themselves and their families, and the disillusionment of those who were led to believe they could find justice under law.

Governor Reagan's veto is a direct challenge—a dare, if you will—to the Nixon Administration and, perhaps, to President Nixon himself.

The national office under the Nixon Administration has repeatedly and in various ways, endorsed, supported and encouraged C.R.L.A. and the concept of legal assistance to the poor. The Nixon Administration rejected the concept of regionalization which would have decimated C.R.L.A. and all programs for the poor in California and other states. The Nixon Administration gave C.R.L.A. and the poor people of California a resounding vote of confidence in recommending for C.R.L.A. a $1.8 million grant, a quarter of a million dollars more than their FY 1970 grant.

Governor Reagan has, in effect, thrown this money in President Nixon's face. Governor Reagan has, in effect, accused the President of conducting an Administration that is wasteful, and blind, and worse.

If the Reagan veto is sustained, the Nixon Administration will, in effect, be confirming the criticisms that Governor Reagan has directed at the operation of O.E.O. under President Nixon.

President Nixon and Mr. Carlucci must stand up for the poor people of California and the nation and stand up to Governor Reagan and those who would destroy the efforts of O.E.O. to help those who are trying to help themselves under the American system that is designed to help those who try to help themselves.

To deny due process of law to any American for any reason, let alone for reason of his low income status, attacks the fundamentals of our entire constitutional democracy.

The operative point here is *not* that C.R.L.A. lawyers have brought too many cases to court, the point is that they have won so many cases. In simple, non-legalistic terms, this shows that the courts have judged the state and federal governments to have acted illegally against poor people; it has been C.R.L.A. and the courts that have upheld law and order and justice in California against the onslaughts of those who would evade or undercut the law and the American concept of liberty and justice for all.

Mr. CRANSTON. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD the material that I requested to have printed in the RECORD a few months ago.

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

DECEMBER 26, 1970.

Mr. FRANK CARLUCCI,
Director,
Office of Economic Opportunity.

DEAR MR. CARLUCCI: This letter follows our telegram of this date advising you of Governor Reagan's disapproval of the 1971 refunding of California Rural Legal Assistance.

The Governor's disapproval power has been exercised pursuant to Section 242 of the Equal Opportunity Act of 1964, as amended. It is based upon the recommendation of the Director of the State Office of Economic Opportunity, Lewis K. Uhler and his capable staff. (Please see the attached memo to the Governor.)

The evidence obtained by the California SEOO during its extensive review of California Rural Legal Assistance indicates that this organization has misused taxpayer funds and has failed in its mandated purpose of serving true legal civil needs of the poor within its geographic area of operation. A program which has created such furor and turmoil and has lost credibility not only in the eyes of responsible leadership but many of the poor themselves cannot possibly be a viable means for meeting these legal needs. At the same time it is our plan to initiate an alternative legal services program as described in Director Uhler's report that the true needs of the poor can be served.

I have asked Mr. Uhler to arrange an early meeting with you and the appropriate members of your office so that we can brief you personally and can furnish our extensive file of evidence for your inspection.

Kindest regards,

EDWIN MEESE III.

DECEMBER 24, 1970.

Hon. RONALD REAGAN

DEAR GOVERNOR: Transmitted herewith is a report compiled by the State Office of Economic Opportunity regarding California Rural Legal Assistance. In the normal course of events this organization has been evaluated by our office pursuant to its refunding of Office of Economic Opportunity, Legal Services, Washington, D.C.

It is the recommendation of our office that you exercise your power to disapprove refunding of this grantee pursuant to the authority granted you in Section 242 of the Economic Opportunity Act of 1964, as amended.

Our recommendation is based upon the regrettable fact that the grantee has failed to comply with the conditions of its grant through gross and deliberate violation of Office of Economic Opportunity guidelines and has failed in its mandated mission, to wit, provide civil legal services to the rural poor. It appears that CRLA has failed in this mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the civil legal needs of the poor. These diversions from its major mission include but are certainly not limited to representation of people charged with crime, use of legal process to harass public and private organizations, solicitation of clients, counseling and organizing of students to challenge school authority-dis-

cipline systems, the undue fixation of energy on cases with extraordinary publicity value, etc.

A view of the cases and instances which cause this grave concern are set forward briefly;

1. A woman welfare recipient lost her husband due to a heart attack. She wished to adopt a child she has raised since he was three days old so that she might benefit from her deceased husband's social security. A CRLA attorney said that he would help the woman if she would agree to be plaintiff in a suit against the welfare department. The woman refused. CRLA called several times to restate the offer but refused to handle her legal problem unless she would also consent to sue the county (private counsel has agreed to handle the adoption without fee).

2. A CRLA attorney participated in a panel discussion before an American History class consisting of high school juniors. During the course of his presentation he used the word "——" or "——". Upon being repremanded, the CRLA attorney thereafter wrote on the blackboard "—— vietnam".

3. CRLA filed a lawsuit on behalf of 16 named plaintiffs. Fifteen of the 16 attested that they had not engaged CRLA to represent them and knew nothing of lawsuit when it was filed.

4. A paid community employee of a CRLA office was arrested for possession of marijuana. He was defended in this criminal action by a CRLA attorney.

5. Two women seeking divorce were informed by CRLA that its office would handle same for a fee of $300 each and in one case CRLA demanded an immediate deposit of $75 (CRLA is prohibited from charging fees for Legal Services).

6. The President of a Bar Association stated "I feel that as a result of their class actions in connection with agricultural workers they have disrupted the economy of our local community and have polarized the community so that we have great problems which were never experienced prior to the advent of CRLA on the scene."

7. CRLA filed an action against a welfare department seeking allowance for a stove for a welfare recipient. A local merchant called CRLA and offered to donate a gas range to the welfare family. CRLA refused the offer of a stove and indicated that they would persist in a suit against the welfare department.

8. A deputy district attorney reports that a CRLA attorney defended a man charged with contributing to the delinquency of a minor. The case involved an 18 year old boy who was charged with statutory rape on a 15 year old girl. Despite parental objection members of the CRLA office participated in a scheme whereby the girl was spirited to Mexico where they arranged for a marriage between the 15 year old female and the defendant.

9. A CRLA attorney counseled United Farm Workers Organizing Committee strikers and demonstrators; in the field a CRLA employee directed the demonstrators with a bull horn.

10. CRLA attorneys counseled and encouraged a school demonstration and several of the participants were arrested for trespassing, defended them in criminal proceedings claiming that the criminal representation was done on their own time.

11. A district attorney has said "This agency (CRLA) has failed miserably to discharge its obligations to the indigent rural people. Has wasted hundreds of thousands of dollars of our taxes and has caused expensive and intensive time consuming involvement of our local agencies in answering its vicious attacks."

12. A county Grand Jury has requested the State of California to veto the CRLA grant in a resolution stating in part "California Rural Legal Assistance has refused to comply with the process of this Grand Jury in investigations of the corporate activities of the California Rural Legal Assistance to determine if it is providing adequate legal assistance for the poor."

This represents only a few of the alarming examples of CRLA's failure to accomplish its mission, comply with its grant conditions or control its sometimes outrageous and irresponsible conduct of its employees. While this office has accelerated its data gathering activities in the last few weeks and is now in possession of substantial amounts of information on CRLA's activities, we believe that this represents only a small portion of the real CRLA picture.

The failure of CRLA has been so dramatically brought to this administration's attention that there is no choice but to recommend the disapproval of CRLA's refunding. To do otherwise under these circumstances would be tantamount to gross neglect of our duty to uphold the interest of all of the citizens of California and to insure the proper use of Office of Economic Opportunity funds.

This administration's deep concern for meeting the legitimate civil legal needs of indigents has prompted us to devise an alternative to CRLA which holds enormous promise for truly serving the rural poor. In the process of the in-depth analysis of CRLA we have gained new insight into the legal needs of the poor which has provided us with the kind of background necessary to design the best possible legal system for the poor. In the comprehension of CRLA's failure, we stand on the brink of a major breakthrough in privately financed legal services for the poor which will insure not only local responsiveness but the mobilization and support of the entire community behind the legitimate legal needs of the poor.

Many of the complaints against CRLA received by this office involved allegations of misconduct and violations of professional ethics by the attorneys involved. A copy of our report and accompanying evidence will be forwarded to the State Bar of California for investigation and appropriate disciplinary action.

We intend to brief Federal Office of Economic Opportunity officials in Washington, D.C. with respect to the full details of this report as soon as a meeting date can be arranged.

It is requested that our detailed file of exhibits, statements, and evidentiary documents be kept confidential until after this meeting.

Respectfully submitted.

LEWIS K. UHLER,
Director.

CRLA CALLS FOR OVERRIDE OF GOVERNOR REAGAN'S VETO OF THEIR 1971 GRANT

California Rural Legal Assistance urged Frank Carlucci, Director, Office of Economic Opportunity, to immediately override Governor Ronald Reagan's veto of their 1971 grant. Attached is a telegram sent to Mr. Carlucci. The telegram emphasizes that CRLA is regarded as an outstanding legal service program which strikes a balance between service to individual clients and matters concerning larger segments of the client community related to basic problems of poverty.

Governor Reagan's veto is attributable to retaliation for successful actions brought against both public and private defendants and is reflective of the intent of Governor Reagan to oppose basic social welfare programs of the Nixon Administration. The veto is predicated upon a biased, one-sided investigation conducted by an ultra conservative member of the Reagan staff.

CRLA denies Governor Reagan's general and specific charges. The Governor's Office promised to make his report available prior to action but failed to keep his promise. Denials are based on charges as reported by the news media.

Cruz Reynoso, CRLA Director, summarized CRLA's position as follows:

Because CRLA has proven that a degree of social and economic change is possible within the system, that the system is available and open to the powerless, the veto should be promptly overridden. To delay in this decision would be to encourage opponents of legal services, intimidate and discourage legal service attorneys from initiating controversial actions on behalf of their clients, and threaten the independence of the national legal services program.

Support of CRLA was founded on recognition of a successful, balanced approach to Legal Services. CRLA serves thousands of poor every year handling day-to-day matters of problems with landlords and creditors. During the last year CRLA attorneys handled 18,823 legal problems, 749 involving court actions; and only 55, or 7 percent, were filed on behalf of a class. Over 2,000,000 senior citizens, consumers, food program recipients, and public housing residents were represented by CRLA attorneys in those 55 class actions, but obviously the bulk of CRLA efforts went into the 18,768 legal problems handled for individuals during the year. CRLA's success record in the courts and before administrative agencies provides clear evidence of the legitimacy of the legal problems its attorneys handle: of the 749 court and administrative decisions rendered during the last year, CRLA clients were upheld in 605 cases or 86 percent of the time.

REPRISAL FOR SUCCESS

The Governor's veto appears to be a reprisal for successful suits initiated by CRLA curbing unlawful actions by public agencies and establishing rights for the disadvantaged.

The source of Governor Reagan's initial hostility was a lawsuit brought by CRLA in 1967 which successfully barred efforts to cut 200 million dollars in services under the California Medi-Care Program. The Supreme Court agreed that the State action violated State law and usurped the authority of the Legislature. A case filed in 1970 against a Medi-Cal cutback resulted in the invalidation of a State regulation on grounds that it was in conflict with federal law. The decision restored over two million dollars in benefits to the medically needy.

A provision of the California Constitution which disenfranchised thousands of Spanish-speaking citizens by imposing an English literacy requirement as a condition to voting was stricken, the California Supreme Court ruling on a case initiated by CRLA clients.

A provision of the California Constitution was stricken which conditioned the construction of low-income housing on the passage of a referendum frequently used to block decent housing for the poor.

The State-wide use of aptitude tests which had resulted in the classification of thousands of bright Spanish-speaking children as mentally retarded barring their economic advancement through education was enjoined. Subsequent legislation set minimum standards to assure that the aptitude of Spanish-speaking children would be tested on objective criteria.

A provision of the Constitution limiting the passage of school bond issue was stricken.

Litigation initiated by CRLA clients resulted in the establishment of federal food programs in seventeen California counties.

A suit filed against the State on behalf of fifty thousand female farm workers compelled enforcement of the newly established minimum wage initially resulting in the retroactive payment of hundreds of thousands of dollars in withheld wages to thousands of farm workers.

These major victories combined with the thousands of small decisions for the first

time provided the California rural poor with effective access to the courts and the legislative, the traditional democratic channels for redress of grievances. CRLA's successes have demonstrated the need for such a voice, as well as the competence of the representatives of the poor, and the legitimacy of their claims. Had CRLA been less forceful, less energetic, less successful in seeking to provide to the poor the same access to democratic processes as are available to major growers, corporations and public agencies, the veto would not have come.

GOVERNOR'S VETO

Beyond the reprisal motive, Governor Reagan's criticism of the scope of CRLA's activities raises principles twice rejected by Congress. Congress refused to prevent legal service programs from suing public agencies and rejected a proposal to give governors the right to veto a program because of controversial nature.

The veto of CRLA by Governor Reagan can only be explained in terms of his consistent opposition to progressive social welfare programs of the Nixon administration. At its root is the belief shared by ultra conservatives that access to the courts and to the legislature is a privilege rather than a right. Inherent in the criticism of CRLA is the premise that the poor do not have the right to initiate action in the courts to obtain entitlements enacted by the Legislature for their benefit.

The appointment by Governor Reagan of Lewis K. Uhler as Director of State Technical Assistance Program [State OEO], an admitted former member of the John Birch Society and active campaign manager for the ultra-conservative Congressman John Rouselot, was harbinger of his intention to muzzle legal services programs.

STATE'S BIASED REPORT

The onesided report of the Governor's staff which recommended veto appeared to be no more than the justification of a prior political decision. The critique was initiated with a random survey to members of the bar and the judiciary requesting responses to questions which characterized CRLA unfavorably and encouraged an anonymous response.

The condemnation of CRLA by an anonymous district attorney dramatizes the lack of credibility of the anonymous questionnaire. The survey had been condemned in a formal resolution of the National Legal Aid and Defender Association.

Subsequent to the inquiry, State Technical Assistance fieldworkers conducted a patently hostile investigation in each region. The investigators encouraged local bar associations to recommend termination of CRLA in their community, reportedly promising them funds for locally sponsored programs as an inducement. Investigators reportedly sought to have prominent defendants in lawsuits initiated by CRLA sign deprecating affidavits. Over all, the methods employed by the State Technical Assistance Program opened old wounds, magnified controversies, polarized communities, and frustrated CRLA's efforts to maintain constructive dialogue with members of the bar and public officials.

SPECIFIC EXAMPLES UNFOUNDED

Considering the effort expended, the return was minimal. Specific examples cited by the State are distortions, half truths, at the most isolated indiscretions or are readily explainable. Dandruff has been represented as a fatal disease. The report, moreover, is deficient in that it fails to include the many endorsements of CRLA received by the State and fails to consider the approval of CRLA voiced by the client community.

Contrary to the report, CRLA does not handle criminal cases in violation of OEO guidelines.

Isolated instances in which criminal defendants have been represented and one case in which an attorney counseled representatives of the Farm Workers Union were done on attorney's vacation time and were therefore personal efforts rather than organizational. A CRLA attorney is permitted on his own time to provide public service work to any organization of his own choosing, be it the Republican Party or the United Crusade. Similarly, the defense of a community worker by a CRLA attorney was handled on the attorney's time off. A motion to quash the matter filed at the preliminary hearing was granted by the court. The motion was, in fact, typed by the attorney himself so as to avoid using the services of the CRLA clerical staff for a non-CRLA matter.

Another criticism which highlights the superficiality of the Uhler report and the danger of drawing conclusions from information received from only one side of a controversy concerns the "stove incident."

The CRLA Marysville Office sought to obtain a resolution of the problem created by the failure of numerous rural welfare departments to allow the payment of funds to meet the critical unmet shelter needs of welfare recipients. The Legislature had recently established this fund and had allowed for payments from it although a family may be receiving the maximum grant. The particular county welfare department had not expended any of these funds during the fiscal year and the State Welfare Department had proposed to withdraw these funds and allot them to urban areas. The merchant who offered the stove was told that the case was intended to deal with this broader problem. With the client's approval, the merchant was asked to hold his offer open for two days pending the resolution of the matter in court. This he agreed to do.

While CRLA intends to respond to each allegation the charges cannot now be answered with precision. The State, in breach of its agreement, failed to make the criticisms available to CRLA staff prior to formalization and veto. We depend at this point on news media reports of the charges against CRLA. The Governor's notion of justice appears to be condemnation without a hearing, a denial of due process.

CONCLUSION

Because CRLA has proven that a degree of social and economic change is possible within the system, that the system is available and open to the powerless, the veto should be promptly overridden. To delay in this decision would be to encourage opponents of legal services, intimidate and discourage legal services attorneys from initiating controversial actions on behalf of their clients, and threaten the independence of the national legal services program.

CRUZ REYNOSO,
Director, California Rural Legal Assistance.

CRLA EVALUATION TEAM

1. Alan Ashman, Team Captain, National Legal Aid and Defender Association.
2. Robert Bennett, Professor of Law, Northwestern University Law School, Chicago, Ill.
3. Winslow Christian, Judge, Calif. Appeals Court, San Francisco.
4. Tom Clark, Justice, U.S. Supreme Court.
5. Richard Ibanez, Pres.-elect, Lawyer's Club of Los Angeles County, Chairman of Executive Committee Mexican-American Legal Defense Fund.
6. Carl Johnson, Director of Legal Services, Calif. Office of Economic Opportunity.
7. Jay Lutz, Director of Legal Services, Calif. State Bar Association.
8. Henry Quevedo, Executive Director, Cabinet Committee on Opportunity for the Spanish Speaking.
9. George Ranney, Deputy Director, Bureau of Budget, State of Ill.
10. Jerome Shestack, Chairman of the ABA Committee on Individual Rights.
11. Michael Smith, Staff Attorney, U.S. Civil Rights Commission.
12. Gilbert Dorame, Reginald Heber Smith Fellow, Assigned to the Oakland Program.
13. John Velasquez, Private Attorney, Oakland, Calif.

OPPORTUNITY,
October 12, 1970.

MR. DANIEL LUCVANO,
Chairman, Board of Trustees,
Beverly Hills, Calif.

DEAR MR. LUCVANO: The OEO Team assigned to evaluate the work of California Rural Legal Assistance has now completed its report to this office, and I am happy to report to you that its findings were generally highly favorable. As is true in the evaluation of any project, however, there were several areas of concern which I wish to attempt to share with you in the following summary.

As you know, the CRLA team consisted of fourteen members—distinguished persons of widely divergent experience, background and viewpoint. Despite the geographic diversity of the CRLA offices, it is to the credit of these evaluators that they undertook to visit seven of your nine regional offices: Salinas, El Centro, Santa Maria, McFarland, Marysville, Madera and Modesto, as well as the Sacramento office and the Central office in San Francisco.

In the summary of their findings, they stated: "While not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation."

Their comments regarding the calibre of CRLA attorneys were particularly gratifying. While noting that in some instances a few of the younger attorneys are occasionally over-eager, or suffer from a lack of experience, the general tenor of the report commends the attorney staff for its ability, competence, and professionalism. In this regard, the evaluators took cognizance of the difficulties, both for the attorneys and for their families, inherent in the location of the CRLA regional offices, and suggested that higher salaries and an opportunity for upward mobility should be provided for them.

The evaluators reported that although CRLA is best known for its cases which attract the attention of the media and the public, and which are often controversial, the fact is that the preponderance of the work done by both attorneys and community workers is individual client-oriented service work. They felt in this regard, however, that there is a failure to communicate this fact to the public at large, and bar association.

Analyzing the comparatively few impact cases brought in a given regional office, the evaluators found that they were begun after thorough investigation to satisfy legitimate client needs, and were pursued in a responsible lawyer-like manner.

Noting the youth and the lack of experience of many of the attorney staff, the evaluators commended CRLA for meeting this need through specialization, expertise, technical assistance from more experienced attorneys, a "task force" approach to problems common to several offices, and frequent office and regional staff meetings to provide everyday assistance to less experienced attorneys. One evaluator summed it up this way: "Two years' practice with CRLA is probably the equivalent of ten years' practice in a private firm."

The evaluators found that in the offices visited, relations with the client community are generally good. They reported that ongoing communication and understanding are maintained through well-integrated community workers, and often active and participating local advisory committees. It is hoped that all offices will soon have active advisory groups so that the priorities will be set by the local community. It was noted, however,

that in interviews with members of the client community in several of the offices there was a desire to see an increased number of Spanish-speaking staff members, including attorneys, in order to provide as many persons as possible who share common ethnic and linguistic identity with the client community. Further evening office hours, and placement of satellite offices open and more convenient to the Compesenos was suggested especially in the Modesto area.

The evaluators also found that in the offices visited, relations with the community at large have improved considerably in the past year. They interpreted this as being due to several factors, at least one of which is the recognition by the community of benefits which accrue to the community at large through the channeling of inter-strata friction into judicial and legislative forms. In addition, community leaders have come to know and respect some CRLA attorneys as individuals, and this familiarity has to a great extent overcome any fear of an outsider who may have an inability to predict community interaction.

In the two offices where there have been specific community controversies, Marysville and McFarland, the evaluators investigated these thoroughly, talking with community leaders as well as CRLA staff, and reached the conclusion that in both instances the matters had been handled promptly and judiciously despite initial poor judgment and tension, and that it seemed unlikely there would be a recurrence of such situations.

In the evaluation of the Sacramento office, there was a considerable difference of opinion over the role of CRLA as a legislative advocate. Although there was an over-all judgment that an effort by legal services in the legislative arena was very important, there was some concern concerning the scope of the legislative advocate's activities. Specifically, the question arose whether the CRLA staff should provide information and technical assistance to legislators, support bills on behalf of clients, or go further and support legislation on behalf of other related constituencies as well. Despite this questioning, however, the evaluators regarded the Sacramento staff as both capable and responsible, and supported the legislative effort.

One other area which received special attention was the matter of CRLA's use of the public media, and on this issue the evaluators disagreed, some of them being critical of any commentary in the press, and others calling it an acceptable tool of the advocate and an effective tool in the adversary process.

The team reported favorably on the coordination of the program through the central office, and the balance maintained between regional autonomy and centralized technical assistance and policy implementation through intra-office projects and evaluations.

Justice Clark's evaluation of the program was conducted, due to his time problems, after the transcribed report. Because of this, I am taking the liberty of attaching his report as part of the letter and will send copies of his report to the other members of the team.

In conclusion, they indicated that because of CRLA's proven capacity to plan, initiate and constructively advance client interests, it was their recommendation that the project be refunded.

Sincerely,

FRANK N. JONES,
Deputy Associate Director, OEO Legal Services.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., September 3, 1970.

TIM HOFFMAN,
Office of Economic Opportunity,
San Francisco, Calif.

DEAR TIM: On Saturday, August 22, 1970, I met for approximately 2½ hours with the Central Office Executive Staff of California Rural Legal Assistance—Cruz Reynoso, Director; Robert Gnaizeo, Deputy Director; Martin Glick, Director of Litigation; Sheldon Greene, General Counsel; and Michael Bennett, Administrator.

I was impressed with the caliber of their staff. Indeed, my informal questioning of both the administrators and their counsel revealed an excellent grasp and understanding of their work. The administrators were well informed on all aspects of the central office operations as well as the regional ones. In this connection my experience back in 1940–1942 as Chief of the West Coast Offices [Los Angeles, San Francisco, Portland and Seattle] of the Antitrust Division, Department of Justice, served me in good stead. The lines of control, allocation of work load, overview of operations, etc., were all excellent. I also questioned each of the attorneys and found them to be both able and knowledgeable in their field of work as well as practical in its operation. From my twelve years experience in the Department of Justice [1937–1949] I would say that these attorneys compared most favorably with those in the Department at that time. Moreover, my study of the case load of the offices led to the conclusion that the administrators and counsel enjoyed a close, cooperative working arrangement that resulted in a most efficient operation, not only producing a high level and quality of work, but also a large quantity of work.

I do have two recommendations which might further improve the good job CRLA is doing. First, in light of the fact that CRLA employed over twenty law students in their regional offices during the summer and felt that the students contributed substantially to the quality and quantity of the work produced, I recommend that contacts be made with law schools toward the end of instituting programs throughout the school year to utilize law students in such activities as brief writing and research. The law schools should be urged to initiate pilot programs wherein law students are released from classroom study for six months or more in order to serve internships in CRLA's regional offices. Such programs should be designed, of course, so participating students receive academic credit for this clinical work.

My second recommendation is that contacts be made with prominent California law firms (e.g., John Sutro of Pillsbury, Madison & Sutro) to set up programs whereby the firms assign attorneys with some experience to serve for a year in CRLA regional offices. This would benefit CRLA by tying the organization closer to established practitioners and by making more experienced lawyers available to their younger staff attorneys and client community. It would also benefit the law firms in that such one year positions would be an attractive device for recruiting their own staffs. The overall result would be greater exposure by the bar to legal services and, I believe, wider acceptance of such programs.

Very sincerely yours,

TOM C. CLARK.

RESPONSE BY CRUZ REYNOSO, DIRECTOR, CALIFORNIA RURAL LEGAL ASSISTANCE, TO THE SPECIFIC "INSTANCES" CITED BY GOVERNOR REAGAN'S STAFF FOR THE VETO OF C.R.L.A.

Herein follows a few sentence response (with some attachments respecting cases we have been able to identify) which represent our best information as of this date.

1. We are not sure whether or not we have identified this case. One office reports a case of a couple who wished to adopt a child raised by them. The couple earned $758 per month and was thus ineligible for CRLA services. This may or may not be the case referred to by the Governor's staff.

2. One CRLA attorney from our Modesto office participated in a panel in an American history class. The topic of discussion was "The American Revolution and the Problems of Dissent—Then and Now." During the discussion, the attorney reportedly used the word "———." During a discussion on freedom of speech and the problems of dissent, the following was written on the board to demonstrate the issue of obscenity: "—*—/VIETNAM WAR." The asterisk and the slash are part and parcel of what was written. The class teacher reports that the attorney's comments were positive and that the students seemed to relate to what he was saying.

3. We have been completely unable to identify this case.

4. This case may refer to an incident wherein an employee was arrested and charged with possession of marijuana. One of our attorneys, on his own time, represented the employee. The charges were dropped. CRLA policy, as passed by the board, is that CRLA attorneys may represent individuals charged with crimes if it is on their own time and there is prior approval by the Director. No resources of CRLA may be used.

5. We have been unable to identify this case. CRLA does not accept fees. This seems like a referral to private counsel who would have charged a fee.

6. This appears to be the private opinion of an individual attorney. We and our clients most certainly disagree. Protecting the rights of farm workers makes for an orderly economic development. CRLA attorneys have often been cited for helping to ease racial tensions in the areas where we practice.

7. A CRLA client, an American Indian and his family, were in dire need of a stove. While entitled to a "special grant" from the Welfare Department, that department refused the request. According to the former Chief Deputy Director of the State Welfare Department: "Sutter County has gained the reputation of being the most regressive, most restrictive county, the one with the least human compassion of all the counties in California." The offer of a free used stove was not refused by the welfare family. It merely requested that the offer be kept open for approximately two days until the case was heard. The person making the offer readily agreed.

8. This charge is made by a Deputy District Attorney in an affidavit attached to the press release by the Governor's staff. See Exhibit I explaining this matter. The charge is totally false.

9. This matter (not a case) may refer to Imperial County where on December 11, 1970, a rally was called by UFWOC supporters to protest the jailing of Cesar Chavez. One of our attorneys attended (taking vacation time to do so). The CRLA El Centro office has an affidavit from the Deputy District Attorney stating that the CRLA attorney helped to police the crowd and urged the persons present (mostly students) to act peaceably.

10. This may refer to the series of events in Modesto. See Exhibit II.

11. The District Attorney mentioned appears to be the outgoing DA from Monterey County, who has been very hostile to CRLA. The incoming District Attorney, William Curtis, has met with the CRLA staff and there is a pledge of mutual cooperation. CRLA attorneys anticipate good relations with Mr. Curtis' office.

12. The Federal Court in Sacramento issued an order against the Grand Jury ruling that it had no authority to investigate CRLA. See Exhibit III.

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8. A Deputy District Attorney reports that a CRLA attorney defended a man charged with contributing to the delinquency of a minor. The case involved an 18-year old boy who was charged with statutory rape on a 15-year old girl. Despite parental objections, members of the CRLA office participated in a scheme whereby the girl was spirited to Mexico where they arranged for a marriage between the 15-year old female and the defendant.

DECLARATION

I, Martin Click, being duly sworn, hereby depose and say:

I am the Director of Litigation for California Rural Legal Assistance.

Upon receipt, this afternoon of materials handed out by Lewis Uhler to the press in Sacramento, and upon discovery that the above allegation was attributed to Donald Haynes, former Directing Attorney of our Santa Maria office and now in private practice in Santa Barbara County, I telephoned Mr. Haynes. In fact, Mr. Haynes had no knowledge of the case until the boy and girl, *already married* in Mexico and returned to Santa Maria, came into our office for help. A warrant was out for the arrest of both of them. Don Haynes told them that they should turn themselves in and make a full statement to the Sheriff. Don accompanied them to the Sheriff's office for that purpose. Since the girl was 15 and the boy 17 (when the alleged statutory rape occurred) Don made an appearance to have the case transferred to Juvenile Court. His recollection is that the motion was unopposed by the District Attorney's office. The Juvenile Court Judge dismissed all charges against both of them and the Superior Court decided that since the couple was married the girl should not be made a ward of the Court. The allegation from Mr. Uhler's office obviously bears no resemblance to the actual facts in the matter.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed in San Francisco, California, on December 28, 1970.

MARTIN GLICK.

CRLA AND THE SCHOOL LUNCH CONTROVERSY

The allegation that CRLA attorneys represented criminal defendants and advised student demonstrators arises out of the Modesto school lunch controversy. Many poor parents were dissatisfied with the administration of the National School Lunch Program in the Modesto schools. In order to receive nearly a quarter of a million dollars in federal aid under the program, the Modesto school board had to promise to provide free or reduced price lunches to the more than 2,000 needy children in the schools. The parents found out that only 180 children per day were receiving free or reduced price lunches.

During the summer of 1969, CRLA attorneys assisted the parents in presenting their requests for reform of the lunch program to the school board. The attorneys hoped that by working with the school board they could avoid litigation. However, the school board would not agree to feed more than 400 needy children, a figure that would make at least 1600 children go hungry each day. At the request of the parents, the CRLA attorneys filed suit in the federal court in Sacramento.

The case was decided in February, 1970. U.S. District Judge Thomas J. MacBride agreed with the CRLA attorneys that the school board had failed to live up to its obligations under the National School Lunch Act, and he ruled that if the board wanted to continue to receive the benefits of the lunch program it must agree to feed all the needy children.[1]

Rather than comply with the court's order, the school board on March 2, 1970, voted to terminate its participation in the National School Lunch Program, citing as its reason the extra $19,000 it would cost to comply with the court order for the remainder of the year. The following day the CRLA attorneys obtained a commitment from the Emergency Food Program of OEO to provide the needed $19,000 so that the children of Modesto could continue to receive nutritious noon-day meals. Notwithstanding this offer by OEO to underwrite the lunch program, the school board refused to reverse its decision, thereby demonstrating to the poor people of Modesto that the board's position was politically rather than fiscally motivated.

The school lunch issue became a major political issue in Modesto in the subsequent months. The CRLA attorneys participated in meetings of the proponents of the lunch program, primarily providing technical advice and assistance.

Such technical assistance was also provided by the director of the Stanislaus County Welfare Department, and by the director of the Community Action Commission. At no time did any CRLA attorney advise any person to participate in a sit-in or in any illegal demonstration. When, after nearly two months of intransigence on the part of the school board, some of the lunch proponents decided to conduct a sit-in, they were told by the CRLA attorneys that if they remained in the school board building they would be arrested and convicted, and would face a possible fine or jail sentence. Sit-ins were held on two days in April. The CRLA attorneys were present as observers and to answer questions from the demonstrators as to their rights. The CRLA attorneys did not participate and did not encourage or advise other persons to participate.

Forty-three persons were arrested and charged with trespass violations. The CRLA attorneys were of the opinion that even though the defendants might have violated the law, they were entitled to a vigorous legal defense. Accordingly, they agreed to represent the defendants. On the other hand, they recognized that CRLA itself could not represent criminal defendants so they charged all the time they spent on the case to their vacation time. Clerical work was done by the defendants themselves, and CRLA was fully compensated for the almost negligible use of office supplies (paper, staples, Xerox costs, etc.)

Since CRLA was in the midst of a major local controversy for more than a year in connection with the Modesto school lunch program, it would be surprising if no mistakes at all were made. Taken as a whole, however, CRLA's conduct in the school lunch controversy was a model of the vigorous legal representation that should be provided to the poor through the legal services program, and at no time was there any violation of the spirit or the letter of federal regulations.

JUNE 15, 1970.

Mr. JAY F. LUTZ,
Director of Legal Services, State Bar of California, San Francisco, Calif.

DEAR MR. LUTZ: Thank you for your letter of May 6, 1970. I am sorry for the delay in responding but this has been an unusually busy month for me as well as the CRLA attorneys in Modesto whose assistance I sought to thoroughly investigate the matter. To fully answer the inquiries in your letter, it will be helpful to provide you with a history of CRLA's involvement in the Modesto school lunch controversy.

The issue was not raised originally by CRLA, but by a group of low-income white parents who attended school board meetings beginning May of 1969 to urge the school board to expand the school lunch program to include all needy children in the schools. These parents had only limited success with the board and in June they contacted the CRLA office in Modesto to request that CRLA attorneys file a law suit against the school board. The attorneys, however, did not believe the parents had exhausted all possibilities of negotiating with or persuading the school board. Attorneys Philip Neumark and Daniel Lowenstein were assigned to the case and they agreed to accompany the parents to school board meetings and assist them in presenting their views to the board.

The attorneys attended numerous meetings with the parents and, at a meeting held on August 25, 1969, the board reached its final decision. The board decided to restrict the free lunch program to no more than 400 children per day. Since there were about 3,000 AFDC children in the schools and many others equally needy but not on welfare, the parents were extremely dissatisfied with this decision.

One member of the board, an attorney, told them, "If you don't like what we're doing, go ahead and sue us."

In the first week of September, the attorneys filed the complaint in the action of *Shaw, et al.* v. *Modesto School Board, et al.*, Civil No. S-1336, in the U.S. District Court for the Eastern District, based on Section 9 of the National School Lunch Act. That section provides that: "Lunches . . . *shall be served* without cost or at a reduced price to children who are determined to be unable to pay the full cost of the lunch." [Emphasis added]. The Court issued a temporary restraining order and subsequently a preliminary injunction preventing the school board from implementing the August 25 decision to which the people objected. The interlocutory orders, in suspending the August 25 criteria, compelled the School District in the interim to apply their 1968 standards. (The School District 1969 proposal contained criteria even more restrictive than their previous practice).

During the next several months discovery was conducted. As you may know, the whole subject of hunger and malnutrition has had a very substantial exposure in Modesto. During December of last year the Stanislaus County Board of Supervisors, because of unprecedented unemployment and resultant basic food needs, requested that the President and the Secretary of Agriculture declare a hunger emergency and provide food commodities to desperately needy families in the County. CRLA brought suit against Secretary Hardin and a Christmas Eve injunction resulted in provision of two truckloads of food to help tide over the hungry, many of whom have children attending Modesto schools and are eligible according to Federal law to receive free school lunches [See *Oakland Tribune* front page article dated December, 1969, Exhibit to this letter.]

The trial in the case began in late January, 1970. On February 19 the Court issued a permanent injunction ordering the school board to serve free lunches to all the needy children in the district. U.S. District Judge McBride concluded:

"But the Board made no determination of which *children* were unable to pay; its determination was based on how much the *schools* could afford to pay. That was where the determination was faulty and unacceptable under the Act. While there is nothing to indicate that the School Board was not acting in utmost good faith, it did not comply with the Act, and I must set aside its eligibility standards. [Slip opinion, pp. 7–8]."

A copy of the permanent order is attached to this letter.

When the permanent injunction was issued, the case seemed to have been an excellent example of the type of achievements hoped for from legal services programs. At the outset, our clients were encouraged to try to attain their goals themselves through the democratic process, the attorneys functioning in an advisory capacity. Only when all other channels were exhausted was the law suit filed. Because CRLA provided an outlet for resolution of their grievances through the orderly processes of law, our clients had an alternative to taking their case to the streets. Despite the length of litigation, the faith of these people in our system of justice was strengthened when District Judge McBride ruled in their favor. At all times innumerable low income persons

[1] A copy of the complaint and the judge's decision are attached to this statement.

were involved with the case as parties, witnesses and observers.

Just seven days after Judge McBride's decision, Dr. Bert C. Corona, superintendent of the Modesto school, announced publicly that he would recommend to the school board that it drop out of the National School Lunch program so as to avoid having to serve meals to all the needy children as the Federal Court ordered. Dr. Corona criticized Judge McBride for "trespassing upon the prerogative of local school districts," even though he indicated that the board would not appeal from Judge McBride's decision.

Although the school district had the legal option to terminate participation in the National School Lunch Program, it was immediately apparent to the low income community that the school board gladly accepted the benefits of that program until it was required to live up to its legal obligations under the program. The low income people asked our attorneys to take the school board back to court, and they expressed resentment against the CRLA when the attorneys told them that they had no further legal remedies.

On March 2, 1970, the board met and formally withdraw from the National School Lunch Program. The sole reason given was that the board could not raise the $19,000 it estimated it would need in local funds to comply with Judge McBride's order. On March 3, pursuant to our request, OEO Emergency Food program offered a special grant of $19,000 to the Modesto School Board which would fully underwrite the total cost of complying with the Court order. Together with representatives of the Community Action Commission and the local CAP, our attorneys immediately conveyed this information to Dr. Corona. Dr. Corona polled the school board by telephone and then announced that the board would not apply for the grant and would persist in its decision to drop out of the National School Lunch Program. This announcement took the low income community by surprise in that the only reason given by the board for its previous decision had been removed by the OEO offer. It became apparent to them that the school board was retaliating for its loss in court even at the cost of losing the lunch program and depriving needy children the benefits of a lunch.

The Community Action Commission requested the board to reconsider its decision regarding the OEO offer at its next meeting, to be held on March 16. At that meeting, however, the board refused even to discuss this proposal. In addition, the board refused to call a special meeting to consider the problem and refused to place the matter on the agenda for any subsequent meeting. A United States Senate investigating Committee on Nutrition and Human Needs held hearings in Modesto on March 23 and compiled facts showing that the Modesto School Board decision to drop the lunch program would mean a higher cost of lunches to every student and substantial reduction in the quality of the lunches. Thus no one benefitted from the decision to pull out.

After the March 16 school board meeting, leaders of the low income community, observing that neither legal action nor political persuasion had succeeded, formed an organization named "Citizens to Save the School Lunch Program." The organization placed informational picket lines outside the school administration building. CRLA attorneys from the Modesto office were present at the picketing at various times. Their role was to assure that picketing was lawful and to act as a liaison between picketers and police. At no time did the attorneys use any language or engage in any conduct disrespectful of any police officer. Nor was any such language or conduct on the part of other picketers observed by the attorneys. I am enclosing a copy of the affidavit of Gerald L. McKinsey, filed in the criminal action arising out of the sit-ins, which indicated that relations between the demonstrators and the police were cordial throughout this period. He notes:

"The atmosphere before, during, and after the closure order and the arrests was neither hostile nor strained between those arrested and members of the Modesto Police Department. There were no incidents of violence before, during and after the closure order and arrests. Neither was there any obstruction or resistance by the arrestees to the arresting officers. No one went "limp" or directed any derogatory remarks to the arresting officers. This was true both as to those arrested on April 7, 1970 and April 10, 1970."

The presence of CRLA attorneys helped to keep the demonstrations peaceful.

The school board next met on April 6, 1970, and again refused to discuss the school lunch controversy. At a meeting of the Citizens to Save the School Lunch Program held immediately after the school board meeting, the decision to sit-in at the school administration building was made. No CRLA personnel were present when this decision was made, but John Kelley and Philip Neumark, CRLA attorneys, entered the meeting shortly thereafter. Kelley advised against the sit-in and Neumark advised the people present of the legal consequences that could result if any violations of law occurred.

The sit-in began the following morning, Tuesday, April 7, at the school administration building. The demonstrators sat along the walls of the main corrider and in no way interfered with any business being conducted in the building. They made it clear that they would leave immediately if any member of the school board would meet with their representatives to discuss the school lunch problem. The sit-ins occurred each day that week, beginning in the morning and lasting until 5:00. It was agreed by everyone concerned, including the superintendent of schools and the chief deputy district attorney, that the demonstrators were within their legal rights at all times when the building was open for business, up to 5:00 p.m. Each day at 5:00 p.m. the superintendent demanded that the demonstrators leave the building and on two occasions some of the demonstrators declined to do so and were arrested and charged with violating Penal Code § 602(n).

Two CRLA attorneys, Lowenstein and Neumark, were present at various times during the sit-ins. They were present in their capacity as attorneys, giving legal advice to the clients and acting as liasion with school officials and police officers. Each day at 5:00 p.m. they advised the demonstrators that if they remained in the building, they would be subject to arrest and very likely would be convicted. They further advised the demonstrators that the question of whether to remain in the building was an individual decision and that no one should remain solely because a majority of the group elected to remain. I am satisfied that at no time did any of the CRLA attorneys in any way encourage any person to remain in the school building after 5:00 p.m. or to commit any other unlawful act.

In each case, the CRLA attorneys left the building when the closing announcement was read. On Tuesday, April 7, the persons who were arrested were cited, and the attorneys simply collected the names and other pertinent information regarding the arrestees. On Friday, April 10, the persons who were arrested were taken to the county jail and booked. The attorneys did not know in all cases which demonstrators had been arrested and which ones had left the building prior to the arrests. Accordingly, when the attorneys arrived at the jail they did not have a list of all the arrestees, and they informed the Captain of the jail that they represented all the persons who had been arrested at the school building.

It is not true that a bail bondsman from Fresno was "on the scene" at the time the demonstrators arrived at the jail. After the arrests had been made, a Fresno bail bondsman was called and the delay in his arrival was partially responsible for the fact that the arrestees remained in jail for several hours before being bailed out. The bondsman was called by two persons who had been active in the school lunch controversy. CRLA played no role in contacting him and he was not known by any CRLA personnel.

The municipal court judge had ordered that while some of the arrestees would have to be released on bail, he would consider releasing others on their own recognizance. The persons who were released on their "O.R." spent several hours in jail and when our attorneys asked the reason for the delay, the Captain of the jail stated that distributing the O.R. application forms, having the arrestees fill them out, collecting them and processing them were the main causes of the delay. Accordingly, the attorneys asked the Captain if blank forms could be made available and filled out in advance so as to save time in the event of any future arrests. The Captain stated that this would be possible. Our attorneys were not contemplating any such future arrests and, in fact, no such arrests occurred. The attorneys simply wanted to expedite matters in case there were more arrests.

Your letter raised the point that a few of the members of Citizens to Save the School Lunch are not indigent. OEO has encouraged Legal Services Programs to represent groups of poor people. Such groups from time to time include persons who are not poor. However, if the subject matter of the lawsuit pertains to the interests of the low income community, such groups may be represented by a legal services program. OEO recognizes that middle class people should not be precluded from joining the poor in seeking social justice. In the present case the vast majority of group members (as well as those arrested) are low income persons.

After the arrests of group members, the question of CRLA representation of those charged with criminal acts arose. Of course the CRLA attorneys who handled the civil matter had intimate knowledge of many of the relevant facts and had the confidence of the people involved. Both OEO and CRLA (our guidelines are attached as Exhibit) recognize that in certain unusual circumstances it is in the best interests of the clients of the program for CRLA attorneys to undertake such representation. We have submitted the relevant information to OEO and are awaiting a decision as to whether this is a proper case for CRLA to represent criminal defendants. Until such time as we receive an affirmative response, we cannot, as CRLA attorneys, represent these defendants and I have so informed our attorneys. They have been permitted to take leave to represent these clients in the interim.

I want to add two further thoughts. First, I believe that attorneys must be very careful not to permit confusion to arise as to their function. There has been an element of confusion in this case. On occasion our attorneys participated in the picket lines instead of strictly limiting their role to that of advisor. I have issued guidelines, a copy of which is attached as exhibit. These guidelines have been issued to all CRLA attorneys.

Second, the "school lunch" issue became a volatile one because the government body involved, the School Board, refused to abide by the spirit of a Federal Court order. How sad it is that those who had faith in the law were disappointed and especially, as to the young people involved, how much more difficult it has now become to convince them to peaceably channel their grievances.

It should be noted that the explicit congressional mandate to assure that needy children receive a free school lunch was enacted to prevent further academic retardation of America's poor children. Many needy children who regularly go without lunch also go without breakfast and have nothing to eat during an entire school day. Their consequent hunger causes them to suffer headaches, intestinal discomfort, and lower concentration spans. In short, the child who does not eat does not learn. This dispute did not occur over some obscure technicality of the law but over one of vital concern to every low income family in California. I am proud of the efforts of our Modesto office in guiding the dispute into court, obtaining a legal victory, and in encouraging those embittered by School Board intransigence to protest non-violently.

I appreciate your interest and hope the foregoing is helpful. If I can be of further assistance, I am at your disposal.

Sincerely,

CRUZ REYNOSO.

THE STATE BAR OF CALIFORNIA,
San Francisco, Calif., May 6, 1970.

CRUZ REYNOSO, Esq.,
Director, California Rural Legal Assistance, San Francisco, Calif.

DEAR MR. REYNOSO: Pursuant to the recently established arrangement for the handling of non-disciplinary "complaints" received by the State Bar with respect to CRLA, as more particularly described in my letter to you dated April 15, 1970, I am hereby forwarding for your investigation and advice certain inquiries and "complaints" concerning the activities of CRLA attorneys and community workers in the Modesto office.

Specifically questioned are the participation of CRLA personnel in organization and execution of a "sit-in" conducted at the school board office in Modesto during the end of the week of April 5, 1970, or the beginning of the week of April 12, 1970, and the representation of persons arrested at such "sit-in" by CRLA attorneys. The factual allegations which give rise to the "complaints" are set forth below in capsulized form and without representation as to the accuracy thereof.

It is reported that prior to the "sit-in" there were demonstrations on the streets and sidewalks outside the school board office in which CRLA attorneys participated to the extent of referring to police officers present as "pigs" and the like plainly within the hearing of other demonstrators.

It is reported that CRLA personnel were present at the scene of these demonstrations and engaged in photographing the activities of demonstrators and police.

It is reported that two CRLA attorneys were present among the demonstrators within the school board building at such time as a school board official announced that the building was being closed and that all present should leave, that while leaving the premises the CRLA attorneys exchanged comments with several of the demonstrators, and that thereafter the "sit-in" commenced.

It is reported that, immediately following the arrest and incarceration of approximately thirty participants in the "sit-in," two CRLA attorneys appeared at the jail, requested that they be allowed to see the people who were arrested, and announced that they represented the same. A captain in the sheriff's office was summoned and he asked the attorneys the names of the defendants whom they wished to see. The attorneys replied that they did not know the names of the clients. After one of the jailers had inquired of those arrested whether they wished to speak with the attorneys and been advised in the affirmative, the attorneys were allowed to speak with all such arrestees.

It is reported that a bail bondsman from Fresno was "on the scene" and ready to provide bail to at least some of those arrested.

It is reported that while the arrestees were completing application forms for release on their own recognizance (this may be in conflict with the report concerning the bail bondsman) the CRLA attorneys requested a substantial amount of blank "OR" application forms for future use.

It is reported that approximately six of those arrested and represented at arraignment by CRLA attorneys were children of local families having substantial financial resources.

The complaints which this office has received and which are based upon the foregoing reports are as to whether CRLA personnel participated in the "sit-in," whether such personnel advised or encouraged the "sit-in" or otherwise gave counsel concerning the "sit-in" of such nature or in such manner as to promote the same, whether CRLA personnel are or plan to be somehow involved in future and similar activities, whether CRLA has engaged in representation beyond the scope of its authority or in contravention of any condition or the like of OEO funding, whether CRLA has engaged in representation beyond the scope of any OEO approval of representation in criminal matters arising out of the Modesto problems, whether CRLA engaged in representation in such criminal matters prior to any OEO approval therefor being obtained, and whether CRLA provided representation in such criminal matters to persons financially able to procure the assistance of private counsel. Your advice with respect to the accuracy of the foregoing reports and these complaints will be appreciated.

It has also been reported that the CRLA attorneys who appeared at arraignment on behalf of those arrested at the "sit-in" then stated to the court that they so appeared individually, that is, not in their capacity as members of CRLA's professional staff. I would appreciate your advice and comments with regard to CRLA policy concerning how and under what circumstances CRLA attorneys can or may act individually in matters beyond the scope of CRLA's "authority," for a question has been raised as to how salaried members of CRLA staff can effectively disassociate themselves and their actions from CRLA in select cases, particularly under circumstances such as those of the Modesto situation.

Any other advice and information which you feel would be helpful with respect to the Modesto situation will, of course, be appreciated.

If you have any questions with respect to the foregoing please do not hesitate to telephone me. Thank you for your attention to this matter.

F. JAY LUTZ,
Director of Legal Services.

CRLA AND THE COUNTY GRAND JURY

In 1969 CRLA represented a group of poor mothers and their children who alleged that the Modesto School Board was depriving 2,000 needy children of free lunches in violation of the National School Lunch Act. On February 27, 1970, federal Judge Thomas MacBride held that the Board's program did not comply with the school lunch act and issued a permanent injunction against the Board which made more than 2,000 additional children eligible for free lunches.

A couple of months after the school lunch law suit, Modesto CRLA lawyers represented the plaintiffs in an action against the Department of Agriculture alleging that the high rate of unemployment in Stanislaus County made it an economic disaster area requiring the Secretary of Agriculture to release surplus foods to the hungry citizens of Stanislaus County. On Christmas Eve, federal judge Robert Peckham issued a temporary restraining order mandating the Department of Agriculture to release twenty thousand pounds of surplus food to the hungry in Stanislaus County.

Both of these cases received wide-spread national publicity including a front page article in the New York Times. As press articles began appearing, indicating that Stanislaus County appeared to be unwilling to do very much about its hunger crises, county officials began a campaign to discredit CRLA Modesto office. The county administrator told the New York Times CRLA presented one-sided picture of the plight of needy families. The vice-president of the Modesto School Board told the U.S. Senate Committee CRLA's lawyers were "agents provocateur and agitators" who "wantonly slandered the reputation of the hard working and industrious citizens of Modesto and of all Stanislaus County." As a part of this campaign, the Stanislaus County Grand Jury conducted a secret investigation of the local community action agency and issued a report criticizing that agency for distributing food to needy families on Christmas Eve. The community action program, of course, had no opportunity to present any evidence whatever to refute this criticism.

When the Grand Jury announced that it intended to investigate "complaints of possible misuse of funds by California Rural Legal Assistance attorneys," CRLA requested that any investigation be held in public so that the community could hear all sides of the story and pledged its cooperation with the public investigation. In response to CRLA's offer, the Grand Jury served on its attoneys a Subpoena Duces Tecum requiring CRLA to appear before the Grand Jury in secret session and to bring with it "any and all books, records, and accounts of the Stanislaus County office of California Rural Legal Assistance." When CRLA requested of the Grand Jury and the District Attorney the legal basis of this investigaton, they were unable to supply CRLA with any California law authorizing such an investigation.

Faced with what appeared to CRLA to be an illegal witchhunt, the office felt that it had no choice but to take legal action to protect its clients' confidential records. For this reason, it brought an action in the Sacramento Federal District Court to enjoin the Grand Jury from proceeding with its investigation. Federal district judge Thomas MacBride issued both a temporary restraining order and a preliminary injunction against the Grand Jury holding that a local state grand jury had no authority to investigate the relationship between a legal services program and the Office of Economic Opportunity. (A copy of the Complaint is attached as Exhibit 1.)

Shortly after the temporary restraining order was issued, the Stanislaus County Grand Jury sent a resolution to Governor Reagan requesting him to veto the CRLA grant. The Grand Jury alleged that it had received a number of complaints from poor people who said they were unable to obtain legal services from CRLA either because the attorneys were not in the office or said they were too busy to handle their cases. (A copy of the newspaper story is attached as Exhibit 2.)

CRLA pointed out that it uses an appointment system in all but emergency cases in order to permit its attorneys to perform high quality legal services for their clients.

A couple of days later, the Modesto Bee strongly condemned the Grand Jury's action against CRLA as "reckless and irresponsible." (A copy of the Modesto Bee editorial is attached as Exhibit 3.)

DECLARATION

Ralph Santiago Abascal hereby declares:

I was formerly employed by California Rural Legal Assistance from 1967 to September, 1970. During the latter year of my em-

ployment I served as Directing Attorney in the Marysville Office.

I have read Senator Frank W. Marler, Jr.'s letter of December 18, 1970, to Governor Ronald R. Reagan. Many of the parts in Senator Marler's letter have been dealt with by others and I would like to amplify on the reference to the organization of the demonstration to which Senator Marler refers. I was Directing Attorney of the office at the time the demonstration occurred.

The demonstration was a reaction of the poor community to our loss of the "stove incident" case. Approximately three hours after the hearing, Jose Luis Vasquez, Magdeleno Botello and several other leaders of the Mexican American community in the area came to our office. They expressed deep disappointment in the loss of the case and said that they felt that it exemplified their undue reliance on the legal system; in their own words, they said that they were taking the matter into their own hands and were going to conduct a march on the Welfare Department. I tried to convince them that we did not consider the legal issues underlying the "stove incident" case to be finally resolved by the loss on that day. We told them that we were going to write a detailed letter to Robert Martin, Director, State Department of Social Welfare in an attempt to resolve the issue. They told me that they felt that to be even less effective. Thereafter, there was absolutely no involvement of the CRLA office in the demonstration. We did not encourage them to demonstrate, plan the specifics of the demonstration nor did we in any way deal with the press. I am one of the staff attorneys who was at the Welfare Department during the initial part of the demonstration.

Senator Marler's confusion as to the location (the commodity warehouse) results from the fact that another issue then pending was the administration of the surplus commodity program by the Sutter County Welfare Department. At that time, only two hundred families were participating in the program because local eligibility standards excluded all welfare recipients. Approximately two weeks after the demonstration our office filed an action in Federal Court in Sacramento challenging the administration of the Commodities Program in Sutter County. Eight days later County counsel stipulated that the County would thereafter comply with all state and federal laws regulating the program and within weeks distribution had increased to over three thousand persons.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Francisco, California, on December 28, 1970.

RALPH SANTIAGO ABASCAL.

MEMORANDUM

December 28, 1970.

To: Cruz Reynoso.
From: Ed Kerry.
Subject: Alleged Demonstrations in which CRLA Staff had been involved in the Marysville area.

Jim Smith indicated that a letter from Senator MARLER representing the Marysville-Yuba City area charged that CRLA staff had been involved in demonstrations in that area. The letter was extremely vague and failed to give any dates of the demonstrations, any locations for the demonstrations, any subject of the demonstrations, or identify the persons, by group, who were involved.

The only possible demonstration that I recall would involve picketing of the Sutter County Welfare Department and a student march in Yuba City from the Post Office to the High School and back.

With regard to the picketing of the Welfare Department, to the best of my knowledge this took place in early or late spring of 1970 and was completely organized and planned by Jose Luis Vasquez. I am sure that the contacts were not initiated by the CRLA office. At the demonstrations, perhaps 100 picketers paraded around in front of the Sutter Welfare Department with signs stating that Mrs. Quitorino was unfair, that she discriminated against poor people, that she ignored the needs of children, that type of thing. Both Ralph Abascal and I believe Rick Rogers, stopped by to view the demonstration to insure that it was an orderly one and to witness any type of abusive treatment meted out to the demonstrators. There was no other CRLA involvement to the best of my knowledge.

In regard to the second possible demonstration, this involved a march from the City High School to the Yuba City Post Office and back by perhaps 50 to 75 students. Each student apparently wrote a letter to the President urging him to review our Vietnam policy and counseling withdrawal from Vietnam. For publicity purposes, each of the students carried the letter in hand as they made the 11 or 12 block march to and from the Post Office. The entire march was organized by one of the high school students whose name I do not recall. He was a junior who ran for student body president. CRLA was informed of the march and of the approximate time it would take place. There were members of the press covering the march, but to the best of my knowledge, there were no CRLA staff members who attended even to witness the demonstration.

The allegations were so very vague and lacking in details that I am unable to pinpoint any possible reference incident. At any rate, these are the only two incidents of which I have any knowledge that would even approach the definition of a demonstration or a march.

CALIFORNIA RURAL LEGAL ASSISTANCE,

December 28, 1970.

Memo to: Cruz Reynoso.
From: Phil Jiminez.
Re Alleged participation by CRLA in demonstrations in the Marysville area.

It has come to my attention that Mr. Uhler received a letter from Senator Marler serving the Yuba City-Marysville area, in which it is alleged that CRLA personnel took an active part in organizing a demonstration or demonstrations in the Marysville area.

Since my arrival in Marysville in September of this year I know of no demonstrations having taken place, much less a demonstration in which CRLA personnel were involved.

Senator Marler's letter was very vague and totally lacking in any specific details, such as dates, times, subjects, and etc., but even then I know of no such event in the area which could be reasonably termed as demonstrations.

ALLEGATION IN AFFIDAVIT FROM JAMES HOULIHAN

My first contact with the California Rural Legal Assistance was with a Mr. Gary Bello in Visalia, California. Mr. Bello's actions were so obnoxious, demanding and showed such a lack of any ethical standards that on at least one occasion he was ordered by the Judge to leave his courtroom. During the period of time, he or members of the staff of C.R.L.A. interfered with the prosecution of several criminal cases involving arrests made by the Visalia Police Department.

DECLARATION

I Martin Glick, being duly sworn, hereby depose and say:

I am the Director of Litigation for California Rural Legal Assistance.

Upon receipt of the above allegation I contacted by telephone Mr. Gary Bellow, former CRLA Deputy Director and presently a Professor on the faculty of the University of Southern California Law School. I might note that Mr. Bellow was the first recipient of the award given annually to the best legal services attorney in the United States. Mr. Bellow stated that he remembers only one contact with the District Attorney's office in Tulare County. On that occasion—prior to the adoption by OEO of instructions on handling of criminal cases—he tried a motion to dismiss a criminal complaint on the ground that he had not been provided with a speedy trial. The motion was granted and all charges were dismissed. Mr. Bellow denies ever having been asked to leave a courtroom.

On the basis of my own personal contacts with Mr. Bellow, I would unequivocally state that I know of no attorney with higher ethical standards or higher dedication to service for the poor.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed in San Francisco, California, on December 28, 1970.

MARTIN GLICK.

[Sacramento (Calif.) Bee, December 30, 1970]

AUTHOR OF DOCUMENT CITED BY REAGAN IN VETO VOICES SUPPORT OF RURAL LEGAL AID PROGRAM

(By Bruce Keppel)

The author of a document used by the Reagan administration to discredit the California Rural Legal Assistance Program and justify Gov. Ronald Reagan's veto of its $1.8 million federally-funded budget, says it was misrepresented and reaffirms his support for CRLA.

And another document—suggesting that the league of California cities urged Reagan's veto—turns out to have been the expression only of the league's president, Clifford F. Loader, who stated his view on league stationery. He is mayor of Delano in Kern County, where CRLA attorneys have been involved in a dispute between growers and farm workers over union representation.

Both documents were made public Monday by Lewis K. Uhler, director of the State Office of Economic Opportunity, to justify his recommendation that Reagan veto CRLA's budget.

The first document was a letter to the president of the Imperial County Bar Association by Cameron Hendry, executive director of the Economic Opportunity Commission of Imperial County, Inc. In a letter addressed yesterday afternoon to Frank Carlucci, director-designate of the Federal Office of Economic Opportunity, who can override Reagan's veto, Hendry asserts:

"It was not the purpose of my letter to criticize the operation of the California Rural Legal Assistance, and its use in such a context compels me to clarify my position."

In that letter, Henry asked the Imperial County Bar Association to send a representative to discuss with the commission means of obtaining legal aid for divorce cases sought by the county's poor. CRLA at that time—last February—was unable to handle these because of lack of manpower, a situation since remedied, Hendry wrote.

"In fact, the very board member who originally raised the question of divorces, has expressed total satisfaction with the present arrangement," his letter states.

"Secondly, let me emphasize that my letter was not in any way intended to condemn the operation of CRLA. My feelings are quite the contrary.

"Through my staff—particularly my grassroots workers—I am aware that CRLA handled hundreds of individual cases a year and, in so doing, provides services not elsewhere available.

"Our office refers to CRLA constantly in our daily dealings with the poor of Imperial

County, and I personally endorse their program and urge its refunding."

Hendry's position thus differs sharply from that of the Imperial County Bar Association, which split with CRLA earlier this year and withdrew its support. Uhler's pile of documents contains the association's position—along with similar criticisms from the Sonoma County and Stanislaus County Bar Associations.

Carlucci, the recipient of Hendry's letter supporting CRLA, is President Richard Nixon's appointment to head the OEO.

OEO itself has in the past referred to CRLA as "the flagship" of its legal-assistance programs for the poor.

The letter Delano Mayor Loader wrote to Reagan on League of California Cities stationery last Dec. 19 states:

"After careful evaluation, I urge that you veto the funds for the California Rural Legal Assistance Program, known as CRLA.

"The damage done to Democrat society far outweighs the service to poor people. A different way of giving legal aid to the poor should be devised that is free of activist political (missing line here . . .)

A spokesman for the league said yesterday afternoon that its board of directors has taken no stand on CRLA. He suggested that Loader may have been speaking either personally or as Mayor of Delano. Loader signed the letter, however, as president of the league first, and Delano Mayor second.

(Loader, a dentist, confirmed today that he was expressing the opinion of the city of Delano which, he said, considered the local CRLA "nothing but trouble during the Cesar Chavez-led drive to organize farm workers. Loader said he used League of California Cities stationery to express the Delano view, "because I happen to be president this year.")

Uhler emphasize at his press conference Monday that the documentation made public then was merely a "random sample" from a pile "yea high."

In his letter to Reagan urging the Governor's veto, Uhler asked that the bulk of the documentation be "kept confidential" until after a meeting with Carlucci's staff in Washington, D.C., "with respect to the full details of this report."

Until then, the public justification for the veto of CRLA's budget remains:

The dozen as yet anonymous cases outlined in Uhler's letter to Reagan.

Five documents from public authorities in Stanislaus County were farm-workers activity has been heavy and CRLA active.

A strongly worded letter from the Monterey County district attorney where the lettuce boycott led by the followers of Cesar Chavez and his United Farm Workers is centered.

The letter from the Mayor of Delano written to Reagan on League of California Cities stationery.

The letter Hendry says was misrepresented.

A response by a Madera County supervisor to a controversial questionnaire sent out by Uhler seeking criticism—even anonymous—of CRLA.

A letter from State Sen. Fred W. Marler Jr., Shasta County, urging a veto of the appropriation. Marler said his office has referred poor persons to CRLA for help and the help has been refused. He also claimed CRLA has "insisted" on representing three high school youths in Yuba City suffering disciplinary action because of long hair, even though the parents of one of the youths could afford to hire a lawyer.

And an affidavit by a Santa Barbara deputy district attorney alleging misconduct and unprofessional conduct by individual CRLA attorneys.

California's Democratic Sen. Alan Cranston yesterday urged Carlucci to investigate both the Reagan charges that CRLA had failed in its job and the Reagan Administration's investigative procedures underlying them.

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PUBLIC OFFICIALS AND ORGANIZATIONS

Meade, Kenneth A., Assemblyman-Elect, 16th District.

Sands, Michael S., Councilman, City of Sacramento.

Legaspi, Luis M., Councilman, City of Calexico.

Espinoza, Frank, Board of Directors, Kern County E.O.C.

Bollinger, Oran, Executive Director, Community Action Organization, Kings County.

Hays, Walter V., Councilman, City of San Jose.

Hammericksen, Mark, Probation Officer, Salinas.

Gualco, Eugene T., Supervisor, Fourth District.

Grinnell, Thomas H., Probation Officer, Monterey.

Gonzales, Robert E., Board of Supervisors, San Francisco.

Sprinkles, Ernest, Executive Director, EYOA, Los Angeles County.

Caro, Ernesto, Project Director, Poverty Program, Imperial County.

Ayer, William E., Director, Parks & Recreation Department, Gilroy.

Zenovich, George N., Assemblyman, Thirty-Second District, Fresno County; Chairman, Democratic Caucus.

Z'Berg, Edwin L., Assemblyman, Ninth District.

Wilson, Charles H., House of Representatives, 31st District, Calif.

Waldie, Jerome R., House of Representatives, 14th District, Calif.

Vasconcellos, John, Assemblyman, Twenty-Fourth District.

Gregorio, Arlen, State-Senator Elect.

Van Deerlin, Lionel, House of Representatives, 37th District, Calif.

Thomas, Vincent, Assemblyman, Sixty-Eighth District.

Song, Alfred H., State Senator, Twenty-Eighth Senatorial District.

Short, Alan, Sixth Senatorial District, Sacramento-San Joaquin Counties.

Sieroty, Assemblyman, Fifty-Ninth District Los Angeles County.

Royal R. Edward, 30th District, California House of Representatives.

Ralph, Leon, Assemblyman, Fifty-Fifth District, Los Angeles, California.

Petris, Nicholas C., Eleventh Senatorial District, Alameda County, California.

Pierson, David C., Assemblyman-elect, 65th Assembly District.

Moscone, George, Tenth Senatorial District, Democratic Floor Leader, Senate.

Mills, James R., Fortieth Senatorial District, Senator for San Diego and Imperial Counties.

Miller, John J., Assembly Minority Leader, Assembly California Legislature.

Meade, Kenneth A., Assemblyman-elect, 16th Assembly District.

McCarthy, Leo T., Assemblyman, Nineteenth District, Assembly California Legislature.

McAlister, Alister, Assemblyman Elect, 25th Assembly District.

Foran, John Francis, Member of Assembly, Twenty-Third District.

Dunlap, John F., Assemblyman Fifth District, California Legislature.

Dymally, Mervyn M., Senator, California Legislature.

Burton, Phillip, Member of Congress, House of Representatives.

Burton, John L., Assemblyman, Twentieth District, California Legislature.

Brown, Willie L. (Jr.), Member of the Assembly, Eighteenth District, California Legislature.

Beilenson, Anthony C., State Senator, Twenty-Sixth Senatorial District.

Bee, Carlos, Chairman on Intergovernmental Relations, California Legislature.

Bagley, William T., Member of the Assembly, Seventh District, Marin-Sonoma Counties, California Legislature.

LAWYERS AND JUDICIARY

The Sacramento Barristers, Anthony Dick, President.

Lawyers for CRLA.

American Civil Liberties Union of Southern California, Eason Monroe, Executive Director.

Richard Adams; A. Richard Backus; D. Richard Barelli; Antonio M. Bautista; Carlos Bea; Steven Allen Becker.

Berns & Steinberg, Ralph J. Steinberg; Nordin Blacker.

Clyde M. Blackmon, Phillip L. Isenberg, and John F. Moulds, III.

Guy Blase; Gerard A. Blaufarb; George O. Brekke; James A. Brennan; James L. Brown; Jay Cantor.

Donald B. Cantwell; Jose Castorena; Gertrude D. Chern; William G. Clark; Ronald F. Coles; William H. Cozad.

Thomas A. Craven; Thomas H. Crawford; Andrew H. D'Anneo; John Duddy; William J. Elfving.

Elizabeth Ent; Pauline Epstein; Peder W. Eriksson; A. M. Fernandez; J. Brian Finegan; J. Robert Foster.

Fredericks & Swenson; Richard Day; David Freidenrich; Fresno County Legal Services, Inc.; Alan V. Friedman.

Morris Futlick; Florentino Garza; Joseph S. Genshlea; Former Chief Justice Phil S. Gibson.

Richard A. Giesberg; Lawrence Gluck; Robert H. Gonzales; Stephen H. Greenleaf; Laddy H. Gross.

James A. Gualco; Paul N. Halvonik; Richard K. Harray and Nancy Harray; James J. Herrick; Robert K. Lancefield; Daniel N. Hoffman.

William P. Hoffman; Hopkins, Jordan, Mitchell & Sullivan, David W. Mitchell; George L. Houck; Richard A. Ibanez.

Jackson, Donovan & Anton, Daniel E. Donovan; William S. Jarvis; Thomas S. Jordan, Jr.; Lawrence K. Karlton; Franklin T. Laskin; Louis N. Hiken.

Legal Defense Fund—William Bennett Turner.

Meldon E. Levine; Rudolph Limon; Little & Evans, Richard G. White; Lopez & Reinhart, Ralph R. Lopez.

Howard L. Lund; D. F. Lundgren; Bruce Maclin; Charles F. Mansfield; Peter J. Marx.

LAWYERS AND JUDICIARY

Mandel, William, Monterey.

Mering, Peter, Supervising Assistant, Public Defender, Sacramento County.

Mosk, Stanley, Associate Judge, Supreme Court of California.

Garcia, Louis, President, Mexican American Bar Association.

Obledo, Mario, General Counsel, Mexican American Legal Defense & Educational Fund.

Meyers, Stephen Z., Beverly Hills.

Miller, Marteen J., Public Defender, Sonoma County.

Minkus, Leslie, Research Attorney for Justice Louis Burke.

Montejano, Rodolfo, Santa Ana.

Epstein, Eugene, President, Monterey County Bar Association.

Moore, Jack J., Sacramento.

Moreno, J. Hector.

Moskovitz, Adolph, Sacramento.

Mull, Archibald, Sacramento.

Nedom, Norwood, San Jose.
Nervo, Frederick, San Francisco.
Nobler, Alan, San Jose.
Nyomarkay, Cecily, Los Angeles.
O'Brien, Colin M., Judge, Imperial County.
O'Donnell, Thomas, San Jose.
O'Farrell, Robert, Monterey.
Page, Charles, Monterey.
Parker, William, San Jose.
Helding, Neil A., Hanford.
Pinto, Robert, Hollister.
Portman, Sheldon, President, Calif. Association of Public Defenders.
Dossa, Alfred, San Jose.
Reyes, Anthony, Los Angeles.
Rodriguez, Armando, Fresno.
Rosenbaum, Fred, Los Angeles.
Rosenfelt, Daniel, Del Mar.
Sater, Rex, Santa Rosa.
Sawyer, Thomas, Santa Rosa.
Alschuler, Leon, Los Angeles.
Schwartz, Herbert, Pacific Grove.
Scott, Howard, San Diego.
Sillas, Herman, Castillo, Jose, Gutierrez, Gabriel, Corrales, Arthur, Los Angeles.
Skjerven, Richard, Santa Clara.
Slaff, George, Hollywood.
Smith, Chalmers, Palo Alto.
Spottiswood, David, Sacramento.
Standifer, Joseph, Santa Clara.
Stephens, Joseph, Oakland.
Stewart, William, Judge, Salinas Municipal Court.
Stewart, W. K., Pacific Grove.
Stromer, Peter, San Jose.
Tochterman, Ronald, Deputy District Attorney, Sacramento County.
Treaster, Eugene; Samuel Joseph, Sacramento.
Urias, Frank C., Ventura.
Valentine, Paul, Palo Alto.
Vian, Theodore, Los Altos.
Villa, Al, Fresno.
Vizzard, James, Bakersfield.
Walker, William, Sunnyvale.
Howard, Norman C., San Jose.
Weddell, Willard, Public Defender, Kern County.
Wylie, Richard, San Jose.
Younger, Milton, Bakersfield.
Ziskind, David, Los Angeles.
Zulch, Thelma, Palo Alto.

CLIENTS, CONCERNED CITIZENS AND BUSINESSMEN

Abbot, Veronica and Sydney, San Francisco.
Aguire, Juanita, Sacramento.
Aguilera, Vicente.
Aldridge, Robert C. and Janet, Santa Clara.
Allen, R. L., Salinas.
Alter, Ruth and Silvia, Los Angeles.
Alvarez, Blanca, Salinas.
Anker, Bernard, Modesto.
Alvarez, Jose.
Arizmendi, Leonida, Salinas.
Awonti, Tony, Soledad.
Armenta, G.
Avila, Dolores.
Avila, Ralph.
Avila, Ruben.
Bedford, Anthony, Modesto.
Baumann, Ann, Santa Rosa.
Bell, Jo, Modesto.
Benitez, Connie, Salinas.
Berwanger, Conrad, Torrance.
Bergtholdt, Chris, Marysville.
Bulaicli, John.
Bennett, Brenda.
Blair, Marilyn and Bruce, Whittier.
Blagg, Frederick, Guerneville.
Brink, Howard.
Brown, Beatrice, Los Altos.
Beneficial Finance System, Nickel, George D., San Francisco.
De Los Santos, Angeliqsus, Soledad.
Diaz, Margarita, Madera.
Diaz, Sergio, Salinas.
Deffano, Eligio.
Dinwoodie, S. David, Petaluma.
Duncan, Mildred A., Salinas.
Dosado, Antonio, Sastroville.
Eraustu, Peter E., Fresno.
Farfan, Maria de.
Florer, Doris, Pacific Grove.
Forte, Riss and Mary.
Forthman, Susan, Northridge.
Formaker, Gayle, San Francisco.
Foster, Josephine.
Foster, Herbert H., Santa Cruz.
Fraire, Josephine, McFarland.
France, Sylvia.
Freed, Mr. and Mrs. E., Los Angeles.
Friedland, William H., Santa Cruz.
Fieno, Ramon, El Centro.
Goskood, Erasmo, Calexico.
Garza, Nives.
Gold, Sam, Salinas.
Galindo, Sevatian.
Galindo, Maria.
Gavia, Carmen, Loomis.
Griswold, Frank, Sacramento.
Glenday, David and Margaret, Turlock.
Glaspie, Ola Mae & Plant, Edna, Stockton.
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Blanquie, Vivienne, San Francisco.
Burton, Katherine, Los Angeles.
Brunsting, Mr. and Mrs. C. W., Long Beach.
Calderai, Rosalie.
Casatu, Helen, Castroville.
Contreras, Mr. and Mrs. Angel.
Carpenter, Ernest L., Sebastopol.
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Castillo, Edward.
Castro, Jesse, Madera.
Castro, Alberto and Maria, Lamont.
Catuiza, C. F., Madera.
Churchill, Mae, Beverly Hills.
Coravieler, Pacific Grove.
Clark, Grace E., San Francisco.
Clarke, Nancy L., Petaluma.
Cohan, Carolyn, Pebble Beach.
Conaghan, Albert L., Monterey.
Cornejo, Ruben.
Cornejo, Frances.
Cornejo, Jose J.
Carillo, Sam C., Salinas.
Comstock, Pamus, Salinas.
Collins, David S., Anaheim.
Copeland, Delores, Los Angeles.
Cirillo, Rosie, Stockton.
Trejo, Maria and Romen.
DeLaRosa, Leocadio, Soledad.
Gerking, Helen, Carmichael.
Gibson, Victoria, Carmel.
Gonzales, Juan.
Gonzales, Stella.
Garza, Lorenzo, Madera.
Garza, Isabel, Madera.
Garvin, Leonard.
Guiterrez, Trinidad, Modesto.
Galindo, Emiliano, Salinas.
Gremillion, Rosena.
Gracia, Odilon, Soledad.
Guicho, M. G., El Centro.
Goreia, Ernesto, Greenfield.
Hukindorn, Royce W., Jr.
Hargens, Marguerita, Salinas.
Hooper, Mrs. Jeffie, Stockton.
Harris, Diane, Salinas.
Hodges, Barbara, Salinas.
Hodges, Jeff, Salinas.
Holmes, Judith, Marina.
Holgren, Carol, San Francisco.
Horton, Gregory LLT, SIGC.
Hawkins, Mrs. Lee, Stockton.
Hawkins, Lee, Stockton.
Hudson, Arlene, Sacramento.
Houston, Tom, Pebble Beach.
Houston, Geraldine, Pebble Beach.
Hernandez, Jerry, Salinas.
Jacobs, Linda, Salinas.
Jenkins, Lulu, Modesto.
Jensen, Mrs. R. B., Salinas.
de Jesus Juarez, Maria, Calexico.
Johnson, Tom.
Juarez, Luis, Calexico.
Juarez, Socomo Gomez, Calexico.
Jurey, Harry, Canoga Park.
Kanal, George, San Pedro.
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Kay, Eleanore, Los Angeles.
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Klein, Julie, Long Beach.
Kuhl, R. J., Fresno.
Kuhl, Mrs. R., Fresno.
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Lasswell, Darlene.
Lawson, Robert, Thousand Oaks.
Ledesma, Frank.
Lerner, Narcinda, Mountain View.
Lerner, Lawrence, Mountain View.
Longoria, Gregory, Salinas.
Longoria, Gustavo, Salinas.
Lopez, Miss A., Salinas.
Lopez, Ruth, Salinas.
Lorenz, Roger, Monterey.
Lorenz, Joan, Monterey.
Lott, Angela.
Lott, James.
Liukkonen, Patricia Ann, Modesto.
Mora, Danny, Hartnell College.
McManus, M. J.
McCaughna, Mrs. Rose, Pacific Grove.
Moreno, Julio, Salinas.
Morgan, Donna, Modesto.
Munoz, Phyllis, Stockton.
Munoz, Kenny, Stockton.
Maxwell, Dorothy, Modesto.
McAfee, Melvin, Turlock.
Mayer, Jerry, Pacific Palisades.
Mayer, Mrs. Perry, Pacific Palisades.
Medrano, Teodoro.
Miner, Anne S., Palo Alto.
Majorado, Rebecca.
Martinez, Amador A.
Martinez, R. J., Concord.
Meeks, Jeff, Lindy's Collection Services, Salinas.
Montemayor, Maurico.
Montemayor, Arieta.
Montemayor, Jose.
Martinez, Lawrence, Windsor.
Mudge, Anne, Santa Rosa.
Montemayor, Maria Basilia.
Montalvo, Richard, Madera.
Madril, Benjamin.
Madril, Priscilla.
Morales, Ramon.
Montemayor, Francisco.
Martinez, Raul.
Martinez, Amelia.
Madril, Candy, Madera.
Martinez, Jose Angel.
Mendez, Carolina, Calexico.
Montalvo, Lupe, Madera.
Naccarato, John, Alhambra.
Naccarato, Linda, Alhambra.
Navarro, Josefina, Salinas.
Nollar, Donald, Pasadena.
Nava, Ruben.
Ortiz, Eva.
Osuna, Rupert, Madera.
O'Brien, Mrs. James M.
Ojinaga, Antonio M.
Pena, Azalia, Salinas.
Petty, Phillip A.
Peissuld, Charles F., Pleasant Hill.
Salinas, Santos Jose, McFarland.
Prieto, David, McFarland.
Pena, Bertha, Salinas.
Piercy, Darlene Escalon.
Smith, Stanton, Escalon.
Pierce, Mrs. Yvonne.
Proctor, Dorothea E., Santa Rosa.
Revey, Naomi, McFarland.
Rankin, Jeannette. Carmel.
Reyes, Andrea, Kings County.
Reyes, Jose, Salinas.
Robinson, Elizabeth, Manhattan Beach.
Rios, Santiago, Soledad.
Rivas, Yolanda.
Rivera, Juan
Rivera, Maria.
Roe, Ruth L., Peseda.
Romero, Mariana.
Romero, Maria Loreta.
Ross, James A., Waterford.
Ross, Dolores, San Francisco.
Rosillo, Jose, Monterey.
Ramirez, Maria, Salinas.
Rufener, Sharon, San Francisco.
Robinson, Opal.

Rubio, Reyes, Jr.
Sanchez, Jessie S., Sacramento.
Caevedra, Molly, Calexico.
Salinas, Beatrix, McFarland.
Salazar, Victor.
Salazar, Mary.
Salazar, Margaret.
Sanchez, Juanita, Calexico.
Arce, Ramon, Calexico.
Sandoval, Adelina, Calexico.
Sandoval, Yolanda, Calexico.
Sandoval, Irma, Calexico.
Scluff, Jusita, and Cleavor.
Segovia, Trinidad, Mrs.
Seloza, Bertha.
Selz, Mrs. Anne J.
Serna, Guadulupe.
Soriano, Arthur.
Severson, A. C., Modesto.
Shumpert, Deborah, Los Angeles.
Smith, Daniel, Mrs., Los Angeles.
Smith, Sydney, Pasadena.
Stein, Louis, San Francisco.
Strom, Robert E.
Strong, James.
Switzer, Rose M., Modesto.
Heier, June, Modesto.
Toner, Fannie L., Salinas.
Torres, A. Thomas, Venice.
Todd, Ella K., San Luis Obispo.
Vargas, David J., Cabrillo.
Ortez, Lupe, Madera.
Vargas, Rose, Calexico.
Vargas, Jose, Calexico.
Valdez, Jesus.
Valenzuela, Paul P.
Valenzuela, Angie.
Vargas, Roberto.
Vasquez, Maises, Salinas.
Velaquez, Randy.
Vilez, Edna, McFarland.
Velez, Diego, McFarland.
Vigil, Juan S., San Jose.
Viros, Adeline, McFarland.
Vera, Jose R., Gilroy.
Valenzuela, Gilberto, Calexico.
Valenzuela, Rosa, Calexico.
Whitcomb, Ruth M., Carmel.
White, Douglas, Santa Barbara.
Walker, Robert C.
Wherrett, Norman L., San Mateo.
Williams, Joseph J., Madera.
Wilson, Mildred, Modesto.
Webb, Glen and Shirley.
Wiltz, Mrs. Robert, San Francisco.
Winter, Robert, Calexico.
Zozueta, Carmen.
Jones, Nolan and Emma, Arvin.
Block, James C., Arvin.
Hastings, Etta, Arvin.
Dickey, Marion, Arvin.
Dickey, Jean, Arvin.
Gray, Mrs. and Mr. E., Arvin.
Jones, Emma, Arvin.
Harl, Mr. and Mrs. G., Arvin.
Glover, Edith, Arvin.
Ellis, Gladys, Arvin.
Thurncond, Pearl, Arvin.
Thurmond, Hillard, Arvin.
Ellis, C. W., Arvin.
Quisick, Vennie, Arvin.
Musick, M.S., Arvin.
Satterfield, Mitchell, Arvin.
Satterfield, Edna, Arvin.
Lutrel, Walter, Arvin.
Lutrel, Mabel M., Arvin.
Jennings, James Allen, Arvin.
Beringer, Barbara, Pasadena.
Hawley, Helen, Pasadena.
Hawley, Victor, Pasadena.
Pool, Robert, Pasadena.
Matacovich, L., Pasadena.
Hawley, Christine, Pasadena.
Goldberg, M., Pasadena.
Goldberg, H., Pasadena.
Damovesdky, Maxine, Pasadena.
Anderson, Anne, Pasadena.
Valencia, S., Monterey Park.
Valencia Salavador, Monterey Park.
Marquez, J. D., Monterey Park.
Yanez, Romelia, Monterey Park.
Martinez, Bertha, Monterey Park.
Lunsford, Arlene, Monterey Park.
Lunsford, Ross H., Monterey Park.
Bellinger, Opel, Monterey Park.
Bellinger, Jack C., Monterey Park.
Kakome, Ben, Monterey Park.
Kakome, Marge, Monterey Park.
Esparza, Tony, Monterey Park.
Jones, Arthur, Monterey Park.
Torres, Arthur, Monterey Park.
Hoffman, Rosa, Sonoma.
Buttz, Mary, Sonoma.
Vallee, Gloria, Vineburg.
Vallee, Glenda, Vineburg.
Tininger, Mary Ann, Sonoma.
Wade, Harold M., Sonoma.
Crain, Mrs. Ronald, Sonoma.
Wade, Harold M., Sonoma.
Crain, Mrs. Ronald, Sonoma.
Wilson, Earl, Sonoma.
Wilson, Luetta, Sonoma.
Hardesty, Mr. and Mrs. H., Sonoma.
Smithe, Dorothy, Boyes Springs
Buttz, Bess, Sonoma.
Vandecar, Harold, Sonoma.
Vandecar, Jacqueline.
Seaman, John.
Vallee, Ray, Vineburg.
Romp, Elina, Boyes Springs.
Romp, Frank, Boyes Springs.
McNaught, Virginia V., Sonoma.
Master, Terri, Santa Rosa.
Bond, Nancy, Santa Rosa.
Chapman, Dorothy F., North Fork.
Chapman, Ava, North Fork.
Goodwin, Margaret, Madera.
Woodward, Myrtle, Madera.
Garcia, Hope, Madera.
Phillips, Wes, Chowchilla.
Cubbs, Damon, Chowchilla.
O'Brien, T. D., Madera.
Moreno, Sally, Fresno.
Castro, Esther, Fresno.
Benavedez, Sally.
Casfire, Eliza.
Casper, Arthur M., Madera.
Del Rio, Esther, Madera.
Park, Alvin, Chowchilla.
Park, Mary Ann.
Guidino, Porfirio, Madera.
Sepulveda, Florencio, Madera.
Sepulveda, Dionicia, Madera.
Estrada, Jose Ruben, Merced.
Eustar, Ofelia, Madera.
Carrillo, Antonio, Merced.
Aguilar, Frank, Madera.
Nunez, Linda, Madison.
Madril, Angelita, Madera.
Johnson, Tommy, Madera.
Madril, Candelaria, Madera.

HEALTH, EDUCATION, AND WELFARE

Stuart Allan, Administrator, Rural Health Project.
Paul M. Allan, Jr., Director, Sonoma County Social Service Department.
Peter L. Besag, Ph. D.
Robert P. Binns, Superintendent, Salinas Union High School District.
Dr. and Mrs. George Blum.
Dr. Louis Bernoff, Administrator, Los Angeles City Schools.
Erwin H. Braff, M.D.
Dr. Ben G. Burnett, Professor of Political Science.
Olivia L. Campos, Health Aid for Family Planning.
Catholic Welfare Bureau, Msgr. James T. Mulligan, Director.
Carmen G. Chavez.
William Dale Crist, Assistant Professor, Department of Economics, Stanislaus State College.
Haven R. Doane, D.D.S.
Joanne Donsky, Coordinator, Ambulatory and Community Medicine at S.F. General Hospital.
Walter A. Eagan, Superintendent, Sonoma County Office of Education.
Mrs. Jane Eger, M.S.W.
Donna English.
Michael English.
David F. Flanagan, M.D.
R. J. Frie, M.D.
Frederick B. Gillette, Director, County of Santa Clara Welfare Department.
Donald Higgins, M.D.
Thomas L. Hodges, Principal.
Venture Huerta.
A. Karperos, Director of Special Services, Yuba City Unified School District.
Anne E. Kenyon, Mathematics Department, Whittier College.
Richard Kueny.
Peter Lee.
Dario L. Marenco, D.D.S.
Anna Marie Maitel.
Ismael Mejia, Gaulian College.
Karen Ott, Juvenile Group Supervisor, San Mateo County Juvenile Hall.
John Peshkoff, Special Services, Monterey County, Office of Education.
Robert W. Peterson, Associate Professor of Law, University of Santa Clara.
Mrs. Sue Powell, Vice President, Early Childhood Education Center.
Don C. Quisenberry, Director, Stanislaus County Welfare Department.
John Ornealz, EOP Director, Gaulian College.
San Francisco Home Health Service, John L. Bricker, President.
William A. Schmick.
Gary C. Shaw, Assistant Professor, Department of Political Science, Stanislaus State College.
Robert F. Thompson, M.D.
John S. Williams, Associate Professor of Humanities.
Russell Williams, M.D.

LABOR AND ORGANIZATIONS

AFL–CIO, Los Angeles County Federation of Labor, Sigmund Arywitz, Executive Secretary.
American Friends Service Committee, Incorporated, Northern California Regional Office.
American Friends Service Committee, Pacific Southwest Region.
Building & Construction Trades Council of Monterey County, Russel S. Hansen, Secretary.
California Farmer-Consumer Information Committee, Grace McDonald, Executive Secretary.
Schmidt, Mrs. T. R., Member California Migrant Commission.
Case De Amistad Community Center, Albion Kovar, Director.
Chicano Organization for Political Awareness, Joe Serna, President.
Community Service Organization, Madera, Calif.
Confederation De La Raza Unida, Jose Vasquez, President.
Construction and Shipyard Laborers Union, Local 802, Elmer B. Lowery, Secretary-Treasurer.
Council for Civic Unity of the San Francisco Bay Area, John Riordan, President; Eugene B. Block, Executive Director.
Harbor Human Relations Council, Idalia Chestnut, President.
Human Relations Council of Conejo Valley, Betty Langlois, President.
Iglesia de Nuestra Senora de Guadalupe, Rev. Keith B. Kenny.
Inland Area Urban League, Affiliate of the National League, Jesse Wall, President.
League of Women Voters of California, Mrs. Edward Rudin, President.
Mexican American Political Association, Northern Region.
Mexican American Political Association, Roseville Chapter.
Mexican American Political Association, Main Office, John G. Contreras, MAPA Chairman.
National Association for the Advancement of Colored People, Richard O. Bass, President, Los Angeles Branch.

National Association for the Advancement of Colored People, Leonard Carter, Regional Director, New York.
National Association for the Advancement of Colored People, Lucian James, President, Imperial Valley Chapter.
National Association for the Advancement of Colored People, Curtis Collier, President, Madera Branch.
National Association for the Advancement of Colored People, Charles E. Belle, President, San Francisco Chapter.
National Organization for Women, Member, Brenda Brush.
National Organization for Women, Aileen C. Hernandez, President.
Central California Development Corp., Alfred Navarro, Executive Director.
National Organization for Women, Mrs. Lois H. Scott.
Protective Council of California Senior Citizens, Inc., James DeWitt, President.
Retail Stores Employees Union, Local 428 AFL–CIO, Victor J. Lazzaro, Business Representative.
Border Development Program, Imperial County, Joe Rodriguez.
The Sacramento Central Labor Council, Joseph J. Selenski, Executive Secretary.
The Sacramento Fair Housing Group, Edwin Irwin.
Sacramento Single Mens Self-Help Group, Inc., Abel Chacon, President.
San Francisco Civic Center Forum, Edward Valenzuela.
San Francisco Senior Center, William R. Rothier, Executive Director.
Self Help Housing Program, Juan Tamez, Director.
Senior Citizens Organizations in California, James Carbray, Executive Board Member.
Sierra Club, Michael McCloskey, Executive Director.
The Social Planning Council of Santa Clara County, Robert E. Lawson, President.
Soledad Development Corp., Joe Ledesma, Chairman of the Board.
Spanish Speaking Community Action Center, Inc., Oakland, Raymond Hernandez, President of the Board.
Spanish Speaking Unity Council, James Delgadillo, Chairman.
Stanislaus National Council of Senior Citizens, Inc., E. G. Hackler, Director.
University of California Clerical, Technical & Professional Employees, Local 1695, American Federation of State, County & Municipal Employees AFL–CIO, Susan Druding Jones, Secretary.
Ver-Ni Quality Homes, Inc., Vertis D. Spigner, President.
Windsor Home Owners Association, Antonia Mendoza, Secretary.
Women for Legislative Action, Helen Selden, Legislative Co-Chairman.
Woodville Independent Tenants Association, Clemente Benavidez, Secretary.

LAW SCHOOLS, FACULTY, LAW STUDENTS

University of Southern California, School of Law, Faculty and Administration.
Golden Gate College School of Law, Dean J. Lani Bader.
University of California, Berkeley School of Law, Student Margo Hagaman.
Loyola University School of Law, Leo J. O'Brien, Dean.
The University of Santa Clara School of Law, Dean George Alexander.
Stanford Law School, Thelton Henderson, Assistant Dean.
University of California, Berkeley, School of Law, Student Petition.
University of California, Los Angeles, School of Law, Law Teacher, Kenneth Karst.
University of California, Los Angeles, School of Law, Acting Professor, Henry McGee.
University of California, Los Angeles, School of Law, Dean Murray L. Schwartz.
University of California, Los Angeles, School of Law, Associate Dean and Professor, Visiting Professor, Thomas L. Shaffer.
Student, Ruth A. Valpey.

RELIGIOUS ORGANIZATIONS—INDEX

Sister Anthony Maria S.A., Superior, Our Lady of Guadalupe Convent.
Father Sid Austodu.
Father Albert Battayliola.
Reverend William Macchi, Associate Director, Catholic Charities, Diocese of Oakland.
Catholic Community Services (Rev. Kenneth P. Bubb, Assistant Director).
Centro San Felipe (Rev. Joseph E. Bishop, Director).
Assistant Pastor John J. Cloherty.
Chicano Priests' Organization (Rev. James P. McEntee, President).
Congregation, Christ the Good Shepherd Episcopal Church.
Rev. and Mrs. George L. Collins.
Commission on Social Justice, Archdiocese of San Francisco (Rev. Eugene J. Boyle).
Community Services, Roman Catholic Diocese (William Espinosa, Director).
Thomas K. Farley.
Reverend Ruth Gumm.
Reverend M. Huerta.
Reverend Naaman N. Haynes.
J. Davis Illingworth.
Japanese Evangelical Missionary Society (Rev. Dr. Paul M. Nagano, Executive Director).
Los Angeles Jewish Cultural & Fraternal Club (Nathan Garfield, President).
Vincent Martin, O.S.B.
Kenneth McClain.
Thomas S. McMahon.
Russell S. Orr.
Parish of St. Peter (Rev. Lawrence Purcell).
Presbyterian Interracial Council (Rev. Charles W. Doak, President).
Walter S. Press.
Santa Clara County Council of Churches (J. Kenneth Tjoflat, President).
Senate of Priests, Archdiocese of San Francisco (Very Rev. J. Warren Holleran, President).
Synod of the Golden Gate (J. Davis Illingworth).
United Church of Christ, Southern California Conference (Fred P. Register, Conference Minister).
West Coast Coalition of Priests & Sisters (Rev. James P. McEntee, Chairman).

MISCELLANEOUS—LATE ARRIVALS

Sonoma County People for Economic Opportunity, Peter Martinez, Chairman, SCPEO Board of Directors.
General Truck Drivers, Warehousemen and Helpers Union, Local No. 980, Stanley C. Maxwell, Secretary-Treasurer.
Western Region Legal Services Directors Association, John O. Stewart.
Legal Aid Society of Cleveland, C. Lyonel Jones, Director.
Rodda, Albert S., State Senator.
Karabian, Walter, Assemblyman.
League of Women Voters of California, Mrs. Edward Rudin, President.
Gualco, Reynold J.
Sacramento Central Labor Council, Joseph J. Selenski, Executive Secretary.
Teale, Stephen P., State Senator.
Warren, Charles, Assemblyman.
City of Carpinteria, Allan R. Coates, Jr., Mayor.
Murphy, Joseph P. Jr., Judge of the Superior Court County of Sonoma.
American Jewish Congress, Joel D. Brooks, Director.
Gibbons, Earle J., Judge, Bakersfield Municipal Court.
Locke, John, Judge of the Superior Court.
Retail Clerk's Union, Local No. 137, Mel Rubin, Secretary-Treasurer.
Bradley, Thomas, Councilman, City of Los Angeles.
Davis, De Willian, M.D., Rodrigo Terronez Memorial Clinic, Delano.
De Flores, Julia Pina.
Hill, Dennis.
United Mexican-American Council, Saints Gonzalez, Chairman.
Gonzales, Lolo, Delano.
Cruz, Bonnie, Lamont.
Schuetz, Finkelstein, Frey, Attorneys at Law, Bakersfield.
Our Lady of Guadalupe Church, Father Ed Fronske.
Inego, Mercedes.

BAR SUPPORT

The Bar Association of San Francisco.
Los Angeles County Bar Association.
Sacramento County Bar Association, newspaper quotation.
Santa Clara County Bar Association, attorney quotation.
Monterey County Bar Association.

EDITORIALS

Los Angeles Times.
Sacramento Bee.
Santa Barbara News-Press.

[From the Los Angeles Times, Dec. 29, 1970]

CRLA DESERVES FEDERAL GRANT

The California Rural Legal Assistance, Inc. has achieved considerable success in representing the poor—and in antagonizing Gov. Reagan.

It came as no surprise, therefore, that CRLA's new $1.8 million federal grant was vetoed by the governor, who strongly objects to such a publicly supported organization filing lawsuits against public agencies.

In announcing his veto Saturday, Reagan charged the CRLA with "gross and deliberate violations" of federal regulations and said that it had failed to represent the true legal needs of the poor. But his major complaint has been that CRLA lawyers represented the poor too well against the state, federal and local governments.

The U.S. Office of Economic Opportunity, which increased the CRLA grant for the coming year, obviously didn't agree with the governor. California Rural Legal Assistance is "commonly recognized as one of the best legal services programs in the nation," said OEO Director Donald Rumsfeld less than a month ago.

OEO can override the governor's veto. We believe it should be overridden, unless a compromise can be worked out with the Reagan Administration that does not diminish the effectiveness of the CRLA's efforts.

A group of lawyers providing legal services to migrant farm workers and the rural poor by means of public subsidies is bound to be controversial, especially when their lawsuits force major and potentially costly changes in such government programs as welfare and Medi-Cal.

CRLA nevertheless is endorsed and supported by the California State Bar, and the Los Angeles, San Francisco and other local bar associations as well as the Committee on Legal Services of the American Bar Assn.

It must be assumed that these organizations carefully examined the goals, policies and professional conduct of the CRLA before giving their endorsement.

Gov. Reagan based his veto upon a memo prepared by Lewis K. Uhler, state director of economic opportunity, who said that the CRLA has "failed in its mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the legal needs of the poor . . . These diversions from its major mission include, but are certainly not limited to, the representation of people charged with crimes, use of legal processes to harass public and private organizations . . ."

Some specific cases were cited by Uhler, presumably based upon a controversial questionnaire he circulated in search of "information" concerning CRLA activities.

Each complaint should, of course, be investigated and corrective action taken where justified. But unless Uhler's staff has found substantial flaws that have escaped local, state and national bar organizations, the CRLA should be allowed to continue serving as advocate for the needy.

"The poor must have effective legal representation," said Rumsfeld, now counselor to President Nixon, "if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law."

BAR LEADERS URGE OEO ACTION ON REAGAN VETO OF CALIFORNIA LEGAL SERVICES PROGRAM

WASHINGTON, D.C.—Leaders of the organized bar today urged immediate action by OEO to assure the continuance of the California Rural Legal Assistance Program (CRLA). The CRLA grant application for 1972 was vetoed by Governor Reagan on December 26.

In a telegram to OEO Acting-Director, Frank Carlucci, the bar leaders stated that reports of Reagan's action raised serious questions regarding the timing of the veto and the observance of minimum standards of administrative due process. The telegram further noted that CRLA had been cited as the "outstanding legal services project" by the National Advisory Committee on Legal Services in 1968 and had gained a national reputation for significant victories on behalf of the poor.

The telegram was signed by John W. Douglas, President of the National Legal Aid and Defender Association; Edward F. Bell, President of the National Bar Association; Jacob D. Fuchsberg, Past-President of the American Trial Lawyers Association; and John D. Robb, Chairman of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants.

Governor Reagan of California announced on Saturday, December 26, his veto of the CRLA OEO grant application for 1972. Reagan's veto, five days before the expiration of the Program's current funding, can be overridden by the Director of OEO.

Following is the text of the telegram to Carlucci:

"Bar organizations gravely concerned over veto of California Rural Legal Assistance grant by Governor of California. Reports raise serious questions regarding timing of veto and observance of minimum standards of administrative due process. Program was cited as 'outstanding legal services project' by the National Advisory Committee on Legal Services in 1968. Also merited consistent approval in intensive OEO evaluations and earned national recognition for significant victories on behalf of the poor. Urge immediate action to assure continuance of CRLA."

SAN FRANCISCO, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

Text of following message sent to Frank Carlucci, Acting Director: CRLA serves society as a whole by exemplifying judicial vindication of the legal rights of the poor. Governor Reagan's veto appears to represent refutation of the defense of those rights. We urge you to fund CRLA over Governor Reagans veto.

Signed Abraham Goldstein, Dean Yale Law School; Derek Bok, Dean Harvard Law School; Bayless Manning, Stanford Law School; Michael Sovern, Dean Columbia Law School; Bernard Wolfman, Dean University of Pennsylvania Law School.

SAN FRANCISCO, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Building,
Washington, D.C.:

Override of Reagan's veto C.R.L.A. funding vital. Suggest no confirmation of Carlucci until override established.

RICCARDO A. CALLEJO,
Counsel, Spanish-Speaking Sur-Named Political Association.

PASADENA, CALIF.,
December 30, 1790.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

As citizens who are concerned about the needs of the poor people of California, We, P.E.H.N.O. are in favor of a full Federal grant for the California Rural Legal Assistance.

PASADENA COMMISSION ON HUMAN NEEDS AND OPPORTUNITIES.

MONTEBELLO, CALIF.,
December 30, 1790.

Senator ALAN CRANSTON,
Washington, D.C.:

MAPA wishes to make known our full support for CRLA. Mr. Frank Carlucci's appointment should be withheld should he choose to heed the need of the people as opposed to the deeds of Governor Reagan in his recent veto of CRLA program.

PAULA JIMENEZ,
Metro Regional Director.
ABE TAPIA,
National President (MAPA).

TIBURON, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

The members of the League of Women Voters of Southern Marin support your effort urging an override of Governor Reagan's veto of the California rural legal assistance program. We feel this program is vital in attempting to achieve equal justice for all citizens.

Mrs. MARLENE KAULUM,
President.

BERKELEY, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Urge overturn Reagan's veto California rural legal assistance and full funding of their grant.

BERKELEY LEAGUE OF WOMEN VOTERS.

INGLEWOOD, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
U.S. Senate Building,
Washington, D.C.:

I request, on behalf of the entire California LULAC membership, that you take the necessary action to withhold the confirmation of Frank Carlucci as Director of the U.S. Office of Economic Opportunity until the refunding of the CRLA program is assured. I strongly urge your support to this action.

FRANK GALAZ,
California State Director, League of United Latin American Citizens.

SARATOGA, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

We urge your continued support of California rural legal assistance despite Governor Reagan's veto.

JOYCE REESE,
President.

SAN FRANCISCO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

We, the California GI Forum, are outraged by Governor Reagan's veto of CRLA; CRLA has helped many of our members. We want you to do everything possible to see to it that this veto is overridden. We understand that Mr. Carlucci, the President's appointee as Director of OEO, is coming up for confirmation on Wednesday, December 30, 1970. We respectfully request that, unless Mr. Carlucci overrides the CRLA veto, you should oppose its confirmation.

Yours very truly,

L. H. LOU CORTEZ,
President, California GI Forum.

GARDEN GROVE, CALIF.,
December 29, 1970.

Senator ALLEN CRANSTON,
Washington, D.C.:

CRLA essential to protect legal rights of rural poor. Encourage Carlucci approval.

LEAGUE OF WOMEN VOTERS OF ANAHEIM-GARDEN GROVE.

SAN RAFAEL, CALIF.,
December 29, 1970.

Senator ALLAN CRANSTON,
Washington, D.C.:

Bravo for your support for the CRLA program. Our members believe that this program is a vital step in the process of guaranteeing equal opportunity to all California citizens and we are working hard to restore the program for our State.

JAMES GOOD,
President, League of Women Voters of Central Marin.

DECEMBER 28, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

The 700 members of the Stanislaus County Tenants Rights Assn., urge you to take leadership and fight to have CRLA funds maintained.

JOHN LASSWELL,
President.

POM AUBURN, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Protest Governor's veto of CRLA. Counties first priority. Legal service demand veto override.

DAVID POLLARD,
Placer Community Action, Inc.

WASHINGTON, D.C.,
December 29, 1970.

Hon. ALAN CRANSTON,
New Senate Office Building,
Washington, D.C.:

Immediate continued funding of California rural legal assistance program is vital to the interest of poor people in California and to continued access to the Courts. Frank Carlucci should not be confirmed as director of OEO until he has assured such funding and overridden Reagan veto.

CHARLES R. HALPERN,
Director.

SALINAS, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

If law and justice has any meaning override CRLA Veto.

JUDY GIESEY.

COSTA MESA, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Please lend support to override of Reagans veto of CRLA program.

HELENE HOLLINGSWORTH.

SAN DIEGO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

I encourage your efforts toward an override of Governor Reagan's Veto on CLRA appropriations.

LA DONNA HATCH.

WASHINGTON, D.C.,
December 29, 1970.

Senator ALAN CRANSTON,
New Senate Office Building,
Washington, D.C.:

We wish to protest the veto of California Rural Legal Assistance by Governor Reagan and hope your committee can persuade Mr. Carlucci to override the veto. CRLA was designated the best legal services program in the country. We have had expensive dealings with this project and have found them to be highly professional, ethical, and dedicated to the interest of the poor. They have been of immeasurable assistance to senior citizens in California and have been a great resource for our OEO funding details at your request.

WILLIAM R. HUTTON,
Executive Director, National Council of Senior Citizens.

PACIFIC PALISADES, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

As California taxpayers we oppose Governor Reagan's veto of CRLA funds.

WILLIAM and ROSEMARIE SCHALLERT.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN B. CRANSTON,
Washington, D.C.:

Don't allow discontinuance of legal services from CRLA for our rural poor.

TOM ARIZON,
Kern and Kings Counties Director, Self-Help Housing Enterprises.

EL CENTRO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Do not confirm Carlucci unless he overrides Reagan's CRLA veto.

OLLIE RODGERS,
President, Imperial County NAACP.
GOLBERT LOPEZ.

MERCED, CALIF.,
December 29, 1970.

Senator ALLEN CRANSTON,
Washington, D.C.:

Urge you to work to override bad veto by Reagan of appropriation for CRLA.

M. BESSEMER.

RICHMOND, CALIF.,
December 29, 1970.

Hon. ALAN CRANSTON,
U.S. Senate Building,
Washington, D.C.:

Support President Nixon in approval of $1.8 million CRLA fund vetoed by Governor Ronald Reagan.

THE OFFICIAL BOARD AND PASTOR DAVIS CHAPEL.

DELANO, CALIF.,
December 29, 1970.

Senator CRANSTON,
Washington, D.C.:

Please override the CRLA veto. We need legal assistance for the poor. They're great.

NEW HORIZON CLUB.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

Override veto CRLA. We need them. We need legal aid for the poor.

McFARLAND, CALIF.

HUNTINGTON BEACH, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Please lend support to overriding Governor Reagan's veto of CRLA.

Mrs. JACK TURK,
President, League of Women Voters.

BAKERSFIELD, CALIF.,
December 29, 1970.

Hon. ALAN CRANSTON,
U.S. Senate Building,
Washington, D.C.:

1,100 California retail clerks urge you override CRLA fund veto.

MEP RUBEN,
Secretary-Treasurer, Retail Clerks Union, Local 1376.

DECEMBER 29, 1970.

HON. ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Large numbers of lawyers in my firm deplore Governor Reagan's veto of the CRLA appropriation. Copies of our letter to the governor urging him not to veto the appropriation have been forwarded to you and to Frank Carlucci who I understand will shortly be before you for confirmation. We are unaware of his views. I know that it is unnecessary for us to urge you to do all in your power to persuade the administration to uphold the appropriation. It would be a tragedy if this fine organization were to be cut off from its essential and highly successful mission. With all best wishes to you and Geneva for the coming year.

FRANCIS M. WHEAT.

WASHINGTON, D.C.,
December 29, 1970.

ALAN CRANSTON,
U.S. Senate,
Washington, D.C.:

California rule legal assistance program has long been recognized as one of the most creative and effective program offering legal assistance to the poor. Governor Reagan veto of CRLA is politically inspired and wholly unsupported. Urge you to oppose the confirmation of Frank Carlucci as Director of OEO until he demonstrates his commitment to the cause of poor people by overriding without any conditions Governor Reagan's veto.

WASHINGTON RESEARCH PROJECT ACTION COUNCIL.

SAN BERNARDINO, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

Please help override Governor Reagan's veto of CRLA program.

BERNICE SMAHA,
President, League of Women Voters.

EL CENTRO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Do not confirm Carlucci unless he overrides Reagan CRLA veto.

OLLIE RODGERS,
President.

MODESTO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Strongly urge you to take leadership in pressing for immediate override of CRLU veto.

STEVEN HABERFELD.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

In interest of justice for poor urge you take leadership in saving CRLA.

SAL SANTOS.

SACRAMENTO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Add our names to signatures on Tunneys letter to Mr. Carlucci Laqs for government also.

Mr. and Mrs. AMOS J. SWARTZ.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

We urge you uphold Governor Ronald Reagan's veto of California rural legal assistance. We have seen much misuse of this agency in the schools of this area and also against our city government.

HAROLD, GLORIA, CHERYL, KATHLEEN, LAWRENCE NELSON.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

We urge you to use your power as Senator to get veto of CRLA over-ridden.

Sis. CARMEN MARIA DURON,
Mr. and Mrs. MARIO SOT,
LILY AVVAREZ,

BAKERSFIELD, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

Communicating support Governor Reagan's veto of cancerous California rural legal assistance grant. Let it die.

NURL RENFRO.

LOS ANGELES, CALIF.,
December 30, 1970.

ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

We urge you to support the commendable effort by Governor Ronald Reagan to save the taxpayers wasted dollars by vetoing CRLA funds. Every taxpaying voter in California will appreciate your positive support of the Governor in this matter.

Sincerely concerned voters,
Mr. and Mrs. M. M. GUERRERO.

LOS ANGELES, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

Urge you to use all influence possible to counter Reagan veto of CRLA funds.

JOHN TRIMBLE.

STOCKTON, CALIF.,
December 27, 1970.

ALAN CRANSTON,
Senator,
Washington, D.C.:

Worse fears realized. Reagan vetos CRLA. Join others and apply pressure to Carlucci.

JOHN S. WILLIAMS.

STOCKTON, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

We implore you to do whatever you can to override Reagan's veto of CRLA funds.

JOHN and LOIS PEARSON.

SAN DIEGO, CALIF.

Senator A. CRANSTON,
Washington, D.C.:

I am strongly opposed to Regan CRLA veto. Please act to reinstate funds.

WILLIAM BROCKETT.

STOCKTON, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

Please oppose Reagan veto CRLA with all your might.

LEONARD and BARBARA FASS.

HIGHLAND, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

Please support override of Reagan's veto CRLA Grant. Carclucci will need backing from Congress.

Mr. and Mrs. KENNETH M. HORI.

ALTADENA, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

I agree with California Bar Los Angeles County Bar, San Francisco Bar, that California rural legal assistance must be fully funded. Please support CRLA.

Mrs. WILLIAM BRECKENRIDGE.

PASADENA, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building, Washington, D.C.:

The League of Women Voters of the Pasadena area urges full Federal funding of the California Rural Legal Assistance Program. Governor Reagan's criticism is warranted and based on an inaccurate and questionable report approving success as an aid in the war on poverty. The program deserves support from every level of government.

CAROLINE COOPER.

BURLINGAME, CALIF.,
December 30, 1970.

ALAN CRANSTON,
Senate Office Building, Washington, D.C.:

League of Women Voters of San Mateo support override Governor Reagan's veto legal aid fund.

MASAKO NAGUMO.

BRAWLEY, CALIF.,
December 30, 1970.

Senator ALAN B. CRANSTON,
Senate Office Building, Washington, D.C.:

Please do everything possible to override governor's veto of CRLA funds.

MEL SCROGGINS.

SAN FRANCISCO, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building, Washington, D.C.:

Excellent move on your part. 100 percent support.

MARV PARKER.

RICHMOND, CALIF.,
December 31, 1970.

Senator ALAN CRANSTON,
Rayburn Building,
Washington, D.C.:

We heartily support your stand of the Carlucci appointment. California rural legal assistance should—must be allowed to continue their legal constructive efforts in aiding the poor. Mr. Carlucci should—must override Governor Ronald Reagan's veto on their 1970-71 grant. We are hopeful that other courageuos senators will join you until CRLA has again been funded.

JOSEPH BAILEY,
FRED READING,
SANDRA J. READING.

SANGER, CALIF.,
December 31, 1970.

Senator ALAN CRANSTON,
Senate office Building
Washington, D.C.:

Command you and urge you continue maximum effort to override Reagan's veto CRLA grant. Have served on CRLA board as farmer member over two years and have nothing but praise for its efforts to provide legal services for rural poor.

BERGE BULBULIAN.

PASADENA, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate office Building,
Washington, D.C.:

As citizens who are concerned about the needs of the poor people of California, we, P. E. H. N. O. are in favor of a full federal grant for the California rural legal assistance.

PASADENA COMMISSION ON HUMAN NEEDS AND OPPORTUNITIES.

DAVIS, CALIFORNIA,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

The Association of Mexican American Educators urge that you strongly support the refunding of the California rural legal assistance program. We feel that the veto by the Governor and his staff at this time has overtones of racial bigotry in as much as most of the (class actions) which go through the judicial process are related to minority group issues and/or the poor. To cut off the only hope of our people would of itself be a miscarriage of justice.

MANUEL BANDA, JR.,
State President, AMAE.

MONTEBELLO, CALIFORNIA,
December 30, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

MAPA wishes to make known our full support for CRLA. Mr. Frank Carlucci's appointment should be withheld should he choose to heed the need of the people as opposed to the deeds of Governor Reagan in his recent veto of CRLA program.

PAULA JIMENEZ,
Metro Regional Director.
ABE TAPIA,
National President, (MAPA).

BERKELEY, CALIFORNIA,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Urge overturn Reagan's veto California rural legal assistance and full funding of their grant.

BERKELEY LEAGUE OF WOMEN VOTERS.

SAN FRANCISCO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

Text of following message sent to Frank Carlucci, Acting Director, OEO Office, 1200 19th NW., Washington, D.C.: CRLA serves society as a whole by exemplifying judicial vindication of the legal rights of the poor. Governor Reagan's veto appears to represent refutation of the defense of those rights. We urge you to fund CRLA over Governor Reagan's veto.

Abraham Goldstein, Dean Yale Law School; Derek Bok, Dean Harvard Law School; Bayles Manning Stanford Law School; Michael Sovern, Dean Columbia Law School; Bernard Wolfman, Dean University of Pennsylvania Law School.

SAN FRANCISCO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

Override of Reagan's veto C.R.L.A. funding vital. Suggest no confirmation of Carlucci until override established.

RICCARDO A. CALLEJO,
Counsel, Spanish Speaking Sur-Named Political Association.

TIBURON, CALIF.
December 30, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

The members of the League of Women Voters of Southern Marin support your efforts urging an override of Governor Reagan's veto of the California Rural Legal Assistance Program. We feel this program is vital in attempting to achieve equal justice for all citizens.

Mrs. MARLENE KAULUM,
President.

WEST LOS ANGELES, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

Urge your support of OEO funds for CRLA this valuable constructive work must be continued.

AARON AND HANITA DECHTER.

SACRAMENTO, CALIF.,
December 26, 1970.

FRANK CARLUCCI,
Director, Office of Economic Opoprtunity:

This is to formally advise you that the California Rural Legal Assistance otherwise known as CRLA, grant No. GC-7172 D/1, in the amount of one million, eight hundred eighty-four thousand, one hundred one dollars, is hereby vetoed.

EDWIN MEESE III.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Michigan is recognized at this time.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MURPHY. Mr. President, I would like to point out that I was given a copy

of what was purported to be the position and statement of the junior Senator from California, my distinguished colleague.

If I misunderstood, and I hope I did, I got the impression that the Senator said he would block the nomination. I am pleased to hear him say now that he did not say that nor does he apparently intend to do that until the facts and the information are made known and hearings can be held. If I am in error, I hope the matter will be clarified. If I am correct I congratulate the Senator.

Mr. CRANSTON addressed the Chair.

Mr. GRIFFIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. CRANSTON. Mr. President, will the Senator yield to me for 1 moment?

Mr. GRIFFIN. I yield 1 minute to the junior Senator from California.

Mr. CRANSTON. Mr. President, first of all, as far as I am concerned, I stated I would not seek to block the nomination in the next session of Congress. I would not have the power to block it. I do not know at this time if I favor Mr. Carlucci's approval by the Senate for this purpose because all of the facts are not yet in on Mr. Carlucci and his qualifications.

My present position is I object to the polling of the members of the Committee on Labor and Public Welfare or its Subcommittee on Employment, Manpower, and Povery on Mr. Carlucci's nomination since a polling means members who did not attend the committee hearing yesterday, who had no opportunity to evaluate Mr. Carlucci's qualifications by his responses or nonresponses, who have had only a secondhand opportunity to hear about his performance yesterday before the committee from others, and who are not aware of all the issues in this matter relating mostly to my State of California would have simply a "yes" or "no" opportunity to pass upon his qualifications without a meeting to discuss what happened yesterday, and to discuss whatever the pros and cons may be that exist in connection with Mr. Carlucci.

Second, I presently object to a meeting of the committee while the Senate is in session, since for a good portion of the time there are Senators on that committee who are involved here in the Chamber, as they were this morning at great length, on matters emanating from that committee, and matters emanating from other committees.

I think there should be an opportunity for a session of that committee when the Senate is not in session, that would be fully attended by as many members as are in Washington, to go into the matter fully. At that time the committee could decide what action it wishes to take and that action could then be reported to the floor of the Senate.

Mr. GRIFFIN. Mr. President, I am very sorry to hear the junior Senator from California take the position that he has taken on the floor of the Senate with respect to the nomination of Mr. Carlucci. It disturbs me very much. First of all, I am informed that the committee on Education and Labor, of which the Senator is a member, was polled with respect to two other nominees, Mr. Wilson and Miss Khosrovi. Furthermore, I understood that the junior Senator from California gave his consent to reporting those two nominations which were approved by the committee via the polling procedure.

So it cannot be the polling procedure to which the junior Senator from California objects.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. GRIFFIN. I shall yield to the Senator shortly but first I wish to proceed for a few moments.

It becomes very clear that the Senator from California is holding up this nomination because Mr. Carlucci will not commit himself to override a veto by Governor Reagan concerning a rural legal assistance project in California, a project, incidentally, about which I know nothing whatever.

In a release from the office of the junior Senator from California which came to my attention today, and which I assume was issued yesterday. he made the following statement:

> I have decided to do what I can to see that any Senate approval of Mr. Carlucci as the new director of OEO is withheld until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of the $1.8 million California rural legal assistance grant.

In other words, if Mr. Carlucci will state to the junior Senator from California—if he (Mr. Carlucci) will make a decision in advance as to what he will do concerning that particular veto of a potential project, than as I understand the statement, the junior Senator from California will let the nomination go through.

I would have no respect for Mr. Carlucci, and I would have great difficulty in voting for his nomination myself if he gave any such commitment to any Senator in advance.

Furthermore, it would be illegal for him to do that. The criminal laws of the United States make it illegal for one nominated for high public office to make a promise or commitment in order to obtain an office. The position of OEO director would involve a higher salary for the nominee Mr. Chairman. I suggest that the junior Senator from California has put the nominee in a very difficult and untenable position.

I will not cite chapter and verse, but let me call attention to the fact that the Federal code as well as an Executive order on ethics issued by the President of the United States specifically preclude any nominee from making any such commitment or promise as the junior Senator from California is demanding.

Furthermore, if Mr. Carlucci were confirmed, he would be obligated to sign an oath which would include the following statement:

> I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

I regret to bring these matters to the attention of the Senate. I wish the junior Senator from California had not risen on the floor of the Senate and taken the position publicly that he has taken. But now I have no choice but to point out that the demand of the junior Senator from California not only places the nominee in a very difficult position but it also raises a serious question for the Senate to consider.

I yield now to the Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator for yielding.

First, in regard to the two nominations to which neither I nor any other member of the committee raised any objection to the polling on the nomination, Mr. Wilson and Mrs. Khosroovi, there was no controversy, no difference of opinion, no question about them or their qualifications to fill these positions, which separated them from the nomination under consideration.

Second, let me say that I have at no time asked Mr. Carlucci for any commitment as to what he will do. I asked him what his decision will be and I have not asked him for any commitment to me about it.

I have never said that my judgment of him and my vote of either yes or no would be based on whether or not he approved of or whether he overrode the Governor's veto. I have said I would like to see the same evidence he is waiting to see and would then judge him by how he acted on the basis of that evidence.

I further stated yesterday that even if he overrode the veto I might find myself not inclined to support him or to vote for his confirmation if he did not act in time to prevent total havoc for this program and despair for those who have cases in court depending on CRLA. I will read the language I used yesterday in making that statement.

> If the Senate does not act to confirm Mr. Carlucci's nomination during this Congress, then, when and if that nomination is before this committee in the 92nd Congress, the question I will ask if by then there *has* been an over-ride of Governor Reagan's veto in judging Mr. Carlucci's suitability to head the poverty program, will be:
>
> Did he make the over-ride decision in time to prevent the disruption of this program, the destruction of current cases, the departure of present employees who would be forced to go elsewhere to earn livelihoods for themselves and their families, and the disillusionment of those who were led to believe they could find justice under law.

In effect, I feel that if Mr. Carlucci needs time to examine the evidence to make decisions—and I can understand that fully—then I have every right to seek to have time to examine the same evidence and then judge his response to that evidence. In the light of that, if the evidence overwhelmingly indicates that there should be an end to CRLA, I would respect his decision not to override the Governor's veto, but I will not know about that until we learn how he acts, when he acts, and on the basis of what evidence he acts.

Mr. GRIFFIN. With all deference to the junior Senator from California, I

think the message to the nominee in the press release was quite clear: if Mr. Carlucci were willing to indicate in advance his decision on overriding the Governor's veto—and if he would override the veto, then the nomination could be confirmed in this session of Congress. I think that implication—that requirement is quite obvious.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MURPHY. I must agree that that is what I read from the press release which was given out by my distinguished colleague from California, and that was the impression I had and that was the purpose of my remarks today—that the overriding of the veto was to be a condition of the confirmation, and that if the nomination was not confirmed in this session of Congress, the confirmation would be based on whether or not he would override the veto in the next Congress, and how quickly he would do it.

It is unfortunate if the Senator did not mean that, but that is what I read from his press release last night. That is why I made the remarks I made, hoping that I could clarify the confusion that has dogged this entire program from the very outset, mainly because men came in with new ideas to take funds designed for another purpose and used them for social reform, when they were intended for legal services. Right here is the base of the entire problem, as I see it.

I sincerely hope that the next Congress will straighten that out, and if I can be of any help from the outside, I will make myself available.

Mr. GRIFFIN. Let me make crystal clear what it is that disturbs me about this situation. I serve on the Judiciary Committee; of course, we must pass on the nominations of judges. Oftentimes it is tempting for members of the Judiciary Committee to question a nominee as to how he would decide a case if he were confirmed. Those questions should not be asked but sometimes they are. However, the appropriate response—and the only sensible response for a nominee to make—is that he could not, and should not, decide the case in advance.

This nominee does not even have the facts upon which Governor Reagan's veto was based. As I understand it, the veto was handed down a couple of days ago. The nominee should not pass judgment at this point; and it should not be a factor in whether or not his nomination should be confirmed.

Of course, it is understandable that a Senator would want to question a nominee about his philosophy, about general principles, about his ideology, his experience, or anything else that might affect his judgment—that might bear on the fitness of a nominee. But to put a nominee in a position where, in effect, he must decide a case in advance in a particular way or forfeit confirmation is to put a nominee in an intolerable position—and the Senate should not tolerate such actions on the part of any Senator.

I hope the junior Senator from California will not persist in his position, because he will make it very difficult for other Senators. He has publicly assumed an untenable position—and I wish he would realize that.

I can understand the feelings of the junior Senator from California. We all have situations in our own States where we would like to have the discretion of administration officials exercised in our favor. There are times when we can exert legitimate pressures on the administration. But I strongly suggest that this is not a legitimate pressure. This puts the nominee in the position of having to violate the law as well as his oath of office if he is to be confirmed because of the position of one Senator.

So I plead with the junior Senator from California to reconsider his position and to allow this nomination to go through. The problem I have described should be avoided if possible.

I do not think that the junior Senator from California would intentionally have put himself into this kind of situation. So, I hope he will resolve it. I hope he will agree to approval of the nomination. I do not know anything about the merits of Governor Reagan's veto but the record of the Director of the OEO in the past, as far as overriding vetoes is concerned, has been a good record. Mr. Carlucci has been the deputy to Mr. Rumsfeld, the OEO Director, and I am confident Mr. Carlucci will give every consideration to the case of those who believe the veto should be overridden.

Mr. KENNEDY. Mr. President, I just came into the Chamber during the exchange between the assistant minority leader and the Senator from California. I was not present at the time the distinguished Senator from California interrogated Mr. Carlucci, although I was in attendance at the meeting for the better part of the morning.

As a member of the committee and as one who is extremely interested in the whole question of legal services, I must say I was very much distressed by the general comments that Mr. Carlucci gave in response to questions on the whole legal services operation. I think there have been few programs which have been undertaken by OEO or by the agencies of Government that have been battered around as much as legal services. I think there have been few programs under OEO or in any other agency of Government which are more worthwhile.

In the initial part of the questioning, Many of us were trying to develop at least a better understanding of Mr. Carlucci's exact view of legal services, how important he felt legal services were, what its future would be next year, in terms of appropriations, whether he anticipated any questions or reorganization.

We are all aware of a program put forward only a few weeks ago in terms of regionalization, which many of us felt would have blunted effectively the whole thrust of legal services. There has been talk of an independent agency for legal services. A number of questions were raised, which I raised, which the Senator from Minnesota (Mr. MONDALE) raised, and which other members of the committee raised.

I must say, in all frankness, it was extremely distressing to us not to be able to receive from Mr. Carlucci a very clear, precise, and definite expression, either of his own personal view about the importance of this program, or any really very clear identification as to the direction the program was to go in the future.

So, at least for me, it was somewhat understandable when, I believe I can say, having some knowledge of the California legal services program, and being aware, that OEO had done a detailed study of the program only a few short weeks ago, and that the program had come through with flying colors, and from everything we had been able to discover, in talking with the members of that program and studying the program, and being aware who were the people involved in it, that this is really one of the most effective legal service programs of its kind existing in the country today. I am aware, Mr. President, that the actions that were taken by the distinguished Governor of California came at the final hour to effectively terminate this program. No opportunities were afforded for consultation and deliberation, or even an opportunity for Mr. Carlucci to give the mater the kind of thoughtful consideration that I am sure any director of OEO would want to give. This was tossed upon his desk, so to speak, with very little time to act. There are those who have suggested, in looking through the reservations, or the initial reasons for the veto, who think that there is strong reason to believe that the veto was motivated by political reasons.

I think any fair reading and review of the various allegations and charges that were made would suggest this. But be that as it may, we can think of what alternatives or remedies were available to the director, or the incoming director, or, if Mr. Carlucci was approved, what might be available to him. There are things that can be done in connection with the possibility of overriding a veto.

First, let me say that any veto by a governor obviously has the dramatic effect of bleeding a legal services program. This has been shown, in the past, by the example of the Florida program. When a Governor says, "This program is vetoed," despite the dedication and the high morale of the people involved in those programs, there is a serious deterioration in the program. So there is a real urgency about this kind of effort, and that has been shown time and time again, or at least in the three principal instances where Governors have vetoed the programs and where there have been short extensions of the programs, for we have seen in each case very serious deterioration of the program.

So immediate action is essential and necessary, and immediate action is necessary in this particular program. There are very serious questions, if Mr. Carlucci were to provide a 30-day extension, whether the Governor has the right to veto that as well. I think that is an open question, on which we are very much undecided, even as members of the committee.

So what we have, Mr. President, is a nominee who had a very distinguished public service record in the Foreign Service of our country, who was involved in

some of the most difficult, complex negotiations in the Congo in 1960, and who carried those responsibilities through with extraordinary capability and diligence, but here we have this sort of a hot potato thrown at Carlucci.

We were unable, in the early part of that hearing, to understand the extent of Mr. Carlucci's clear understanding, grasp, concern, and commitment for this program generally, across the country. We have what many of us believe is the real jewel of the program in the California Legal Services operation.

What I think many of us were very interested in, as a case in point, was to find out how Mr. Carlucci would react and respond to this particular crisis that was thrown at him. Because I am sure he must realize, as all of us do, that with the passing of every hour, effectively there is increasing threat to the program generally.

No one expected that Mr. Carlucci would come up and clear up the whole matter before the committee, but the distinguished junior Senator from California did advise Mr. Carlucci that he would be pressed on this particular problem. This is not unusual. Any of us, when we have a nominee, have areas of special interest in terms of programs, such as the OEO programs, such as I have in terms of Neighborhood Health Services and special impact programs, the Senior Citizens programs under OEO, and such as the Senator from California and many others have in terms of legal services.

So the nominee was on notice that he would be asked to comment on this program in some detail. Particularly in the light of the earlier responses to those questions, I was interested in how he would handle this kind of a challenge and problem, whether it involved California, Massachusetts, Mississippi, or any of the other situations.

We hoped to be able to at least gather from his reaction to those situations how he would handle the legal services programs on into the future. I think it was in this light that many of us were distressed at the lack of responsiveness. I do not think any of us—and I am sure the junior Senator from California was not holding out that he was going to hold out in support of overriding the veto, and prevent the nomination from going to confirmation—but rather, he was eliciting from the nominee his interest and concern and commitment to the cause of legal services generally, and particularly as to the future of this program.

We in Massachusetts would be desirous of having the programs continued. Every one of us knows, and certainly all of us on that committee realized, that every hour and every day the veto continues, that program is being weakened and bled.

Therefore, there is a sense of urgency. I wanted to make this comment, Mr. President, because I think at least as one who was aware of this program, as one who was aware that the Senator from California was going to quiz the nominee about legal services and about this program in California, and as one who heard a part of the questioning of the nominee, it seemed to me that the distinguished Senator from California was attempting to elicit in a positive and constructive way the concern of the nominee for legal services generally, and especially in terms of this problem, and to get from him what future course of action he would take, perhaps not only in California, but on other situations. So I wanted to add just this comment to the record as one who is greatly concerned about the California legal services program.

I quite sincerely believe that the Senator from California would be raising this issue whether it was California or whether it was Massachusetts, Illinois, or any other State, because the California legal services program is really, perhaps the jewel of the whole legal services program, and therefore it is important and significant, and should not be lost in any kind of other attack.

Mr. President, I yield the floor.

Mr. COOK. Mr. President, I have listened with interest to the remarks of the Senator from Massachusetts, and philosophically I guess I would agree with all of them.

But, Mr. President, how much better it would have been had the Senator from Massachusetts or the Senator from Minnesota asked that the nomination be held up. How much better it would have been if the Senator from Massachusetts or the Senator from Minnesota, who is also disturbed about these same things, would have said that he objected to the fact that the committee was to be polled and was not to meet. Because the real question has not been answered, the real philosophical question.

The Senator from California knows that we came here together, and that he is a friend of mine, and I admire him a great deal. But has the philosophical question been answered, if you turn it around?

Has the question been answered as to whether a nominee who is up for nomination were to go to a Senator and say, "Senator, I will overrule the Governor if you will vote for my confirmation"? If 99 other Senators knew that was the case, 99 other Senators would not vote to confirm that nomination.

That is the real question. That is the real philosophical issue. The philosophical issue is found in the report on the ticker tape, in one small paragraph:

> Senator Alan Cranston (D-Calif.) sought unsuccessfully to get Carlucci to agree to immediate reversal of Reagan's veto of a $1.8 million grant to the California Rural Legal Assistance program.

The Senator from Massachusetts said in essence that Mr. Carlucci was there on trial, and I would suggest to the Members of the Senate that he passed that case and passed it very well. He came through with flying colors.

I would only hope, as a matter of fact, along with the distinguished Senator from Massachusetts and along with the distinguished Senator from Michigan, that the Governor of California is overruled on this. But I must say that I have not been totally successful since I have been here. I have not heaped on the Justice Department my "nay" vote every time a Justice Department matter came up here because I have been unsuccessful in attempts on certain positions in my own State, and the Senator from Michigan knows that. This is not a body of retribution. This is a body where solutions are found to problems. And the solution to the problem is to prove the case. The solution to the problem is to prove the merits, not to shackle the individual whose responsibility it is to determine the merits.

So I would say, with all due respect, that the remarks of the Senator from Massachusetts were fine, but they did not hit the issue. The issue is, put the words in this release in reverse. Put the words in the mouth of a nominee who wishes his nomination to be confirmed. Have him ask a Senator for his support if he will do a certain thing, approve a certain program, and then let this body pass judgment on a nominee who would do that.

I yield the floor.

Mr. CRANSTON. Mr. President, I should like to respond to the comments of the distinguished Senator from Kentucky. He is my friend. We came here together. We understand each other. We have worked together on many matters.

The Senator was not present at the committee session yesterday, and if he would consult Members of the Senate from his side of the aisle who attended that session, I think he would modify his statement that the nominee came through with flying colors.

I have discussed what occurred there yesterday with Republican as well as Democratic members of the committee. The day before the nominee came before the committee, I sent him a letter making plain that I intended to ask many questions about OEO, and particularly about legal services—not all of them, by any means, relating to this veto. The fact is that after approximately 24 hours in which to prepare himself, he was unable to answer an astounding number of questions, and he did not bring with him anyone who could answer those questions.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. COOK. I cannot disagree at all with what the Senator has said. I had reference to the remark the Senator from Massachusetts made relative to his evaluation of this particular program in regard to the veto. The import of my remarks, if the Senator would not mind, was that for him to have said on that occasion, "Yes, Senator, I will immediately overrule it," would have meant to me that the candidate had flunked the course. That was the remark I intended to make.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. KENNEDY. I think that what we were looking for were guidelines as to what he was going to do, some input as to what factors he could consider in arriving at a judgment. Mr. Carlucci refused to give us even that. He refused even to make a comment as to whether this program was going to be retracted or expanded or reorganized, whether there were any memoranda in the department

as to future OEO programs. He was completely unresponsive on this.

I asked questions, Senator MONDALE asked questions, Senator CRANSTON asked questions. We were trying to get some measure of what he was going to do. Nobody was going to suggest nor has anyone suggested that he would have to say right there and then that he was going to override the veto in order to win the support of the members of the committee. But we wanted to get some kind of guidance as to what he was going to base that judgment on, and we were unable to do so. I think any fair reading of the record would indicate that. I think that those who were there at the time would see that.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. COOK. Mr. President, will the Senator from California yield for one other comment?

Mr. CRANSTON. I yield first to the Senator from Kentucky, and then I will yield to the Senator from Minnesota.

Mr. COOK. I say to the Senator from California and to the Senator from Massachusetts that it may be fine, and I am sorry that I did not have the occasion to be there. I really do not wish to pursue this matter a great deal further, except to read from the news release of the Senator from California, the second paragraph:

> After extremely careful consideration, I have decided to do what I can to see that any Senate approval of Mr. Carlucci as the new Director of OEO is withheld until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of the $1.8 million California Rural Legal Assistance grant. I shall say briefly why I have decided to do so.

If the reason for holding up the confirmation of this nomination is that he failed to answer other questions, because he failed, to the satisfaction of the members of the committee and the Senator from California, to give affirmative answers relative to the size of the department, it would have been far better to have said so.

But the fact is that the issue we are discussing is the fact that the action that was taken was taken because there was a veto of a $1.8 million program and the fact that an overruling of that ruling was requested.

Mr. CRANSTON. Mr. President, if I may respond before yielding to the Senator from Minnesota, I stated later in the statement that the Senator from Kentucky just read, that even if Mr. Carlucci overrode the veto, I might find in my own mind that he was not qualified to serve. So the overriding or not overriding has not been a precondition. I want to see, as I stated earlier today, the evidence upon which Mr. Carlucci acts before I judge him and whatever actions he takes. He has not seen that evidence, and I have not.

I will say that, based upon the charges Governor Reagan has made, all of which have been given to the press and with which I think we are all familiar, even if the documentation, which is slowly wending its way across the country to Washington, supposedly backing up those charges, proves that they are all 100 percent true, I do not believe that those charges, proves that they are all whole program and a veto. They may justify remedial actions. Based upon the present evidence available, I do not believe that they justify canceling the program.

I yield to the Senator from Minnesota, who attended a great part of yesterday's session and who is very familiar with the problem at hand.

Mr. MONDALE. I thank the Senator for yielding.

May I say that I think the Senator from California is acting responsibly and conscientiously in his capacity, as a Senator, to resolve one of the most important issues to come before this Congress. The issue of the CRLA is not a question of one project in one State. It really involves the best legal services program in the country. As one of the chief sponsors of the legal services program, who has listened to days and days of testimony over the past 2 or 3 years, as one Senator on the Migratory Committee and the Hunger Committee and the Education Committee, I have heard from young lawyers from legal services programs around the country, and I can say that this is a national test of whether the legal services program will continue to be the remarkable program it is—in which law and its remedies are as available to the poor as they are to the rich—or whether the legal services program instead will degenerate into a program where lawyers can only bring cases on behalf of the poor which might have been brought in the days of Charles Dickens.

This is a fundamental issue of that nature. CRLA is not an isolated case. From every possible vantage point, this administration has tried to cut the heart out of the legal services program, even through use of the Internal Revenue Service. The Commissioner of Internal Revenue tried to deny tax deductibility for public interest law firms—for lawyers who brought lawsuits to save the environment and protect the public interest. So this has been a fight being waged on many fronts to make certain that the law is as available for public purposes—to assert the constitutional rights and the legal rights of the poor, the rights of consumers, the rights of those seeking to protect the environment—as it is for commercial rights. This is a fundamental, basic dispute, and that is why the Governor of California vetoed the CRLA program. He has opposed this program from the beginning, because this group of gifted lawyers has brought suits on behalf of migrant farmworkers, suits on behalf of welfare recipients, suits on behalf of poor tenants, suits on behalf of would-be recipients of food stamps who were denied food stamps, suits against the attorney general. The Governor of California wants to deny lawsuits for the poor that lawyers would bring on behalf of rich folks when they hire a lawyer. Those who believe that the poor should not have equal access to the courts, who deeply resent this legal services program, will applaud the Governor's veto. Thus, the question of this veto and whether it will be overridden is one of the fundamental questions affecting the whole poverty program.

The Senator from California, in a responsible, restrained and measured way, has sought to determine from the nominee whether he would look favorably upon an override of that veto by the Governor of California. I intend to vote for Mr. Carlucci's confirmation but I must say, in all candor, that his answers yesterday were very unimpressive.

Mr. President, the previous OEO Director earlier tried to dismantle the legal services program by regionalizing it and putting it under control of regional directors—many of whom for political reasons wish to diminish the scope and effectiveness of the program. There was a long and bitter fight over this effort. Finally, after months and months, we were able to persuade the OEO Director that this was an unwise decision. After these months of arguments, those proposals for regionalization and decentralization were withdrawn. But the legal services program can be killed not only in that kind of bureaucratic restructuring, but it also can be killed by singling out and destroying the best legal services program in the country—CRLA.

Late this year, OEO hired a group of independent consultants, including former Supreme Court Justice Tom Clark, who went to California and made a review of the CRLA program. They came back with glowing reports and stated that it was one of the finest programs in the country. Nevertheless, for political reasons, the program has been vetoed by the Governor of the State of California. If that veto is sustained, in my opinion, the legal services program in this country—its basic promise and hope—is dead. If those of us on the Committee on Labor and Public Welfare and on the Manpower and Poverty Subcommittee are not permitted to ask these kinds of questions—are not permitted to negotiate in this way—then the meaning and the effectiveness of our committee would be substantially reduced.

So I simply want to say that not only do I think the Senator from California has acted properly, but I think he is acting courageously to assert the public interest on a profound and sweeping issue that affects the whole question of whether the poor will have justice before the law. I admire the Senator from California (Mr. CRANSTON) all the more for his fight.

Mr. CRANSTON. Mr. President, I am deeply grateful to the Senator from Minnesota for his remarks and for his deep understanding of the true issue with which we are grappling here.

I should like to say, in response to the suggestions that have been raised about violations of the law, that nothing has occurred in the Senate, or by any Senator, that relates in this matter to any violations of the law. What we are talking about here, and the main issue involved here, is whether violations of the law by Government and private agencies have been prevented and brought to light and dealt with in our institutions of justice by attorneys from CRLA and from attorneys looking at other aspects of legal

assistance programs in other States in the Union.

Mr. President, let me give you one example. In California, suit was brought by attorneys, charging in court that actions by the government of the State of California were illegally denying $200 million worth of medical aid under medicaid to Californians entitled to that aid, too poor to hire attorneys of their own to establish through the institutions of justice their right to that medical assistance. CRLA was successful in that case, as it has been successful in 86 percent of all the cases they have brought in California thus far.

The court found the State of California to be in violation of Federal law, and they were ordered to proceed to make that $200 million available to poor people in California.

The basic issue here is whether the law of the land is available to all of the people—rich and poor—for justice, or is justice available only to those able to hire their own attorneys—people with fat bank accounts—or are the poor to be given assistance in order to see to it that they, too, receive their rights under law——

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. CRANSTON (continuing). As the law is observed in regard to the——

Mr. MURPHY. Mr. President, will the Senator from California yield?

Mr. CRANSTON. In one moment I will be glad to yield to the Senator from California.

Mr. CRANSTON. Mr. President, the issue basically is whether we are going to encourage those who seek peaceful changes under law in our land—those who feel that a change is required—or are we to deny access to the institutions of justice, to the foundations of our Republic, to these people, turning them into victims who must say that we have a nonresponsive society that only provides "law and order" but no justice.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. MURPHY. Mr. President, the senior Senator from California resents the implications, as one of the cosponsors of this original measure, that there is any dishonor and intention on anyone's part to deny justice to any class of people in this country, whether they be rich or poor, black, white, yellow, or red. I have listened to this statement in this Chamber many times. I find it unfortunate. I find it unproductive. I find it without basis.

The actual facts of this matter are clear. I have stated them in simple language. Since I have made the original statement, there has been a further attempt to again confuse this entire issue.

I have never heard the Governor of California say that he wants to completely stop the activities of CRLA. Nor do I think anyone else has said so. This is a figment of someone's imagination. It is completely in error as far as I am concerned.

It is unfortunate that politics are once again creeping back into the poverty program. I want to tell my distinguished junior colleague that before he came here, I spent my first year trying to get politics out of the poverty program. I got an amendment agreed to in the State. I got it through the House. And after the 11th hour—it lacked 3 minutes of 12—Mr. John Macy came up and said that if the amendment were left in the bill, the bill would be vetoed by the President.

I see nothing to be proved by continuing this. I made the statement and gave my point of view, which I am entitled to do.

I resent the implication that I am trying to deny anything to anyone.

I believe my record of performance, not just in the 6 years I have been here, but over the last 40 years I have been in public life, shows what I have done in behalf of the poor and underprivileged and those who need help. It is a pretty good record.

I would hope we could find an end to this implication. It is a most unproductive manner of approaching a very important question.

I think that the Governor of California has a right to present his evidence. I think the committee has the right and the duty to hear the evidence. I think that the Senator from California, if he agrees with the evidence, should confirm Mr. Carlucci or not confirm him. But I do not think he should make the condition which is stated in his press release. I do not think he has a right to make that a condition of the confirmation. If the Senator from California says, "I am not satisfied," that satisfies me. But to say that he must agree to override the veto and, not only that—now that the discussion is protracted—the press release says:

I will look at how long it takes him to do it.

This is unfortunate. I regret the implication that has been made that this is an attempt to deny anything to the poor.

That is not the case.

I have lived in California for 35 years. I have known the Governor for close to 30 years. I assure the Senator that is not the case.

I do not believe the statement should be made. It creates confusion where there is already too much confusion.

I thank my colleague.

Mr. CRANSTON. Mr. President, inasmuch as at the moment the two Senators from California are debating this matter, I would like to make it very plain that this is not just an issue for California. My actions do not relate only to the people of California. A national issue is involved here.

The American Bar Association, among other national bodies of repute and respect, has endorsed the CRLA. They do this because CRLA has been widely recognized as the best of all the legal assistance programs in the many States of this Union.

It is widely believed that if CRLA can be eliminated by a veto, then legal assistance in many other States will face a like fate in one way or the other.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CRANSTON. Mr. President, I am glad to yield to the Senator from Minnesota.

Mr. MURPHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The junior Senator from California has the floor.

Mr. CRANSTON. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, the Senator from California (Mr. CRANSTON) states the case correctly. The reason that the legal services program of this country has been so remarkable and why it has been recognized as the best of any of the poverty programs is precisely because it has been a program of great integrity—which has attracted and inspired the most gifted young lawyers in the country.

If this becomes a program in which the Canons of Ethics are compromised because a politician will decide which lawsuit can or cannot be brought, not only will the program lose its promise, but also those bright and gifted young people who have joined the program will stop joining it.

These are not so-so lawyers. The best lawyers from Harvard and the other top law schools in the country have sought employment with the legal services program because they have seen it as an opportunity to use their genius and skill in bringing about social reform in this country by using the process of the law.

It is a conservative program because it offers due process reform. It is a way of getting disputes out of the streets and into the courts. It is a way of restoring the confidence of the poor in American institutions because the law begins to mean something to them. It works for them as well as for others. Their grievances get a fair hearing.

The heart of the program is that it has this integrity—the reputation of having that kind of independence. If the best legal services program in the country is vetoed and that veto is sustained, those gifted young men will no longer participate in the effort to provide legal services to the poor. Above all, they are bright enough to spot a phony program when they see it. If this veto is sustained, that is what the legal services program will become.

Mr. CRANSTON. Mr. President, I yield to the distinguished chairman of the Labor and Public Welfare.

Mr. YARBOROUGH. Mr. President, as chairman of the Labor and Public Welfare Committee, I have had a deep and continuing interest in the progress of OEO, and have been an active supporter of that program since its inception.

The matter of the Carlucci nomination has been discussed with me by a good many people since the nomination was made. I have been urged by a good many friends that this matter should be pushed through. I have been urged by others that there should be a hearing in depth because this man should not be confirmed.

As chairman of the Labor and Public Welfare Committee, I have had experience in these matters. We have had nominations in the past where there was considerable objection. In the nomination of Mr. Marlan for commissioner of edu-

cation, there was considerable objection and considerable support. It has always been our policy to have fair and comprehensive hearings, hearings similar to those conducted by a court of law.

We have not had time to properly investigate this matter. I have received protests from many people. I have not blocked Mr. Carlucci nor have I tried to induce the committee to push him through.

My attention has been called to the Washington Monthly item that discusses the ordeal of the legal services of OEO. It states that Mr. Carlucci gives us the benefit of his great educational career, his Harvard business school experience, his career in foreign service, and so forth.

There is no doubt in my mind that legal services has been one of the great programs of the OEO. It is well respected by lawyers and others and I feel that Congress is in large measure responsible for this. From time to time after the program started, I have opposed giving the Governors a veto of the program because many Governors—and when the chips were down—vetoed programs that helped the poor. A former Governor of my State was in the forefront. His action was not against the legal services program; it was something less controversial than legal services.

Having been a supporter of that original program since 1964, and having tried to prevent Congress from giving away the power of the veto to Governors, I take the position I take today. We all owe a responsibility to the citizens of this country. To delegate to the Governors of the States how to run a program we created fragments of the program into 50 separate divisions.

As the chairman of that committee, when I saw that the full committee would not have time to properly investigate this nomination, I delegated this responsibility to the chairman of the Subcommittee on Employment, Manpower and Poverty. The distinguished Senator from Wisconsin (Mr. NELSON) held hearings. It never came to the full committee. It never came from the subcommittee.

Unless the committee is willing to act, I do not think I should exert pressure on anybody on the committee or on the subcommittee to force something on them. I have had appeals which asked, "Please confirm anybody to head it. Just put anybody in to save it." If we were facing a 4-month delay, that might appeal to me, but a new Congress is coming in on January 21 and that is only 20 days away. The subcommittee has not reported this matter and as the chairman of the full committee I do not see how in these waning hours of Congress a slowdown could be prevented. Slowdowns occur in committees just as they do on the floor of the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CRANSTON. Mr. President, first, I thank the distinguished chairman of the committee for his very fine and appropriate comments. I would like to say that the Senator from Louisiana is waiting to give us something of a legislative nature to work on. I yield briefly to the Senator from New York. Afterward I will yield the floor.

Mr. JAVITS. Mr. President, I beg Senators to desist now. Here is a man who may be director of this agency. I think he is a good man. Nothing that has been going on does him or the OEO any good. That is all I urge the Senator in whose heart this program is as dear as it is to mine. I have been with it from the beginning. Everyone's point has been elucidated. I am deeply concerned that there be a good government servant and a solid program.

Mr. CRANSTON. I thank the Senator from New York.

Mr. President, I yield the floor.

SOCIAL LEGISLATION IN THE 91ST CONGRESS

Mr. LONG. Mr. President, among the great men with whom I have had the privilege of serving in this body was the former Senator from Oklahoma, Robert S. Kerr, who would today be chairman of the Senate Committee on Finance had he not driven himself to an early grave helping the late John F. Kennedy enact the Revenue Act of 1962. Bob Kerr used to say to me, "when people lie about you, laugh at them—laugh at them." Without that philosopy, Bob Kerr could never have been the great governor and the great Senator that he indeed was.

I did not regard it as a laughing matter, but I prefer to laugh rather than complain about smears, misstatements, and falsehoods that have been told about me during this year. But I do believe that it would be well to state for the record at the close of this year what the actual truth is so that some historian at a future date may be privileged to set the record straight.

The fact of the matter is that this Congress has failed to enact the social legislation which the Nation had a right to expect because the administration—with good intentions but poor advice—was determined to enact a fantastically complex and unworkable monstrosity, referred to as a family assistance plan. Had this plan become law, it would have increased the number of people on public welfare by more than 130 percent. It would have retained all of the evils of the existing welfare program—including fabulous amounts of welfare cheating that is already taking place. It would have made it virtually impossible for people to obtain domestic help; laundry workers, waiters; restaurant and hotel cooks; taxi drivers and persons to do low paying—although necessary—work in our economy.

The truth of the matter is that the shortcomings of the plan were discovered by the senior Senator from Delaware, JOHN WILLIAMS. It was JOHN WILLIAMS, above all others, who deserves the credit for exposing the ridiculous contradictions contained within the plan and the erroneous assumptions upon which it was based.

The senior Senator from Delaware was ably assisted in his statesmanlike endeavor by a number of other Senators, including the Senator from Nebraska (Mr. CURTIS), the Senator from Wyoming (Mr. HANSEN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Virginia (Mr. BYRD). These able men knew that the unworkable plan to which I have referred might well have become law because of a failure of the press to faithfully report to the American people what a complete fiasco the entire thing was.

For my own part, Mr. President, I was willing to vote to give the plan a trial provided that the Nixon administration would also agree to try some alternatives which made a great deal more sense before putting the family assistance plan into effect.

There was never any problem insofar as the Finance Committee was concerned in authorizing and providing money to have a pilot program to provide an honest test for the family assistance plan as well as the alternatives to it. The final and complete failure of the proposal resulted from the fact that the Secretary of Health, Education, and Welfare, speaking for the administration, doggedly insisted that the administration must have the right to trigger this grandiose scheme into full effect, nationwide, after a 1-year trial period, even if a great number of people in Congress had, by that time, concluded that the plan was an utter and complete failure—which it showed every prospect of being.

During the consideration of the plan by the Senate Committee on Finance, the administration changed its plan at least a dozen times, trying to meet criticisms and obvious shortcomings.

The administration proponents of the plan made the full cycle. They tightened up on work requirements and other loose provisions of the bill to attract conservative votes until they ran off liberal supporters, then they loosened up on the tight ends until they ran off conservative supporters.

If one assumes—as most of us do—that a proper welfare plan would remove from the rolls a great number of persons names who never had any business being there in the first place then that is the one failure of the existing program which the administration never sought to change. Some of us pointed out that individual welfare cheaters are on the rolls in some States as many as five and 10 times. The President's plan provided far better for illegitimate children than it did for children born in wedlock. The plan provided better for people who declined to work than it did for people who did work.

All of these failures of the existing welfare program were thus to be grandfathered in as a part of the grandiose new scheme under the White House proposal.

Some of us who have led the charge to try to provide more fully for the poor did not want to be accused, even falsely, of voting against something for the benefit of poor people. It is for reasons of this sort that some of us went along with the family assistance plan to the extent that our consciences would permit, but now that the whole fiasco has gone down the drain for this Congress, it is about time someone pointed out that you do not clean up the welfare mess merely by making it twice as big and twice as costly.

Now that the effort to enact the family assistance plan has failed, it might be well for the record to reflect that even its most ardent advocates in the Senate

have informed the President and the Secretary of Health, Education, and Welfare that if they want to try welfare reform next year, they had better send up a completely new proposal.

The record might well reflect also that everyone agrees that the family assistance plan could probably not pass the House again if it were the same plan that the House passed in this Congress. At least 25, and maybe 50, Members of Congress who voted for the plan have announced that they would not vote for it again.

Let the record also reflect that it is this latter fact—the fact that the family assistance plan fiasco could not now be repeated in the House of Representatives which explains why the House is declining to act on a very fine social security bill which passed the Senate by a vote of 81 to 0. It is the intention of those who sent the family assistance plan to the Senate last year to send us next year's version of the family assistance plan inside a package with the desperately needed cost-of-living social security increase because they doubt they could pass the FAP were it standing alone on its own merits.

The truth is, Mr. President, that 26 million social security recipients and 3 million needy aged, blind, and disabled people are having their desperately needed increases in social security and welfare payments held up in the hope that by delaying their much-deserved increases, it may improve the prospects of enacting next year's version of the family assistance plan—FAP—which by now might better be described as "flap," may be enacted.

After all the shouting and unsupported statements about welfare reform it might be well to note how little effect all the propaganda and misrepresentation has had on the general public.

Yesterday, in my presence, one of the most ardent advocates and leaders of the fight for the family assistance plan asked one of its principal opponents how many letters he had received from prospective beneficiaries of the plan. The other Senator responded he had received only one and that was from a Governor of the State who was hoping that the scheme would lighten the welfare burden on State resources by shifting more of it to the Federal Government.

Even that poor Governor was misinformed, because many of them have now discovered what the welfare people of Louisiana have pointed out to me—that all factors considered, the theoretical relief on the State welfare budget would have been more than wiped out by other requirements of the overall plan.

I have reviewed my own mail to see how much protest I had received from the 13 million proposed new welfare recruits to express their disappointment at my failure to run roughshod over the Senator from Delaware (Mr. WILLIAMS) and his associates.

Frankly, Mr. President, my name has been the subject of scorn and villification in some of the largest newspapers of New York and Washington for the last 6 months, in connection with this matter. And how many letters do I have from the 13 million proposed new welfare recruits? None.

In other respects my mail is running 10 to 1 against the FLAP.

Now, Mr. President, I have always said and I now repeat that I stand ready and I am sure that the Committee on Finance stands ready to pay a subsidy to employers in order that those employers can pay a living wage to their workers. I have always favored whatever might be necessary to bring about this result.

Amusingly enough, a great deal of the abuse hurled in my direction resulted from the fact that the Committee on Finance, by approximately the same percentage as the Senate, itself, voted to add an amendment to restrict the importation of textiles and footwear. And why did we do this? In the effort to make jobs available to poor people those who toil to produce textiles and footwear are generally low-paid industrial workers, but they value their jobs and they would rather make an honest living producing clothes and shoes than sit around living on welfare.

In the last analysis, are not the jobs of millions of workers relevant to the subject of workfare rather than welfare?

Furthermore, if the jobs of millions of honest workers were to be retained, it would have to be done in spite of the opposition of some very large newspapers who were willing to put more than 12 million additional people on welfare but unwilling to help a lesser number of people stay at their hardworking honest employment.

We failed to protect the jobs of honest American workers from the increase in the tide of imports—but we tried—and I am proud that we did.

We failed to pass a social security bill to provide adequate increases to those who rely upon their social security pensions for their existence—but we tried. We are still trying. I am glad that we did.

We failed to provide working people with economic protection against catastrophic illness—but we tried .I know I tried and I am glad that I did.

We failed to enact a plan to adequately supplement the earnings of a poor workingman who has a large family to support—but at least we did not enact a proposal that would have given every idle man and woman in America an incentive to stay home and produce illegitimate children rather than go to work and do what they could to improve themselves and provide for their loved ones.

There will be a workfare plan—not a grandiose doubling or quadrupling of welfare loafing enacted next year. It will happen because courageous men—in this regard I particularly salute the senior Senator from Delaware who is retiring this year—had the courage to risk the displeasure of their President, the scorn and the misunderstanding that could be pointed in their direction.

The New York Times has referred to the very fine bill which finally passed the Senate 81 to 0 as "Long's Folly." Where have I heard a phrase of that sort before? It seems to me that a New York newspaper once referred to an effort by a citizen of that area to make a boat move under its own power as "Fulton's Folly." It proved to be the forerunner of the ships which even this day proudly ply the seven seas and the inland waterways of the entire world. Then there was "Seward's Folly"—the purchase of Alaska for a few million dollars.

Long's folly, the social security increases, the more adequate welfare income standards, the child care for children, the prosecution of families from the backbreaking cost of catastrophic illness, the reasonable protection of jobs of working people, will all become law in the near future, and a lot of these measures will be parts of broad sweeping bills which contain more than a single subject.

The bills will not bear Long's name, because they will be parts of revenue bills that must originate in the House, but they will contain a great number of Long's suggestions and amendments.

This time we failed to enact a much better social security bill than the House sent us. We failed because the administration did not want it to become law unless the FLAP could be made part of it.

This sort of thing has happened before. Invariably it resulted in a better law in the following year. That is also what will probably happen this time.

THE NOMINATION OF FRANK CARLUCCI

Mr. GRIFFIN. Mr. President, I ask unanimous consent that what I am about to say and the insertions which I shall request be printed in the RECORD; be placed appropriately in conjunction with the colloquy that occurred earlier in connection with the nomination of Mr. Carlucci.

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

Mr. GRIFFIN. Mr. President, I am glad that the junior Senator from California (Mr. CRANSTON) is still on the floor. To make the record complete, because of my earlier reference to certain items, I want, first of all, to be sure the full text of the press release, to which I referred, has been printed in the RECORD. Perhaps the request has already been made by the junior Senator from California.

Mr. CRANSTON. I believe that is the statement I placed in the RECORD. There was no press release, just an announcement of my statement. Yes; that is in the RECORD.

Mr. GRIFFIN. It is in the RECORD.

Mr. President, I have before me a transcript of the hearings which were held on December 30 before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare; on page 161 of the transcript, the junior Senator from California said:

> I will object to any committee session while the Senate is in session until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of $1.8 million to California rural legal assistance grants.

Mr. President, I also referred earlier to the oath of office which an appointee must take. I ask unanimous consent that the affidavit which is required to be signed be printed in full in the RECORD.

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

APPOINTMENT AFFIDAVITS

Important.—Before swearing or affirming to these appointment affidavits, you should read and understand the attached information for appointee.

Executive Office of the President, The White Office, Washington, D.C.

I, ——— ———, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO SUBVERSIVE ACTIVITY AND AFFILIATION

I am not a Communist or Fascist. I do not advocate nor am I knowingly a member of any organization that advocates the overthrow of the constitutional form of the Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States. I do further swear (or affirm) that I will not so advocate, nor will I knowingly become a member of such organization during the period that I am an employee of the Federal Government or any agency thereof.

C. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof. I do not and will not assert the right to strike against the Government of the United States or any agency thereof while an employee of the Government of the United States or any agency thereof. I do further swear (or affirm) that I am not knowingly a member of an organization of Government employees that asserts the right to strike against the Government of the United States or any agency thereof and I will not, while an employee of the Government of the United States or any agency thereof, knowingly become a member of such an organization.

D. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

Mr. GRIFFIN. Mr. President, I also made reference to chapter 11, title 18 of the United States Code, which indicates that it would be unlawful for a nominee like Mr. Carlucci to make such a decision in advance. I ask unanimous consent that chapter 11 of title 18 of the United States Code be printed in the RECORD at this point.

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

CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

§ 201. Bribery of public officials and witnesses.

(a) For the purpose of this section:

"public official" means Members of Congress, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror; and

"person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that he will be so nominated or appointed; and

"official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in his official capacity, or in his place of trust or profit.

(b) Whoever, directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

(1) to influence any official act; or

(2) to influence such public official or person who has been selected to be a public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of his lawful duty, or

(c) Whoever, being a public official or person selected to be a public official, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity, in return for:

(1) being influenced in his performance of any official act; or

(2) being influenced to commit or aid in commiting, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) being induced to do or omit to do any act in violation of his official duty; or

(d) Whoever, directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom; or

(e) Whoever, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity in return for being influenced in his testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom—

Shall be fined not more than $20,000 or three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(f) Whoever, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public officials, former public official, or person selected to be a public official; or

(g) Whoever, being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of any official act performed or to be performed by him; or

(h) Whoever, directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of his absence therefrom; or

(i) Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of the testimony under oath or affirmation given or to be given by him as a witness upon any such trial, hearing, or other proceeding, or for or because of his absence therefrom—

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

(j) Subsections (d), (e), (h), and (i) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or in the case of expert witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(k) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1119.)

Mr. GRIFFIN. Mr. President, I also made reference to an Executive order issued by Lyndon B. Johnson prescribing standards of ethical conduct for Government officers or employees and for those who are nominated for service as a Government official. I ask unanimous consent that pertinent portions of that Executive order be printed in the RECORD at this point.

There being no objection, the Executive order (No. 11222) was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 11222—PRESCRIBING STANDARDS OF ETHICAL CONDUCT FOR GOVERNMENT OFFICERS AND EMPLOYEES

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—POLICY

Sec. 101. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

PART II—STANDARDS OF CONDUCT

Sec. 201. (a) Except in accordance with regulations issued pursuant to subsection

(b) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which—

(1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;

(2) conducts operations or activities which are regulated by his agency; or

(3) has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Agency heads are authorized to issue regulations, coordinated and approved by the Civil Service Commission, implementing the provisions of subsection (a) of this section and to provide for such exceptions therein as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees. For example, it may be appropriate to provide exceptions (1) governing obvious family or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the person concerned which are the motivating factors—the clearest illustration being the parents, children or spouses of federal employees; (2) permitting acceptance of food and refreshments available in the ordinary course of a luncheon or dinner or other meeting or on inspection tours where an employee may properly be in attendance; or (3) permitting acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans. This section shall be effective upon issuance of such regulations.

(c) It is the intent of this section that employees avoid any action, whether or not specifically prohibited by subsection (a), which might result in, or create the appearance of—

(1) using public office for private gain;

(2) giving preferential treatment to any organization or person;

(3) impeding government efficiency or economy;

(4) losing complete independence or impartiality of action;

(5) making a government decision outside official channels; or

(6) affecting adversely the confidence of the public in the integrity of the Government.

AMENDMENT OF TARIFF SCHEDULES RELATING TO AIRCRAFT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17068.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 17068) entitled "An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond," with an amendment as follows:

On page 1, line 5 of the Senate engrossed amendments, after "engines" insert: *manufactured or produced abroad.*

Mr. KENNEDY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND FOR THE PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that from the close of business today until noon tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States, and that the President pro tempore or Acting President pro tempore be authorized to sign duly enrolled bills.

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

TRIBUTES TO SENATORS—SENATE DOCUMENT

Mr. KENNEDY. Mr. President, during the past 2 weeks, periods of floor time have been set aside to permit the Senate to pay tribute to Senators whose service in this body will end with the adjournment sine die of this Congress.

Two Senators, the Senator from Tennessee (Mr. GORE) and the Senator from Connecticut (Mr. DODD) have declined that honor, although others have indicated a desire to participate in paying tribute to them.

I therefore ask unanimous consent, Mr. President, that the RECORD remain open for 10 days following adjournment sine die, to permit Senators to insert materials in tribute to the Senate service of these two Senators, and that the tributes to each be gathered together, and printed as separate Senate documents.

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

Mr. KENNEDY. I also ask unanimous consent, Mr. President, that the RECORD remain open for 10 days following adjournment sine die for the insertion of materials by Members of this body in eulogizing those Senators to whom tributes were delivered on the floor, and that these materials be included in the Senate documents already ordered printed.

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

THE POCKET VETO

Mr. KENNEDY. Mr. President, 2 days ago, I wrote to Attorney General Mitchell requesting clarification of the administration's interpretation of the pocket veto clause of the Constitution. The President sought to use the pocket veto power last week to disapprove S. 3418, the Family Practice of Medicine Act, thereby preventing Congress from having the opportunity to override the veto. This action by the President has raised extremely serious questions about the distribution of power under the Constitution between Congress and the executive branch in the enactment of Federal legislation, and it was for this reason that I sought clarification of the administration's position.

Today, I have received a reply from Assistant Attorney General William H. Rehnquist, of the Office of Legal Counsel in the Department of Justice, explaining the position of the administration on this issue. Although a substantial area of disagreement continues to exist over Mr. Rehnquist's interpretation of the clause and my own interpretation, I am delighted by both the thoughtfulness and the promptness of his reply, and I commend the Attorney General, the Assistant Attorney General, and the Department of Justice for their constructive approach to the legal questions raised by the controversy that has erupted over the pocket veto.

The principal difference between us is over the interpretation of the Supreme Court's precedents on the pocket veto clause of the Constitution. The Assistant Attorney General relies heavily on the *Pocket Veto* case, 279 U.S. 655, which was decided in 1929 and which contains dicta apparently giving extremely broad leeway to the President in the exercise of the pocket veto power.

It is clear, however, that these dicta of the Supreme Court were not essential to the holding of the case, which involved an adjournment sine die at the end of a session of Congress. I believe that sine die adjournments—either at the end of a Congress or at the end of a session of Congress—are the only situations in which the pocket veto clause of the Constitution was intended to apply. I also believe that this is all that the Supreme Court's decision in the pocket veto case holds on this issue. As Mr. Rehnquist's letter expressly recognizes, the pocket veto case did in fact involve a sine die adjournment at the end of a session of Congress—albeit a sine die adjournment of only one House. In the circumstances of that case, the House of Representatives had adjourned sine die, and the Senate had adjourned for several months to a date certain.

It is difficult, therefore, to understand the logic of Mr. Rehnquist's assertion that the Supreme Court's decision in the pocket veto case has expressly rejected my view that the pocket veto provision is intended only to apply in sine die adjournment situations.

Indeed, the specific holding of the pocket veto case is clearly in accord with my view. The House of Representatives had adjourned sine die. Therefore, it was impossible for Congress to act to override the veto. Under the Constitution, a two-thirds majority in both the Senate and the House is required to override a veto. Since the House had adjourned sine die, it was clear that the House could not act to override the veto, and the fact that the Senate's adjournment was not sine die was irrelevant. This is the precise situation in which the Founding Fathers intended the pocket veto clause of the Constitution to apply. Where there is no opportunity for Congress to override a veto by the President, the Constitution resolves the question of the status of legislation enacted within the 10-day period before adjournment by specifying, in effect, that the bill does not become law unless approved by the President. In other circumstances, of course, where a sine die adjournment of Congress does not intervene, a bill be-

comes law even without the approval of the President, unless the President acts positively to veto it, and thereby triggers the opportunity for Congress to override the veto.

Strong additional support for my view is contained in *Wright* v. *United States*, 302 U.S. 583 (1938), which was decided almost a decade after the pocket veto case, and which substantially clarified the Supreme Court's earlier decision. In the Wright case, which was decided 6–2 by the Court, the majority opinion by Chief Justice Charles Evans Hughes discusses the holding in the pocket veto case as turning on the question of whether there has been a sine die adjournment. As the opinion states:

> In the *Pocket Veto Case*, the Congress had adjourned. The question was whether the concluding clause of paragraph 2 of § 7 of article I was limited to a *final* adjournment of the Congress or embraced an adjournment of the Congress at the close of the first regular session. The Court held that the clause was not so limited and applied to the latter. [Emphasis in original.] 302 U.S. 583, at 593.

The Court's holding in the Wright case appears to be two-pronged. First, the Court clearly held that—since the House of Representatives was still in session, even though the Senate had adjourned for a brief period—there was no "adjournment" of Congress within the meaning of the pocket veto clause of the Constitution. Therefore, the Court held, the pocket veto clause was completely inapplicable.

Second, the Supreme Court appears to have held in the Wright case that, even though the Senate itself was in a brief 3-day recess, the President was not "prevented" from returning the vetoed bill with his objections to the Senate, within the meaning of the pocket veto clause, since the Secretary of the Senate was available to receive the President's veto message. In other words, it may be argued, there are two requirements before the pocket veto clause comes into play—first, Congress must be in adjournment, and, second, the adjournment must prevent the return of the vetoed bill to Congress.

If a 3-day recess of the Senate did not prevent the return of a vetoed bill in the Wright case, it is difficult to believe that the 5-day adjournment of the Senate in the present case prevented the return of the vetoed Family Practice of Medicine Act.

One additional point is worth noting. In his letter, Mr. Rehnquist states that not only was the President authorized to exercise a pocket veto on the present legislation, "but if he wished to disapprove it at all, he very probably had no choice as to the form of veto."

Surely, if the President wishes to disapprove a bill in such a situation, he can return it to Congress with his veto message in the usual fashion. Even if such a return of the legislation is invalid because Congress is in adjournment, as Mr. Rehnquist appears to be arguing, the President will still be in the position of not having signed the bill. In other words, even if a formal veto is invalid, a pocket veto can still apply, since the bill has not been signed. Moreover, the language of the Wright case may be easily read as implying that the court will sustain the validity of a return of legislation when Congress is in a brief adjournment within a session.

To be sure, as Mr. Rehnquist's letter shows, there is a sporadic practice of pocket vetoes by the President during relatively brief adjournments of Congress. In large part, however, the practice is a tribute to the difficulty of challenging a pocket veto in the courts, rather than a tribute to the validity of administration's reasoning. Now that a substantial legal controversy has begun, it is my hope that this difficulty in mounting an appropriate challenge can be overcome. It is my understanding that a private bill was also subject to a pocket veto by the President during the Christmas recess. Since questions of standing are less likely to thwart the jurisdiction of the courts in cases involving private bills, it may be possible for the claimant under the recent private bill to challenge the pocket veto of his bill, and thereby obtain a court test that would be squarely applicable to the vetoed Family Practice of Medicine Act.

Finally, it is worth pondering the implications of the administration's position. Nothing in the Constitution suggests any stopping point for the administration's logic. In the present case, involving the brief 5-day Christmas adjournment by Congress, the President is already close to pushing the pocket veto power to the limit of its logic. If the pocket veto clause applies to a 5-day adjournment, why should it not also apply to an adjournment of 3 days, or 1 day, or even overnight?

The 10-day constitutional period for the President's consideration of legislation presented by Congress expires on midnight of the 10th day. Since Congress is virtually always in adjournment at midnight, the reductio ad absurdum of the administration's logic is that virtually every piece of legislation is subject to a pocket veto, in spite of the clear contrary language of the Constitution.

Conceivably, the Supreme Court might attempt to establish a "rule of reason" to resolve the pocket veto controversy, under which the pocket veto clause might be applicable in cases involving relatively long adjournments during a session of Congress, in addition to cases involving sine die adjournments. Even by this standard, however, it seems clear that the 5-day adjournment involved in the present case would be far too short to trigger a pocket veto.

To me, it is much more likely that the Court will decline to be drawn into any effort to set an arbitrary time period for adjournments during a session, beyond which a pocket veto would be valid. By drawing a clean dividing line at adjournment sine die, the Court can avoid the ambiguities inherent in a "rule of reason" approach and clear up the controversy entirely.

In closing, let me emphasize again the importance of the issue raised by the President's recent exercise of the pocket veto. The President has challenged one of the most basic perrogatives of Congress. His action has vital implications for the checks and balances in our constitutional form of government between the legislative branch and the executive branch, and I hope that we will make a thorough exploration of this area in the 92d Congress.

Mr. President, I believe that my exchange of correspondence with Mr. Rehnquist will be of interest to all Members of Congress, and I ask unanimous consent to have it printed in the RECORD.

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

WASHINGTON, D.C.,
December 29, 1970.

HON. JOHN N. MITCHELL,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you know, on December 26 it was announced that the President would not sign S. 3418, the "Family Practice of Medicine Act," and that the bill would therefore be subject to a "pocket veto," under which Congress would have no opportunity to reconsider the legislation in light of the President's objections.

Whatever the merits of this particular bill—and I strongly supported it in the Senate—the President's action raises extremely serious questions that far transcend the bill itself and that go to the heart of the distribution of power under the Constitution between Congress and the Executive Branch with respect to the enactment of Federal legislation. Surely, contrary sporadic practice notwithstanding, the Pocket Veto provision of the Constitution—Article I, Section 7, Clause 2—was intended to apply only in circumstances involving an adjournment *sine die* at the end of a Congress or at the end of a session of Congress, and was not intended to apply to brief adjournments of Congress during a session such as the recent Christmas period. This is all that the leading decisions of the Supreme Court appear to have held. See *Wright* v. *United States*, 302 U.S. 583 (1938); *Pocket Veto Case*, 279 U.S. 655 (1929). Indeed, in *Wright v. United States*. the Supreme Court expressly suggested that the Pocket Veto provision might not be applicable in a case involving a brief adjournment within a session.

In light of the discrepancy between the theory and practice involving the Pocket Veto provision, I would be grateful to receive a clarification of the Administration's position on this issue.

Sincerely,

EDWARD M. KENNEDY.

DEPARTMENT OF JUSTICE,
Washington, D.C., December 30, 1970.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Attorney General has asked me to reply to your letter to him of December 29 relating to the pocket veto of S. 3418, inasmuch as I had given the advice to the White House that under the circumstances a pocket veto by the President would be appropriate.

In your letter you state that the pocket veto "was intended to apply only in circumstances involving an adjournment *sine die* at the end of a Congress or at the end of a session of Congress, and was not intended to apply to brief adjournments of Congress during a session such as the recent Christmas period." You also state that "In *Wright* v. *United States*, the Supreme Court expressly suggested that the pocket veto provision might not be applicable in a case involving a brief adjournment within a session." Suggesting a "discrepancy between the theory and practice involving the pocket veto provision", you have requested a clarification of the Administration's position on this issue.

The position of this Administration on the "pocket veto" issue is, as nearly as I can determine, entirely consistent with that of preceding Administrations which have considered the question. The two decided Supreme Court cases, both of which are cited in your letter, have, with one exception, pretty well marked out the boundaries of the pocket veto power, and in my opinion the President's exercise of that power in declining to sign S. 3418 conforms both to these judicial precedents and to the consistent practice or other Presidents during the last quarter century.

The Pocket Veto Case, 279 U.S. 655 (1929), decided by a unanimous Court, seems to me to have expressly rejected your contention that the pocket veto provision was intended to apply only in circumstances involving an adjournment *sine die* at the end of a Congress or at the end of a session of Congress. Although the adjournment of Congress there involved was for a period of several months, it was neither an adjournment at the end of the session nor at the end of the Congress, since the Senate adjourned on July 3rd until November 10th, while the House adjourned on July 3rd *sine die.* Notwithstanding the difference in length of time of adjournment between that case and the situation respecting S. 3418, the Court in the *Pocket Veto Case* was required to interpret the following language from the constitutional provision authorizing the "pocket veto": " . . . if any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law." (Art. I, § 7, United States Constitution.)

The bill which was pocket-vetoed by President Coolidge in the *Pocket Veto Case* had been presented to him on June 24, 1926, and the adjournment of Congress took place on July 3rd. The Court said:

"The specific question here presented is whether, within the meaning of the last sentence—which we have italicized—Congress by the adjournment on July 3rd prevented the President from returning the bill within ten days, Sundays excepted, after it had been presented to him. If the adjournment did not prevent him from returning the bill within the prescribed time, it became a law without his signature; but, if the adjournment prevented him from so doing, it did not become a law. This is unquestioned." 279 U.S. at 674.

The Court went on to say that the term "adjournment" as used in the constitutional provision authorizing pocket vetoes did not refer only to the final adjournment of Congress. It pointed out in support of this conclusion that the word "adjournment" is used both in section 5 of Article I in reference to the power of a smaller number than the majority of each House to "adjourn" from day to day, and in the fourth clause of the same article, in reference to the prohibition that neither House during the session of Congress shall, without the consent of the other, "adjourn" for more than three days.

The Court then stated:

"We think that under the constitutional provision that the determinative question in reference to an 'adjournment' is not whether it is a final adjournment of Congress or an interim adjournment, such as an adjournment of the first session, but whether it is one that 'prevents' the President from returning the bill to the House in which it orginated within the time allowed. It is clear, and as we understand, it is not questioned, that since the President may return a bill at any time within the allotted period, he is prevented from returning it, within the meaning of the constitutional provision, if by reason of the adjournment it is impossible for him to return it to the House in which it originated on the last day of that period." 279 U.S. at 680.

The Court then concluded that since Congress had adjourned prior to the expiration of the ten day period given President Coolidge by the Constitution in which to decide whether or not to veto the particular bill there involved, the pocket veto provision became operative. It seems clear to me that the Court's decision did not turn on the length of the adjournment, any more than on its finality, but that it turned instead on the fact that the adjournment commenced within the ten day period allotted the President by the Constitution to decide whether or not to veto the measure in question.[1]

The most recent formal expression on the pocket veto provision appears in the opinion of Attorney General Biddle of July 16, 1943. 40 Op. A.G. 274. The Attorney General after reviewing the cases and the historical practice, advised President Roosevelt that an adjournment of Congress within a session was an occasion for a pocket veto.

In the memorandum on the same subject transmitted to the White House in November, 1968, by my predecessor in this office, the precedents then existing were summarized in this language:

"The experience of the past quarter of the century discloses the following practice. If the tenth day (Sundays excluded) after the presentation of the bill fell into a period in which neither House was in session, Presidents uniformly exercised their pocket veto power, even if the period of adjournment were short, or if Congress reconvened on the day following expiration of the constitutional period."

The following instances were relied upon in support of this statement:

(1) In the spring of 1944, the Congress adjourned from April 1st to April 12th. A private bill had been presented to the President on March 30, 1944. 90 Cong. Rec. 3380. The tenth day (Sundays excepted) following the day of presentation was April 11, 1944, *i.e.,* the day preceding the reconvening of the Congress. On that day, President Roosevelt signed a memorandum of disapproval. The bill was considered to have been pocket-vetoed. 90 Cong. Rec. 3408.

(2) In the spring of 1956, both Houses of Congress adjourned from March 29th to April 9th. A private bill had been presented to the President on March 22nd, and the tenth day following the day of presentation was therefore April 3, 1956. President Eisenhower withheld his approval from the bill, and it was considered to have been thereby pocket-vetoed as of April 3, 1956. 102 Cong. Rec. Index 732.

(3) In the summer of 1964, both Houses of Congress adjourned from August 21 to August 31 during the Democratic presidential nominating convention. A private bill had been presented to the President on August 14, 1964, and the tenth day following the day of presentation was August 26, 1964. President Johnson signed a memorandum of disapproval on August 24, 1964, which was communicated to the House of Representatives on September 2, 1964. 110 Cong. Rec. 21409.

Most recently, in the summer of 1968, President Johnson pocket-vetoed a bill relating to cotton importation during an adjournment of both Houses of Congress of approximately one month. 4 Weekly Comp. Pres. Docs. 1222.

Similar precedents may be found going back a good deal further than the quarter century period covered in the memorandum described above. Those which occurred prior to 1928 are collected in House Doc. No. 493, 70th Cong., 2d Session. They include pocket vetoes during Christmas adjournment of Congress by Presidents Andrew Johnson, Benjamin Harrison, and Grover Cleveland.

In *Wright* v. *United States,* 302 U.S. 583 (1938), a majority of the Court held that where only one House had adjourned, and the adjournment of that House was for a period of only three days, "Congress" as that term is used in the constitutional provision authorizing pocket vetoes, had not adjourned, and therefore a pocket veto was not available to the President in that situation. The Court's majority declined to speculate on the result if one House had adjourned for more than three days.[2]

The Court in *Wright* summarized its ruling in these words:

"We hold that where the Congress has not adjourned and the House in which the bill originated is in recess for not more than three days under the constitutional permission while Congress is in session, the bill does not become a law if the President has delivered the bill with his objections to the appropriate officer of that House within the prescribed ten days and the Congress does not pass the bill over his objections by the requisite votes." 302 U.S. at 598.

In the situation confronting President Nixon with respect to his disapproval of S. 3418, both Houses of Congress had adjourned for a period of longer than three days—the Senate from December 22nd to December 28th, and the House from December 22nd to December 29th—and by their adjournment had prevented the President from having the full ten day period allotted him under the Constitution to decide whether or not to veto in the ordinary manner the bill in question. In my opinion, therefore, on these facts the general rule of the *Pocket Veto Case,* rather than the exception to that general rule carved out in the *Wright* case, governed, and the President was not only authorized to exercise a pocket veto, but if he wished to disapprove it at all, he very probably had no choice as to the form of veto.[3]

You state in your letter that the President's action raises extremely serious questions far transcend the bill itself and that go to the "heart of the distribution of power under the Constitution between the Con-

[1] The Court in that case also said (though the statement does not appear to have been necessary to its holding) that even though one or both Houses of Congress were to authorize an agent to receive messages from the President, "the delivery of the bill to such officer or agent . . . would not comply with the constitutional mandate." 279 U.S. at 684. While *dicta* is not entitled to the same weight as is a holding, the fact that the language is subscribed to by a unanimous Supreme Court, and the fact that it is found in one of the only two cases from that Court dealing with the question, make it the best available authority on the point.

[2] The Court majority in *Wright* rejected the argument that because the originating House was the one which had adjourned for three days, the President was prevented from returning the bill within the meaning of the constitutional language. While some of its reasoning, in so doing, if lifted out of context, could be said to undercut the reasoning in the *Pocket Veto Case,* the fact that the *Wright* Court reserved the question of the effect of an adjournment of even one House alone for more than three days would indicate that its language is to be confined to the fact situation there presented.

[3] There is undoubtedly a legal "gray area" with respect to the question reserved in the *Wright* case—whether a pocket veto is appropriate during an adjournment for more than three days by one House of Congress. Advice from this office in the past has been to the effect that in this situation, without any controlling judicial decision to guide him, the President ought to disapprove a bill by the normal veto message and return, rather than by the pocket veto.

gress and the Executive branch with respect to the enactment of federal legislation". While I believe that the President was on very firm legal ground in taking the action he did, there is no doubt that the use of the pocket veto power has been a bone of contention between the President and the Congress throughout the years. Indeed, the *Pocket Veto Case, supra,* apparently resulted from an effort on the part of the House of Representatives to repudiate the traditional interpretation of the pocket veto clause—by then more than a century old—and to limit the exercise of that form of veto to the final adjournment of Congress. This effort on the part of the House was, of course, unsuccessful. Again in 1940, Congress passed a bill, H.R. 3233, 76th Congress, which purported to repeal as of the date of their "enactment" all bills and joint resolutions which prior to the beginning of the 76th Congress had been pocket-vetoed, during an adjournment of the Congress other than a final adjournment. President Roosevelt vetoed the bill on the ground that it was inconsistent with the constitutional practices going back to President Adams, as well as with the Supreme Court's interpretation of the Constitution in the *Pocket Veto Case.* 86 Cong. Rec. 8024. The veto was sustained.

Thus, while the Administration's position with respect to presidential use of the pocket veto provision is largely at odds with the position taken in your letter, I believe it is consistent both with the decided cases and with quite well established historical practice.

Yours very truly,

WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

TRIBUTE TO SENATOR GORE

Mr. KENNEDY. Mr. President, when the 92d Congress convenes next month, none of our colleagues will be missed more deeply or more affectionately than the distinguished senior Senator from Tennessee. For 32 years, 18 of them in the Senate, covering one of the most important eras in the history of the Nation, ALBERT GORE has graced the U.S. Senate with his extraordinary gifts of intelligence, persuasion, eloquence, and wit. Time and again, his insights and perceptions have been translated into significant and far-reaching legislation. Time and again, where others drifted with expediency, Senator GORE has stood on principle. Time and again, where others were content to follow, Senator GORE has chosen to lead, and the Nation is the richer for his service.

Historians will catalog the full richness of his long and remarkable career in public service, and his major contributions in foreign relations and domestic affairs. His association with my family in the Senate goes back many years. Indeed, ALBERT GORE and John Kennedy came to the Senate together in 1952. Later, Senator Kennedy preceded Senator GORE as the chairman of the Subcommittee on Africa, and they shared many common interests together in the Senate.

In many ways, however, the 91st Congress itself has been a microcosm of the ALBERT GORE we love and respect, and we will carry away many warm recollections of recent months to inspire us:

In the fall of 1969, he was among the first to challenge the secret American military involvement in Laos, and to begin the critical examination of the extent to which the military establishment has been determining the foreign policy of the United States.

His votes against the confirmations of Judge Haynsworth and Judge Carswell to the Supreme Court rank with the greatest profiles in political courage in our history.

His leadership against the ABM in 1969 put him in the forefront of those in the Senate determined to shift our national priorities and begin to attack the overriding domestic issues of our day—issues like poverty and unemployment, health and education, the problems of the elderly, and all the other urgent issues we face.

Many of Senator GORE's victories in the Senate were single-handed triumphs of his legislative skill. A striking example of his outstanding success was in the Tax Reform Act of 1969, where, after days of debate on the Senate floor, he persuaded us to rewrite the crucial tax reduction provisions, in order to give a far greater measure of tax justice to the ordinary taxpayer.

These brief remarks today can only scratch the surface of the enormous contributions ALBERT GORE has made to his country. In the January 1971 issue of Harper's magazine, David Halberstam comments that it is easy to imagine Senator GORE seated here, next to Webster, Calhoun, and Clay. The comparison rings true, because in so many ways, ALBERT GORE is cut from the same mold as the Senate giants of the past. Indeed, if we see more clearly today on any of dozens of difficult issues, it is because we stand on the shoulders of giants like ALBERT GORE.

We know the enormous odds against him in the recent election campaign—the southern strategy, the No. 1 target, the visits to Tennessee by President Nixon, General Westmoreland, and Vice President AGNEW, and the uphill fight on the emotional issues of race, war, gun control, busing, prayer, and fear. He ran a race that any of us could be proud of—a race that left him inspiring the Nation even in defeat. But that has always been the way with ALBERT GORE, and that is why we shall miss him so deeply in the Senate.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, would the Senator be kind enough to let me deal with a calendar matter with the majority leader while he is here?

Mr. KENNEDY. I understand there will be some discussion of the matter.

Mr. JAVITS. No. Very little.

Mr. KENNEDY. I yield.

ALFRED F. LORMAN

Mr. JAVITS. Mr. President, for 6 months there have been on the calendar Nos. 167 and 215, private bills which have come over from the House and which have been reported by the Senate committee, and which I introduced.

The full description of the situation which brought on this bill is contained in the report of the Committee on the Judiciary. I ask unanimous consent that as much of that report as I may desire be printed in the RECORD, which will show the facts.

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

STATEMENT

The committee in the 90th Congress reported favorably S. 2393, as amended, is identical to S. 797, as amended. In its statement on S. 2393 the committee set forth the following:

The Commission's records disclose that a claim (No. W-16004) was filed jointly by Ernest H. Lorman and Alfred F. Lorman under title II of the War Claims Act of 1948, as amended (Public Law 87-846), based upon losses of two metal factories, machinery, equipment, and inventory in Vienna, Austria, which occurred as a direct consequence of military operations on June 26, 1944, and February 11, 1945, during World War II. Each of the two claimants owned a three-eighths interest in the subject property on the dates of its loss.

Title II of the War Claims Act of 1948, as amended, among other things, directs the Foreign Claims Settlement Commission to determine the validity and amount of claims of nationals of the United States for the loss or destruction of, or physical damage to, property located in Austria as well as certain other central European countries, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of the enemy or alleged enemy character of the owner, which property was owned by a national of the United States at the time of such loss, damage, or destruction.

The act further provided that no claims shall be allowed unless the property upon which it is based was owned by a national or nationals of the United States on the date of loss, damage, or destruction, and unless the claim was owned by a national or nationals of the United States continuously thereafter until the date of filing with the Commission.

Ernest Lorman became a national of the United States on December 18, 1942. Alfred Lorman acquired U.S. nationality on February 28, 1945.

Based upon the evidence of record, the Commission determined that the claimants suffered losses as indicated above and their claim would come within the provisions of title II of the War Claims Act of 1948, as amended, if otherwise qualified. However, inasmuch as claimant Alfred Lorman did not become a national of the United States until after the dates of loss, that portion of the claim for his interest in the subject property was found not compensable under the act and was denied as not having been owned by a national of the United States on the date of loss.

Ernest Lorman, who had acquired U.S. nationality prior to the date of loss, received an award of $74,370.15 for this three-eighths interest.

The effect of the bill, S. 2393, would permit the consideration of the claim of Alfred Lorman as a national of the United States on the date of loss which undoubtedly would result in the issuance of an award in an amount equal to that made to his brother, Ernest Lorman.

The requirement of title II of the War Claims Act of 1948, as amended, as to U.S. nationality at the time of loss is based upon the well-established principle of international law to the effect that a government will not espouse the claim of one of its nationals against a foreign government unless the claim was owned by one of its nationals at the time it arose.

As of June 30, 1967, a total of $223,750,000 had been deposited into the war claims fund

for the payment of awards rendered under title II of the War Claims Act. All statutory priority payments have been authorized to be paid and those awards which are subject to proration above $10,000 have been authorized to be paid $10,000 plus 61.3 percent of the balance of all such awards, by the Secretary of the Treasury from the fund. It is currently estimated that an additional $25,650,000 will be made available during fiscal year 1968, raising the total to $249,400,000.

In view of the foregoing, it is obvious that the money in the war claims fund is, or will be, insufficient to pay all awards subject to proration payments in full. The award made to Ernest Lorman fell within this category.

It is to be noted that approximately 8,000 claims were filed under title II of the War Claims Act by late nationals which represent an asserted claimed amount of well over $500 million. Contrasting the foregoing statistics with the amounts expected to be available for payment on awards from the war claims fund demonstrates the insufficiency of the proceeds. Moreover, it would appear that the enactment of any proposal to permit the consideration of claims of late nationals for compensation under either public or private legislation would have no significant meaning due to the lack of funds.

In light of the foregoing, the Commission is of the opinion that if S. 2393 is enacted, it would be discriminatory to the other 8,000 late national claimants whose claims were also denied for failure to meet the nationality provisions of title II of the War Claims Act of 1948, as amended. Moreover, there does not appear to be any compelling reason for singling out Alfred Lorman for special relief or that he is more deserving than others to receive such relief.

The committee does not agree with the Foreign Claims Settlement Commission that there does not appear to be any compelling reason for singling out this claimant for special relief or that he is more deserving than others to receive such relief. The committee feels that this legislation seeks to do equity not just between persons who suffered war damage but to do equity between two brothers having identical claims, having filed for citizenship at the same time, and to remove the injustice of one being rewarded for having entered the American military service involuntarily and the other brother penalized for doing as he was told by the American authorities in wartime.

In the autumn of 1938, the Lorman brothers came to this country from Austria at the same time and filed for American citizenship on the day after their arrival in New York City. Alfred obtained a position in a chemical plant, and his younger brother, Ernest, became engaged in a variety of short-term jobs. Both were classified under Selective Service as I–A. The U.S. Government determined to construct a chemical plant in Peabody, Mass., and Alfred was requested to move to Boston and assist in the erection and operation of the plant. Ernest was drafted in the U.S. Army, and Alfred continued his civilian employment under authority of his draft board. Both brothers had identical interests in an industrial property in Austria which was damaged during World War II. Both made application for compensation under the War Claims Act. Ernest was granted relief because of his citizenship by reason of military service. Alfred was denied relief, because he was not a citizen at the time of the damage even though the delay in granting a citizenship was in part due to the failure of the Post Office Department and the Immigration and Naturalization Service to note his change of address, as well as being ordered by his draft board to remain in essential war work, where he was classified by his draft board as 2–B.

It is worthy of note that the date of loss occurred February 11, 1945, and that the claimant obtained final citizenship on February 28, 1945, only 17 days after the date of loss, and had not circumstances occurred beyond the control of Alfred Lorman he would have acquired citizenship in 1944 rather than in 1945. The claimant diligently endeavored to have his final citizenship papers processed but, because of the failure of the Post Office Department and the Department of Justice to ascertain his correct mailing address, he did not obtain his final citizenship papers until February 28, 1945.

The claimant has filed a sworn affidavit with the committee dated November 17, 1967, wherein he states in part as follows:

"That your deponent having been employed in Malden, Mass., by a chemical concern, the Commercial Solvents Corp., engaged in important work for the War Production Board and was unable to obtain the necessary time and furlough to immediately file application for final citizenship papers but, nevertheless, filed it in early 1944.

"That your deponent was advised that the examination of the witnesses necessary for final citizenship would take place in New York on June 13, 1944, so that your deponent could expect naturalization within the next 30 to 60 days.

"That your deponent did not hear from the Department of Justice until November 1944 at which time he was informed by Mr. Stewart Hanan, residing at Westbury, Long Island, N.Y., who inquired on his behalf with the U.S. Immigration and Naturalization Service, that this Service did not have your deponent's then address on file and that a communication addressed to your deponent had been returned to the U.S. Immigration and Naturalization Service undelivered although your deponent had definitely notified the U.S. Department of Justice, Immigration and Naturalization Service as well as the New York local post office and the draft board of the change of his address in September 1944.

"That in spite of my continuous efforts in writing and oral inquiries, I did not succeed to obtain my final citizenship papers before February 28, 1945.

"That I certainly would have been naturalized at an earlier date if my application would have been diligently processed by the U.S. Immigration and Naturalization Service and the Post Office Department given effect to my instructions regarding change of address."

The committee is of the opinion that as stated above in the affidavit this claimant made every effort to secure final citizenship papers, and certainly would have acquired such citizenship long before the date of the loss had not there been a failure on the part of the various Government agencies in processing the claimant's application for final papers. Furthermore, the committee believes it inequitable because of circumstances beyond the control of this claimant to deny him his entitlement to participate on an equal basis with his brother solely by reason of the fact that he was engaged in essential war work and his date of final citizenship was delayed by reason of his draft classification in essential war work, and the failure of the Government agencies to process his application for citizenship diligently.

For these reasons, the committee is of the opinion that this case merits relief, and accordingly recommends favorable consideration of S. 2393, as amended.

The committee adheres to its recommendation on S. 2393 of the 90th Congress and recommends that the bill S. 797, as amended, be considered favorably.

Mr. JAVITS. Mr. President, normally, bills are brought up and dealt with which are on the consent calendar to which no one in the committee objected. But these bills have proved objectionable—and the leader will correct me if I am wrong—to the Democratic Policy Committee.

I contemplated the possibility in the last days of the session of calling up these bills so that they may be disposed of one way or the other. I am now convinced that if I did that, it is a guaranteed defeat for this claimant, considering the atmosphere, the end of the session, and the objections of the Democratic Policy Committee.

I have discussed this matter with a lawyer for the claimant who is a former Member of the other body, Sterling Cole, and he has agreed with me that, though it is on the Consent Calendar, there is this objection, and that in all fairness to the claimant I should not call up the bills, for this reason. Rather than accept the guaranteed defeat in a matter in which I deeply feel, as a lawyer—I have examined the claim very closely—there is real equity for action by Congress, and thereby to ruin it forever, the man should have another chance in the new Congress to assert his claim.

I wish to point out that the feeling of the Democratic Policy Committee, as explained to me very frankly by the majority leader, is based upon the fact that they see a door opening to thousands—and they literally make that figure—8,000 other claims. I am deeply convinced that they can be convinced and the leader can be convinced—he is a fair man—that this is a claim which is, in legal terms, sui generis, that it really is a unique case which deserves the magnanimity of the sovereign, which is what a private bill amounts to.

For those reasons, I have advised the leader, who has been very understanding about this matter, that I will not call up these bills. I rely very heavily upon the legendary—and I use that word advisedly—fairness of the leader, that even though he feels strongly about it now, I believe that he can ultimately be convinced that this is fair rather than unfair; and I do not want to jeopardize the conviction which I feel he will ultimately have in this matter by pressing it now, in the very bad atmosphere which almost guarantees defeat of the bills.

Mr. MANSFIELD. Mr. President, I will not belabor this matter, but I do want to assure the distinguished Senator from New York (Mr. JAVITS) that any bill reported by any committee, be it private or otherwise, will most certainly receive the attention of the Democratic policy committee, just as it receives the attention of the Republican policy committee.

But this particular bill falls in a category dealing with private relief. Its status is shared by a number of other measures now on the calendar, some having remained there for almost the full 2 years of the Congress. Those measures remain in such a status not for any reason of substance. This is a question for the committee concerned. Rather, they obtained such status because the leadership, be it on this side of the aisle or the other, has determined, through its respective scheduling committees, that the schedule of the Senate should not accommodate the particular matter because of a possible adverse precedent involved or because the priorities of the Senate's business dictate otherwise.

I repeat: The leadership on both sides of the aisle has enjoyed a certain degree

of discretion in matters dealing with private relief. As a matter of comity and accommodation, these decisions have been honored consistently by the leadership in setting forth the Senate's business agenda.

The Senator from New York (Mr. JAVITS) advised me beforehand of his actions, and for that I wish to extend my personal thanks. But the simple fact is that this bill has not been designated for the Senate's agenda by the leadership, for the reasons I have stated.

Mr. President, I ask unanimous consent to have printed in the RECORD a communication received from Edward D. Re, Chairman of the Foreign Claims Settlement Commission, which explains in more detail than I care to go into at this time just what is involved in this particular matter.

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

FOREIGN CLAIMS SETTLEMENT COMMISSION, OF THE UNITED STATES,
Washington, D.C., November 28, 1967.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Further reference is made to your letter of September 9, 1967, requesting a report by the Foreign Claims Settlement Commission on S. 2393, 90th Congress, "A Bill to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948."

The bill provides that for the purposes of the War Claims Act of 1948, Alfred Lorman shall be deemed to have become a citizen of the United States on the same date as that of his brother, Ernest Lorman, and directs the Commission to receive and determine the claim of Alfred Lorman in accordance with all the other provisions of the War Claims Act of 1948, as amended. Any award made by the commission is to be paid by the Secretary of the Treasury out of the War Claims Fund.

The Commission's records disclose that a claim (No. W-16004) was filed jointly by Ernest H. Lorman and Alfred F. Lorman under title II of the War Claims Act of 1948, as amended (Public Law 87-846), based upon losses of two metal factories, machinery, equipment, and inventory in Vienna, Austria, which occurred as a direct consequence of military operations on June 26, 1944, and February 11, 1945, during World War II. Each of the two claimants owned a three-eighths interest in the subject property on the dates of its loss.

Title II of the War Claims Act of 1948, as amended, among other things, directs the Foreign Claims Settlement Commission to determine the validity and amount of claims of nationals of the United States for the loss or destruction of, or physical damage to, property located in Austria as well as certain other central European countries, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of the enemy or alleged enemy character of the owner, which property was owned by a national of the United States at the time of such loss, damage, or destruction.

The act further provided that no claims shall be allowed unless the property upon which it is based was owned by a national or nationals of the United States on the date of loss, damage, or destruction and unless the claim was owned by a national or nationals of the United States continuously thereafter until the date of filing with the Commission.

Ernest Lorman became a national of the United States on December 18, 1942. Alfred Lorman acquired U.S. nationality on February 28, 1945.

Based upon the evidence of record, the Commission determined that the claimants suffered losses as indicated above and their claim would come within the provisions of title II of the War Claims Act of 1948, as amended, if otherwise qualified. However, inasmuch as claimant Alfred Lorman did not become a national of the United States until after the dates of loss, that portion of the claim for his interest in the subject property was found not compensable under the act and was denied as not having been owned by a national of the United States on the date of loss.

Ernest Lorman, who had acquired U.S. nationality prior to the date of loss, received an award of $74,370.15 for this three-eighths interest.

The effect of the bill, S. 2393, would permit the consideration of the claim of Alfred Lorman as a national of the United States on the date of loss which undoubtedly would result in the issuance of an award in an amount equal to that made to his brother, Ernest Lorman.

The requirement of title II of the War Claims Act of 1948, as amended, as to U.S. nationality at the time of loss is based upon the well-established principle of international law to the effect that a government will not espouse the claim of one of its nationals against a foreign government unless the claim was owned by one of its nationals at the time it arose.

This principle has been applied, as appropriate, in all programs administered by the Commission. The one exception in the Commission's experience has been in the case of claims against the Government of Italy under section 304, title III of the International Claims Settlement Act of 1949, as amended, as to which the usual nationality requirement originally was applied. By August 8, 1958, it was apparent that the Italian claims fund was more than sufficient to pay anticipated awards against the Government of Italy. On that date, the statute was amended to permit awards to persons who were nationals of the United States on August 9, 1955, the date of enactment of title III of the act, and who had filed timely claims, even though their claims were based upon property lost at an earlier date.

Legislative proposals to liberalize the requirements of nationality in other past programs have failed of enactment. The Congress, on occasion, has made clear its position that funds insufficient for full payment of awards to be made in these claims programs should be preserved for those who suffered losses while nationals of the United States.

Amendments to include claims of so-called late nationals were proposed in the Senate during the consideration of legislation (H.R. 7283, 87th Congress) which was later enacted as Public Law 87-846 (title II of the War Claims Act of 1948, as amended). However, during the conference on the bill, it was agreed to recede from such amendments with the understanding that in the event there remain a balance in the war claims fund after payment in full of claims presently authorized under the act, consideration would be given to legislation providing for these claims.

Upon completion of the war claims program under title II of the War Claims Act of 1948, on May 17, 1967, awards in the aggregate amount of approximately $340.5 million had been certified or recertified to the Secretary of the Treasury for payment out of the war claims fund.

As of June 30, 1967, a total of $223,750,000 had been deposited into the war claims fund for the payment of awards rendered under title II of the War Claims Act. All statutory priority payments have been authorized to be paid and those awards which are subject to proration above $10,000 have been authorized to be paid $10,000 plus 61.3 percent of the balance of all such awards, by the Secretary of the Treasury from the fund. It is currently estimated that an additional $26,650,000 will be made available during fiscal year 1968 raising the total to $249,400,000.

In view of the foregoing, it is obvious that the money in the war claims fund is, or will be, insufficient to pay all awards subject to proration payments in full. The award made to Ernest Lorman fell within this category.

It is to be noted that approximately 8,000 claims were filed under title II of the War Claims Act by late nationals which represent an asserted claimed amount of well over $500 million. Contrasting the foregoing statistics with the amounts expected to be available for payment on awards from the war claims fund demonstrates the insufficiency of the proceeds. Moreover, it would appear that the enactment of any proposal to permit the consideration of claims of late nationals for compensation under either public or private legislation would have no significant meaning due to the lack of funds.

In light of the foregoing, the Commission is of the opinion that if S. 2393 is enacted, it would be discriminatory to the other 8,000 late national claimants whose claims were also denied for failure to meet the nationality provisions of title II of the War Claims Act of 1948, as amended. Moreover, there does not appear to be any compelling reason for singling out Alfred Lorman for special relief or that he is more deserving than others to receive such relief.

For the reasons outlined above, the Commission would be opposed to the enactment of S. 2393.

Advice has been received from the Bureau of the Budget that there would be no objection to the presentation of this report to your committee.

Sincerely yours,

EDWARD D. RE,
Chairman.

Mr. MANSFIELD. Mr. President, again I want to thank the distinguished Senator from New York, and I want to say publicly that no one could have worked harder on behalf of this man than the sponsor of the bill. I again want to assure the Senator that this matter will be given full and earnest consideration next year. I want to congratulate the Senator. He has made the best possible move at this time in light of all the circumstances involved.

Mr. JAVITS. That is very generous on the part of the majority leader and I thank him.

MODIFICATION OF NURSING SERVICE REQUIREMENTS

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from the further consideration of H.R. 19470.

The PRESIDING OFFICER (Mr. MCINTYRE). Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H.R. 19470).

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. I should like briefly to explain what the bill does. I might mention that it was included as part of the social security bill that was passed by the Senate. The bill would make it possible for small rural hospitals that are having difficulty meeting medicare standards, as regards having registered nurses available around the clock, to provide medical and hospital care under the medicare program. This legislation has been strenuously urged by the Senator from Texas (Mr. YARBOROUGH), and in view of the fact that this provision was included as part of the social security bill already passed by the Senate, and since it now appears the social security bill is not going to become law, it seems to me that this House-passed bill concerning small hospitals should be passed by the Senate.

Mr. KENNEDY. These are hospitals that would lose their certification who are still trying to retain their eligibility for medicare; is that correct?

Mr. LONG. Yes. This measure has been agreed to unanimously by the committee. It has to do with small hospitals that cannot obtain enough nurses and thus cannot quite meet the medicare standards even though they are doing the best they can to obtain nurses.

Mr. KENNEDY. We had a situation like that even in the Boston City Hospital. There was also one in St. Louis, and in the Cook County Hospital, where accreditation was being threatened for a number of reasons, although I think they were all providing great services but were in danger of losing the opportunity for social security payments. There were a number of us, I know, about a year ago, who were trying to urge this kind of legislation to permit the hospitals to operate who are trying to meet these critical needs. In many instances, they are hospitals which are providing services to the poor and the indigent and, of course, they are the most heavily overburdened and are in considerable need. If I understand the explanation of the Senator from Louisiana correctly, it is a matter of great interest, and I want to say that I think it is of great value.

Mr. LONG. This particular bill, however, applies only to rural hospitals, and it is mainly concerned with the problem in the rural areas of getting sufficient numbers of registered nurses. If the hospital cannot get them, it will still be permitted to continue to operate under medicare with the personnel it can get until January 1, 1976. Of course the Secretary of HEW does not have to waive the nursing requirement, but he can waive the requirement of having a registered nurse around the clock if he is satisfied the hospital is doing the best it can to find them but it cannot get them.

Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of this provision.

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

PROVIDE FOR REASONABLE APPROVAL OF RURAL HOSPITALS

According to policy established by the Social Security Administration, a hospital or extended care facility is certified for participation in medicare if it is in full compliance (meets all the requirements of the Social Security Act and is in accordance with all regulatory requirements for participation), or if it is in "substantial" compliance (meets all the statutory requirements and the most important regulatory conditions for participation). Thus, while an institution may be deficient with respect to one or more standards of participation, it may still be found to be in substantial compliance, if the deficiencies do not represent a hazard to patient health or safety, and efforts are being made to correct the deficiencies.

It has been recognized that there is a need to assure continuing availability of medicare-covered institutional care in rural areas, many of which may have only one hospital, without jeopardizing the health and safety of patients. To achieve this objective, the approach has been adopted by Social Security of certifying "access" hospitals while documenting their deficiencies and requiring upgrading of plant and staff. State agencies have also been required to provide consultation and assistance to these facilities in an effort to help them achieve compliance with the standards. Certain "access" hospitals, to the extent that they are capable, have succeeded in overcoming deficiencies; however, other hospitals have not demonstrated sufficient willingness to take the steps necessary to correct deficiencies and have instead been willing to continue as "access" hospitals with all the limitations in quality care that this status entails. In other areas, some rural hospitals despite good faith efforts have been unable to secure required personnel or otherwise comply.

To deal with the dilemma created by the need to assure the availability of hospital services of adequate quality in rural areas and the fact that existing shortages of qualified nursing personnel generally make it difficult for some rural hospitals to meet the nursing staff requirements of present law, the committee's bill would authorize the Secretary, under certain conditions, to waive the requirement that an access hospital have registered professional nurses on duty around the clock. This requirement could be waived only if the Secretary finds that the hospital:

(a) has a registered nurse at least on the daytime shift and has made and is continuing to make a bona fide effort to comply with the registered nursing staff requirement with respect to other shifts (which, in the absence of an R.N., are covered by licensed practical nurses) but is unable to employ the qualified personnel necessary because of nursing personnel shortages in the area; and

(b) is located in an isolated geographical area in which hospital facilities are in short supply and the closest other facilities are not readily accessible to people of the area; and

(c) nonparticipation of the "access" hospital would seriously reduce the availability of hospital services to medicare beneficiaries residing in the area.

Under the provision, the Secretary would regularly review the situation with respect to each hospital, and the waiver would be granted on an annual basis for not more than a one-year period. The waiver authority would be applicable only with respect to the nursing staff requirement; no waiver authority would be provided under the amendment with respect to any other conditions of participation relating to health and safety.

The proposed waiver authority would expire December 31, 1975.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. MILLER. The Senator from Louisiana has stated the position of the Finance Committee correctly. We deliberated on this at considerable length. It was pointed out in the case of many of the smaller hospitals in the smaller communities that, at this time, present requirements would be impossible to meet. As the Senator from Louisiana has said, they are doing the best they can but cannot overcome the impossible situations they are confronted with at this time.

If the program for increasing the number of nurses in this country continues, we may hope that this will be achieved; but, in the meantime, it is important to take action.

I strongly support the bill that the Senator from Louisiana (Mr. LONG) has asked the Senate to approve.

Mr. LONG. Mr. President, I ask that the bill be approved.

The PRESIDING OFFICER. If there be no amendment to be ordered, the question is on the third reading and passage of the bill.

The bill (H.R. 19470) was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 19 to the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation."

The message further announced that the House had passed a joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 1626. An act to regulate the practice of psychology in the District of Columbia;

H.R. 13000. An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes;

H.R. 17867. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 18582. An act to amend the Food Stamp Act of 1964, as amended.

HOUSE JOINT RESOLUTION PLACED ON THE CALENDAR

The joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, was read twice by its title and placed on the calendar.

THE CALENDAR

Mr. KENNEDY. 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. 1532, 1533, 1535, 1536, 1537, and 1539 through 1541.

The PRESIDING OFFICER (Mr. McINTYRE). Without objection, it is so ordered.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO BEER

The bill (H.R. 6562) to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1522), explaining the purposes of the measure.

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

I. SUMMARY

This bill, H.R. 6562, makes a series of amendments to the beer tax provisions of the present law, which in general are designed to remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of these provisions. They can be summarized as follows:

(1) The bill permits credits or refunds if beer is returned to another (instead of only the original) brewery of the same brewer. Also, it permits offsets (instead of merely a credit or refund) if the beer is returned to the brewery from which it was removed even though the beer is not returned on the same day it was removed.

(2) The bill permits credits or refunds in the case of loss by theft (without the collusion of the brewer's employees of those with whom he deals) and also where the beer is rendered unmerchantable (even though it is not actually destroyed).

(3) The bill permits tax-free removals of beer from a brewery for research and development.

(4) The bill permits the bonding requirements to be met by certifying the continuation of an existing bond, in place of the present requirement that a new bond be secured.

(5) The bill codifies present regulations defining the area of a brewery and permitting certain facilities to be near the main facilities, rather than requiring them to adjoin the main facilities.

(6) The bill eliminates the requirement of separate facilities for the bottling of beer and cereal beverages.

(7) The bill codifies present regulations permitting the establishment of experimental breweries.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR THE BILL

Each of the changes in present law made by the bill is designed to relax Internal Revenue Code regulatory provisions dealing with beer, but only under such regulatory authority and other restrictions as are designed to assure efficient supervision of operations and collection of tax by the Internal Revenue Service. The relaxation of these requirements should facilitate the brewing of beer without giving rise to any difficulties as to the collection of taxes.

AMENDMENT OF THE TARIFF SCHEDULE

The bill (H.R. 7626) to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1523), 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 H.R. 7626 is to amend item 155.40 (relating to molasses, including dried molasses, for use other than the commercial extraction of sugar for human consumption) of the Tariff Schedules of the United States (TSUS) by broadening the article description to make certain other products derived from sugarcane and sugar beets dutiable at the existing rate (0.102 cent per pound of total sugars) imposed by such item. Further, the bill would establish a procedure for making such duty treatment applicable to such products which were entered after August 30, 1963, and before the date of enactment. Finally H.R. 7626 would provide for the liquidation or reliquidation of certain specified entries of sugar at Philadelphia at the rate of 0.012 cent per pound of total sugars.

GENERAL STATEMENT

Invert or high-test molasses, the principal product covered by this bill, is produced from the concentrated juice or sap of the sugar beet or sugarcane (in the form of sucrose) by treating it to convert part of the sucrose into invert sugar. By such treatment, crystallization is prevented, and the product may be stored for considerable periods of time. This product is usually used for other than human consumption or commercial extraction of sugars. Its primary uses are for the distillation of alcohol, as livestock feed, and other industrial uses.

Prior to August 31, 1963 (the effective date of the TSUS), imports of "invert or high-test molasses" were dutiable at the rate of duty applicable under paragraph 502 of the former tariff schedules (section 1 of the Tariff Act of 1930) to molasses imported for use other than the commercial extraction of sugar for human consumption. The assessment of duty at this rate was based on the "similitude" provision in paragraph 1559 of such section 1. The same duty treatment, by similitude, was also accorded to certain other products containing over 6 percent by weight of soluble nonsugar solids which products resulted from a manipulation in bonded warehouse consisting of the admixing of sugars and molasses. The Bureau of Customs practices based on similitude under such paragraph 1559 were not of public record, and these particular similitude practices were not called to the attention of the Tariff Commission when it drafted item 155.40 of the new tariff schedules. As a result, the products which were covered by such practices are presently dutiable under the TSUS at rates considerably higher than the rate of 0.012 cent per pound of total sugars imposed under item 155.40.

In the absence of the change in classification as proposed by H.R. 7626, as amended, imports of these products will remain dutiable at rates considerably higher than they were prior to the new tariff schedules.

PROVISIONS OF THE BILL

The first section of the bill as reported by your committee would amend the item description for item 155.40 to include: "sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugarcane or sugar beets and containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the products) equal to over 6 percent by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption." The item description as provided in the bill as reported will provide greater clarity and certainty in classification and in particular, will avoid a conflict with the definition of liquid sugar as set forth in the Sugar Act of 1948 (7 U.S.C. 1101(f)).

Section 2 of the reported bill provides that the amendment made by the first section will be effective on or after the date of enactment of the bill. Section 2 further provides that the entries of articles described under 155.40 (as amended by the first section of the bill) which were made after August 30, 1963, and before the date of enactment, may be liquidated or reliquidated as though such entries or withdrawals had been made on the date of enactment. This provision for retroactive liquidation or reliquidation is subject to a request being filed therefor with the customs officer concerned on or before the 120th day after enactment.

Section 3 of the bill, as amended, provides for the liquidation or reliquidation of certain entries of sugar at Philadelphia, Pa., at the rate of duty of 0.012 cent per pound of total sugars, upon the furnishing of appropriate evidence that the sugar was not used for human consumption or for the commercial extraction of sugar.

A misunderstanding between the Bureau of Customs and the importer making the entries of the sugar referred to in section 3 with regard to warehouse manipulation privileges and the requirements as to end use resulted in a higher duty assessment than that originally indicated by the Bureau of Customs or anticipated by the importer. The Committee on Finance agrees with the Committee on Ways and Means of the House that in this instance, the rate of duty of 0.012 cents per pound of total sugars should be assessed providing the importer furnishes appropriate evidence as to end use.

Favorable reports on H.R. 7626 were received from the Departments of State, Treasury, Agriculture, Labor, and Commerce, and the Office of the Special Representative for Trade Negotiations. An informative report was received from the Tariff Commission.

PROVISION OF FLOOR STOCK REFUNDS IN THE CASE OF CEMENT MIXERS

The bill (H.R. 17658) to provide floor stock refunds in the case of cement mixers was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in

the RECORD an excerpt from the report (No. 91-1525), explaining the purposes of the measure.

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

I. SUMMARY

Until July 1, 1968, cement mixer bodies and parts and accessories were held not to be subject to the truck tax or to the tax on truck parts and accessories. As of that date, however, the Internal Revenue Service held these bodies and parts and accessories to be subject to these taxes. In the Tax Reform Act of 1969, Congress removed the tax on these cement mixer bodies and parts and accessories effective as of January 1, 1970. This bill, H.R. 17658, provides for floor stocks refunds in the case of taxpaid cement mixer bodies and parts and accessories which were in the hands of dealers on January 1, 1970.

The Treasury Department indicated it has no objection to the enactment of this bill.

II. REASONS FOR BILL

Until 1968, the excise tax on manufacturers' sales of automobile truck bodies was not applied in the case of concrete mixers where the actual mixing of the concrete occurred in the tank mounted on a truck chassis. In 1967, the Internal Revenue Service changed its position effective July 1, 1968, and held that these concrete mixers were not designed and adapted by the manufacturer for purposes predominantly other than the transportataion of property on the highway. In the Tax Reform Act of 1969, the Congress concluded that the prior position of the Internal Revenue Service with respect to concrete mixers better expressed the intent of Congress as to the apprpropriate tax treatment of cement mixers. As a result, in that Act the truck tax and truck parts and accessories tax were made inapplicable to cement mixer bodies and to parts and accessories for those bodies sold on and after January 1, 1970. No provision was made for floor stocks refunds in the 1969 Act, however, for those items upon which tax had been paid and which were still in the hands of dealers on the date the tax was repealed.

Because of the absence of the usual floor stocks refund provision, dealers have had to absorb excise taxes ranging up to $700 or $800 for each mixer in inventory on January 1, 1970, on which tax had been paid. This not only places heavy financial burdens on dealers with tax-paid stocks of cement mixers but also places them at a competitive disadvantage as compared with dealers who purchased stock from manufacturers tax free in 1970 (or acquired stock on a consignment basis tax-free in 1969, and still had the mixers in stock on January 1, 1970).

The granting of refunds for tax-paid floor stocks in cases like those involving cement mixers is customary, although omitted in the 1969 action. Present law, for example (sec. 6412 of the code), provides for refunds on floor stocks of automobiles, trucks, and tires and tubes, on the dates these taxes are scheduled for reduction or elimination. Similarly the Excise Tax Reduction Act of 1965 provided for floor stocks refunds in many cases where taxes were reduced or repealed by that act.

Refunds generally are allowed in the types of situations referred to above so the dealer will not be required to bear the full burden of the tax at a time when the tax is reduced or eliminated and also to remove a competitive discrimination against the dealers with large inventories at the changeover date. The committee believes that the same reasons dictate the allowance of floor stocks refunds for tax-paid stocks of cement mixers in dealers' hands on January 1, 1970.

It has been estimated that the total amount of refunds will be approximately $200,000 to $250,000.

III. EXPLANATION OF PROVISION

The bill provides that a dealer is to be entitled to floor stocks refunds (without interest) if, on January 1, 1970, he held any new cement mixers which had been subject to the truck tax during the period between June 30, 1968 (the effective date of the Internal Revenue Service ruling that such articles were subject to the truck tax), and January 1, 1970 (the effective date of the 1969 legislation on this point).

Under the bill, by the end of the sixth calendar month beginning after the date of enactment of the bill, the dealer must submit a request to the manufacturer for the refund. By the end of the ninth calendar month beginning after the date of enactment, the manufacturer must file a claim with the Internal Revenue Service for credit or refund of the tax on those floor stocks. By that time, the manufacturer also must have either reimbursed the dealer for the amount of the tax or have obtained written consent from the dealer for the allowance of the credit or refund.

AMENDMENT OF SECTION 47 OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 17988) to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1526), explaining the purposes of the measure.

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

I. SUMMARY

In general, H.R. 17988 provides that there is not to be a recapture of an investment credit previously allowed with respect to an airplane by reason of the use of the airplane outside the United States, if the airplane is not used in this manner for more than one-half the time period taken into account in determining the amount of the investment credit originally allowed (that is, 4 to 6, 6 to 8, or 8 or more years). This treatment is to be available, however, only with respect to airplanes leased from U.S. air carriers after April 18, 1969, under leases which comply with the applicable Federal aviation statutes. Under present law, a previously allowed investment credit generally is recaptured if in any one taxable year the airplane is used outside the United States for more than half of the year.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR BILL

The amount of the 7-percent investment tax credit previously allowed to a taxpayer with respect to investment credit property when it was placed in service was determined with reference to the length of time the property would be used by the taxpayer.[1] The full 7-percent credit was allowed if the period was 8 or more years, two-thirds of a full credit was allowed if the period was 6 to 8 years, and one-third of a full credit was allowed if the period was 4 to 6 years. If property with respect to which the investment credit was previously allowed is disposed of, or ceases to be qualified investment credit property, before the end of the period (that is, in 0 to 4, in 4 to 6, or in 6 to 8 years) used in determining the amount of the credit originally allowed, then the previously allowed credit is recaptured in whole or in part. The amount recaptured is the excess of the credit previously allowed over the amount of the credit which would have been allowed if it had been determined on the basis of the period of time it was actually used in the specified manner by the taxpayer.

For an airplane to qualify initially as investment credit property and to continue to qualify, it must be principally used in the United States or (if it is registered with the Federal Aviation Agency) operated either to and from the United States or under contract with the United States. This requirement has been interpreted by the Treasury Department to mean that the plane must be used in the specified manner for more than half of each taxable year. If an airplane with respect to which an investment credit was previously allowed ceases to be used in the manner specified above for a taxable year before the end of the expected period of use, then the airplane ceases to qualify as investment credit property and the investment credit previously allowed is recaptured in whole or in part.

In recent years, U.S. air carriers have acquired (or are under binding obligations to acquire) airplanes based on a projected demand which took into account to a significant degree governmental airlift requirements, particularly those associated with Southeast Asia. Governmental airlift needs, however, have been decreasing from past levels and, as a result, a number of U.S. airlines find they have excess equipment. The only practical use of the excess airplanes at the present time, other than letting them remain idle, is to lease them on a temporary basis for use outside the United States. If this were done, however, there could be a recapture of the investment credit previously allowed with respect to the airplane.

It is possible at the present time to avoid the application of the recapture rules by rotating the individual aircraft used outside the United States so that in any 1 taxable year an airplane is used more than one-half the time in the United States. This procedure, however, generally is quite expensive and in some cases may not be possible—for example, where the airplane is leased for a temporary period of more than one-half a year to a foreign air carrier and the lease does not permit the substitution of airplanes.

Since a large part of the excess equipment which U.S. air carriers presently have (or have on order) was acquired in view of governmental needs which no longer exist, the committee agrees with the House that it is not appropriate to require U.S. air carriers, in order to preserve the investment credit they previously received with respect to the airplanes, either to let their excess planes remain idle or to go through an expensive and often impractical rotation procedure. The committee agrees with the House that it, in general, would be appropriate not to apply the investment credit recapture rule where an airplane is used outside the United States (under a lease which complies with Federal aviation statutes) for less than half the period taken into account in determining the amount of the investment credit previously allowed. In effect, this is applying the concept of the present Treasury regulations on the investment credit which require an airplane to be used principally in the United States during each taxable year, but over the longer period used in computing the amount

[1] Although, as a result of the repeal of the investment credit, an investment credit generally is not available with respect to property acquired after Apr. 18, 1969, in some cases property acquired after that date qualifies for the investment credit by reason of one or more of the transition rules which were adopted in connection with the repeal of the credit.

of the credit allowable with respect to the airplane, instead of on a year-by-year basis. At the same time, this rule will allow aircraft to be used in a profitable and economic manner without investment credit recapture consequences.

III. EXPLANATION OF BILL

In general, the bill provides that a new airplane which qualified for the investment credit under the rules of present law for the year it was placed in service may be used outside the United States without a recapture of the credit for up to half of the period taken into account in determining the amount of the credit allowed with respect to the airplane. This provision only applies, however, if the airplane is used outside the United States under a lease from a U.S. air carrier which is made after April 18, 1969 (in general, the date of the repeal of the investment credit) and which complies with the provisions of the Federal Aviation Act of 1958 and the Civil Aeronautics Board's rules and regulations under that act. A lease entered into after April 18, 1969, to replace a lease made on or before that date, or the renewal or extension after that date of a pre-April 19, 1969, lease, is to be considered a lease made after April 18, 1969, for purposes of this provision.

Inasmuch as the maximum period which may be taken into account in computing the amount of an investment credit is 8 years, the bill provides that there is in all cases to be a recapture of the investment of lease described above (or is registered under the laws of a foreign country) for more than 4 years. The amount of the credit to be recaptured in this event is to be determined under the rules described below.

As indicated above, the basic concept of the bill is that an airplane may not be used outside the United States for more than half the period taken into account in determining for recapture purposes the amount of the investment credit allowable with respect to the airplane. Accordingly, the bill provides that if an airplane which is used outside the United States in the manner described above is disposed of or otherwise ceases to qualify as investment credit property before the end of the period taken into acocunt in determining the amount of the credit originally allowed, then the amount of the investment credit to be recaptured is to be determined in the manner specified below. In computing the period of time the aircraft is considered to have been actually used by the taxpayer, the calendar months during any part of which it was used outside the United States under the type of lease described above may be taken into account only to the extent of the number of calendar months during all the days of which the plane was used in the United States (or was operated to and from the United States or under contract with the United States). The plane also must have been registered with the Federal Aviation Agency during these months. (However, the bill provides that an aircraft (after it is placed in service) for any calendar month in a taxable year ending before 1971 is to be treated as used in the United States if the plane was qualified investment credit property under present law for that year.)

The application of the recapture rule provided by the bill may be illustrated by the following example. Assume an airplane was placed in service by a U.S. air carrier in the middle of a taxable year and was used for the remaining 6 months of that taxable year and the entire following taxable year solely in the United States. Assume further that the airplane was then leased (under a lease of the type described above) for use outside the United States for a period of 3 years and was, in fact, used in that manner for the 3-year period. Assume further that at the end of the 3-year period the plane was sold by the U.S. air carrier. Although the air carrier has actually had the plane for a period of 4½ years, it is considered under the bill to have used the plane for a period of only 3 years. This results from the fact that only 1½ of the 3 years the plane was used outside the United States may be taken into account since the plane had been used in the United States for 1½ years. Accordingly, upon the sale of the plane, there would be a recapture of the entire investment credit previously allowed with respect to it since no credit is allowed with respect to property used less than 4 years.

The amendment made by this bill is to apply to taxable years ending after April 18, 1969.

AMENDMENT OF SECTIONS 902(b) AND 902(c) OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 18549) to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1527), explaining the purposes of the measure.

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

I. SUMMARY

H.R. 18549 modifies in two respects the indirect foreign tax credit presently allowed domestic corporations for foreign income taxes paid by a first-tier or second-tier foreign corporations on earnings which are distributed to the domestic corporation. First, the indirect foreign tax credit is to be available for foreign income taxes paid by a third-tier foreign corporation in which the second-tier foreign corporation has at least a 10-percent ownership interest. Second, the required ownership of a first-tier foreign corporation in the second-tier foreign corporation also is reduced from 50 percent to 10 percent. A credit is not to be available in either of these situations, however, unless the domestic corporation has at least a 5 percent indirect ownership interest in the second- and third-tier foreign corporations.

The Treasury Department has indicated that it does not oppose the enactment of this bill.

II. REASONS FOR THE BILL

Under present law, U.S. taxpayers are allowed a credit against the tax on their foreign income for foreign income taxes paid by them with respect to that income. In addition, a domestic corporation is allowed a foreign tax credit against its U.S. tax for foreign taxes paid on income earned by a foreign corporation which in turn is paid as a dividend to the domestic corporation. This type of credit is referred to here as an indirect credit. In order to claim an indirect credit on dividends received, a domestic corporation must own at least 10 percent of a foreign corporation. An indirect foreign tax credit is also allowed for foreign income taxes paid by a second-tier foreign corporation which is at least 50 percent owned by the first-tier foreign corporation in those cases where its earnings are distributed through the first-tier corporation to the domestic corporation.

In the past it has not been clear why the credit has not been available in the case of third-tier corporations except possibly because of the manner in which the provisions developed. In 1918 when the foreign tax credit was first adopted, a domestic corporation was permitted the indirect credit for taxes paid by first-tier foreign subsidiaries. In 1942 the indirect credit was first permitted for second-tier foreign corporations but at that time the second-tier foreign subsidiary had to be wholly owned by the first-tier foreign corporation. In 1951 this 100 percent requirement for ownership of the second-tier corporation was reduced to 50 percent. At that time it was stated "on administrative grounds there is a basis for requiring majority ownership but not complete ownership."

It has become increasingly common for U.S. taxpayers to engage in joint ventures at the second-tier level in foreign countries where there is not a 50-percent ownership between the first- and second-tier levels. In addition, foreign law often requires a substantial degree of local ownership so that it may be difficult for a first-tier foreign subsidiary to have a 50-percent ownership in a second-tier foreign subsidiary. Moreover, it has become increasingly common (and at times necessary) for U.S. taxpayers to engage in business in foreign countries through foreign subsidiaries at the third-tier level. The committee agrees with the House that the principle of allowing an indirect foreign tax credit in these situations is the same as in the case of the indirect credit allowed under present law. The extension of the indirect credit to these situations also would conform the tax law with current business practices. Moreover, the committee does not believe that allowing the credit in these cases would present significant administrative difficulties for the Treasury Department in auditing claimed foreign tax credits for two reasons: First, extensive information reporting requirements are presently imposed on U.S. taxpayers with respect to foreign corporations in which they have an ownership interest. Second, under present law, a taxpayer is not allowed a foreign tax credit unless the taxpayer has established to the satisfaction of the Treasury Department the amount of the tax for which a credit is claimed and all other information which is necessary to verify and compute the foreign tax credit.

The Treasury Department indicated that it believes there are a number of other problems in our present tax laws as they relate to the taxation of foreign income. In this regard it should be made clear that by taking action on this bill at this time the committee does not intend to foreclose the future consideration of other problems involving U.S. taxation of foreign income which may be presented to it.

III. EXPLANATION OF BILL

For the reasons discussed above, the bill extends the indirect foreign tax credit to foreign income taxes paid by third-tier foreign corporations in which the second-tier foreign corporation has at least a 10 percent ownership interest (determined by voting power).

The bill also reduces the required ownership for allowance of the indirect foreign tax credit between first- and second-tier foreign corporations from 50 percent to 10 percent. The indirect credit is to be allowed for foreign incomes taxes paid by a second- or third-tier foreign corporation, however, only where the domestic corporate shareholder has an indirect ownership interest (determined by voting power) of at least 5 percent in the second- and third-tier foreign corporation. This continues what is, in effect, the 5 percent indirect ownership requirement under present law with respect to second-tier foreign corporations (under present law this indirect ownership requirement arises as a result of the requirement that the domestic corporation own at least 10 percent of the first-tier foreign corporation and

that it own at least 50 percent of the second-tier foreign corporation).

The amendments made by this bill are to apply to taxable years of domestic corporations ending after the date of enactment of the bill, but only with respect to dividends which are paid by one corporation in a chain to another corporation in the chain after the date of enactment. Thus, a domestic corporation is to be allowed an indirect foreign tax credit for foreign income taxes paid by a third-tier foreign corporation which meets the ownership tests provided by the bill only to the extent the taxes were paid with respect to earnings which are distributed as a dividend to the second-tier foreign corporation by the third-tier foreign corporation after the date of enactment of the bill. Similarly foreign income taxes paid by a second-tier foreign corporation, which meets the ownership tests provided by the bill but which is less than 50 percent owned by the first-tier foreign corporation, are to be eligible for a foreign tax credit (when subsequently distributed to the domestic corporation) only when the distribution occurs after the date of enactment of the bill.

AMENDMENT OF SECTION 278 OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 19242) to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves was announced as next in order.

Mr. LONG. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

That (a) subsection (a) of section 7275 of the Internal Revenue Code of 1954 (relating to requirements of showing total cost on airline tickets) is amended by—

(1) inserting "and" at the end of paragraph (1) thereof,

(2) striking out paragraph (2) thereof, and

(3) renumbering paragraph (3) as paragraph (2) and striking out in such paragraph "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(b) Subsection (b) of such section (relating to requirements of showing total cost on airline advertising) is amended by striking out the word "only" in paragraph (1) and by amending paragraph (2) to read as follows:

"(2) if any such advertising states separately the amount to be paid for such transportation or the amount of such taxes, shall state such total at least as prominently as the more prominently stated of the amount to be paid for such transportation or the amount of such taxes and shall describe such taxes substantially as: 'user taxes to pay for airport construction and airway safety and operations'.".

SEC. 2. The amendments made by the first section of this Act shall apply to transportation beginning after June 30, 1970.

Mr. LONG. Mr. President, this amendment has to do with the ticket tax on airplane tickets. There had been some question that the airline tax bill that passed the Senate in the Spring did not permit one to show the breakdown of the ticket cost between the tax and the cost before the tax. Similarly, this breakdown could not be shown in the advertising. This amendment would simply provide that one can show on the ticket and can show in the advertisement the amount of the tax but in any event he must show the total price of the ticket including the tax.

If he wants to provide truth in advertising, it will be perfectly all right to break down the cost of the fare into its components—as to the tax and the ticket charge—so long as he shows the total.

Mr. SAXBE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG. Mr. President, I withdraw the amendment.

AMENDMENT OF SECTION 165(g) OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 19369) to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE TARIFF ACT OF 1930

The bill (H.R. 19391) to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1531), 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 H.R. 19391 is to amend section 557(b) of the Tariff Act of 1930 in order to grant to the transferee of merchandise in bonded warehouse the right to administrative and judicial review of customs decisions.

GENERAL STATEMENT

H.R. 19391, as passed by the House and approved by the Committee on Finance, would restore to the transferee of merchandise in bonded warehouse, after withdrawal of the goods the liquidation of the entry, the same right to file a protest pursuant to section 514 of the Tariff Act of 1930, as amended, as was possessed by the importer of the merchandise.

As a result of customs court decisions with regard to the notice of liquidation to transferees and in consideration of the cost of separately notifying the transferee of merchandise of the liquidation of import entries, the Treasury Department recommended the withdrawal of the right of the transferee of merchandise in bonded warehouse to file protests under section 514. That recommendation was adopted by the Congress in the Customs Simplification Act of 1953.

The Treasury Department has informed the committee, in submitting the proposal contained in H.R. 19391, that it is now recognized that the denial of this protest right to transferees may result in inequities. Under existing law, the transferee has the legal obligation to pay additional duties and must put up a bond to insure payment of such duties. In the absence of this legislation, however, the transferee has no direct right to secure administrative and judicial review of customs decisions affecting his merchandise, except in extremely limited and unusual circumstances. The importer of record, who has the right to file protests on behalf of the transferee, may be unable or unwilling to do so. Thus, without an independent right to file protests, transferees in such situations are without a remedy.

The committee on Finance agrees with the Committee on Ways and Means of the House that the independent right of a transferee of merchandise in a bonded warehouse to file protest to secure administrative and judicial review of customs decisions affecting his merchandise should be restored.

The bill provides that the notice of liquidation shall be given to the transferee in the form and manner prescribed by the Secretary of the Treasury. The committee is informed that if such notice cannot be handled satisfactorily in the daily bulletin of liquidations, then adequate and timely notice of liquidation would be mailed to the transferee.

The act would become effective with respect to articles entered for warehousing on or after the date of enactment.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 WITH RESPECT TO CERTAIN STATUTORY MERGERS

The bill (H.R. 19562) to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1533), explaining the purposes of the measure.

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

I. SUMMARY

This bill amends the tax law to permit a tax-free statutory merger when stock of a parent corporation is used in a merger between a controlled subsidiary of the parent and another corporation, and the other corporation survives—here called a "reverse merger."

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR THE BILL

In 1968 Congress added a provision to the tax laws permitting statutory mergers where the stock of the parent of the corporation making the acquisition was used in the acquisition (sec. 368(a)(2)(D)). At the time that statute was enacted, the use of stock of a parent corporation was permitted in the type of reorganization involving the acquisition of stock (subparagraph (B)) and in the type of reorganization involving the acquisition of assets (subparagraph (C)) but was not permitted in the case of a statutory merger of a subsidiary. After noting this fact, the House committee report went on to explain the reasons for the amendment as follows:

"Apparently the use of a parent's stock in statutory mergers was not initially provided for because there was no special concern with the problem at the time of the adoption of the 1954 code. However, this is no longer true. A case has been called to the

attention of your committee in which it is desired to have an operating company merged into an operating subsidiary in exchange for the stock of the parent holding company. Your committee sees no reason why tax-free treatment should be denied in cases of this type where for any reason the parent cannot or, for business or legal reasons, does not want to acquire the assets (even temporarily) through a merger.

"For the reasons set forth above your committee concluded that it was desirable to permit the use of the stock of the parent corporation in a statutory merger in acquiring a corporation in essentially the same manner as presently is available in the case of other tax-free acquisitions. (House report on H.R. 18942 (90th Cong.).)"

Thus, under existing law, corporation X (an unrelated corporation) may be merged into corporation S (a subsidiary) in exchange for the stock in corporation P (the parent of S) in a tax-free statutory merger. However, if for business and legal reasons (wholly unrelated to Federal income taxation) it is considered more desirable to merge S into X (rather than merging X into S), so that X is the surviving corporation—a "reverse merger"—the transaction is not a tax-free statutory merger.

Although the reverse merger does not qualify as a tax-free statutory merger, it may, in appropriate circumstances, be treated as tax-free as a stock-for-stock reorganization (subparagraph (B)). However, in order to qualify as a tax-free stock-for-stock reorganization it is necessary that the acquisition be solely for voting stock and that no stock be acquired for cash or other consideration. Thus, if a small amount of the stock of X (the unrelated corporation) is acquired for cash before the merger of S into X, there often may be doubt as to whether or not the transaction will meet the statutory requirements of a stock-for-stock reorganization.

The committee agrees with the House, that there is no reason why a merger in one direction (S into X in the above example) should be taxable, when the merger in the other direction (X into S), under identical circumstances, is tax-free. Moreover, it sees no reason why in cases of this type the acquisition needs to be made solely for stock. For these reasons the amendment makes statutory mergers tax-free in the circumstances described above.

III. EXPLANATION OF THE BILL

The bill amends the tax laws to permit a tax-free statutory merger of one corporation into another when stock of the corporation in control (here called the "controlling corporation") of the merged corporation is given in the transition to the shareholders of the survivor corporation in exchange for their stock. Under the new provision (sec. 368(a)(2)(E)) such a statutory merger may be a tax-free reorganization if it meets several conditions.

First, the corporation surviving the merger must hold substantially all of its own properties and substantially all of the properties of the merged corporation (except stock of the controlling corporation distributed to the transaction).

Second, in the transaction, former shareholders of the surviving corporation must receive voting stock of the controlling corporation in exchange for an amount of stock representing control in the surviving corporation. Control for this purpose (defined in sec. 368(c)) means that the amount of stock in the surviving corporation surrendered for voting stock of the controlling corporation must represent stock possessing at least 80 percent of the total combined voting power (in the surviving corporation), and also stock amounting to at least 80 percent of the total number of shares of all other classes of stock (in the surviving corporation). If voting stock of the controlling corporation is used in the exchange to the extent described, additional stock in the surviving corporation may be acquired for cash or other property (whether or not from the shareholders who received voting stock). Of course, this additional stock in the surviving corporation need not be acquired by the controlling corporation.

The amendment applies not only when the only assets of the merged corporation are the nominal capital required to organize it and the stock of its parent which is to be used in the merger exchange but also when the corporation has substantial properties.

In discussions on this bill, the Treasury Department has expressed concern that the corporate reorganization provisions need review and modification. The committee in agreeing to this amendment does not intend to foreclose consideration of any substantive changes which the Treasury may propose in the corporate reorganization provisions in any future presentations.

AMENDMENT OF SECTION 1372 OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 19627) to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income was considered, ordered to a third reading, read the third time, and passed.

SUSPENSION OF THE DUTIES ON CERTAIN BICYCLE PARTS AND ACCESSORIES UNTIL THE CLOSE OF DECEMBER 31, 1973

The bill (H.R. 19670) to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973, was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1536), 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 H.R. 19670 is to suspend to the close of December 31, 1973, the duties on imports of certain bicycle parts and accessories. The temporary suspension of duties would only apply to imports from countries to which the United States extends most-favored-nation treatment, under column 1 of the Tariff Schedules of the United States.

GENERAL STATEMENT

The Committee on Ways and Means of the House received testimony from representatives of the domestic bicycle industry with regard to their difficulties in competing with imported bicycles. H.R. 19670 is intended to improve the competitive ability of domestic producers of bicycles by temporarily suspending the duty on imports of certain bicycle parts and accessories, thereby reducing their costs.

The bill would temporarily suspend the duty on generator lighting sets for bicycles provided for in item 653.39 of the Tariff Schedules of the United States (TSUS). Imports under TSUS item 653.39 are dutiable at 19 percent ad valorem, and such duty is not scheduled for further reduction pursuant to any trade agreement concession. Generator lighting sets for bicycles are not produced domestically and apparently no domestic manufacturer is interested in making such sets.

H.R. 19670 would also suspend the duty on derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, and multiple freewheel sprockets. These parts and accessories presently are dutiable under TSUS item 732.36 at the rate of 21 percent. The rate of duty under item 732.36 was subject to a tariff concession pursuant to the Kennedy Round of Trade Negotiations and is scheduled for further reduction to 15 percent ad valorem by January 1, 1972.

The committee is informed that with the exception of coaster brakes and click stick levers the parts and accessories imported under TSUS item 732.36, on which the duty would be suspended temporarily, are not produced domestically. With regard to coaster brakes, which are produced in the United States, the bill would assure that only coaster brakes that are physically joined to three-speed hubs would be accorded duty-free entry. The committee understands that the domestic producer of click stick levers, who is a manufacturer of bicycles, does not object to the temporary duty suspension on this article. As to the other articles included under TSUS item 732.36 on which the duty would be suspended by H.R. 19670, the committee is informed that there appears to be no domestic manufacturer interested in making the articles for sale in competition with low-priced, foreign-made articles.

In view of the above, the temporary suspension of duty on the bicycle parts and accessories provided for in H.R. 19670 would be beneficial to domestic manufacturers of bicycles, particularly in competing with imported bicycles.

Your committee received no objection from any interested government agency to the bill.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 MAKING PROVISION FOR THE RELIEF OF SPOUSE LIABILITY ARISING FROM A JOINT INCOME TAX RETURN

The bill (H.R. 19774) to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return was considered, ordered to a third reading, read the third time, and passed.

INCOME TAX TREATMENT OF CERTAIN SALES OF REAL PROPERTY BY A CORPORATION

The bill (H.R. 19790) relating to the income tax treatment of certain sales of real property by a corporation was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE TARIFF SCHEDULES RELATING TO THE IMPORTATION OF UPHOLSTERY REGULATORS, UPHOLSTERER'S REGULATING NEEDLES, AND UPHOLSTERER'S PINS FREE OF DUTY

The Senate proceeded to consider the bill (H.R. 10875) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty which had been reported from the Committee on Finance with an amendment on page 2, after line 8, insert a new section, as follows:

SEC. 3. (a) Schedule 3, part 1, subpart F of the Tariff Schedules of the United States is amended by striking out item 312.10 and inserting in lieu thereof the following:

"	Tops, roving and yarns, all the foregoing wholly or in part of animal hair (including human hair but not including wool and hair provided for in subpart C of this part) whether or not in chief value of other fibers:		
312.08	Containing over 20 percent by weight of animal hair (including human hair but not including wool and hair provided for in subpart C of this part), if suitable for making fabrics of the type provided for in item 366.82	22½¢ per +40% ad val.	22½¢ per +40% ad val.
312.10	Other, of animal hair (including human hair but not including wool and hair provided for in subpart C of this part)	6% ad val.	20% ad val. "

(b) Schedule 3, part 4, subpart C of such Schedules is amended by striking out item 356.80 and inserting in lieu thereof the following:

"	Woven fabrics, in the piece or in units, chiefly used for paddings or interlinings in wearing apparel:		
356.80	Of vegetable fibers (except cotton), not containing wool or other animal hair (including human hair), containing over 30 yarns to the square inch (counting the warp and filing) and weighing not over 12 ounces per square yard	6% ad val.	55% ad val.
356.82	Containing over 10 percent by weight of animal hair (including human hair but not including wool and hair provided for in subpart C of part 1 of this schedule)	40¢ per lb. + 40% ad val.	40¢ per lb. + 40% ad val. "

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

(d)(1) The rates of duty in rate column numbered 1 of items 312.10 and 356.80 of the Tariff Schedules of the United States (as amended by subsections (a) and (b)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

(2) The amendments made by subsections (a) and (b), insofar as such amendments relate to items 312.10 and 356.80 of the Tariff Schedules of the United States, shall not affect the authority of the President contained in section 201(a)(2) of the Trade Expansion Act of 1962.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, and for other purposes."

AMENDMENT OF SECTION 165(i) OF THE INTERNAL REVENUE CODE OF 1954

The Senate proceeded to consider the bill (H.R. 18693) to amend section 165(i) of the Internal Revenue Code of 1954 which had been reported from the Committee on Finance with an amendment at the top of page 3, insert a new section, as follows:

SEC. 2. (a) Section 172(b)(1)(D) of the Internal Revenue Code of 1954 (relating to carryover of foreign expropriation losses) is amended by inserting before the semicolon at the end thereof the following: "(or, with respect to that portion of the net operating loss for such year attributable to a Cuban expropriation loss, to each of the 15 taxable years following the taxable year of such loss)".

(b) Section 172(b)(2) of such Code (relating to amount of carrybacks and carryovers) is amended by inserting before the period at the end thereof the following: ", and, if a portion of a foreign expropriation loss for the loss year is attributable to a Cuban expropriation loss, such portion shall be considered to be a separate foreign expropriation loss for such year to be applied after the other portion of such foreign expropriation loss".

(c) Section 172(k) of such Code (relating to definition of foreign expropriation loss) is amended by adding at the end thereof the following new paragraph:

"(3) The term 'Cuban expropriation loss' means, for any taxable year, a foreign expropriation loss sustained by reason of the expropriation, intervention, seizure, or similar taking of property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing. The portion of a foreign expropriation loss for any taxable year attributable to a Cuban expropriation loss is the amount of the Cuban expropriation loss."

(d) The amendments made by this section shall apply in respect of foreign expropriation losses sustained in taxable years ending after December 31, 1958.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the government of Cuba."

CONSOLIDATED RETURNS OF LIFE INSURANCE COMPANIES

The Senate proceeded to consider the bill (H.R. 19881) entitled "Consolidated returns of life insurance companies" which had been reported from the Committee on Finance with an amendment on page 4, after line 8, insert a new section, as follows:

SEC. 3. (a) For purposes of applying section 1212(a) of the Internal Revenue Code of 1954 (as amended by section 512 of the Tax Reform Act of 1969) in the case of a corporation which makes an election under subsection (b), any net capital loss sustained in a taxable year beginning after December 31, 1969, may not be carried back to any taxable year beginning before January 1, 1970, for which it was subject to taxation under section 802 of such Code, if the carryback of such loss would result in an increase in such corporation's income tax liability for any such taxable year.

(b) An election to have the provisions of subsection (a) apply shall be made by a corporation—

(1) in such form and manner as the Secretary of the Treasury or his delegate may prescribe, and

(2) not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for the first taxable year beginning after December 31, 1969, in which such corporation sustains a net capital loss.

(c) The Secretary of the Treasury or his delegate shall prescribe such regulations as he determines necessary to carry out the purposes of this section.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act relating to consolidated returns of life insurance companies, and for other purposes."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1546), explaining the purposes of the measure.

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

I. SUMMARY

H.R. 19881 as passed by the House resolves the principal ambiguities which have arisen under the Life Insurance Company Income Tax Act of 1959 regarding the manner in which the provisions governing the taxation of life insurance companies are to be correlated with the provisions of the tax law governing the treatment of affiliated companies which file consolidated income tax returns. In general, the bill provides that life insurance companies which file consolidated tax returns are to compute the amount of their investment yield which is taken into account in determining their taxable income as if they were filing separate returns. In addition, it is provided that life insurance companies which previously filed consolidated returns under the 1959 act may elect to refile on a completely separate basis for those prior years. The committee accepted this House-passed provision without change.

The committe also added an amendment to the bill which deals with the application in the case of life insurance companies of the 3-year carryback for capital losses which was provided for corporations in the Tax Reform Act of 1969. The amendment allows an insurance company whose tax for a year before 1970 would be increased by reason of a carryback of a capital loss sustained in 1970 or a later year to elect not to have the carryback provisions apply to its capital losses which otherwise would be carried back to pre-1970 taxable years.

The Treausry Department has indicated that it does not oppose the enactment of this bill as amended.

II. REASONS FOR BILL

Treatment of consolidated returns

In the Life Insurance Company Income Tax Act of 1959, Congress extensively revised the income tax treatment of life insurance companies. This revision, however, did not include rules dealing with the taxa-

tion of a group of affiliated life insurance companies which elected to file a consolidated income tax return. The Internal Revenue Code as well as the Treasury regulations under both the life insurance company provisions and the consolidated return provisions have remained silent on the manner in which these two complex areas of the tax law relate to each other and are to be applied.

In the past, faced with this ambiguous situation, life insurance companies which elected to file a consolidated tax return eliminated intercorporate dividends from the various life insurance company tax computations. The elimination of intercorporate dividends is what is provided for in the Treasury Department consolidated return regulations as a general rule. A recent court case (*Jefferson Standard Life Insurance Company v. United States*, 408 F. 2d 842 (CA. 4, 1969)), however, held that this method of computing an insurance company's taxable income was incorrect. The court held that intercorporate dividends should not be eliminated in computing the amount of each life insurance company's investment yield. The basis for the court's position was that the elimination of intercorporate dividends allowed a life insurance company to deduct a portion of those dividends twice. First, by eliminating the dividends from the life insurance company computations, the companies had in effect, deducted the entire amount of the dividends. Second, a portion of the dividend, in effect, was again deducted as a part of the deduction allowed life insurance companies for additions to their policyholder reserves.

It would appear to the committee that the principle enunciated by the court (namely, that life insurance companies filing consolidated tax returns should compute the amount of their investment yield which is taxable to them as if they were filing separate returns) is appropriate in view of the method provided in the tax law for taxing life insurance companies.

The committee, like the House, is concerned, however, with the effect this principle could have in the case of prior years where there was a lack of any official guidance as to the manner in which these provisions of the tax law were to be coordinated. The principle of the court deprived life insurance companies of the advantages they anticipated receiving from filing consolidated returns (primarily the elimination of intercorporate dividends) while not returning to them various benefits each company in the group would have had if completely separate returns had been filed (principally not having to pay the 2-percent penalty tax imposed prior to 1964 on companies which filed consolidated tax returns).

In view of these considerations, the bill adopts the principle that life insurance companies filing consolidated tax returns are to compute their share of their investment yield as if they were filing separate tax returns. This rule is made applicable as of the effective date of the Life Insurance Company Income Tax Act of 1959. In addition, the bill deals with the problem of those insurance companies who, faced with a complex and unclear law, chose to file consolidated tax returns on the basis of the method of computation which it has subsequently been decided was incorrect. In these cases the bill provides that these companies may file separate tax returns for all prior years to which the Life Insurance Company Income Tax Act of 1959 was applicable beginning with the first year for which a consolidated return was filed. If this is done, the companies are to be allowed any credit or refund of tax, or reduction in a deficiency of tax, which may result solely from filing their returns on a separate, rather than a consolidated, basis. It is important to note that for this treatment to be available, however, the companies must file separate returns for all prior consolidated return years to which the 1959 act is applicable (other than years for which there has been a court decision or a closing agreement). In other words, the previous consolidation must be completely undone for this rule to apply.

Capital loss carryback

Another problem involving life insurance companies was called to committee's attention. This problem arises as a result of the provisions of the Tax Reform Act of 1969 which provide a 3-year capital loss carryback for corporations in addition to the 5-year capital loss carryover previously allowed. It has been called to the committee's attention that this provision, which was intended to provide relief to corporate taxpayers, can have the effect in the case of a life insurance company of increasing the company's tax for a pre-1970 year (i.e., a year prior to the enactment of the 3-year capital loss carryback) if the capital loss is carried back to such a year. Although the carryback would initially reduce the life insurance company's tax which was imposed on its capital gains which are offset by the loss carryback, that would be a reduction of the 25 percent capital gains tax. However, the carryback could result in a so-called phase III tax to the life insurance company and this tax is imposed at the ordinary income tax rate of 48 percent. The 48 percent tax could more than offset the reduction of the 25 percent capital gains tax thus resulting in a net increase in tax to the life insurance company as a result of the loss carryback.

In view of the fact that the 3-year capital loss carryback was intended to be a tax relief provision, the committee believes that it is appropriate to allow those life insurance companies who would have an increase in tax for a pre-1970 year as a result of the capital loss carryback to elect not to have the capital loss carryback provision apply in the case of carrybacks to a pre-1970 year.

III. EXPLANATION OF BILL

Treatment of consolidated returns

The bill provides that a life insurance company which files (or is required to file) a consolidated tax return for a year is to compute its share of its investment yield (i.e., the amount of its investment yield remaining after deduction of the policyholders' share of the investment yield) as if it were filing a separate tax return. This rule is to apply to the computation of the life insurance company's share of the investment yield under both phase I and phase II of the life insurance company tax provisions. Any determinations and computations which must be made in determining investment yield are to be made on a separate basis. Thus, each life insurance company included in the consolidated return is to separately determine its gross investment income, its deductions in arriving at its investment yield, its current, average, and adjusted earnings rates (including determinations based on the amount of its assets), and its policy and other contract liability requirements independently of the other companies included in the consolidated returns. The same is true of the computation of the company's share of investment yield for purposes of the phase II life insurance company tax. The bill however, does not affect the manner in which other determinations which are necessary to arrive at the life insurance company's taxable investment income and gain from operations are to be made (i.e., determinations other than those which must be made in arriving at the insurance company's share of the investment yield).

This provision is to apply to all taxable years to which the Life Insurance Company Income Tax Act of 1959 is applicable (i.e., years beginning after December 31, 1957).

In addition, a rule is provided which allows those companies which filed consolidated income tax returns under the 1959 act for years ending prior to the enactment of the bill to file completely separate returns for those years up to 1 year after the enactment of the bill. This refiling on a separate basis is to be allowed for a taxable year notwithstanding any law or rule of law which would otherwise prevent it, unless there has been a court decision with respect to that year or the taxpayer has entered into a closing agreement with respect to that year.

The election provided by the bill may be made only if certain requirements are satisfied. First, the previous election to file consolidated returns must have been first made for a taxable year ending before March 13, 1969.[1] Second a life insurance company which wishes to file a new separate return for a previous consolidated return year must elect (in the manner prescribed by the Secretary of the Treasury) this treatment and must file consents to the application of the election by all other companies which were members of the same affiliated group as the electing company for any taxable year beginning after 1957 and ending before March 13, 1969. Finally, the electing and consenting life insurance companies must file a separate return for the first taxable year under the 1959 act for which a consolidated return was filed and for each subsequent taxable year ending prior to the enactment of the bill (whether a separate or a consolidated return was previously filed for any of those subsequent years). A separate return is not to be filed, however, for any taxable year if the allowance of a credit for that year is barred by a court decision (res judicata) or a closing agreement. The election by a life insurance company to file its returns on a separate basis, the filing of the consents to that election of the other affiliated companies, and the filing of the separate returns must be made within 1 year after the date of enactment of the bill.

Since it is intended that life insurance companies which previously filed consolidated returns under the 1959 act and which make the election to file separate returns completely undo the previous consolidation, the bill provides that if the statute of limitations on the assessment of a deficiency, or the allowance of a credit or refund, of income tax for any taxable year for which a refiling is required either ran or would run before the expiration of 2 years from the enactment of the bill, then a deficiency may be assessed, or a credit or refund allowed, for that year until the end of that 2 year period (whether a separate or a consolidated return was previously filed for that year). This waiving of the statute of limitations is only applicable however, to the extent the deficiency or overpayment is attributable to the election to file separate, rather than consolidated, returns. For example, assume a life insurance company previously filed a consolidated return for a taxable year with respect to which the statute of limitations has run and eliminated intercorporate dividends from the computations of its taxable income (contrary to the rule provided by the bill) and paid the 2-percent penalty tax. If it makes the election provided under the bill and files a separate return, the election in general will extend the statute of limitations in two respects. First, there may be an assessment of the additional tax which arises from including the intercorporate dividends in the computation of the life insurance company's investment yield. Second, the life insurance company will be allowed to credit against that additional liability the amount of the 2-percent penalty tax it previously paid.

It is further provided that no interest may be assessed with respect to a deficiency of this nature and that no interest is to be

[1] This is the date on which the *Jefferson Standard Life Insurance Company* case decision was rendered and, thus, is the date on which the taxpayers were first aware of judicial acceptance of the principle embodied in the first section of this bill.

allowed on any credit or refund of this nature for any period prior to 1 year after the enactment of the bill. Of course, if the statute of limitations for a prior taxable year with respect to which there is an outstanding deficiency has not run and the refiling of the company's tax return for that year on a separate, as opposed to a consolidated, basis results in a decrease in the amount of the deficiency, the company will not be assessed interest on the amount of the reduction in the deficiency (i.e. the amount for which it is no longer liable), but will be required to pay interest as compared under the normal rules with respect to the amount of the reduced deficiency. In addition, the committee intends that no additions to tax based on negligence or intentional disregard of rules and regulations should be imposed with respect to an underpayment which arises as a result of a life insurance company's failure to previously compute its income tax liability on the basis prescribed by the *Jefferson Standard Life Insurance Company* case and the first section of this bill.

Capital loss carryover

As indicated above, the committee added an amendment to the bill concerning the applicability to life insurance companies of the 3-year capital loss carryback provided for corporations by the Tax Reform Act of 1969. Under the committee amendment, a company may elect not to carryback the net capital losses which it sustains in 1970 (or a later year) to a year beginning before 1970, if the company was a life insurance company for a pre-1970 taxable year and if the carryback would increase the company's tax for a pre-1970 year. If an election under this provision is made, it is to apply with respect to all carrybacks of net capital losses of the electing company to any pre-1970 taxable year if the company's income tax liability (as a life insurance company) would be increased by the carryback for a pre-1970 year.

The election provided by this amendment is to be made in the form and manner the Secretary of the Treasury prescribes. The election may be made by a company at any time before the expiration of the limitations period on the filing of a claim for credit or refund of income tax for the company's first taxable year beginning after 1969 in which it has a net capital loss.

AMENDMENT OF THE TAX REFORM ACT OF 1969

The Senate proceeded to consider the bill (H.R. 17917) to amend the Tax Reform Act of 1969 which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That (a) section 401(1) of the Internal Revenue Code of 1954 (relating to certain union-negotiated pension plans) is amended—

(1) by striking out "Multiemployer" in the heading, and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) such trust was created pursuant to a collective bargaining agreement between employees representatives and one or more employers,".

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954, but only with respect to contributions made after December 31, 1954.

The amendment was agreed to.

Mr. McCARTHY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, insert:

That, upon the effective date of this Act, all right, title, and interest in and to the stadium and related facilities constructed or operated pursuant to the District of Columbia Stadium Act of 1957 shall vest in the United States, and shall thereafter be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") pursuant to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and pursuant to such substantive authorities, as he shall deem advisable, granted to the District of Columbia Armory Board (hereinafter referred to as the "Board") in section 5 of the District of Columbia Stadium Act of 1957.

SEC. 2. The Board shall transfer to the Secretary all its records, contracts, plans, financial statements, and other documents pertaining to the stadium, together with all funds and equipment utilized in the administration of the area, and it shall execute and deliver to the Secretary any other instruments deemed necessary by him to carry out the purposes of this Act.

SEC. 3. The Secretary is authorized and directed to take such action as he shall deem necessary to provide within one year from the effective date of this Act for the payment in full, and retirement of, any and all indebtedness, both principal and interest, which may remain outstanding by reason of construction of the stadium.

SEC. 4. Notwithstanding any other provision of law, the Secretary shall provide for the imposition and collection of a tax at the rate of 5 per centum on the sale of or charges for admissions to professional sports activities in the stadium, which shall be collected and paid into the Treasury of the United States until such time as there has been reimbursement of the amount expended pursuant to section 3 of this Act, for retirement of the indebtedness remaining outstanding by reason of the construction of the stadium.

SEC. 5. Notwithstanding any other provision of law, until such time as certification is made by the Secretary to the Commissioner of the District of Columbia that full reimbursement to the Treasury of the United States has been made in accordance with the provisions of section 4 of this Act, no taxes of the District of Columbia applicable to paid admissions to sport activities at the stadium shall be charged or collected.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. McCARTHY. Mr. President, this is an amendment approved by the subcommittee of the House District Committee. The effect of it is to transfer title to the District Stadium to the Department of Interior and also provide a 5-percent tax on all admissions to the stadium for athletic events to meet the cost of approximately $20 million of bonded obligation which the Department of the Interior would pay to the District to the commission that now operates the District Stadium.

There was a special problem, as far as baseball is concerned. Negotiations with the District Committee make it almost impossible to work out any kind of reasonable arrangement.

I am informed that the Interior Department did not agree to this transfer to the House. The problem is really one of timing. It was agreed to in the subcommittee and generally accepted by the executive branch of the Government. But the time does not allow for hearings on the Senate side nor for the orderly consideration of this particular amendment.

I am hopeful that the spokesman for the District Committee and the leadership might accept the amendment.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SPONG. Mr. President, if I understand what the Senator has said, although a bill similar to this amendment has been introduced on the Senate side, there have been no hearings.

Mr. McCARTHY. The Senator is correct.

Mr. SPONG. I would like to say to the Senate that I am a fan of the Washington Senators, although my enthusiasm has diminished somewhat toward the end of the last season. I know that the District Committee on the Senate side would entertain hearings and would give consideration to this entire problem. But I believe it would be much better if that committee had an opportunity to do so. I think that not only the Department of the Interior but also those who have administered the stadium should be heard from on this side.

I assure the Senator that there would be hearings on this matter were it to be reintroduced at the next session.

Mr. McCARTHY. Mr. President, this does not involve in any way what may be worked out concerning arrangements with the owners of the Senators, whatever agency of Government might be in control. It would simply open the way to negotiations which might come out exactly as the present situation. But at least it would open up the way to negotiations which, I am informed, are not possible at this time.

Following the objection of the Senator from Virginia and the indications that hearings will be held, I withdraw the amendment and withdraw my hold on the bill.

The PRESIDING OFFICER. The amendment is withdrawn and the hold on the bill is withdrawn.

The question is on the engrossment of the committee amendment and third reading of the bill.

The committee amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 17917) was passed.

The title was amended, so as to read: "An Act to amend the Internal Revenue Code of 1954 with respect to the period of qualification of certain union-negotiated pension plans."

AMENDMENT OF SECTION 367 OF THE INTERNAL REVENUE CODE OF 1954

The Senate proceeded to consider the bill (H.R. 19686) to amend section 367 of the Internal Revenue Code of 1954 which had been reported from the Committee on Finance with amendments on page 2, line 23, after the word "an", strike out "exchange." and insert "exchange." "; and, after line 23, strike out:

"(d) CONTRIBUTIONS OF CAPITAL TO CONTROLLED CORPORATIONS. For purposes of this chapter, any transfer of property to a foreign corporation as a contribution to the capital of such corporation by one or more persons who, immediately after the transfer, own (within the meaning of section 318) stock possessing at least 80 percent of the total combined voting power of all classes of stock of such corporation entitled to vote shall be treated as an exchange of such property for stock of the foreign corporation equal in value to the fair market value of the property transferred unless, before such transfer, it has been established to the satisfaction of the Secretary or his delegate that such transfer is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes."

(b) Section 1492 of such Code (relating to nontaxable transfer) is amended—

(1) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new paragraph:

"(3) To a transfer to which section 367(d) applies."

(c) The amendments made by this section shall apply to transfer made after December 31, 1967; except that sections 367 (d) and 1492 of the Internal Revenue Code of 1954 (as amended by this section) shall apply only with respect to transfers made after December 31, 1970.

And, in lieu thereof, insert:

(b) The amendment made by subsection (a) shall apply to transfers made after December 31, 1967.

Mr. KENNEDY. Mr. President, as I understand it, the committee has agreed to disagree to the House amendment.

Mr. LONG. Mr. President, the committee amendment was to strike certain language from the House passed bill. Since reporting the bill, we have discussed the matter, and we have concluded that we should not agree to the committee amendment. As a result the bill can be passed as the House sent it to us. To do otherwise might leave a rather serious loophole in the tax law.

That being the case, I ask unanimous consent that the committee amendment be disagreed to with the effect that the bill is left as the House passed it.

Mr. HANSEN. Mr. President, reserving the right to object, I ask unanimous consent that there be printed in the RECORD a letter to Senator WILLIAMS of Delaware to John S. Nolan, Deputy Assistant Secretary, pointing out and confirming what the distinguished Senator from Louisiana, the chairman of the Finance Committee, has referred to, by saying that it is apparent that, as the bill was amended by the Finance Committee, there was a tax loophole created of which none of us was then aware.

I thank the distinguished chairman of the committee for his willingness to reinsert the clause as stricken by the Finance Committee so that the bill may be approved by the Senate as it came from the House.

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

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 29, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: As I told you by telephone, the Finance Committee today voted to approve a series of tax bills passed by the House. The action on one of these bills, H.R. 19686, is of major concern to us.

This particular bill, as passed by the House, contained a provision treating contributions to capital to a foreign corporation by U.S. controlling shareholders as subject to the advance ruling requirement in section 367 of the Internal Revenue Code. Thus, under section 367 if a U.S. parent company transfers assets, such as inventories, plant and equipment, or patents to a foreign subsidiary in exchange for stock of the subsidiary, the transaction results in taxable gain to the U.S. transferor unless a ruling is obtained in advance that the purpose of the transfer is not tax avoidance. This prevents transfers of appreciated inventory or other assets, the unrealized gain in which might otherwise escape U.S. tax. A court case has held, however, that this advance ruling requirement does not apply to "contributions to capital" where no stock is taken back in exchange. Obviously in the case of a wholly-owned subsidiary, it is of no consequence whether or not additional stock is taken back.

At our urging, H.R. 19686 was amended to include the contribution to capital rule, was then favorably reported by the House Ways and Means Committee, and was passed by the House. It insures that we will not suffer avoidance of U.S. tax on assets transferred abroad if the court decision should be followed by other courts. Unfortunately, the Finance Committee today in approving the bill deleted this contribution to capital provision on the ground that public hearings should be held before it is enacted.

I do not think public hearings are necessary in this case. The position of the Internal Revenue Service has been firm and consistent for years that contributions to capital require an advance ruling. The court decision is highly questionable, but a substantial potential revenue loss is involved. There is no difference in substance between a contribution to capital to a wholly-owned subsidiary and an exchange of property for stock of such a subsidiary. While the bill extends to cases where the transferors or related persons own 80 percent or more of the stock (rather than being limited to transfers to wholly-owned subsidiaries), this is a reasonable dividing line.

We urge that a floor amendment be adopted restoring the deleted provisions of the House bill. These are contained in proposed section 367(d) of the "ram's-eye" print on page 7 of the enclosed House Committee report. The explanation is at pages 4 and 5–6.

We do not oppose the other provisions of H.R. 19686 which permit the ruling to be obtained after an exchange which involves only two foreign corporations where there is merely a change in form and where the foreign corporations are commonly controlled.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Louisiana? The Chair hears none, and it is so ordered. The Senate amendment is rejected.

If there be no amendment to be offered to the bill, the question is on the third reading and passage of the bill.

The bill (H.R. 19686) was ordered to a third reading, was read the third time, and passed.

AMENDMENT OF SECTION 278 OF THE INTERNAL REVENUE CODE OF 1954

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1539, H.R. 19242.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 19242) to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, I have discussed with the other side the amendment I had offered and I believe we have reached an understanding.

I again offer the amendment I offered with regard to what is shown on air tickets and in the advertising with respect to the tax on airplane tickets.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Louisiana proposes as an amendment the language of S. 4367, which reads as follows:

At the end of the bill insert: That (a) subsection (a) of section 7275 of the Internal Revenue Code of 1954 (relating to requirements of showing total cost on airline tickets) is amended by—

(1) inserting "and" at the end of paragraph (1) thereof,

(2) striking out paragraph (2) thereof, and

(3) renumbering paragraph (3) as paragraphs (2) and striking out in such paragraph "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(b) Subsection (b) of such section (relating to requirements of showing total cost on airline advertising) is amended by striking out the word "only" in paragraph (1) and by amending paragraph (2) to read as follows:

"(2) if any such advertising states separately the amount to be paid for such transportation or the amount of such taxes, shall state such total at least as prominently as the more prominently stated of the amount to be paid for such transportation or the amount of such taxes and shall describe such taxes substantially as: 'user taxes to pay for airport construction and airway safety and operations'.".

SEC. 2. The amendments made by the first section of this Act shall apply to transportation beginning after June 30, 1970.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, there was objection when this amendment was offered earlier because it had not been cleared. The statement of the chairman of the Committee on Finance is accurate. The matter has been cleared with the ranking minority member, to whom I now yield.

Mr. WILLIAMS of Delaware. Mr. President, I support this amendment. It would instruct the airlines to show on the ticket the amount of tax being paid. If the price of the ticket were $46, and the tax were $4, for a total of $50, that information would be shown, including the tax.

A previous proposal was interpreted to mean that the airlines did not have to show the tax.

There has been considerable complaint and this should clear up the matter.

Mr. LONG. Mr. President, if I may explain further, at the time we passed the

airplane tax the Senator from Louisiana insisted that the practice be stopped of advertising an airline ticket at a price which did not include the tax so that when a passenger would go to the airport he would find that the cost of the ticket was not $60 but rather $63 because the tax had not been advertised.

In order to stop that practice, I insisted that the price advertised be the total price. Since then the ticket agents have informed me they want to break the total down into its components to show the tax and price before taxes. That is all right with me so long as the total also appears. This should make everyone happy.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment 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 amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1529), explaining the purposes of the measure.

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

I. SUMMARY

Present law requires that expenditures incurred in the first 4 years of the development of a citrus grove must be capitalized and written off over the life of the grove rather than expensed and deducted in the year the expenses were paid or incurred. This bill extends the same rule to almond groves. The provision applies to trees planted on and after December 30, 1970.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR THE BILL

Generally, taxpayers engaged in the business of farming can use the more liberal cash accounting rules which are available for computing income or loss from farming but which are not generally applicable to other forms of business. The Tax Reform Act of 1969 limited the application of this provision, however, in the case of those engaged in the farming business of purchasing, planting, cultivating, maintaining, or developing a citrus grove. In this case that act provided that expenses incurred for the purposes specified above through the fourth taxable year (beginning in the year in which the trees were planted) were to be treated as capital expenditures rather than as currently deductible expenses. As a result in this case, the expenses must be written off over the life of the grove rather than in the year the expense is paid or incurred.

The provision described above, however, does not apply in the case of expenditures incurred in the development of an almond grove. As a result, because of the cash accounting rules referred to above, the expenditures of purchasing, planting, cultivating, maintaining, and developing an almond grove during the early years of the life of the asset can be expensed and the deductions taken currently.

The special cash accounting rules which apply to farming were adopted to relieve farmers of bookkeeping burdens. These rules, however, can be used to obtain current deductions against other income by taxpayers who are not primarily engaged in farming during the period of the development of a grove even though there is no economic loss from incurring the expenses of planting and developing an almond grove. In later years, when the taxable income from the grove increases and the development expenditures are largely completed, the grove in many cases can be sold with the income realized in the form of capital gains subject to a maximum tax rate between 25 percent and 35 percent.

The combination of a current deduction against ordinary income for expenses of a capital nature and the capital gains treatment available on the sale of the almond groves produces significant tax advantages and tax savings for high-income taxpayers. This treatment can also lead to unfavorable economic consequences for the almond industry. It can, for example, result in large speculative tax-motivated plantings of almond groves which bid up the prices of land suitable for the groves. As a result, there also may be an overproduction of almonds that causes declines in their prices. Both effects may operate to the detriment of bona fide almond grove operators who rely upon the income from a grove as their source of livelihood.

The situation in the case of almond groves is substantially the same as that which formerly existed in the case of citrus groves. This was corrected in the Tax Reform Act of 1969 which provided that costs incurred in developing a citrus grove must be capitalized.

The committee joins with the Committee on Ways and Means in requesting the staffs of the Treasury Department and the Joint Committee on Internal Revenue Taxation to undertake a study to determine in what other areas similar conditions exist with respect to development expenditures which appropriately should be capitalized but presently are being expensed.

III. GENERAL EXPLANATION

The bill amends the provision of present law (sec. 278) which requires the capitalization of expenditures incurred in developing a citrus grove to also make it applicable to almond groves. This bill provides that the expenditures attributable to purchasing, planting, cultivating, maintaining, or developing an almond grove must be capitalized, if the expenditures are incurred prior to the end of the third taxable year after the year in which the grove is planted. Thus, expenditures incurred during this period cannot be deducted as a current expense, but instead must be charged to capital account.

This capitalization rule does not apply to expenditures incurred in replanting an almond grove which was damaged or destroyed (while in the hands of the taxpayer) by freeze, drought, disease, pests, or casualty.

The provision applies to trees planted on or after December 30, 1970.

FEDERAL SPENDING IN FISCAL 1971

Mr. ELLENDER. Mr. President, I ask unanimous consent to have placed in the RECORD another tabulation of amounts included in the President's fiscal year 1971 budget request and appropriations enacted during the second session of the 91st Congress grouped in functional categories.

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

FISCAL YEAR 1971 APPROPRIATION BILLS

[In thousands of dollars]

	Fiscal year 1971 budget request	House bill	Senate bill	Final
Defense-Military:				
Civil defense (IO–HUD bill)	73,800	72,100	72,100	72,100
Military construction bill	2,134,800	1,997,037	2,057,871	2,037,814
Defense bill	68,745,666	66,806,561	66,417,077	66,595,937
Military assistance (Foreign Aid bill)	350,000	350,000	350,000	350,000
Atomic Energy Commission (Public Works bill)	2,363,000	2,325,600	2,271,270	2,282,760
Supplemental bill:				
Atomic Energy Commission	25,000	----------	25,000	25,000
Military assistance	840,000	840,000	840,000	840,000
Subtotal	74,532,266	72,391,298	72,033,318	72,203,611
Welfare:				
Labor-HEW bill:				
Public assistance	8,651,950	8,651,950	8,651,950	8,651,950
Work incentives	170,000	120,000	98,000	98,000
Rehabilitation	571,640	566,640	579,140	570,390
Medicaid (to trust fund)	1,245,282	1,245,282	1,245,282	1,245,282
Uninsured (to trust fund):				
Health	878,688	878,688	878,688	878,688
Retirement	370,916	370,916	370,916	370,916
Agriculture bill:				
Food for needy children	216,579	----------	216,579	216,579
Food stamp	1,250,000	1,250,000	1,750,000	1,420,000
Subtotal	13,355,055	13,083,476	13,790,555	13,451,805
Foreign assistance: Economic:				
Foreign aid bill	2,526,539	1,870,961	2,253,639	2,184,310
Supplemental bill	195,000	150,000	210,000	162,500
Subtotal	2,721,539	2,020,961	2,463,639	2,346,810
All other, domestic (except defense, foreign aid, and welfare)	49,505,529	48,976,340	51,178,972 [1]	50,406,031
Total, 1971 appropriations	140,114,389	136,472,075	139,466,484	138,408,257

[1] Includes Transportation bill at conference figure.

Mr. ELLENDER. Mr. President, the appropriations for defense-military totaled $72,203,611,000, a reduction of $2,328,655,000 below the budget request. In the category of "Welfare," the Congress appropriated $13,451,805,000, an increase of $96,750,000 over the President's budget request. The appropriations for foreign economic assistance to-

taled $2,346,810,000, a reduction of $374,729,000 below the budget request. For all other domestic activities and programs the Congress appropriated a total of $50,406,031,000, an increase of $900,504,000 over the President's budget.

Perusal of this tabulation points out that the Congress reduced the President's budget in the areas of defense and foreign aid by some $2.7 billion and increased the budget request for welfare and other domestic programs by $1 billion to have a net total reduction of $1.7 billion.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of all appropriation bills handled during the second session of the 91st Congress. The significant item of this summary is a total amount of $138,408,257,167 in appropriations for fiscal year 1971, which is $1,706,132,033 below the total budget estimates covered by the Senate for fiscal year 1971.

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

BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 91ST CONG., 2D SESS., AS OF DEC. 31, 1970 (BUT SUBSEQUENT TO MAR. 5)

[Does not include budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	Budget requests considered by House	Approved by House	Budget requests considered by Senate	Approved by Senate	Public Law	Increase (+) or decrease (−), public law compared with budget requests
(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Bills for fiscal 1971:						
1. Education (H.R. 16916):						
Fiscal year 1971 amounts	$3,807,524,000	$4,127,114,000	[2] $3,966,824,000	$4,782,871,000	$4,420,145,000	+$453,321,000
Fiscal year 1972 amounts	1,339,050,000	----------	1,339,050,000	----------	----------	[3] −1,339,050,000
Total Education (veto overridden by House and Senate)	5,146,574,000	4,127,114,000	[2] 5,305,874,000	4,782,871,000	4,420,145,000	−885,729,000
2. Legislative (H.R. 16915)	356,043,285	346,649,230	421,414,899	413,889,653	413,054,220	−8,360,679
3. Treasury-Post Office (H.R. 16900) (net of estimated postal revenues appropriated)	[4] 3,044,755,000	[4] 2,971,702,000	[4] 3,046,693,000	[4] 3,018,079,000	[4] 3,004,711,000	−41,982,000
(Memorandums: Total including authorizations out of postal funds)	(9,565,755,000)	(9,492,702,000)	(9,567,693,000)	(9,539,079,000)	(9,525,711,000)	(−41,982,000)
4. Independent Offices-HUD:						
Vetoed bill (H.R. 17548) (veto sustained by House)	(17,216,823,500)	(17,390,212,300)	(17,468,223,500)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)
Increased limitations for annual contract authorizations—housing programs:						
Fiscal 1971	(369,300,000)	(322,200,000)	(369,300,000)	(349,300,000)	(329,300,000)	(−40,000,000)
Fiscal 1972	(360,000,000)	----------	(360,000,000)	----------	----------	(−360,000,000)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	17,468,223,500	17,709,525,300	17,709,525,300	+241,301,800
Increased limitations for annual contract authorizations—housing programs:						
Fiscal 1971	(369,300,000)	(329,300,000)	(369,300,000)	(329,300,000)	(329,300,000)	(−40,000,000)
Fiscal 1972	(360,000,000)	(----------)	(360,000,000)	(----------)	(----------)	(−360,000,000)
5. State, Justice, Commerce, and Judiciary (H.R. 17575)	3,243,905,000	3,106,956,500	3,251,200,000	3,122,080,500	3,108,074,500	−143,125,500
6. Interior (H.R. 17619)	1,610,757,600	1,610,026,700	1,839,974,600	1,835,337,500	1,835,474,700	−4,499,900
7. Transportation (H.R. 17755)	2,653,825,937	2,579,579,937	2,741,827,437	2,453,923,605	[5] 2,608,134,605	[3] −133,692,832
(Fiscal year 1971 amounts only)	(2,465,814,937)	(2,429,579,937)	(2,553,816,437)	(2,303,923,605)	(2,458,134,605)	(−95,681,832)
8. District of Columbia (H.R. 17868):						
(Federal funds)	109,088,000	108,938,000	109,088,000	108,938,000	108,938,000	−150,000
(District of Columbia funds)	(825,158,000)	(642,906,000)	(825,158,000)	(670,493,000)	(636,118,200)	(−189,039,800)
9. Foreign assistance (H.R. 17867)	2,876,539,000	2,220,961,000	2,876,539,000	2,603,639,000	2,534,310,000	−342,229,000
10. Agriculture (H.R. 17923)	7,531,775,500	7,450,188,150	7,748,354,500	8,475,935,100	8,090,856,550	+343,502,050
11. Military construction (H.R. 17970)	2,134,800,000	1,997,037,000	2,134,800,000	2,057,871,000	2,037,814,000	−96,986,000
12. Public Works-AEC (H.R. 18127)	5,263,433,000	5,236,808,000	5,263,433,000	5,258,695,000	5,238,517,000	−24,916,000
13. Labor-HEW-OEO (H.R. 18515)	18,731,737,000	18,824,663,000	18,759,377,000	19,269,514,078	18,999,392,500	+240,015,500
14. Defense (H.R. 19590)	68,745,666,000	66,806,561,000	68,745,666,000	66,417,077,000	66,595,937,000	−2,491,729,000
15. Supplemental (H.R. 19928)	1,701,836,738	1,525,365,538	1,928,985,264	2,089,107,792	1,853,372,792	−75,612,472
As to fiscal 1971	139,091,898,560	136,472,075,355	140,114,389,200	139,466,483,528	138,408,257,167	−1,706,132,033
As to fiscal 1972	1,527,061,000	150,000,000	1,527,061,000	150,000,000	150,000,000	−1,377,061,000
B. Bills for fiscal 1970:						
1. 2d supplemental (H.R. 17399)	5,918,073,131	5,764,115,791	[2] 6,430,171,902	6,702,375,083	6,021,535,005	[6] −408,636,897
Increased limitations for annual contract authorizations—housing programs, fiscal year 1970	(55,500,000)	(75,000,000)	(55,500,000)	(75,000,000)	(75,000,000)	(+19,500,000)
C. Cumulative total for the session:	146,537,032,691	142,386,191,146	148,071,622,102	146,318,858,611	144,579,792,172	−3,491,829,930

[1] The budget for 1971, as submitted Feb. 2, estimated total new budget authority for 1971 at $234,818,000,000 gross ($218,030,000,000 net of some $16,788,000,000 interfund and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $86,706,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, various trust funds, etc., already provided for in various basic laws. The remainder, $148,113,000,000, is for consideration at this session (mostly in the appropriation bills). About $11,300,000,000 of the $148,100,000,000 was shown in the February budget as being "for later transmittal" for new or expanded legislation, pay increases, and contingencies, and about $35,396,000,000 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically. These totals would be somewhat modified by proposals in President's messages of April 3 and 16, relating to pay, postal reform, and postal and other revenues.

[2] Request of $150,000,000 for emergency school assistance originally considered by Senate in 2d supplemental for 1970 but denied. Request reconsidered in education bill for 1971 where the estimate is now reflected.

[3] The February budget requested advance fiscal 1972 funding of $1,527,061,000 ($1,339,050,000 for elementary and secondary education—disallowed in the law—and $188,011,000 for Washington Metropolitan Rapid Transit Authority, of which $150,000,000 was approved by the 2 Houses.

[4] These figures do not reflect the 1971 budget proposals for postal rate increases and adjustments, valued in the February budget at $1,174,000,000 for fiscal 1971. They operate as offsets to new budget authority and outlays, and are so netted out in the budget. Nor do they reflect the additional revenues—or budget authority—that would be involved if the President's recommendations—messages of April 3 and 16—for an 8-cent stamp, etc., were adopted.

[5] Includes $210,000,000 to continue development of a supersonic passenger traffic aircraft for fiscal year 1971. Matter in conference and unresolved.

[6] Reflects cut of $275,000,000 for foreign military credit sales.

H.R. 19915—DISCHARGE OF COMMITTEE FROM FURTHER CONSIDERATION—BILL PLACED ON CALENDAR

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 19915. I would like to put this matter on the Calendar so Senators can look at it overnight.

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

THE NOMINATION OF FRANK CARLUCCI

Mr. CRANSTON. Mr. President, reluctantly I rise once again to comment on the CRLA situation to seek to make clear the present situation. I want to announce something that is unknown to many Senators who participated in today's deliberation on this matter.

Governor Reagan has announced that he has agreed to accept, not to veto, the 30-day CRLA grant announced yesterday by Mr. Carlucci when he appeared before the Committee on Labor and Public Welfare. This relieves, to some extent, the time pressure involved in this unfortunate matter.

A number of Republican Senators and Representatives, indicating to me that they had been requested by administration officials to explore the matter with me, have asked me if during the next 24 hours there was any mutual acceptable way to resolve the situation.

I have at all times indicated my willingness and desire to effect a solution through negotiations. I today told them I would be willing to withdraw my objections to committee consideration of the Carlucci nomination on the following conditions:

First, OEO to convene its National Advisory Committee on Legal Services next week to consider the CRLA matter, and to advise OEO on it.

Second, OEO to make available to its advisory committee all material and information submitted to it on this matter by Governor Reagan and by CRLA.

Third, OEO to be in no way bound by the advice of its advisory committee, but to give high value to its recommendations.

Fourth, OEO to make its decision regarding the veto by January 21, 1971.

Those are the suggestions I made today. Some have objected to the current situation on the grounds that it has placed Mr. Carlucci in an intolerable situation under too difficult pressure. Certainly, my proposal, if accepted would make the situation tolerable and substantially reduce the pressure he is presently under.

Before closing, I would like to read a list of the members of the National Advisory Committee on Legal Services. It has 15 members.

MEMBERS OF THE NATIONAL ADVISORY COMMITTEE ON LEGAL SERVICES

Donald Lowitz—O.E.O. General Counsel.

S. Clinton Bamberger, Jr.—Dean, Catholic University Law School.

Gary Bellow—Deputy Director, Western Center on Law and Poverty, University of Southern California.

Mrs. Jean Cahn—Washington, D.C.

Edward Q. Carr—Director, New York Legal Aid Society.

Attorney General John N. Mitchell.

John W. Cummiskey—Attorney, Grand Rapids, Mich.

Jacob D. Fuchsberg—Attorney, New York Former President, American Trial Lawyers Association.

William T. Gossett—Attorney, Detroit Former President, American Bar Association.

Professor Harold Horowitz—U.C.L.A. Law School.

Judge Edward F. Bell—President, National Bar Association, Detroit.

William Mahoney—Attorney, Phoenix, Ariz.

James Lorenz, Jr.—C.R.L.A.

As to Mr. Lorenz, I assume he would disqualify himself from sitting if this suggestion were followed.

Thomas Gilhool—Attorney, Philadelphia, Pennsylvania.

F. William McCalpin—Attorney, St. Louis, Missouri.

Judge Theodore McMillian—Board Chairman, Human Development Corporation, St. Louis, Missouri.

Judge Philip M. Newman—Los Angeles, California.

Revius O. Ortique, Jr.—Attorney, New Orleans, Louisiana, Former President, National Bar Association.

John D. Robb—Chairman of A.B.A. Standing Committee on Legal Aid and Indigent Defendents, Albuquerque, New Mexico.

Jerome J. Shestack—Attorney, Philadelphia Chairman, A.B.A. Section of Indigent Rights and Responsibilities.

Maynard J. Toll—Former President, N.L.A.D.A., Los Angeles (presumably replaced by John Douglas, new President).

Theodore Voohrees—Attorney, Washington, D.C.

Miss Elizabeth Wickenden—City University of N.Y., Graduate Center.

Bernard Segal—Past President, A.B.A., Philadelphia.

Oliver Lofton—President of Priorities Investment Corp., Newark.

Earl Johnson, Jr.—Attorney, Manhattan Beach, Calif., Former Director, O.E.O. Legal Services.

Edward L. Wright—President, A.B.A., Little Rock.

Leon Jaworski—President-Elect, A.B.A., Houston.

LETTER FROM DEPARTMENT OF THE TREASURY RELATING TO SENATOR JAVITS' AMENDMENT TO SOCIAL SECURITY BILL

Mr. WILLIAMS of Delaware. Mr. President, earlier the Senate approved an amendment offered by the Senator from New York (Mr. JAVITS) as a part of the social security bill. This amendment would change the existing Treasury rule regarding tax treatment for private pension plans.

I ask unanimous consent that the letter of the Treasury Department calling attention to the adverse effects of the amendment be included in the RECORD.

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

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 29, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Another matter of concern to us is the Javits' amendment to the Social Security bill concerning offset benefit plans. As I advised Senator Javits, we have dealt with this problem effectively by revenue rulings which preclude offsetting future increases in social security against pension amounts. However, in doing so, we adopted a reasonable transitional rule so that plans in existence on July 5, 1968 would become subject to the new rule only with respect to persons retiring after December 31, 1971. This is absolutely necessary to deal fairly with companies which have funded their plans and established their benefit levels in light of the long existing prior practice of permitting offset in the case of integrated plans. The effect of Senator Javits' amendment is simply to override this transition rule.

I think his amendment is unnecessary and would impose hardships on the companies affected.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

A SORRY EXAMPLE OF DELAYED JUSTICE

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that an article appearing in the Commercial Appeal, by Clark Mollenhoff, entitled "A Sorry Example of Delayed Justice," be printed in the RECORD.

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

A SORRY EXAMPLE OF DELAYED JUSTICE

(By Clark Mollenhoff)

WASHINGTON.—An 80-year-old widow has not received a dime from a multi-million-dollar estate that has been in the federal court system in Indiana since 1941. At the same time, judges have approved payment of hundreds of thousands of dollars to lawyers involved in the case.

New complaints about the Indiana situation were called to the attention of the Nixon administration months ago, but, as yet, no action has been taken.

In August, 1961, Franklin Riter, a distinguished member of the board of governors of the American Bar Association, declared the court's handling of the Woodmar Realty Company reorganization reveals" so dreadful a story of judicial dereliction" that it is impossible to find a sequel.

Yet, nine years later, the situation has deteriorated still further.

Recently, Joseph E. Klen, mayor of Hammond, Ind., added his voice to those of Senator John J. Williams of Delaware, Representative H. R. Gross of Iowa and lawyers for the stockholders who have asked Atty. Gen. John Mitchell for an investigation.

Although the Woodmar Realty Company case in northern Indiana has been under the control of the federal judiciary for nearly 30 years, the owners of the firm haven't received a dime. Among the owners is Mrs. Helen M. Woods, 80-year-old widow of the firm's founder.

When Woodmar went into bankruptcy it had assets valued at 2.3 million dollars. The assets included more than a square mile of improved and partly improved business and residential property in Hammond, Ind. The property today has a value in excess of 25 million dollars.

There have been periodic complaints about the manner in which this case was being handled by two federal judges—United States District Judge Robert Tehan of Milwaukee and former United States District Judge Luther Swygert, now chief judge of the Seventh Circuit Court of Appeals.

The most recent complaints filed with Atty. Gen. Mitchell are that Judge Tehan engaged in "illegal distribution of substantial funds" from Woodmar, by paying checks totalling $500,000 on forged, destroyed, and inflated claims.

The checks were drawn pursuant to a plan devised by Carl A. Huebner, attorney for the original trustee who has since been disbarred by the Indiana Supreme Court for 82 specific acts of misconduct and fraud.

Judge Swygert, before his appointment to the bench, was associated with Donald C. Gardner in 11 state court foreclosures on City of Hammond improvement bonds involving the Woodmar property. Yet, Swygert took control of the Woodmar case when he went on the bench in 1943, and kept control until a dozen years later despite challenges for possible "conflicts of interest."

It was Judge Swygert who appointed Charles Surprise as trustee and Carl Huebner as lawyer.

Judge Swygert permitted a business firm, sales agent for the trustees, and two others in a fiduciary capacity, attorney Donald C. Gardner and a client, to buy Woodmar lands at bargain prices.

In 1948, Gardner, Surprise, Huebner, and another attorney, C. Ballard Harrison, were indicted on fraud charges involving the Woodmar property and other property. Harrison, Huebner and Gardner were disbarred. Surprise died before either conviction or disbarment.

Judge Swygert permitted the indicted men—Surprise and Huebner—to retain control over Woodmar until 1952 when the fees being paid these men became a local scandal.

Continued complaints about Judge Swygert resulted in his bowing out of the case

in 1956. District Judge W. Lynn Parkinson, of Lafayette, Ind., was assigned the case.

Judge Parkinson permitted Woodmar to defend the trust against special improvement bond claims, and he ordered the new trustee and lawyer appointed by Swygert to leave the case.

Before Judge Parkinson could enter his final order in 1957, he was elevated to the Court of Appeals. Chief Judge F. Ryan Duffy, of the Seventh Circuit, appointed his old Milwaukee friend, Judge Robert Tehan, to preside in the Woodmar matter.

Judge Tehan agreed to follow the law as set down by Judge Parkinson, but a petition filed with the Justice Department charges that he disregarded the law. In 1958 and 1959, Tehan rejected all Woodmar requests for hearings on lien claims.

Tehan had been appointed to the federal bench despite the fact he hadn't paid either federal or Wisconsin state taxes for several years prior to his appointment.

Then Judge Tehan resurrected the Carl Huebner distribution plan, that had been discarded by Judge Parkinson because it was filled with fraud and distorted allowance.

In 1968, Judge Tehan signed orders to pay money to Northwestern Investment Company, a firm formed by one of the disbarred lawyers in 1939 but later dissolved. Tehan also approved an award of $120,000 to attorney Herschel Davis, overruling the objections of Woodmar and the City of Hammond. The judge refused to permit cross-examination of Davis concerning the work he said he did that warranted the $120,000 payment.

In the meantime, Judge Swygert has signed a letter urging readmission of Carl Huebner to the practice of law despite perjury and fraud in the Woodmar case. Swygert said he did it because of his great compassion.

Those are only the highlights of the case now before the Justice Department. It will be a strong challenge to the attorney general to sort out the sorry details of this example of delayed justice.

AN ANALYSIS OF THE ADMINISTRATION'S PROPOSED FAMILY ASSISTANCE PLAN

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have incorporated in the body of the RECORD an analysis of the administration's proposed family assistance plan—or what is more accurately described as a guaranteed annual income.

This is the bill which was rejected by the Senate earlier this week and which had been offered by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT) as an amendment to H.R. 17550.

When the bill was first presented to the Congress it was described as a reform of our welfare system; however, when it was analyzed it developed that there was no reform, but quite the contrary, it merely extended the existing welfare inequities to 14 million more people.

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

Mr. President, the Administration's Family Assistance Plan has been sold to the American people under the slogan "Workfare vs. Welfare."

The present welfare program has been recognized by all concerned as a program full of inequities. Secretary Richardson in his testimony before the Finance Committee described the present program as a "gigantic failure," and the Administration's new Family Assistance Plan was described as a "major reform."

When the term "reform" is used in connection with legislative proposals it means one of two things; either it proposes to take away from someone something which he is now receiving but to which he is not entitled, or it is to give to someone something which he is not getting but to which he is entitled.

While there is general agreement on the part of all concerned that our existing welfare program is in need of a major reform it should be emphasized that the Administration's bill as it is now pending before the Senate Finance Committee does not embrace reform of the existing law.

In fact, the Secretary of Health, Education, and Welfare admitted to the Finance Committee that under H.R. 16311 not one welfare recipient in America will get a dime less than that which he is now getting under existing law. We must therefore proceed on the premise that there is no reform in this bill. Quite the contrary, all inequities in the existing law will be frozen into the new program.

Before discussing the merits of the bill I wish to dispel the thought that the Finance Committee is responsible for the bill's being before the Senate at this late date.

Questions have been asked as to why so much delay by the Senate Finance Committee in considering the Administration's Family Assistance Plan, and some in the Administration have been implying that this delay was entirely the result of the dilatory actions of the Finance Committee. Let us get the record straight.

H.R. 16311 was first recommended by the President on October 2, 1969. The Ways and Means Committee reported the bill on March 11, 1970, and it passed the House of Representatives on April 16, 1970.

On March 25, 1970, while the bill was pending before the House of Representatives, I placed an inquiry with the Secretary of Health, Education, and Welfare asking for a statistical analysis of the bill as reported by the House Committee with specific emphasis upon the amount of payments that would be made to the respective recipients in two large states and in two small states. It was upon my suggestion that the Finance Committee insisted that this information be furnished.

While the request was filed with the Department of Health, Education, and Welfare, on March 25 it was not until about 9:30 p.m. on April 28, the evening before Secretary Finch was to testify, that the material was received.

During Secretary Finch's testimony the charts showing a statistical analysis of H.R. 16311 were presented to the Committee by Secretary Finch and his associates, and the mathematical results of this legislative proposal shocked both the Committee members and the Department itself.

The information which I requested through the Finance Committee was that all existing programs dealing with welfare be taken into consideration and the question asked was: Assuming the bill passed the Senate in exactly the form which it passed the House just how much would the welfare recipients in the four selected states receive? What we were determining was to what extent inequities in the existing program had been corrected.

I ask unanimous consent that the four charts furnished by the Department of Health, Education, and Welfare appear at this point in the record.

TABLE 1.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON, FEMALE-HEADED FAMILY IN PHOENIX, ARIZ. (P. 372 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [2]	State income tax [3]	Social security tax [4]	Food stamp bonus or surplus commodity value [5]	Average medium vendor payment per AFDC family [6]	Public housing bonus [7]	Total including money and in-kind from all sources	Cumulative marginal reduction rate (percent)
0	$1,600	$404	[8] $2,004				$441		$1,176	$3,621	
$720	1,600	404	2,724			$37	441		1,176	4,304	5
$1,000	1,460	357	2,817			52	441		1,176	4,382	72
$2,000	960	190	3,150			104	441		1,104	4,591	79
$3,000	460	23	3,483			156	441		1,032	4,800	79
$3,140 (State breakeven)	390		3,530			163	441		1,032	4,840	71
$3,920 (FAP breakeven)			3,920	$17		204			948	4,647	125
$4,000			4,000	28		208			936	4,700	34
$5,250			5,250	212	$18	273				4,747	96

[1] Calculated according to the family assistance State supplementary formula, but assuming exercise of secretarial discretion to hold reduction rate to 67 percent as authorized in sec. 452(b)(2).

[2] Federal income tax calculated on the basis of the tax provisions in effect in 1972, assuming no surcharge.

[3] Current State tax schedule.

[4] Social security tax of 5.2 percent will be in effect Jan. 1, 1971.

[5] Arizona has no food stamp program, but has a surplus commodity program with an income eligibility ceiling of $3,072 for a family of 4 with no earnings and $3,552 for a similar family with earnings. Not all eligible families participate in the commodities program. Such families' benefits and cumulative reduction rates would be lower.

[6] Arizona has no title XIX program.

[7] Public housing bonus is the public housing agency estimate of comparable private market rental ($1,680 yearly) minus amount of public housing rent paid. Calculated for 3-bedroom unit from data supplied by local housing authority, including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $4,200 of countable income; for continued occupancy $5,250. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. Precise figures unavailable for Phoenix, Ariz., of number of AFDC recipients living in public housing.

[8] A woman with 3 minor children where State pays $2,004 to a family with no other income.

TABLE 2.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON, FEMALE-HEADED FAMILY IN WILMINGTON, DEL. (P. 373 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [3]	State income tax [3]	Social security tax [4]	Food stamp bonus or surplus commodity value [5]	Average medium vendor payment per AFDC family [6]	Public housing bonus [7]	Total including money and in-kind from all sources	Cumulative marginal reduction rated (percent)
0	$1,600	$188	[5] $1,788				$661	$437	$480	$3,366	
$720	1,600	188	2,508			$37	661	437	540	4,109	([6])
$1,000	1,460	141	2,601			52	661	437	540	4,187	72
$1,850 (State break-even)	1,035		2,885			96		437	540	3,766	150 63
$2,000	960		2,960			104		437	528	3,821	108
$3,000	460		3,460			156			432	3,736	
$3,920 (FAP break-even)			3,920	$17	$12	204			348	4,035	68
$4,000			4,000	28	13	208			342	4,093	18
$6,450			6,450	417	60	335				5,638	37

[1] Same as table 1.
[2] Delaware has no food stamp program but has a surplus commodity program with an income ceiling of $2,580 net income (earnings less mandatory payroll deductions). Not all eligible families participate in the commodities program. Such families benefits and cumulative marginal rates would be lower.
[3] Based on estimates of medical vendor payments, May 1969. In view of the seasonal variation in medical care costs, it was assumed that May 1969 represents 1/13 of the annual 1969 payments. Income eligibility is AFDC cutoff for AFDC recipients or $3,000 for medically indigent nonrecipient family of 4.
[4] Public housing bonus is the public housing agency estimate of comparable private market rental ($1,560 yearly in city-leased housing) minus amount of public housing rent paid. Calculated for 3-bedroon unit from data supplied by local housing authority, including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $4,800 of countable income; for continued occupancy $6,000. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. For example, only 29 percent of AFDC recipients in Wilmington, Del., live in public housing.
[5] A woman with 3 minor children where State pays $1,788 for a family with no other income.
[6] The increase in the public housing benefit increases money income by 103 percent of earnings

TABLE 3.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON FEMALE-HEADED FAMILY IN CHICAGO, ILL. (PAGE 374 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [1]	State income tax [1]	Social security tax [1]	Food stamp bonus or surplus commodity value [2]	Average medium vendor payment per AFDC family [3]	Public housing bonus [4]	Total including money and in-kind from all sources	Cumulative marginal reduction rate (percent)
0	$1,600	$1,496	[5] $3,096				$408	$789	$1,116	$5,409	
$120	1,600	1,496	3,816			$37	312	789	1,116	5,996	18
$1,000	1,460	1,449	3,909			52	312	789	1,116	6,074	72
$2,000	960	1,282	4,242			104	312	789	1,116	6,355	72
$3,000	460	1,115	4,575			156	288	789	1,116	6,612	74
$3,920 (FAP break-even)		972	4,892	$17		204	288	789	1,116	6,864	73
$4,000		908	4,908	28		208	288	789	1,116	6,865	99
$5,000		241	5,241	172	$11	260	288	789	1,116	6,991	87
$5,362 (State break-even)			5,362	230	14	279			1,116	5,955	38

[1] Same as table 1.
[2] Food stamp bonus is the difference between the value of the coupon allotment and the purchase price of the coupons. Based on current food stamp schedules, with mandatory payroll deductions subtracted from gross income in determining purchase price and eligibility. Income eligibility limit is AFDC breakeven for AFDC recipients or $3,600 net for nonrecipients. Not all eligible families participate in the stamp program. Such families would have lower benefits and cumulative reduction rates.
[3] Based on estimates of medical vendor payments, May 1969. Income eligibility ceiling is AFDC breakeven for AFDC recipients or $3,600 for medically indigent nonrecipient family of 4.
[4] Public housing bonus is the public housing agency estimate of comparable private market rental ($2,076 yearly) minus amount of public housing rent paid. Calculated for 3-bedroom unit from data supplied by local housing authority, including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $6,000 of countable income; for continued occupancy above $8,400. Since continued occupancy at higher incomes for increased rent is permitted, no cutoff point for eligibility for public housing is shown in this table. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. Approximately 18 percent of all AFDC recipients in Chicago, Ill., live in public housing.
[5] A woman with 3 minor children where State pays $3,096 for a family of 4 with no other income.

TABLE 4.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON FEMALE-HEADED FAMILY IN NEW YORK CITY. (PAGE 375 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [1]	State income tax [1]	Social security tax [1]	Food stamp bonus or surplus commodity value [2]	Average medium vendor payment per AFDC family [3]	Public housing bonus [4]	Total including money and in-kind from all sources	Cumulative marginal reduction rate (percent)
0	$1,600	$2,108	[5] $3,708				$522	$1,153	$2,052	$7,435	
$720	1,600	2,108	4,428			$37	522	1,153	2,052	8,118	5
$1,000	1,460	2,061	4,521			52	522	1,152	2,052	8,196	72
$2,000	960	1,894	4,854			104	522	1,153	2,052	8,477	72
$3,000	460	1,727	5,187		$6	156	522	1,153	2,052	8,752	72
$3,920 (FAP breakeven)		1,574	5,494	$17	21	204	522	1,152	2,052	8,979	75
$4,000		1,520	5,520	28	26	208	522	1,153	2,052	8,985	92
$5,000		853	5,853	172	53	260	522	1,153	2,052	9,095	89
$6,000		186	6,186	336	80	312	522	1,153	2,052	9,185	91
$6,279 (State breakeven)			6,279	386	90	326			2,052	7,529	694

[1] Same as table 1.
[2] New York City has a surplus commodity food program with an eligibility ceiling of AFDC breakeven levels for AFDC recipients or $4,200 for other low-income families of 4.
[3] Based on estimates of medical vendor payments, May 1969. Income eligibility ceiling is AFDC breakeven for AFDC recipients or $5,300 for medically indigent nonrecipient family of 4.
[4] Public housing bonus is the public housing agency estimate of comparable private market rental ($3,264 yearly in city-aided apartments) minus amount of public housing rent paid. Calculated for 3-bedroom unit from data supplied by local housing authority including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $6,900 of countable income; for continued occupancy $8,800. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. Approximately 8 percent of all AFDC recipients in New York City live in public housing.
[5] A woman with 3 minor children where State pays $3,708 to a family with no other income. The standard in New York State was adjusted to include the rent as paid to a public housing authority ($101 a month) for a typical unit. Does not reflect increased standards as of May 1, 1970.

The Finance Committee after reviewing these charts and after three days of testimony by Secretary Finch in executive session unanimously recommended that further hearings be suspended until such time as the Department of Health, Education, and Welfare had rewritten the bill and eliminated some of the flaws and loopholes which the charts exposed.

It was upon my motion that hearings were suspended and that the Department was requested to rewrite the bill. As evidence that this opinion was shared by other Committee members I quote a statement by Senator Harris, of Oklahoma, on April 30, 1970. He was directing his remarks to Secretary Finch.

"With all due respect, gentlemen, I believe this is the most ill-prepared presentation that I have seen since I have been in the Congress of the United States. I am really amazed that some of these very simple questions do not get a very quick and easy response—such things as just asked a minute ago about medicaid, and the questions I asked yesterday about the day-care costs. It seems to me that those are things which ought to have been easily available, because they ought to have been thought out in advance when you put this plan together."

The Department of Health, Education, and Welfare returned this bill to the Finance Committee in five installments beginning on June 11, and the final amended version of H.R. 16311 was delivered to the Finance Committee on June 23, 1970. A couple of days prior thereto we were advised that Secretary Finch had resigned and that a new Secretary of Labor was to be appointed. This delayed the Committee hearings since the Department wanted the new Secretary, Mr. Richardson, who was confirmed on June 11, to have an opportunity to familiarize himself with the bill.

In a schedule approved by the Secretary of Health, Education, and Welfare, Mr. Richardson, hearings were resumed on July 21. Then they were adjourned on Thursday, July 23, at the request of Secretary Richardson in the midst of his testimony in order that he could take a week-end trip west with the Presidential party.

Hearings were resumed by the Finance Committee on Tuesday, July 23. At this point I ask unanimous consent that there appear in the Record the charts showing how payments would be made in the same four states under amended version of H.R. 16311.

INSERTION V.—*Benefits Potentially Available to Four Person Female-Headed Families*

These tables were prepared, pursuant to a request by Senator John Williams to show the cash and housing benefits potentially available under H.R. 16311 as revised by the Administration in June, but including current law food and Medicaid programs instead of the Administration's June 11 revisions of these programs.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
July 22, 1970.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN PHOENIX, ARIZ.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act [1]	Total net money and in kind
0	$1,600	$608	$2,208	----------	$690	[2]	$2,898	$1,118	$4,016
$720	1,600	608	2,928	$37	480	[2]	3,371	974	4,345
$1,000	1,460	613	3,073	52	408	[2]	3,429	945	4,374
$2,000	960	653	3,613	104	360	[2]	3,869	837	4,706
$3,000	460	694	4,154	156	312	[2]	4,310	711	5,021
$4,000	----------	707	4,707	246	288	[2]	4,749	573	5,322
$5,000	----------	313	5,313	457	288	[2]	5,144	422	5,566
$6,000	----------	----------	6,000	689	----------	[2]	5,311	250	5,561
$7,000	----------	----------	7,000	944	----------	[2]	6,056	----------	6,056

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN WILMINGTON, DEL.

0	$1,600	$188	$1,788	----------	$828	$437	$3,053	$722	$3,775
$720	1,600	188	2,508	$37	624	437	3,532	578	4,110
$1,000	1,460	328	2,788	52	552	437	3,725	522	4,247
$2,000	960	828	3,788	104	360	437	4,481	322	4,803
$3,000	460	852	4,312	156	312	437	4,905	192	5,097
$4,000	----------	664	4,664	249	288	437	5,140	104	5,244
$5,000	----------	93	5,093	460	288	437	5,358	----------	5,358
$6,000	----------	----------	6,000	699	----------	----------	5,301	----------	5,301

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN CHICAGO, ILL.

0	$1,600	$1,556	$3,156	----------	$408	$790	$4,354	$1,349	$5,703
$720	1,600	1,556	3,876	$37	312	790	4,941	1,201	6,142
$1,000	1,460	1,509	3,969	52	312	790	5,019	1,178	6,197
$2,000	960	1,342	4,302	104	312	790	5,300	1,095	6,395
$3,000	460	1,175	4,635	156	288	790	5,557	1,011	6,568
$4,000	----------	987	4,987	236	288	790	5,829	923	6,752
$5,000	----------	416	5,416	443	288	790	6,051	816	6,867
$6,000	----------	----------	6,000	669	----------	----------	5,331	670	6,001
$7,000	----------	----------	7,000	912	----------	----------	6,088	420	6,508
$8,000	----------	----------	8,000	1,134	----------	----------	6,866	170	7,036
$9,000	----------	----------	9,000	1,369	----------	----------	7,631	----------	7,631

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN NEW YORK, N.Y.

0	$1,600	$2,156	$3,756	----------	$312	$1,153	$5,221	$989	$6,210
$720	1,600	2,156	4,476	$37	288	1,153	5,880	811	6,691
$1,000	1,460	2,109	4,569	52	288	1,153	5,958	788	6,746
$2,000	960	1,942	4,902	104	288	1,153	6,239	705	6,944
$3,000	460	1,775	5,235	156	288	1,153	6,520	621	7,141
$4,000	----------	1,587	5,587	237	288	1,153	6,791	533	7,324
$5,000	----------	1,016	6,016	460	288	1,153	6,997	426	7,423
$6,000	----------	459	6,459	703	288	1,153	7,197	315	7,512
$7,000	----------	----------	7,000	971	----------	----------	6,029	180	6,209
$3,000	----------	----------	8,000	1,219	----------	----------	6,781	----------	6,781

[1] Assumes 2-bedroom unit. (Includes public housing which will be available to only 6 percent of family assistance families nationwide.)

[2] No medicaid program.

Secretary Hodgson, Department of Labor, began his testimony on this bill on August 4, and once again upon his request committee hearings were suspended until Thursday, August 13, in order that the Secretary could attend the Governor's Conference.

I outline this chronology in order to illustrate that the Administration must accept some responsibility for the confusion and delay on this bill.

In the first place, had the bill been properly analyzed and prepared by the Department before presenting it to the Congress this confused situation would not have developed.

The plain fact is that while the Administration in its press releases outlined a meritorious goal toward reforming the welfare system, the actual bill they presented to Congress failed miserably in achieving that objective.

One major argument in support of the Family Assistance Plan as presented to the House Ways and Means Committee was the alleged favorable results of an experiment on guaranteed annual income which had been conducted in New Jersey by the Office of Economic Opportunity.

The Ways and Means Committee relied heavily upon this testimony; I quote from the committee report:

"We believe that these preliminary data suggest that fears that a Family Assistance Program could result in extreme, unusual, or unanticipated responses are unfounded.

"Furthermore, we believe these preliminary data from the New Jersey project indicate that a Family Assistance Program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments."

Later in testimony before the Senate Finance Committee Secretary Finch, Secretary Richardson, and Secretary Hodgson all referred to the alleged successful results of the guaranteed annual income experiment in the New Jersey area as a basis for their confidence that the Administration's Family Assistance Plan would work.

But the Finance Committee received information which indicated that the results of the New Jersey experiment were quite the contrary and requested the General Account-

ing Office to examine the results of this project and report to our Committee.

On August 18, 1970, the General Accounting Office testifying before our Committee emphatically stated that the results of the New Jersey experiment showed that it had been a dismal failure. In effect the G.A.O. charged the agency with manipulating the statistics in order to arrive at a preconceived favorable conclusion.

I quote an excerpt from the General Accounting Office report, a complete copy of which was made in part of the Committee records:

"We believe it is premature to conclude generally that, 'There is no evidence that work effort declined among those receiving income payments.' The data reflected in the OEO report represents less than a years activity. Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusions as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading.

"We believe it is wrong to conclude that, 'On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments.' The only evidence we find in the OEO report to support this statement is Chart IV on page 11. We believe there are defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it."

At this point I insert the complete General Accounting Office report dated June 1970.

PRELIMINARY COMMENTS ON THE NEW JERSEY GRADUATED WORK INCENTIVE EXPERIENCE

(Prepared by the staff of the U.S. General Accounting Office, June 1970)

SUMMARY

This paper deals with work performed by GAO in connection with OEO's New Jersey Graduated Work Incentive Experiment, and more specifically, with a report issued by OEO in February 1970, describing the results of that experiment. Our review was limited by constraints on our access to the full data base accumulated during the experiment.

We believe that a number of important qualifications which are omitted from the OEO report are necessary to a proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the completeness of the presentation of the data in that report.

We believe our findings raise serious questions as to the appropriateness of the conclusions drawn in the OEO report. Our own overall conclusions are found on page 16 of this paper.

BACKGROUND AND SCOPE OF THE GAO WORK

The Office of Economic Opportunity (OEO) initiated the New Jersey Graduated Work Incentive Experiment in 1968. The experiment, which is scheduled to be completed in 1972, is being conducted by a contractor (Institute for Research on Poverty, Madison, Wisconsin) and a sub-contractor (Mathematica, Princeton, New Jersey).

On February 18, 1970, OEO issued a 26 page report describing preliminary results of the experiment. The report emphasized questions of work effort behavior and income patterns of families included in the experiment, and suggested that certain conclusions might be drawn from the preliminary data being reported.

The material we are presenting in this paper for the information of the Committee is addressed to the content of the OEO report and the data supporting it. More specifically, we centered our inquiry on those parts of the report concerning the income and work effort and characteristics of the families included in the experiment. We have not yet inquired into those parts of the report concerning spending behavior, family stability, and administrative costs.

After preliminary contacts with OEO and OEO's contractors, we began work on April 13, 1970 at the offices of Mathematica, where most of the material supporting the OEO report is maintained. Our work proceeded with some difficulty because of objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental. In the interest of expediting our work and as an accommodation to the concerns expressed by OEO and OEO's contractors relative to the unique character of the experiment, we have proceeded to date to carry on our work under the following constraints: We agreed not to insist on access to the complete data base accumulated during the experiment, and we agreed to test certain of the data presented in the report by means of a sampling procedure which we devised.

These constraints clearly limit our ability to report more fully to the Congress on the status of the experiment. While our access was adequate to permit us to prepare the charts in our Appendix II and to make the other observations on the OEO report which are contained in this paper, our ability to provide additional information and explanations would be severely limited unless complete access were to be allowed by OEO and the contractors.

INTRODUCTION

Page 2 ("Introduction") of the OEO report stated:

"The New Jersey data now available were gathered from August, 1968, through October, 1969, in Trenton, Paterson, and Passaic from 509 of the 1,359 participating families. They are based on the experiences of 364 families receiving various levels of support payments and a control group of 145 families not receiving payments. The control group is used for purposes of comparison with the experimental group, since their characteristics at the beginning of the experiment were similar to those of the experimental group. We can therefore tell whether the payments have had any effect at the end of the experiment by looking at any differences between the two groups."

We are bringing to the attention of the Committee a number of facts not stated in the OEO report which we believe bear on the usefulness of the OEO report and which relate to the data described in the paragraph quoted above. Some of these facts we believe quite seriously affect the conclusions which, according to OEO, are suggested by the data. Other of these facts are of lesser importance but do relate to matters of accuracy and understanding of the report.

CHARACTERISTICS OF FAMILIES IN THE EXPERIMENT

Pages 6 and 7 of the OEO report describe ". . . the characteristics of the families in the experimental group at the beginning of the project."

We believe that the reader of the report should be made aware—and the OEO report fails to point out—that these data on family characteristics do *not* relate to the 509 families from whose experience the income data described later in the report were drawn. The data relate, instead, to the larger group of 1,359 families, which include those from Jersey City, New Jersey, and Scranton, Pennsylvania, as well as those from Trenton, Paterson, and Passaic, New Jersey.

The importance of this distinction is that some of the characteristics of the larger and the smaller groupings are different—for example, ethnic composition. When all five cities are included, the ethnic composition is correctly described on page 6 of the OEO report, as follows:

"About 36 percent of the families were white, another 36 percent were black, and the remainder were principally Spanish-speaking Puerto Ricans."

However, other data in the OEO report (e.g., work effort) were not obtained from the five cities, but only from three of them: Trenton, Paterson, and Passaic. The ethnic composition of the 509 families from whom data were drawn in these three cities was about 13 percent white, 45 percent black, and 42 percent Spanish-speaking Puerto-Rican.

We make this point as a matter of accuracy since we believe that pages 6 and 7 of the OEO report are somewhat misleading insofar as the rest of the OEO report is concerned. In order to clarify the actual characteristics of the 509 families on whom the OEO report was based, we asked OEO's contractor to prepare the descriptive material which we are including as Appendix I for the information of the Committee.

WORK EFFORT BEHAVIOR

On pages 10 and 11, the OEO report briefly describes work effort behavior and provides a chart comparing the earnings of the experimental and control groups. The contents of these two pages from the OEO report are reproduced below:

ACTUAL WORK EFFORT BEHAVIOR

"Chart IV indicates actual work effort on the part of the participants. On the basis of these data, we can say that work effort did not decline for the group analyzed, but rather that it followed a pattern close to Line B on Chart III. There is, in fact, a slight indication that the participants' overall work effort actually increased during the initial test period."

(GAO note: Chart III is attached as our Appendix III.)

CHART IV.—ACTUAL WORK EFFORT BEHAVIOR

[In percent]

	Control	Experimental
Percent of families whose—		
Earnings increased	43	53
Earnings did not change	26	18
Earnings declined	31	29

We believe that readers of Chart IV should be aware of several facts concerning it which are not made explicit in the OEO report:

(1) The chart is based on only 318 of the 509 families participating in the experiment in the cities of Trenton, Paterson, and Passaic. The data on 191 of the families (37 percent of the families) was not used by OEO's contractor in preparing Chart IV because of the problems in the interviews and coding of the data.

Based on generally accepted statistical standards we believe that conclusions are made highly questionable if drawn from data in which this large an attrition has occurred.

(2) The basis used by OEO's contractor for determining whether a family's earnings changed was a comparison of weekly earnings. A family's earnings for the week preceding an interview conducted ten to twelve months after the pre-enrollment interview. Approximately twenty percent, or greater, change in the weekly earnings between the two periods was the criterion used to determine whether the family's earnings would be considered to have increased, to have decreased, or not to have changed.

The two weekly periods used in making the comparison for the Trenton families differed from the two weekly periods used for the Paterson and Passaic families. For the Trenton families, earnings for a week in August 1968 were compared with earnings for a week in August 1969.

For the Paterson and Passaic families, earnings for a week in November or December 1968 or in January 1969 were compared with earnings for a week in either November or December 1969.

We believe that combining the data from the two different periods into Chart IV represents a violation of good statistical practice and precludes the application to Chart IV of appropriate tests of statistical significance. In summary, we believe that any conclusions drawn on the basis of Chart IV are highly questionable based on the data from which the chart was constructed.

INCOME PATTERNS OF THE EXPERIMENTAL GROUP

Page 12 of the OEO report describes income patterns of the experimental group and page 13 of the report contains Chart V showing the average monthly income of experimental families over 10 consecutive four-week periods, extending from December 28, 1968 through October 3, 1969. The time period covered by the chart was not identified in the report.

We believe readers of Chart V should be aware of several other facts concerning it which are not made explicit in the OEO report:

(1) Chart V reflects the income experience only of families in Paterson and Passaic, New Jersey. The income experience of families in Trenton, New Jersey—the city longest in the experiment—is not shown.

(2) The income data for the first month ($340 on Chart V) was obtained in a different manner than the income data for the subsequent 9 months. The first month's income data was obtained by interview (from the stated recollection of the interviewees) and was not supported by income statements, and payroll stubs, as was the data for subsequent months after families had been enrolled. We have no evidence that the manner in which the first month's income data was obtained reflects any upward or downward bias, but we do believe that readers of the chart should be aware of this difference in derivation of the data.

(3) Chart V was based on data from income statements submitted every four weeks by families in the experimental group. Similar data was not collected from families in the control group, and so it is not possible for OEO's contractor to directly relate the monthly experience of the control group families to the monthly experience of the experimental group families.

We believe that, in general, this seriously diminishes the utility of the control group as a means of isolating the effects of the experiment. With respect to Chart V, we believe that the absence of comparable data from the control group makes extremely difficult and tenuous any attempt to draw conclusions from it relative to *the effects of the experiment* on the income patterns of the families reflected in it. That is, Chart V should be read as reflecting not only the effects of the experiment but such factors as changing economic conditions as well, e.g., changes in the prevailing wage scales.

(4) As stated above, the OEO contractor had accumulated data from income statements submitted by the families in the experimental group every four weeks. This data was accumulated by city (Trenton, Paterson, and Passaic) and by the level of income the families stated they were earning when they entered the program. These latter, termed "income strata" by the contractor, reflected three levels:

Families whose stated incomes were within the defined poverty standard at the time they were enrolled in the experiment. These were identified as Stratum I.

Families whose stated incomes were up to 25 percent above the defined poverty standard. These were identified as Stratum II.

Families whose incomes fell between 25 and 50 percent above the defined poverty standard. These were identified as Stratum III.

Most of the families enrolled in the experiment fell into Strata II and III, i.e., those whose stated pre-enrollment incomes placed them above the defined poverty standard.

While we would caution that data such as that shown in Chart V is inconclusive, we believe that to the extent that the Committee chooses to consider it, the Committee would benefit by having the data accumulated by the contractor presented more comprehensively, and with further refinement, than was presented in the OEO report. For this reason we have prepared, and are furnishing as Appendix II the following charts:

A corrected Chart V. Chart V, as published by OEO, contains a number of minor arithmetic errors in its construction. The errors were not serious and are shown in our Appendix II, page 20 along with the corrected chart prepared by us. This chart combines Strata I, II, and III families.

Charts depicting for the Paterson-Passaic families the average family income over the 12 consecutive four-week periods from December 28, 1969, through November 28, 1969 for each of the three income strata (See Appendix II, pages 21, 22, and 23). Data has not as yet been made available to us to extend these charts into 1970.

Charts depicting average family income for the Trenton families over 21 consecutive four-week periods extending from August 3, 1968, through March 13, 1970. This data is presented for all Trenton experimental families (Appendix II, page 24) and by income strata (Appendix II, pages 25, 26, and 27).

THE DIFFERENT PAYMENT PLANS

The allocation of the families in the experiment among the various income maintenance plans being studied in the experiment is not addressed in the OEO report. We believe a brief discussion of this allocation is useful in understanding the data being accumulated and reported by OEO and OEO's contractors.

The 1,359 families in the full experiment and the 509 families in the three cities on which the OEO report is based are distributed among 8 different income guarantee plans and to a control group. The variations among the 8 plans are the result of combinations of the two specific factors: the "guarantee" and the "benefit reduction rate."

The guarantee is the amount of money a family will receive if they have no other income. The guarantee is expressed as a percentage of the poverty level, which varies according to family size. The guarantees in this experiment are 50 percent, 75 percent, 100 percent, and 125 percent.

The benefit reduction rate is the rate (percentage) of income earned by which the benefits are reduced. For example, if the benefit reduction rate is 30 percent, the benefits will be reduced by 30 cents for each dollar of earned income.

The control group is made up of a similar mixture of families which receive no benefits under the plan other than small fees for cooperating in the periodic interviews and reporting changes of address. These fees have been adjusted to increase the incentive to co-operate. We have not as yet, reviewed these payments but we understand that a family may receive from ten to twenty dollars per month depending upon the information required of them in the month.

As stated in the OEO report, 364 of the 509 families in Trenton, Paterson and Passaic were assigned to plans under which they were guaranteed a certain income. The eight plans and the number of families assigned to each plan are as follows:

ALLOCATION OF FAMILIES TO PLANS

Plan	Percentage guarantee	Benefit reduction rate	Number of families, preenrollment family income (expressed as percentage of poverty level) Stratum I (0–100)	Stratum II (101–125)	Stratum III (126–150)	Total
Paterson-Passaic:						
A	50	30	0	0	10	10
B	50	50	23	21	0	43
C	75	30	19	0	17	36
D	75	50	0	10	34	44
E	75	70	7	28	1	36
F	100	50	17	7	9	33
G	100	70	6	6	31	43
H	125	50	9	8	14	31
Subtotal			81	80	116	277
Trenton:						
A	50	30	5	5	3	13
B	50	50		5	6	14
C	75	30	6	4	3	13
D	75	50	5	7	1	13
E	75	70	4	4	1	9
F	100	50	6	2	6	14
G	100	70	4	4	3	11
H	125	50	0	0	0	0
Subtotal			33	31	23	87
Total			114	111	139	364

The following is an example of how the experiment works. A family of four assigned to Plan B, which most closely approximates the Family Assistance Plan, is guaranteed an income of $1,741. If the family's other income for the year is $1,000, the benefit received from the experiment will be reduced 50 percent of that amount. The family's total income would be:

Other income	$1,000
Income from experiment guarantee	1,741
Less 50 percent of $1,000	500
Subtotal	1,241
Total	2,241

The data drawn from the 364 experimental families and 145 control families (total of 509) was presented in the OEO report in an aggregated way without reference to the operation of the 8 different plans within the experiment. The experiment was deliberately designed to provide data which presumably would be sensitive to the varying effects of these plans. Such conclusions as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. For this reason, we would caution readers of the OEO report that the aggregated data reported is not necessarily representative of the operation or effects of any particular income maintenance plan.

CONCLUSIONS

On page 3, the OEO report concludes the following from the preliminary data obtained in the three cities:

"The data suggest that:

"There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indi-

cation that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments."

We believe it is premature to conclude generally that, "There is no evidence that work effort declined among those receiving income payments." The data reflected in the OEO report represents less than a year's activity. Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusions as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading.

We believe it is wront to conclude that, "On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments." The only evidence we find in the OEO report to support this statement is Chart IV on page 11. We believe there are defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it.

CHARACTERISTICS OF FAMILIES IN EXPERIMENT, TRENTON, PATERSON, AND PASSAIC

	Experimental families	Control families
Sample size:		
Trenton	87	39
Paterson/Passaic	276	107
Total (509)	363	146
Average age of family head (years)	34.4	34
Average family size:		
3 cities combined	5.9	5.5
Trenton	6.1	6.1
Paterson/Passaic	5.9	5.3
Education of family head:		
Average number of years of schooling:		
3 cities combined	8.0	7.5
Trenton	8.3	8.2
Paterson/Passaic	7.9	7.2
Percentage of high school graduates:		
3 cities combined	12.9	11.7
Trenton	12.8	17.9
Paterson/Passaic	12.9	9.4

	Experimental families		Control families	
	Number	Percent	Number	Percent
Race:				
3 cities combined:				
Black	160	44.7	67	47.5
White	47	13.1	17	12.1
Spanish	151	42.2	57	40.4
Total	358	100.0	141	100.0
No response	5		5	
Trenton:				
Black	53	60.9	27	73.0
White	16	18.4	7	18.9
Spanish	18	20.7	3	8.1
Total	87	100.0	37	100.0
No response	0		2	
Paterson/Passaic:				
Black	107	39.5	40	38.5
White	31	11.4	10	9.6
Spanish	133	49.1	54	51.9
Total	271	100.0	104	100.0
No response	5		3	

	Experimental families	Control families
Family earnings in year before enrollment:		
3 cities combined	$4,001	$4,008
Trenton	3,860	3,798
Paterson/Passaic	4,043	4,085

	Experimental families		Control families	
	Number	Percent	Number	Percent
Occupational status:				
3 cities combined:				
Skilled[1]	220	63.0	93	64.6
Unskilled[2]	129	37.0	51	35.4
Total	349	100.0	144	100.0
No response	14		2	
Trenton:				
Skilled[1]	41	47.1	22	56.4
Unskilled[2]	46	52.9	17	43.6
Total	87	100.0	39	100.0
Paterson/Passaic:				
Skilled[1]	179	68.3	71	67.6
Unskilled[2]	83	31.7	34	32.4
Total	262	100.0	105	100.0
No response	14		2	

[1] Includes professional, technical, managerial, and clerical workers, salesmen, foremen, and operatives.
[2] Includes persons employed in private households, in the service industries, and laborers.

Source: Prepared by Mathematica at GAO's request. This data was not verified by GAO.

	Experimental families	Control families
Employed at time of enrollment (percent):		
3 cities combined	89.3	93.7
Trenton	82.6	82.1
Paterson/Passaic	91.6	98.1

Dr. Harold W. Watts, who originally designed the New Jersey project, stated in a May 1969 paper read before the American Economic Foundation that any reliable results of this New Jersey experiment would not be available until the project had run at least two years.

As evidence that the so-called favorable report of the New Jersey guaranteed annual income experiment was a political analysis rather than a factual one I quote from an article by Fred J. Cook which appeared in the New York Times Magazine of April 24, 1970. The Dr. Wilson referred to in this article was the agency representative who gave the favorable testimony to the Congressional Committee.

". . . O.E.O. started making payments in the Trenton area in August 1968. The experiment was to run for three years. In August 1971, the data would be compiled and assessed. But unforeseen political events disrupted this neat schedule.

"President Nixon, to the amazement of most of Capitol Hill, proposed his income-maintenance plan. The Nixon program is similar to the one being tested by O.E.O. but includes a couple of extra features—a provision for childcare centers so that the mothers of young children could work, and a job-training plan so that any head of family receiving assistance could upgrade his talents and get a better job.

"The Nixon proposal went into deep freeze in the conservatively controlled House Ways and Means Committee, and early this year committee sources began complaining that the President's plan would encourage shiftless recipients to live a life of leisure on the dole. The income-maintenance idea seemed to be in trouble, and the White House—through its intellectual in residence, Daniel Patrick Moynihan—sought to counter the objections. They turned to Wilson for ammunition.

" 'I sat down to write a report,' Wilson recalls with a rueful grin, 'and I took it to Pat Moynihan. Pat jumped all over me. He stomped around the room, waving his arms, that Irish temper of his flaring. "Wilson," he said, "you mean to tell me that you've had a $5-million experiment running in New Jersey for almost two years now and you don't know what you've got?"

" 'I tried to explain that you had to let the experiment run its course before you could evaluate your data. "Wilson," Pat snorted, "the fact is that you haven't got any answers. Why don't you have answers? That's the trouble with you economists—you never have any facts until it is too late."

" 'He got so mad that I said, "Dam it, I'll get some answers." ' "

The projected cost of the Family Assistance Program as presented to the House Ways and Means Committee is admittedly unrealistic. In the committee report on H.R. 16311 the Administration projects the cost of the new F.A.P. program at $8.2 billion annually. This compares with the 1970 costs of welfare payments under present law of $4.5 billion. The amended version as submitted to the Finance Committee on June 23 projects the cost of H.R. 16311 at $9.1 billion, or an increase of $900 million over the House bill.

Following questions raised by Senator Byrd of Virginia during committee hearings H.E.W. furnished an amended report to the Committee confirming that some of the costs had been overlooked in the previous estimate and that the new projected cost was $10.8 billion. This is a 25 per cent increase over the estimate of the cost of the program as presented to the House just a few months ago.

At this point I insert a letter dated August 1, signed by Secretary Richardson, and addresesd to Senator Byrd of Virginia, wherein he confirms the $10.8 billion projected cost for the amended version of H.R. 16311 in fiscal 1971.

AUGUST 1, 1970.

Hon. HARRY F. BYRD, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: During the recent hearings before the Senate Committee on Finance, you requested that the Department submit a reconciliation of previous and current estimates of the costs of the Family Assistance Plan. We appreciate an opportunity to clarify this very important matter for you and your colleagues; the reconciliation of costs is attached.

Your questions during the recent hearings contributed significantly to the discussion and I look forward to working with you and your colleagues as you write legislation to reform the current welfare system.

If you desire any additional materials, please do not hesitate to call upon me.

Sincerely,

ELLIOTT L. RICHARDSON,
Secretary.

RECONCILIATION OF PREVIOUS AND CURRENT ESTIMATES OF THE NET COSTS OF THE FAMILY ASSISTANCE PLAN

Federal costs of H.R. 16311, with the revisions suggested by the Administration, are estimated to be $4.1 billion in excess of what the FY 1971 cost would be under existing legislation.[1] This represents an increase of $400 million over the net costs of the House-passed version. The increase results chiefly from the proposal to provide for joint administration of the food stamp program with the Family Assistance Plan. (A much higher degree of utilization can be expected if recipients can purchase food stamps from and through the same process as they obtain cash assistance.) Costs under H.R. 16311 as amended, and under current law are compared in the attached table.

These estimates are not directly comparable to earlier ones, especially those that have been presented for Fiscal Year 1968. When *net* costs are presented, those for different years reflect different actual (or estimated) costs under existing legislation as well as

[1] Most of the cost estimates are provided for FY 1971 rather than FY 1972, so that consistent estimates of the impact on State costs and caseloads can be presented. The State-by-State figures require projections of current program costs and caseloads from the individual States to serve as benchmarks. These projections are presently available only for FY 1971.

differences in what total Federal costs would be under the Family Assistance legislation. Federal costs under current legislation have shown a marked increase over the last few years and are projected to continue increasing. In contrast, costs under Family Assistance are estimated to have a much slower rate of increase. The combined effect is a decline over time in the estimated *net* costs of Family Assistance.

There are three additional reasons why the estimates recently submitted to the Senate Finance Committee should not be compared directly to estimates published earlier: 1) Components of the proposed Family Assistance Act have varied as it has moved through the legislative process; 2) Estimating procedures are continually being updated and improved; and 3) Estimates of the costs of welfare under present legislation have been increasing with more current reports from the States.

All of these factors are relevant in reconciling the differences between estimates appearing in the House Report and those recently presented to the Senate Finance Committee. For example, the following table compares two estimates of payments to families.

COMPARISON OF 2 ESTIMATES OF FISCAL YEAR 1971 COSTS OF PAYMENTS TO FAMILIES

[Dollars in billions]

	Estimates appearing in—		
	Senate committee print	House report	Difference
Gross payments to families [1]	$4.1	$3.8	$0.3
Adjustment for increasing unemployment	.1		—.1
Subtotal	4.2	3.8	.4
30 percent matching of state supplemental	.8	.8	
Total Federal cost of payments to families	5.0	4.6	.4
Federal share of AFDC payments	—2.8	—2.5	—.3
Costs of payments to families attributable to H.R. 16311	2.2	2.1	.1

[1] Gross payments are total payments to low income families under pt. D.

The estimate of the *total* cost of payments to families increased by $400 million. This increase can be attributed to the use of more current data and improved estimating procedures as described in pages 17 through 22 of the Senate Committee Print as well as certain proposed changes in the legislation although the latter are less significant in explaining cost differences. (In fact, a good part of the increase derives from the adjustment in the CPS data that is described on page 22.) The striking thing about the table, however is that the estimated *net* cost is virtually the same. This is because the projection of Federal costs of AFDC payments in FY 1971 has increased in the last months. Both the projection appearing in the House Report and its counterpart in the Senate Committee Print were taken from what were then the latest available estimates from the States.

As presently computed, estimates of gross payments to families are in no way tied to projections of AFDC and do not change as the latter are updated. In contrast, the estimated Federal share of adult category costs with the Administration's proposals do change as projections of the current program are revised. In the adult category, then, a change in the estimated *net* cost due to the Administration's proposal was more offset by applying it to a more recent—and higher—estimate of costs under current law. This is shown below.

COMPARISON OF TWO ESTIMATES OF 1971 COSTS OF PAYMENTS IN ADULT CATEGORIES

[Dollars in billions]

	Estimates appearing in		
	Senate committee print	House report	Difference
Additional cost due to proposed changes	$0.6	$0.7	—$0.1
Estimated cost under current law	2.2	2.0	.2
Total cost	2.8	2.7	.1

One objective of the preceding discussion has been to demonstrate that changes in estimating procedures, conversions to more current data, and the use of updated projections interact in different ways in determining the estimated net costs of H.R. 16311. But beyond this, and as indicated earlier, there have been changes in the proposed legislation which can also affect cost. Such changes can cancel each other out in terms of their cost impact. For example, H.R. 16311, as passed by the House, differs in several important ways from the Administration's original proposal, but the costs remained the same.[1] This is illustrated below.

[1] Page 43 of the House report contains a discussion of these changes.

NET COST COMPARISON: INITIAL ADMINISTRATION PROPOSALS VERSUS H.R. 16311

[Dollar amounts in billions]

	Estimated 1968 costs of—		
	Initial administration proposal	H.R. 16311	Difference
Payments to families	$3.0	$2.6	—$0.4
Payments to States	.1	.4	.3
Increased costs of adult categories	.4	.5	.1
Training and day care	.6	.6	
Administration	.3	.3	
Total	4.4	4.4	

Other than its proposals regarding food stamps, the revisions in H.R. 16311 suggested by the Administration are far less significant than the kind of change that produces the different figures shown above. Also, the proposed revisions interact with one another so that their combined impact on costs is not simply the algebraic sum to their individual impacts taken one at a time. Still further, the changes were generally incorporated into the estimating procedures as these were being revised and up-dated. For these two reasons, it is not easily possible to quantify the precise extent to which the proposed revisions alone explain the differences in cost estimates.

The difference in estimated costs of H.R. 16311 between those that appeared in the House Report and those that are presently before the Senate Finance Committee have understandably caused confusion. The preceding discussion has attempted to show that no factor can alone explain the differences. A number and variety of factors must be considered including changes in data, improved estimating procedures, and more current projections of current program costs, as well as changes in the proposed legislation. Only the most thorough and time consuming analysis could fully attribute the exact impact on the cost estimates to each single factor.

Much has been said about this program as being one which would provide $1600 cash benefits to a family of four with proper cash work incentives, but under the Administration's bill this $1600 is but the beginning and represents only that portion of the welfare benefits which are 100 percent federally financed.

It does not take into consideration the state supplements which are automatically triggered in and become mandatory and upon which states will pay 70 per cent of the cost. Nor does it include the food stamps, public housing, rent supplements or free medical services which are triggered in with the other welfare payments. For example, let us examine the chart for New York on page 44507.

COMPARISON OF COSTS OF MAINTENANCE PAYMENTS, RELATED SUPPORT ACTIVITIES, AND FOOD STAMPS UNDER CURRENT LAW AND ADMINISTRATION PROPOSALS

[In billions of dollars]

	Fiscal year 1971			Fiscal year 1972		
	Current law	H.R. 16311 as amended	Difference	Current law	H.R. 16311 as amended	Difference
Maintenance payments:						
Payments to families:						
Direct payments	(1)	$4.2		(1)	$4.1	
Payments to States	(1)	.8		(1)	.9	
Subtotal	$2.8	5.0	$2.2	$3.2	5.0	$1.8
Payment in adult categories	2.2	2.8	.6	2.4	3.0	.6
Savings clause	(1)			(1)	.1	.1
Total, maintenance payments	5.0	7.8	2.8	5.6	8.1	2.5
Related support activities:						
Administration	.3	.6	.3	.3	.6	.3
Training	.1	.3	.2	.1	.3	.2
Child care	.1	.5	.4	.1	.5	.4
Total, related support activities	.5	1.4	.9	.5	1.4	.9
Total, maintenance payment and support activities	5.5	9.2	3.7	6.1	9.5	3.4
Food stamps	1.2	1.6	.4	1.9	2.3	.4
Grand total	6.7	10.8	4.1	8.0	11.8	3.8

[1] Not applicable.

Note: Food stamp costs for both current law and H.R. 16311 assume enactment of the administration's proposed food stamp legislation. Additionally, since the fiscal year 1972 President's budget has not been prepared, estimates for training and child care are based on a level cost assumption.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN NEW YORK, N.Y.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act	Total net money and in kind
0	$1,600	$2,156	$3,756	----------	$312	$1,153	$5,221	$989	$6,210
$720	1,600	2,156	4,476	$37	288	1,153	5,880	811	6,691
$1,000	1,460	2,109	4,569	52	288	1,153	5,958	788	6,746
$2,000	960	1,942	4,902	104	288	1,153	6,239	705	6,944
$3,000	460	1,775	5,235	156	288	1,153	6,520	621	7,141
$4,000		1,587	5,587	237	288	1,153	6,791	533	7,324
$5,000		1,016	6,016	460	288	1,153	6,997	426	7,423
$6,000		459	6,459	703	288	1,153	7,197	315	7,512
$7,000			7,000	971	----------	----------	6,029	180	6,209
$8,000			8,000	1,219	----------	----------	6,781	----------	6,781

Under H.R. 16311 as amended a female-headed family of four in New York will receive not just the $1600 referred to but an additional state supplement of $2156 in cash, which makes total cash receipts (nontaxable) of $3756. In addition she will receive a $312 food stamp bonus (nontaxable), $989 in rent supplements or free rent (nontaxable), and free medical benefits for her entire family, which, based on past experience of Medicaid, has been costing $1153 annually per family.

Thus altogether this family of four in New York City with no work and no earned income will be receiving a total of net cash and payments in kind of $6210. Yet if this same head of the family takes training and works, earning $7000 per year her total income after taxes, money and in kind, is only $6209, or $1.00 less than when she was on welfare with no income.

On the other hand, if this same individual increases her earnings to $8000 she will have a total of $6781 after taxes. But suppose instead of working harder and earning $8000 she drops her earnings back to $6000; her total income is then $7512 after taxes, including cash and welfare payments.

Thus, with an earned income of $6000 she has a total income of cash and in kind of $7512 while at $7000 salary her income drops to $6209 or $1.00 less than her welfare payments with no work and no earned income.

Yet this bill was labeled as a work incentive program when in reality there is a cash government subsidy paid not to work. The same discrepancy on work disincentive exists in every state examined.

For example, let us examine the results in Illinois.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN CHICAGO, ILL.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act [1]	Total net money and in kind
0	$1,600	$1,556	$3,156	----------	$408	$790	$4,354	$1,349	$5,703
$720	1,600	1,556	3,876	$37	312	790	4,941	1,201	6,142
$1,000	1,460	1,509	3,969	52	312	790	5,019	1,178	6,197
$2,000	960	1,342	4,302	104	312	790	5,300	1,095	6,395
$3,000	460	1,175	4,635	156	288	790	5,557	1,011	6,568
$4,000		987	4,987	236	288	790	5,829	923	6,752
$5,000		416	5,416	443	288	790	6,051	816	6,867
$6,000			6,000	669	----------	----------	5,331	670	6,001
$7,000			7,000	912	----------	----------	6,088	420	6,508
$8,000			8,000	1,134	----------	----------	6,866	170	7,036
$9,000			9,000	1,369	----------	----------	7,631	----------	7,631

[1] Assumes 2-bedroom units. (Includes public housing which will be available to only 6 percent of family assistance families nationwide.)

In Illinois a person with a family of four earning $6000, after taxes will have, including his rent supplement, etc., an expendable income of $6001, or just $298 more than she would have if she did not work at all.

If she reduces her earning capacity from $6000 to $5000 she can increase her income by $866, or to $6867, whereas if she works harder and increases her income from $6000 to $7000 she would only have $6508.

In other words, a person earning $6000 in Chicago, Illinois, will have $141 less at the end of the year than would that person if she only earned $720 and $866 less than the person who earns $5000.

This $6000 wage earner in Chicago would have $751 less than the person earning $4000, etc.

How can anyone call this bill a work incentive program?

How can this be labeled as a reform of our welfare system?

Now let us examine the welfare payments under this bill for Delaware.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN WILMINGTON, DEL.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act [1]	Total net money and in kind
0	$1,600	$188	$1,788	----------	$828	$437	$3,053	$722	$3,775
$720	1,600	188	2,508	$37	624	437	3,532	578	4,110
$1,000	1,460	328	2,788	52	552	437	3,725	522	4,247
$2,000	960	828	3,788	104	360	437	4,481	322	4,803
$3,000	460	852	4,312	156	312	437	4,905	192	5,097
$4,000		664	4,664	249	288	437	5,140	104	5,244
$5,000		93	5,093	460	288	437	5,358	----------	5,358
$6,000			6,000	699	----------	----------	5,301	----------	5,301

[1] Assumes 2-bedroom unit. (Includes public housing which will be available to only 6 percent of family assistance families nationwide.)

Analysis of H.R. 16311 as Passed by the House

In Delaware a four-person female-headed family with no earned income is eligible to receive the $1600 family assistance payment and would receive $1766 additional benefits in the form of cash, surplus food, free rent, and free medical expenses, or a total of $3775.

If this same person earns $1000 her total income (money and in kind from all sources) would be $4247. If the same party works twice as hard and doubles her earned income to $2000 she has a total income (money and in kind from all sources) after taxes of $4803.

If she increases her earnings to $6000 her total income of money and in kind is $5301, or $57 less than if she earned $5000.

Her net income after taxes with a $5000 salary will be $5358, or $1583 more than that of the welfare recipients with the same size family who has no earned income.

The above described inequities and loopholes in H.R. 16311 both as passed by the House and as later amended by the Administration for presentation to the Senate illustrates why in the opinion of many it would be better to run a series of two- to three-year pilot projects to determine the best method of reforming the existing welfare rolls before we enact a bill which is

estimated to cost an additional $4 to $6 billion annually.

Another point that cannot be overlooked is that the Administration's family assistance plan would extend welfare payments to an additional 14 million Americans in the form of a guaranteed annual income. This means that Medicaid, which is now recognized by all concerned as a financial failure, would be extended to about 3.5 million additional people as a result of their newly established eligibility for welfare.

About 13 million people are now receiving medical protection under Medicaid at an annual cost of about $3.5 billion.

Expanding the Medicaid rolls by 25 percent will cost another $800 million; yet it appears that in its cost estimate H.E.W. has allowed only $100 million. This represents at least a $700 million underestimation of the cost factor of this bill.

H.E.W. recognizes that Medicaid is a costly disaster which needs drastic revisions, and they promise to present to the Congress early next year a proposal to repeal the present Medicaid law and replace it with some form of national health insurance.

Likewise we were told that the present food stamp and surplus food plans are scheduled for complete revisions next year. In testimony before the Finance Committee Secretary Richardson not only pledged that new plans for both food stamps and free medical attention would be submitted next year but also confirmed that a part of this will be to charge a part of the cost of the new health insurance to the various recipients.

This will mean that a person on 100 per cent welfare will have his projected cash welfare benefits proportionately reduced next year to pay for a part of his health insurance.

This means that if H.R. 16311 is enacted before the November elections, as it was projected, the welfare recipients will be promised certain payments under the bill while at the same time plans are already on the drawing board to take a part of these benefits from him next year or after the 1970 elections.

It would be pure political hypocrisy to promise these welfare recipients something before an election while at the same time knowing that the Congress has no intention of ever allowing the full benefits to become law.

Let us examine the work requirements of this bill. The only requirement as far as work is concerned is that they must register for work. The penalty for failing to accept a job which is offered would be the loss of $300 per year in benefits under the House bill and $500 under the amended version of the Administration's.

Under present law Delaware has 23,860 federally aided welfare recipients or 4.4 per cent of its population.

Under H.R. 16311 as passed by the House the number on welfare would be increased 130 per cent, or to a total of 55,000 welfare recipients; this would mean slightly over 10 per cent of our population would be on welfare.

Welfare rolls in the states of New York and New Jersey would be increased by over 60 per cent.

South Carolina welfare rolls would increase 485 per cent above existing law, representing over 18 per cent of its people.

In the state of Mississippi there would be an increase of 282 per cent over the present number on welfare. One third of its people would be eligible for welfare.

The welfare rolls in North Dakota would be increased 485 per cent.

In Nebraska there would be an increase of 285 per cent.

North Carolina would increase 394 per cent.

In Minnesota there would be a 196 per cent increase.

In New Hampshire the increase would be 179 per cent; and in Indiana, over 400 per cent.

Under the present law there were 10,436,197 federally aided welfare recipients as of January 1970. Under the Administration's bill as passed by the House this number would be increased to 23,784,300, or more than double.

At this point I insert table 2 as furnished by the Department of Health, Education, and Welfare showing the percentage increase of welfare recipients in each of the respective states as a result of the enactment of this bill.

INSERTION XI

TABLE 2.—INCREASE IN WELFARE RECIPIENTS UNDER ADMINISTRATION REVISION

	Federally aided welfare recipients January 1970	Welfare recipients under administration revision	Percent increase
Total United States	10,436,197	23,784,300	128
Alabama	255,400	665,800	161
Alaska	10,274	25,100	146
Arizona	72,440	204,600	183
Arkansas	115,000	369,700	222
California	1,655,400	2,323,400	41
Colorado	114,100	368,000	221
Connecticut	97,140	187,900	93
Delaware	23,860	55,000	130
District of Columbia	47,490	65,900	39
Florida	295,900	683,600	131
Georgia	328,400	1,025,500	212
Hawaii	29,072	62,700	116
Idaho	22,100	54,400	146
Illinois	446,100	806,300	81
Indiana	98,100	876,900	400
Iowa	92,300	235,700	155
Kansas	73,940	158,600	114
Kentucky	211,200	523,500	148
Louisiana	346,500	934,200	170
Maine	48,920	145,400	197
Maryland	157,850	262,800	67
Massachusetts	282,500	438,500	55
Michigan	316,200	646,400	104
Minnesota	108,120	320,300	196
Mississippi	211,000	806,600	282
Missouri	255,200	443,100	74
Montana	18,880	52,200	176
Nebraska	43,500	167,700	285
Nevada	15,570	37,000	138
New Hampshire	14,260	39,800	179
New Jersey	318,720	508,800	60
New Mexico	69,260	194,400	180
New York	1,227,400	1,979,300	61
North Carolina	194,600	960,600	394
North Dakota	16,583	96,900	485
Ohio	355,400	799,800	125
Oklahoma	188,700	366,200	94
Oregon	93,800	143,500	53
Pennsylvania	511,800	634,800	24
Rhode Island	45,810	67,200	47
South Carolina	83,900	490,800	485
South Dakota	22,110	107,400	386
Tennessee	205,400	741,800	262
Texas	478,800	1,521,500	218
Utah	42,760	55,100	29
Vermont	18,000	46,800	160
Virginia	109,400	431,300	294
Washington	153,450	312,300	104
West Virginia	115,580	275,300	138
Wisconsin	101,180	238,400	136
Wyoming	7,447	20,000	169
Puerto Rico	264,930	800,000	202
Guam	2,072	3,400	64
Virgin Islands	2,319	2,100	−9

I next insert another chart listed as Table 1 showing the per cent of the population in the various states which will be on welfare if H.R. 16311 is enacted.

TABLE 1.—PROPORTION OF POPULATION ON FEDERALLY AIDED WELFARE UNDER PRESENT LAW AND ADMINISTRATION REVISION

	Civilian resident population	Federally aided welfare recipents, January 1970		Welfare recipients under administration revision	
		Number	Percent of population	Number	Percent of population
Total United States	203,796,700	10,436,197	5.1	23,784,300	11.7
Alabama	3,505,000	255,400	7.3	665,800	19.0
Alaska	252,000	10,274	4.1	25,100	10.0
Arizona	1,685,000	72,440	4.3	204,600	12.2
Arkansas	1,996,000	115,000	5.8	369,700	18.5
California	19,213,000	1,655,400	8.6	2,323,400	12.1
Colorado	2,065,000	114,110	5.5	368,000	17.8
Connecticut	3,009,000	97,140	3.2	187,900	6.2
Delaware	537,000	23,860	4.4	55,000	10.2
District of Columbia	783,000	47,490	6.1	65,900	8.4
Florida	6,332,000	295,900	4.7	683,600	10.8
Georgia	4,565,000	328,400	7.2	1,025,500	22.5
Hawaii	747,000	29,072	3.9	62,700	8.4
Idaho	717,000	22,100	3.1	54,400	7.6
Illinois	11,031,000	446,100	4.0	806,300	7.3
Indiana	5,136,000	98,100	1.9	876,900	17.1
Iowa	2,785,000	92,300	3.3	235,700	8.5
Kansas	2,288,000	73,940	3.2	158,600	6.9
Kentucky	2,192,000	211,200	9.6	523,500	23.9
Louisiana	3,724,000	346,500	9.3	934,200	25.1
Maine	967,000	48,920	5.1	145,400	15.0
Maryland	3,732,000	157,850	4.2	262,800	7.0
Massachusetts	5,475,000	282,500	5.2	438,500	8.0
Michigan	8,798,000	316,200	3.6	646,400	7.3
Minnesota	3,714,000	108,120	2.9	320,300	8.6
Mississippi	2,336,000	211,000	9.0	806,600	34.5
Missouri	4,637,000	255,200	5.5	443,100	9.6
Montana	688,000	18,880	2.7	52,200	7.6
Nebraska	1,437,000	43,550	3.0	167,700	11.7
Nevada	452,000	15,570	3.4	37,000	8.2
New Hampshire	720,000	14,260	2.0	39,800	5.5
New Jersey	7,128,000	318,720	4.5	508,800	7.1
New Mexico	976,000	69,260	7.1	194,400	19.9
New York	18,369,000	1,227,400	6.7	1,979,300	10.8
North Carolina	5,110,000	194,600	3.8	960,600	18.9
North Dakota	600,000	16,583	2.8	96,900	16.2
Ohio	10,786,000	355,400	3.3	799,800	7.4
Oklahoma	2,545,000	188,700	7.4	366,200	14.4
Oregon	2,044,000	93,800	4.6	143,500	7.0
Pennsylvania	11,797,000	511,800	4.3	634,800	5.4
Rhode Island	886,000	45,810	5.2	67,200	7.6
South Carolina	2,636,000	83,900	3.2	490,800	18.6
South Dakota	650,000	22,110	3.4	107,400	16.5
Tennessee	3,971,000	205,400	5.2	741,800	18.7
Texas	11,097,000	478,800	4.3	1,521,500	13.7
Utah	1,049,000	42,760	4.1	55,100	5.3
Vermont	444,000	18,000	4.1	46,800	10.5
Virginia	4,514,000	109,400	2.4	431,300	9.6
Washington	3,386,000	153,450	4.5	312,300	9.2
West Virginia	1,819,000	115,580	6.4	275,300	15.1
Wisconsin	4,242,000	101,180	2.4	238,400	5.6
Wyoming	317,000	7,447	2.3	20,000	6.3
Puerto Rico	2,763,000	264,930	9.6	800,000	29.0
Guam	87,700	2,072	2.4	3,400	3.9
Virgin Islands	59,000	2,319	3.9	2,100	3.6

It is clearly evident that this bill has been improperly labeled as a reform package; for example, it does not correct the problems of existing law wherein illegitimacy and family breakups are encouraged.

Suppose under H.R. 16311 as revised by the Administration the father and mother are both unemployed and have two children, no earnings. If the father will desert his family the income for the mother and the two children would be increased as follows:

In Delaware she would get an additional $440 when the father deserts the family. In Arizona she would get an additional $236.

In Illinois the deserted family would have their income increased by $1394, while in New York the mother with two children would have her income increased by $1808 as the result of the father's desertion.

I insert at this point a table prepared by the committee staff outlining these payments.

PAYMENTS TO FAMILY IF UNEMPLOYED FATHER WITH NO EARNINGS DESERTS

	Unemployed father, mother, and 2 children	Mother and 2 children if father deserts	Increase or decrease
Phoenix, Ariz.:			
H.R. 16311	$2,208	$1,836	−$372
Administration revision	1,600	1,836	+236
Wilmington, Del.:			
H.R. 16311	2,172	2,004	−168
Administration revision	1,600	2,004	+404
Chicago, Ill.:			
H.R. 16311	3,252	2,964	−288
Administration revision	1,600	2,964	+1,394
New York, N.Y.:			
H.R. 16311	4,032	3,408	−624
Administration revision	1,600	3,408	+1,808

The following chart shows how under this bill the government will pay $1300 more to a family with an illegitimate baby than it will if the couple is married and the baby arrives a year later.

SELECTED CASES: FEDERALLY SHARED WELFARE BENEFITS UNDER ADMINISTRATION REVISION

	Phoenix, Ariz.	Wilmington, Del.	Chicago, Ill.	New York, N.Y.
All persons unemployed, no income other than welfare				
1. Welfare benefits to 2 families, each headed, by a woman:				
Family A—boy 17, girl 12, and girl 6	$2,208	[1] 2,172	[1] 3,252	[1] 4,032
Family B—girl 16, boy 11, and girl 8	2,208	[1] 2,172	[1] 3,252	[1] 4,032
Total	4,416	4,344	6,504	8,064
2. Welfare benefits to same families if boy 17 marries girl 16 and establishes separate household:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C—boy 17 and girl 16	[2] 0	[2] 0	[2] 0	[2] 0
Total	3,672	4,008	5,928	6,816
3. Welfare benefits to same families if boy 17 marries girl 16 after she has had a baby:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C (with baby)	1,300	[1] 1,300	[1] 1,400	[1] 1,300
Total	4,972	5,308	7,228	8,116
Increase over case 2	1,700	1,300	1,300	1,300

[1] Eligible for medicaid surplus food, and housing.
[2] Eligible for food stamps.

The next chart shows how an unemployed father, mother, and four children (no income) can increase their benefits by $936 in Phoenix, Arizona; $1104 in Wilmington, Delaware; $2064 in Chicago, Illinois, and by $2508 in New York City merely by splitting up the family. The father would take two children and the mother would keep two, thereby qualifying for relief as two separate family units.

INCENTIVE FOR FAMILY TO SPLIT UP UNDER ADMINISTRATION REVISION

	Welfare payments to unemployed father, mother, and 4 children with no income if—				
	Family lives as 1 unit	Parents split, each with 2 children			Increase in family income
		Mother	Father	Total	
Phoenix, Ariz.	$2,200	$1,836	$1,300	$3,136	$936
Wilmington, Del.	2,200	[1] 2,004	1,300	3,304	1,104
Chicago, Ill.	2,200	[1] 2,964	1,300	4,264	2,064
New York, N.Y.	2,200	[1] 3,408	1,300	4,708	2,508

[1] Also eligible for medicaid.

Now let us examine the cost factors of some of the various proposals which are offered as a substitute for H.R. 16311.

1. The Harris amendment would raise the FAP for a family of four from the Administration's $1600 figure to $2400 with gradual escalation to $3200. Additional costs of the Harris proposal based on estimates furnished by H.E.W. for 1972 vary from a low of $12 billion to a maximum of $17 billion. When fully implemented to the $3200 figure in 1974 the estimate on the cost of the Harris amendment ranges from a low of $24 billion to a high of $37 billion annually. These figures are estimates in addition to the cost of H.R. 16311 as before the committee.

2. The McCarthy amendment would provide a guaranteed annual income of $5500 to every family. Lowest estimate cost on the McCarthy proposal to $50 billion above existing welfare costs. Under the McCarthy proposal it is estimated that over 90 million would be eligible for welfare, or over 40 percent of our population.

3. McGovern's food stamp bill would guarantee a minimum of $800 in food stamps for every family with the proviso that no offsetting reduction be made from cash payments and other allowances. The estimated cost is $1.5 billion extra over existing law beginning with 1972.

4. The Ribicoff amendment would provide a one-year pilot project plus guaranteed employment at the end of the training period. Lowest estimated additional costs when fully implemented in 1974 is $4.7 billion.

5. The series of Javits amendments are estimated to cost $5 billion over H.R. 16311 as amended by the Administration's revision.

At this point I insert the Department's letter containing the estimated costs of the Javits amendments.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 14, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am writing in response to your letter of July 15 inquiring about Senator Jacob Javits' amendments to H.R. 16311.

The most important of these amendments, in terms of their impact on cost estimates, would make the following modifications to the Administration's proposal:

(1) The basic Family Assistance allowance of $1,600 a year for a family of four would be increased to an amount equal to 50% of the poverty line income in FY 1974. Subsequent annual increases would be made such that the basic allowance would be set at 100% of the poverty line in FY 1979.

(2) The 30% rate for Federal sharing in State supplementation of Family Assistance would be raised to the medical assistance percentage applicable to each State. Thus, the Federal reimbursement rate would range from 50% in the highest income States to 83% in the lowest income states.

(3) During FY 1972 and FY 1973, States now making the lowest AFDC payments would be required to supplement Family Assistance up to an income of at least $1,800 for a family of four with no other income.

(4) States would be required to make supplemental payments to the "working poor", as well as to families now categorically eligible for AFDC.

The following chart shows a five-year projection for the Federal costs these amendments would add to the costs of the Administration's bill:

ESTIMATED ADDITIONAL FEDERAL COSTS OF SENATOR JAVITS' AMENDMENTS TO H.R. 16311

[In billions of dollars]

	Fiscal years				
	1972	1973	1974	1975	1976
Increased family-assistance payments			4.5	4.8	5.1
Increased Federal payments to States for supplementation of FAP	1.8	1.9	.7	.6	.5
Total	1.8	1.9	5.2	5.4	5.6

While I sympathize with the Senator's goal to offer further assistance to low-income Americans, as reflected in his amendments to the Family Assistance legislation, I could not support these new commitments of greatly increased Federal spending at this time. The Administration's proposal represents the largest initiative we can take under current fiscal constraints. Any future improvements should be based on evaluation of the new program's performance and on the budgetary conditions that may prevail in future years.

Please let me know if I can provide any further information on these amendments.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

I next insert a table showing a breakdown of the projected costs and coverage under the McCarthy plan as embodied in S. 3780.

Welfare reform legislation introduced by Senator Eugene McCarthy (S. 3780) would provide an annual allowance of $5500 to a family of four with no other income. The following chart shows HEW's estimate of this bill's costs and coverage for 1971 and 1976:

COSTS AND COVERAGE OF S. 3780

	Program costs (billions)	Program coverage (millions)	
		Households	Recipients
Data for:			
1971	$55.8	29.4	97.8
1976	42.8	22.1	69.8

These projected costs are staggering, particularly when we consider our present financial situation.

Our Government closed the last fiscal year with a deficit of over $13 billion. The deficit for fiscal 1971 is estimated to be between $15 and $20 billion with very little if any prospect of this being brought in balance in the 1972 fiscal year.

Additional taxes will be mandatory next year particularly if this welfare plan is enacted. Furthermore, the bulk of these increased taxes will be levied against the middle income taxpayers, who today are already bearing the load of the Government's extravagance.

For example, let us not overlook the Social Security Bill, H.R. 17550, which is presently before the Senate and which proposes to levy all of the increased taxes necessary to pay for the increased social security benefits and increased medicare costs under both the pending bill and all future benefits in the next twenty years on those workers earning between $7800 and $22,200.

It is ironical to note that the high income group is protected against these increased taxes in that under the so-called tax reform bill passed in December 1969 a 50 per cent maximum tax rate was placed on all earned income.

At this point I insert two charts, the first showing the projected tax rates and amount of taxes under present law, and the second chart showing the increased tax rates and amount of taxes that will be due under H.R. 16311 if it is enacted in this Administration's amended form.

Year	Projected wage base and employer-employee combined tax rate				Projected maximum employer-employee combined taxes		
		In percent—					
	Wage base	Cash benefit tax rate	Medicare tax rate	Total tax rate	Cash benefits	Medicare	Total
PRESENT LAW							
1970	$7,800	8.4	1.2	9.6	$655.20	$93.60	$748.80
1971-72	7,800	9.2	1.2	10.4	717.60	93.60	811.20
1973-74	7,800	10.0	1.3	11.3	780.00	101.40	881.40
1975	7,800	10.0	1.3	11.3	780.00	101.40	881.40
1976	7,800	10.0	1.4	11.4	780.00	109.20	889.20
1977-78	7,800	10.0	1.4	11.4	780.00	109.20	889.20
1979	7,800	10.0	1.4	11.4	780.00	109.20	889.20
1980	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1981-82	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1983-84	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1985-86	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1987-88	7,800	10.0	1.8	11.8	780.00	140.40	920.40
1989-90	7,800	10.0	1.8	11.8	780.00	140.00	920.40
1991-92	7,800	10.0	1.8	11.8	780.00	140.40	920.40
1993-94	7,800	10.0	1.8	11.8	780.00	140.40	920.40

Year	Projected wage base and employer-employee combined tax rate				Projected maximum employer-employee combined taxes		
		In percent—					
	Wage base	Cash benefit tax rate	Medicare tax rate	Total tax rate	Cash benefits	Medicare	Total
H.R. 17550							
1970	$7,800	8.4	1.2	9.6	$655.20	$93.60	$748.80
1971-72	9,000	8.4	2.0	10.4	756.00	180.00	936.00
1973-74	10,200	8.4	2.0	10.4	856.80	204.00	1,060.80
1975	10,800	10.0	2.0	12.0	1,080.00	216.00	1,296.00
1976	10,800	10.0	2.0	12.0	1,080.00	216.00	1,296.00
1977-78	12,000	10.0	2.0	12.0	1,200.00	240.00	1,440.00
1979	13,200	10.0	2.0	12.0	1,320.00	264.00	1,584.00
1980	13,200	11.0	2.0	13.0	1,452.00	264.00	1,716.00
1981-82	13,800	11.0	2.0	13.0	1,518.00	276.00	1,794.00
1983-84	15,000	11.0	2.0	13.0	1,650.00	300.00	1,950.00
1985-86	16,200	11.0	2.0	13.0	1,782.00	324.00	2,106.00
1987-88	18,000	11.0	2.0	13.0	1,980.00	360.00	2,340.00
1989-90	19,200	11.0	2.0	13.0	2,112.00	384.00	2,496.00
1991-92	21,000	11.0	2.0	13.0	2,310.00	420.00	2,730.00
1993-94	22,200	11.0	2.0	13.0	2,442.00	444.00	2,886.00

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that a series of articles relating to abuses under the existing welfare law be printed along with the previous request.

The significant point is that none of these abuses were corrected under the administration's family assistance plan, but, as pointed out earlier, they were merely extended and made available to a greater number.

I also ask unanimous consent that these be followed by an article written by Clark Mollenhoff as appearing in the Des Moines Register of December 12, 1970, expressing criticism of the Hirshhorn Museum as a memorial to Mr. Joseph H. Hirshhorn. I concur in this criticism and express the hope that this project can be stopped.

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

$12,000 FAMILIES GET A FOOT IN ADC'S DOOR—HEALEY: "RULE SETS WELFARE UP FOR KILL"

(By David Tishendorf)

Mr. A. earns $9,600 a year as an electrician's helper in Sarpy County. He has three children. His wife is "incapacitated" and the family budget includes an allowance for a housekeeper.

Mr. A also receives $170 a month under the federal Aid to Dependent Children program, making his total income $11,628, considerably higher than most ADC caseworkers are paid in Sarpy County.

Mr. A's family also is eligible for federal food stamps and medical aid under the ADC program.

In Douglas County, Miss B earns $565 a month as an employe at a meat packing plant, $50 a month more than a beginning caseworker.

Miss B, who attended college for one year, has two children and receives a monthly ADC check of $118, bringing her total monthly income to $684.

As with Mr. A, Miss B and her children are eligible for food stamps and medical assistance.

Mrs. C, who lives in Sarpy County, is divorced and has two children. She is employed by the Omaha Works of Western Electric, where she earns $618 a month.

A monthly ADC payment of $140 brings Mrs. C's total annual income to more than $9,000. She and her family are eligible for food stamps and medical assistance.

Mrs. D is employed at a Sarpy County grocery, where she earns $468 a month. She also receives $53 a month from her former husband for the support of her two children.

In addition, she is paid $140 a month under the ADC program and she uses the federal food stamps, which enable her to save money on her grocery bill. Her total annual income is nearly $8,000.

Mrs. E, mother of two children, works as a presser in a cleaning business in Douglas County at a monthly salary of $455. She also receives a monthly ADC payment of $132, making her total yearly income more than $7,000.

Mrs. E's family also is eligible for food stamps and medical assistance.

NEW GUIDELINE

In each of these cases, which were documented by the State Welfare Department, the families' monthly income, without the ADC payments, is more than enough to take care of its needs.

And none of the families would be eligible for ADC if it were not for a new federal guideline known as the "35—one-third income exemption."

Under this guideline, which was adopted by Congress in 1967 but was not implemented until April of this year, a welfare agency must disregard the first $35 of a family's monthly income, plus one-third of the remainder of the income.

If a family for example, had a $635 monthly income, $35 would be disregarded, leaving $600. Then one-third of the remainder or $200, also would be disregarded, meaning that the family's eligibility for ADC would be determined on a basis of a monthly income of only $400.

The purpose of the 35—one-third exemption, said Douglas County Welfare Director Michael T. Healey, was to provide an incentive for ADC recipients to go to work.

And while it has done this to some degree, Healey said, it has taken very few persons off the welfare rolls. Instead, the main effect of the new guideline may be to give the ADC program, and welfare in general, such a bad reputation in the public mind that the very existence of welfare will be threatened, he said.

The guideline, Healey said, "has set welfare up for the kill."

Technically, the families cited here are welfare cases, Healey said. But realistically, he added, they do not deserve to be welfare recipients "by any stretch of the imagination and, as welfare director, I cannot defend them as such."

Eventually, Healey fears, the taxpayers "will get to the point, where they almost are now, where they will say: 'Anything, even nothing, is better than the welfare programs we have now'."

Healey said that only 55 families out of the approximately 5,000 families receiving ADC in Douglas County would not qualify if it were not for the 35—one-third income exemption.

Sarpy County Welfare Director Bessie Peterson said the exemption has enabled from 25 to 35 families in Sarpy County to qualify for ADC who otherwise would not be eligible. The total ADC caseload is about 250, she said.

Mrs. Peterson said that although military personnel from Offutt Air Force Base can be eligible for ADC, there are none receiving it as this time. Some military families, however, are using food stamps, she said, and some have received ADC in the past.

Mrs. Peterson described the income exemption as "Dangerous. It isn't working as it was meant to work."

Healey said the full impact of the exemption has not yet been felt. It could triple the cost of welfare eventually, he said.

The "evil' of the new guideline, Healey said, is the contrasts its produces.

It is possible for a family with a yearly income of $10,000 to $12,000, and under the right circumstances even more, to be able to qualify for ADC because of the 35—one-third income exemption

On the other hand, Healey said, the majority of ADC recipients, who cannot work and are totally dependent on ADC, continue to live on a level that is subsistent.

For example, an ADC mother with four children who cannot work . . . because of health problems can receive a monthly payment of $200, the ceiling set by the State of Nebraska.

Thus, the truly needy families, Healey said, will suffer as a result of the income exemption and the unfavorable public reaction that it may produce.

"A family totally dependent on ADC receives 61 per cent of its basic needs. But with the disregarded income it is possible, taking into consideration all sources of income, for a family to receive 140 per cent of its needs.

"The inequity is obvious and it needs to be corrected."

The 35—one-third income exemption makes welfare more vulnerable to public criticism at a time when there are "enough myths and misunderstandings," Healey said.

"SCAPEGOAT"

"The reason there are second and third generations of poverty families is that we are never able to put our full attention on the really needy families," he said.

"There is always a scapegoat to make us lose sight of those families. In this case, it is the income exemption.

"The welfare system desperately needs to be changed, but it has to be a constructive change."

The Douglas County Board, at Healey's urging, has passed a resolution calling on Congress to eliminate the 35—one-third exemption and put an "appropriate ceiling on earnings to which such exemptions can be applied."

Healey said he would like to see other changes also.

"Although the work incentive is desirable, I feel that too much emphasis has been placed on getting welfare recipients employed, especially when 37 per cent of our total ADC caseload who are capable of working are already employed," he said.

"The original philosophy underlying ADC was to permit mothers to remain in their homes to care for children who are already missing one parent."

Healey said he believes the ceiling on ADC payments should be increased so the basic needs of poor families can be met.

THREAT

The federal government has threatened to withhold welfare funds in Nebraska, charging that the state has not made cost-of-living adjustments in the ADC payments standards or in dollar maximums, which under the law should have been made by July 1, 1969.

Healey said he also believes that welfare should be given on the basis of need, rather than to families simply because they fit into a certain category.

He said there also should be more frequent investigations to determine if ADC recipients are eligible.

About a year ago, a new "declaration form" was introduced for use in applying for ADC. The form allows persons to receive welfare payments on the basis of their own statements of need.

Previously, it was necessary to investigate persons who applied to determine whether they needed public assistance.

Healey said the purpose of the new form was to free caseworkers from investigation duties so they could devote more time to providing services to recipients.

MORE OFTEN

The State Welfare Department still makes random, periodic eligibility investigations, Healey said, although he said he believes the checks should be more frequent.

But welfare's most important need, Healey said, is the need to educate the public.

"More money, by itself, won't do the job. Welfare is in such a mess that a concentrated public information service is needed," he said.

"We must ask the taxpayers to get involved personally, to work with poor families. There needs to be an exchange of ideas and values.

"The welfare problems are of such magnitude now that I don't see them being solved by bringing in more professionals. What we need is to gain the public's understanding of what we're up against."

CLAIMS WELFARE TEST "RIGGED"—GAO SAYS FIRST REPORT "MISLEADING"—FAMILY AID PLAN BASED ON PROJECT

(By Clark Mollenhoff)

WASHINGTON, D.C.—New Jersey tests that were the basis for Nixon administration confidence in the family assistance plan were "rigged," Senator John J. Williams (Rep., Del.) said Saturday.

He told The Register that the record of the Senate Finance Committee will demonstrate that White House Counselor Daniel Patrick Moynihan had a key role in "the rigging" of reports to make them appear favorable.

Moynihan argued that the Office of Economic Opportunity (OEO) reports on the New Jersey graduated work-incentive experiment showed "no evidence that work effort declined among those receiving income support payments."

"On the contrary," Moynihan said, there is "an indication" that those receiving the welfare payments "increased . . . the work efforts."

SEQUENCE TOLD

The Senate Finance Committee record shows the following:

Moynihan was put on notice by Dr. John Wilson, OEO research director, that the test period was too short and the data inadequate.

Moynihan directed that Dr. Wilson prepare the report, and under this pressure the report was prepared last February.

The White House staff used the OEO report to prepare charts to sell the family assistance program to President Nixon and to sell it to the House Ways and Means Committee.

The Senate Finance Committee directed the General Accounting Office (GAO) to examine the OEO report on the New Jersey project. The GAO said the OEO conclusions were "premature," prepared on the basis of "inadequate data," and were "misleading."

Senator Williams said he will make an issue of the "rigged" record when the family assistance program comes before the Senate in the next week.

TELLS OF OBJECTION

Senator Williams said he is certain President Nixon had no knowledge of the manner in which Moynihan and the Department of Health, Education and Welfare used the OEO tests to sell the family assistance plan.

Senator Williams said that he questioned Dr. Wilson and obtained verification that he had objected to using the data, but had given in.

The OEO funded the New Jersey experiment in late 1963. Some parts of the program in Trenton, Paterson and Passaic had been under way less than a year when Dr. Wilson was directed to make a report.

Dr. Harold W. Watts, who designed the project, stated in a paper read before the American Economic Foundation in May, 1969, tht any reliable result of the New Jersey experiment would not be available until the project had run at least two years, Senator Williams noted.

He said Dr. Wilson had acknowleged that there was a "colorful" exchange with Moynihan at the White House in which Moynihan's temper flared as he criticized economists as "never having an answer until it is too late."

It was in that setting that Dr. Wilson had snapped back: "I'll get some answers."

Dr. Wilson said he told Moynihan of the difficulty of drawing conclusions on the program, but insisted that the report he presented in February, 1970, was his best judgment in the light of the limitations.

DEFINES "REFORM"

Senator Williams said he is in favor of "reform" of the present welfare programs, but that the present family assistance program is not the, "major reform" it was hailed as by former HEW Secretary Robert Finch and the present secretary, Elliot Richardson.

"When the term 'reform' is used in connection with legislative proposals it means one of two things," Senator Williams said, "Either it proposes to take away from someone something which he is now receiving but to which he is not entitled or it is to give someone something which he is not getting but to which he is entitled."

Williams declared that the so-called "reform" of welfare now pending before the Senate is filled with "disincentives" that flow from reports such as the one from New Jersey. He said members of the Senate Finance Committee became aware of the lack of "reform" in the plan, and this explains why the majority of the Republican committee members have been opposed to it.

The fact that the House Ways and Means Committee relied upon the New Jersey OEO report is found in the committee report that states:

"We believe that these preliminary data suggests that fears that a family assistance program could result in extreme, unusual, or unanticipated responses are unfound.

"Furthermore, we believe these preliminary data from the New Jersey project indicate that a family assistance program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments," the report said.

The General Accounting Office found "serious questions as to the appropriateness of the conclusions drawn" about the same program.

"The data reflected in the OEO report represent less than a year's activity," the GAO stated. "Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusion as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading."

Senator Williams said the GAO report stated flatly that "it is wrong to conclude" that the persons on welfare roles increased their work effort when compared with those who are not receiving government checks.

"The only evidence we find in the OEO report to support this statement," said the GAO, is a chart that has "defects both in the underlying data and in the preparation of

that chart sufficient to preclude conclusions from it."

The GAO stated that the report it was making could not be based upon access to full data because the OEO placed "constraints on our access to the full data base accumulated during the experiment."

GAO auditors said: "We believe that a number of important qualifications which are omitted from the OEO report are necessary to proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the completeness of the presentation of the data in that report.

"Our work proceeded with some difficulty because of the objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental," the GAO explained.

QUESTIONABLE CONCLUSION

In one instance a controversial chart is based on only 318 of the 509 families participating in the experiment in Trenton, Paterson and Passaic.

"The data on 191 of the families (37 per cent of the families) was not used by OEO's contractor in preparing Chart IV because of problems in the interviews and coding of the data," the GAO stated "Based on generally accepted statistical standards, we believe that the conclusions are made highly questionable if drawn from data in which this large an attrition has occurred."

It was noted in the GAO report that the OEO contractors' basis for determining whether family earnings changed was a comparison of weekly earnings.

The study compared the family's weekly earnings in the period prior to the enrollment interview with earnings 10 to 12 months later. The criteria for determining whether a family's earning had increased or decreased was that it must be 20 per cent up or 20 per cent down to register as either an "increase" or a "decrease." Otherwise, it was registered "not to have changed."

The GAO called attention to the combining of periods of one year and 10 or 11 months in the same chart, and also noted that in one city the comparison was in August and in the other it compared income in January with November and December.

This practice is "a violation of good statistical practice" and it termed the conclusions drawn from this key chart as being "highly questionable."

Senator Williams said the cost figures presented before the House Ways and Means Committee are now "admittedly unrealistic."

In the committee, the administration had initially projected a cost of $8.2 billion annually, compared to present welfare cost of about $4.5 billion.

The amended version submitted to the Senate Finance Committee June 23 projects $9.1 billion—an increase of $900 million over figures mentioned only a few weeks earlier.

Following the questions raised by Senator Harry F. Byrd, jr., (Dem., Va.) during the hearings, HEW has now projected costs of $10.8 billion—a 25 percent increase over estimates made just a few months ago.

MORE RECIPIENTS

Williams asked "what kind of a reform is it" that boosts the number of welfare recipients from 10,436,000 to 23,784,000—a 128 percent increase. He noted that in many states the number of welfare recipients will increase more than 400 percent.

Iowa had 92,300 on welfare rolls as of January, 1970, but under the Nixon administration's program the number would be increased to 235,700—an estimated 155 percent.

Williams noted that an agricultural state like North Dakota had only 16,583 on welfare in January, 1970, but would have 96,900 on welfare under the Nixon administration program—an increase of 485 percent.

South Dakota had 22,110 on welfare rolls last January, but under the bill would boost welfare rolls to 107,400—an increase of 386 percent.

WANT NAME OF HIRSHHORN OFF MUSEUM

(By Clark Mollenhoff)

WASHINGTON, D.C.—New impetus was developing Friday to remove the name of Joseph H. Hirshhorn from the $15 million museum and sculpture garden being constructed on the Washington Mall.

The House subcommittee on library and memorials, headed by Representative Frank Thompson (Dem., N.J.), has written a still-secret report that is highly critical of the manner in which President Lyndon Johnson and S. Dillon Ripley, secretary of the Smithsonian Institution, pushed the project through Congress in 1966.

The report said that the question still remains "whether Joseph H. Hirshhorn was worthy of being memorialized on the Mall of the nation's capital in a position of prominence perhaps equal to the memorials of George Washington and Abraham Lincoln."

It points out that there has been testimony that Hirshhorn, a wealthy international speculator and art collector, "had been arrested twice during World War II for violations of Canada's foreign exchange laws and had come close to being indicted in New York for attempted stock fraud in 1950." He was convicted on the two Canadian charges.

Chairman Thompson and Representative Fred Schwengel (Rep., Ia.) have been among those who have raised the question of whether the Hirshhorn museum was properly authorized, and whether Hirshhorn was a proper person to have been memorialized.

The still-secret report questions the whole manner in which the Hirshhorn project was handled so that it bypassed the subcommittee on memorials that would have had the responsibility of a most careful study into the background of anyone who was to be memorialized.

It was passed over to a subcommittee of the House Public Works Committee, headed by Representative Kenneth Gray (Dem., Ill.) and was given only the most superficial hearings before that committee because Gray believed that the Smithsonian had already taken the proper steps to assure that Hirshhorn was a proper person to be memorialized.

WANT HEARINGS

Although the subcommittee on library and memorials recognized that the "generosity" of Hirshhorn would greatly enhance the nation's collection of art, it questioned whether he should be honored with his name on the third of the three axes of the Mall.

The report stated that there are now two axes extending from the Mall, and each has a special significance. "The first extends from the Washington Monument to the White House, symbolically linking the first President of the United States to the present one," the report said.

"The second axis extends from the Washington Monument to the Lincoln Memorial—thus from the traditional father of the nation to its 'saviour' ruling (during) the Civil War," the report said.

The third axis is not complete, the report said but added: "Now, without fanfare and the careful consideration such a project traditionally receives, the axis is formed with the Joseph H. Hirshhorn Museum as the structure opposite the Archives Building . . ."

The House subcommittee indicated an interest in more hearings, presumably with Hirshhorn as a witness under oath, to explore his background. The report said that "in the absence of more information about Mr. Hirshhorn and the significance of the third axis," no final decision can be made.

Representative Phil Crane (Rep., Ill.) a member of the House subcommittee, said Thursday that he believed that it will be essential to call Hirshhorn because "of the testimony given against him. It would seem to me to be the least we could do, and if we don't get better answers, we should consider eliminating his name," Crane said.

SHARE BLAME

The subcommittee report states that the blame must be shared by President Johnson, the Smithsonian's Ripley and by the Congress itself.

The report reviews the manner in which Mr. Johnson pushed for the approval, but does not make mention of the fact that former Supreme Court Justice Abe Fortas, a friend of Hirshhorn, was one of those who sold President and Mrs. Johnson on acceptance of the gift under the conditions set down by Hirshhorn.

Ripley has defended the procedure of going directly to the Public Works Committee of the House on grounds that the Hirshhorn museum was not a "memorial" to Hirshhorn requiring the approval through the House subcommittee on memorials. The House subcommittee report rejected the Smithsonian's reasoning that it is not a "memorial" and went into some detailed explanation of why it was in fact comparable to the Washington Monument and the Lincoln Memorial in the manner in which it is placed on the Mall.

Ripley had told The Register earlier that the cost of the art work in the Hirshhorn collection was probably about $4 to $5 million, but that Hirshhorn could have reason to believe it will be valued at $40 to $50 million as a gift to the government.

The House subcommittee report is critical of the agreement that put Hirshhorn in the position of bargaining for a memorial. The gift of art was to be made only if the Smithsonian agreed to these conditions:

That it would be housed in a building on the Mall.

That the museum would be named in perpetuity the Joseph H. Hirshhorn Museum and Sculpture Gardens.

That Congress would approve legislation to appropriate $15 million to construct a museum building and pledge to maintain the building (at a cost of about $2 million a year) in perpetuity.

In addition, Hirshhorn is given the authority to nominate persons to fill at least half of trustees, and he and the secretary of the Smithsonian were authorized to jointly select both the architect and the director of the museum.

The report states that the subcommittee should have been "more diligent," and explains that the subcommittee headed by Gray did not understand its full responsibility.

"The legislation was written as if the Joseph H. Hirshhorn Museum and Sculpture Garden had already been established and the Smithsonian was merely seeking appropriations to construct a museum building for it," according to the report.

"The effect of this action was to severely limit public and congressional inquiry into the wisdom of accepting Hirshhorn's gift under the conditions he demanded," it said.

The House report said that "the hearings (on the museum) were a one-sided affair with the Smithsonian and the President providing all the 'expert' information about the Hirshhorn collection."

The only objection noted in the record was a letter to Mrs. Lyndon B. Johnson from Sherman Lee, director of the Cleveland Museum of Modern Art. In his letter, Dr. Lee praised the collection, but warned about accepting it under the conditions Hirshhorn had stipulated because of the "disadvantage to the U.S. government and the unnecessary burden on the American taxpayers."

The report said Lee had argued against naming the museum after Hirshhorn because it would tend to discourage other contributions of art.

The report stated that rising building costs, the war in Vietnam, and other complications prevented construction on the

Hirshhorn museum from getting underway until Mar. 23, 1970.

"During the intervening time, disturbing questions concerning the Hirshhorn gift, and about Hirshhorn himself began to surface, first through the inquiries of private citizens and finally in the press," it said.

"The principle of not imposing expenses on taxpayers without careful examination of all the facts by their duly elected representatives should have been more carefully followed," the report said. "The subcommittee recommends that no federally financed structure be named for any individuals without public disclosure of that person's background and character before final action is taken."

The subcommittee noted there are many reasons for memorials including valor in war, statesmanship, good deeds, and other acts, including "generosity," but concluded:

". . . Never should a memorial be negotiated at federal expense as a prior condition to the act for which the memorial is intended."

When the report is released in a week or two, it is expected that there will be requests for Hirshhorn to appear and testify as to his background. Committee members have accepted the fact that they do not now have possession of the art, and that this effort to question him may result in Hirshhorn simply abandoning the agreement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF FOREIGN MILITARY SALES ACT—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15628) to amend the Foreign Military Sales Act.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of today.)

Mr. SPARKMAN. Mr. President, I am pleased to report that the Senate's overwhelming vote on the foreign aid conference report last night has produced results. The House conferees on the foreign military sales bill have met with the Senate and an agreement has been reached. I ask that the conference report on H.R. 15628 be laid before the Senate.

I believe that the conference agreement represents a fair and reasonable compromise on the issues involved. The Cooper-Church amendment had, in the past, been the principal obstacle to agreement. That issue was effectively removed from the conference issues in dispute by the passage of the supplemental foreign aid authorization bill. Therefore, the Senate receded on the amendment.

There were only two other amendments that caused great difficulty, both provisions in the Senate bill. The first would have imposed a congressional ceiling on the amount of excess arms and materials that can be given to foreign countries. A compromise ceiling was reached which will permit a maximum of $100 milion in excess materials, valued at not less than one-third original cost, to be given away in each fiscal year.

The second amendment related to partial payment by a foreign country, in its own currency, for military grant aid we give them. The House conferees were adamant on this provision and the Senate conferees reluctantly receded. The Committee on Foreign Relations will give further attention to this question in connection with its work on next year's foreign aid legislation.

There are a number of other significant provisions in the Senate bill that were accepted by the House conferees. They agreed to the Senate provision prohibiting the expenditure of appropriations for foreign aid or military sales which had not been authorized—the very issue before the Senate last night.

A provision was agreed to which greatly strengthens the restrictions on transfers of U.S. arms to third countries by recipients of our aid.

The provision preserving the committee's jurisdiction over distribution of the international fighter aircraft to countries other than Vietnam was retained.

Finally, and perhaps the most significant item agreed to, was the repeal of the Gulf of Tonkin resolution, which this body has twice repealed—first as an amendment to this bill and later by concurrent resolution. The repeal of this resolution should help to clear away some of the debris and controversy over executive-legislative branch powers and responsibilities that arose as a result of the war. I would have preferred that the resolution be repealed by a concurrent resolution as the terms of the Tonkin Gulf resolution provide, but the House had not chosen to act on the repeal resolution passed by the Senate.

Mr. President, I believe that, on the whole, this report represents a reasonable compromise with the House. I move the adoption of the conference report.

Mr. FULBRIGHT. Mr. President, I very much regret that I do not share the enthusiasm of the Senator from Alabama about this compromise.

As a matter of fact, the Senate, because of the lateness of the day and the lateness of the hour, gave away the most significant restraints, particularly the ceiling on the so-called excess military equipment. The actual ceiling will be $300 million, measured in acquisition costs. The effect on this agreement is to agree to a vast loophole which the military can use to circumvent the Congress' actions on military grant aid and sales ceilings.

On the whole, I think that the Congress or the public realize how extravagant we have been in giving away and selling arms to foreign countries.

The staff prepared a short table which shows that in the current year, approximately $7 billion in arms and military material, or other assistance will be given away or sold on credit or cash.

I ask unanimous consent that the table be printed in the RECORD at this point:

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

Proposed foreign military assistance and sales fiscal year 1971

[Approximate sums in millions]

Military portion (MAP) of Foreign Aid, including supplemental request for Cambodia, etc.	$775.0
Supporting Assistance	570.0
Foreign Military Sales	1,824.5
Cash	(1,173.4)
Credit	(235.0)
Commercial	(416.1)
Special FMS for Israel	500.0
International Military Headquarters	57.3
MAAG's, missions, etc.	167.3
Permanent military construction overseas	190.2
DOD appropriations for military assistance	2,260.3
DOD appropriations for economic assistance	117.0
MAP grant excess defense articles (acquisition costs)	502.
	6,963.6

Mr. FULBRIGHT. Mr. President, some of the sales are for cash, of course. However, even the cash sales are deceptive because such so-called sales include arms for Western Europe, particularly Germany, which are merely transactions which partially offset the cost of maintaining our troops there. There is no economic advantage in such arrangements to the economy of the United States as a whole. It may be an economic advantage to a particular manufacturer of arms, but it is no economic advantage to the taxpayers or to our balance of payments problem, because all we are doing is using that money partially to pay for the upkeep of our troops in Western Europe.

So this whole program of foreign military sales and grants, I think, should be greatly curtailed. It should have been cut back drastically long before now. However, it has become ingrained into our economic system and it really costs a great deal more than the average person realizes.

As I say, it is difficult when we deal with this piecemeal. As we do normally, it does not seem to be an outrageous figure, but put it all together and $7 billion in this activity does become outrageous, because it does not include our own expenses, for example, in carrying on the war in Vietnam. The only part of that nearly $7 billion included in here for Vietnam is actual military assistance given to the South Vietnamese. There is an item in there of about $2 billion for arms which we give to Vietnam.

But, in any case, I did not sign the conference report. I do not wish to labor the matter. I only wish to say that I regret the House was so adamant in its attitude toward these two items.

I had thought that, last summer, since the House had emphasized primarily their objection to the Cooper-Church amendment, and having been willing to give way on that, and having appropriated $200 million in the bill passed yesterday for foreign aid, they would be reasonable and accept the Senate's position on these 2 items.

One other item. Since we considered this bill last June, another $1 billion has

been added to the total military and related aid we give to other countries. The total figure, as I recall in the supplemental appropriation bill, was a little over $1 billion. Included in that is foreign economic assistance that is related to military programs.

I thought—and I made the argument to the House—that in view of the fact that due to the supplemental process $840 million in military aid was provided, they would not insist upon changing the Senate's ceiling on the excess arms which they can give away for nothing, or the item with respect to partial payments in foreign currency.

I wish to say that twice this year the Senate rejected attempts to increase the ceiling in this bill on the excess military arms that can be given away. Twice we have gone on record against doing what was done in this conference agreement.

On the other item, about the local currencies, that was put in there to try to save our own Treasury some of the vast sums we now pay out in dollars to buy local currencies for official U.S. uses—$71 million could have been saved in 1969 if the compromise we offered had been accepted. In countries like Korea, Turkey, Greece, the Philippines we could save a great deal of money by requiring that they make partial payment in their own currency for our grant aid. This compromise was rejected. The House was adamant on this.

I would only conclude by saying that I feel we made very little progress in trying to bring our foreign military sales under control.

The limitations are largely a matter of form, rather than substance, because $300 million is not a very small ceiling to put on the giving away of excess arms.

I am very pleased, of course, that the House left in the statement which we have already affirmed, that appropriations could not be expended except when authorized.

This is a principle which is retained in this report. We reaffirmed that yesterday.

I think the Senate is now committed to uphold this principle. So while under the necessities of the case, and in view of what happened yesterday, a conclusion had to be reached. I simply was not able to bring myself to approve it and did not sign the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. DOLE. Mr. President, I will take only a moment, but I feel it is important to note, as the Senator from Alabama pointed out, that repeal of the Gulf of Tonkin resolution is included in the conference report on the Foreign Military Sales Act.

As I said at the time I offered the amendment to effect repeal, the Gulf of Tonkin resolution is inappropriate to today's realities in Southeast Asia. It is a vehicle of escalation, and there is now and has been a fundamental policy of de-escalation in Southeast Asia for the past 2 years.

The Tonkin Gulf resolution has never been used by President Nixon, and he has no intention of using it. Indeed, he has made it clear that he has never relied upon it in the conduct of American policy in Vietnam.

In any event, I think it has been superfluous, and it is superfluous. It was heartening that the Senate adopted this amendment to repeal the Tonkin Gulf resolution in June and it is heartening that the House recognized the importance of repeal and agreed to this provision of the Senate bill in conference.

I certainly feel repeal, is as the Senator from Alabama pointed out, something that may clear away some of the debris. When the Gulf of Tonkin resolution is finally laid to rest, some of the distrust which grew out of its original interpretation may be cleared away.

I commend the Senator from Arkansas for his efforts on this bill and commend the Senator from Maryland (Mr. MATHIAS) for his original efforts with reference to the repeal of the Gulf of Tonkin resolution.

It is a great step forward for the Congress to agree on repeal. It does clear the air, and the hour of repeal enables the President, by signing the bill, to participate in the repeal process.

Mr. President, I ask unanimous consent to have the Gulf of Tonkin resolution printed at this point in the RECORD, so the record may be clear.

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

VIETNAM RESOLUTION—TONKIN GULF RESOLUTION—PUBLIC LAW 88-408, APPROVED AUGUST 10, 1964

Joint resolution to promote the maintenance of international peace and security in southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. SPARKMAN. Mr. President, I am glad the Senator from Kansas made the comment he did. The Senator from Kansas was the one who offered this repeal amendment when the military sales bill was before the Senate. The Senate agreed to it. We had no particular difficulty with the House conferees on this subject. It remains in the bill intact.

I commend the Senator for having taken that step.

We had a resolution before the Foreign Relations Committee which was passed by the Senate. So, on two different occasions the Senate has acted to repeal the Gulf of Tonkin resolution.

Mr. DOLE. Mr. President, the President by signing the bill will signal his desire that the Gulf of Tonkin resolution be repealed.

Mr. SPARKMAN. The Senator is correct.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

ORDER VITIATING THE ORDER FOR THE SENATE TO CONVENE TOMORROW AT NOON—ORDER FOR RECESS UNTIL 11 A.M. SATURDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order providing for the Senate to convene tomorrow at noon be vitiated and that, instead, when the Senate completes its business today—and that will be shortly—it stand in recess until the hour of 11 o'clock Saturday next.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

ORDER OF BUSINESS

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

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

HAPPY NEW YEAR

Mr. MANSFIELD. Mr. President, as long as this is New Year's Eve, may I on behalf of the Democrats wish for all of the Republicans a peaceful new year.

Mr. SCOTT. Mr. President, may I on behalf of the Republicans wish all Democrats a peaceful and productive new year.

ORDER OF BUSINESS

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

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M. ON SATURDAY, JANUARY 2, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previous order be changed to provide that the Senate adjourn until 11 a.m. on Saturday next, instead of recess.

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

ADJOURNMENT UNTIL 11 A.M. SATURDAY, JANUARY 2, 1971

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 6 o'clock and 28 minutes p.m.) the Senate adjourned until Saturday, January 2, 1971, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Dec. 31, 1970:

U.S. Air Force

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be brigadier general

Col. Harold A. Strack, [redacted] FR, Regular Air Force.

Col. Gerrit L. Hekhuis, [redacted] FR, Regular Air Force, medical.

Col. Russell G. Ogan, [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. John H. Wilkins, [redacted] FR, Regular Air Force, medical.

Col. Wiltz P. Segura, [redacted] FR, Regular Air Force.

Col. Conrad S. Allman [redacted] FR, Regular Air Force.

Col. George E. Schafer, [redacted] FR, Regular Air Force, medical.

Col. Lewis S. Norman, Jr., [redacted] FR, Regular Air Force.

Col. Edmund A. Rafalko, [redacted] FR, Regular Air Force.

Col. Charles J. Adams, [redacted] FR, Regular Air Force.

Col. John R. Kern, Jr., [redacted] FR, Regular Air Force.

Col. Malcolm P. Hooker, [redacted] FR, Regular Air Force.

Col. Gerald G. Fall, Jr [redacted] FR, Regular Air Force.

Col. Ray B. Sitton, [redacted] FR, Regular Air Force.

Col. Colin C. Hamilton, Jr., [redacted] FR, Regular Air Force.

Col. Edward P. McNeff, [redacted] FR, Regular Air Force.

Col. Van N. Backman, [redacted] FR, Regular Air Force.

Col. Howard P. Smith, Jr., [redacted] FR, Regular Air Force.

Col. William W. Gilbert, [redacted] FR, Regular Air Force.

Col. Edgar S. Harris, Jr. [redacted] FR, Regular Air Force.

Col. Frank J. Simokaitis [redacted] FR, Regular Air Force.

Col. James A. Knight, Jr., [redacted] FR, Regular Air Force.

Col. Harry M. Chapman, [redacted] FR, Regular Air Force.

Col. Robert L. Edge, [redacted] FR, Regular Air Force.

Col. James M. Breedlove, [redacted] FR, Regular Air Force.

Col. Donald G. Nunn [redacted] FR, Regular Air Force.

Col. Lawrence J. Fleming, [redacted] FR, Regular Air Force.

Col. Howard M. Fish, [redacted] FR, Regular Air Force.

Col. Ralph S. Saunders, [redacted] FR, Regular Air Force.

Col. Thomas A. Aldrich, [redacted] FR, Regular Air Force.

Col. Jeanne M. Holm, [redacted] FR, Regular Air Force.

Col. Howard M. Lane, [redacted] FR, Regular Air Force.

Col. Lester T. Kearney, Jr., [redacted] FR, Regular Air Force.

Col. Kendall Russell, [redacted] FR, Regular Air Force.

Col. Keith L. Christensen, [redacted] FR, Regular Air Force.

Col. Alden G. Glauch [redacted] FR, Regular Air Force.

Col. Edwin W. Robertson II, [redacted] FR, Regular Air Force.

Col. Charles F. Minter, Sr., [redacted] FR, (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Herbert J. Gavin [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Andrew B. Anderson, Jr., [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Eugene F. Tighe, Jr. [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Abbott C. Greenleaf, [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Larry M. Killpack [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Grant R. Smith, [redacted] FR, Regular Air Force.

Col. Henry L. Warren [redacted] FR, Regular Air Force.

Col. Henry Simon, [redacted] FR, Regular Air Force.

Col. Milton E. Nelson [redacted] FR, Regular Air Force.

Col. Donald L. Werbeck, [redacted] FR, Regular Air Force.

Col. Slade Nash, [redacted] FR, Regular Air Force.

Col. John C. Bartholf, [redacted] FR, Regular Air Force.

Col. Travis R. McNeil, [redacted] FR, Regular Air Force.

Col. Robert F. Trimble [redacted] FR, Regular Air Force.

Col. Jack Bellamy, [redacted] FR, Regular Air Force.

Col. Harry M. Darmstandler, [redacted] FR, Regular Air Force.

Col. William C. Burrows, [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Robert C. Mathi [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Wilbur L. Creech [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. George A. Pappas, Jr., [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Hubert O. Johnson, Jr. [redacted] FR, Regular Air Force.

Col. Charles E. Buckingham, [redacted] FR, Regular Air Force.

Col. James L. Stewart, [redacted] FR, Regular Air Force.

Col. Eugene W. Gauch, Jr. [redacted] FR, Regular Air Force.

Col. Lawrence A. Fowler, [redacted] FR, Regular Air Force.

Col. Evan W. Rosencrans, [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Brent Scowcroft, [redacted] FR, Regular Air Force.

Col. Jesse M. Allen, [redacted] FR (major, Regular Air Force), U.S. Air Force.

Col. James A. McDivitt, [redacted] FR (major, Regular Air Force), U.S. Air Force.

Col. Earl J. Archer, Jr [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Raymond B. Furlong, [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Walter P. Paluch, Jr. [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Lincoln D. Faurer [redacted] FR (major, Regular Air Force), U.S. Air Force.

Col. James G. Randolph [redacted] FR (major, Regular Air Force), U.S. Air Force.

Col. Billy J. Ellis, [redacted] FR (major, Regular Air Force), U.S. Air Force.

In the Navy

Vice Adm. Ralph L. Shifley, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. Charles S. Minter, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

In the Marine Corps

The nominations beginning Thomas G. Arndt, to be second lieutenant, and ending Peter K. Williams, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on December 14, 1970, and

The nominations beginning Arthur A. Adkins, to be second lieutenant, and ending John J. Whitney, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 1970.