COVERAGE OF PRESCRIPTION DRUGS UNDER MEDICARE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. HALPERN. Mr. Speaker, I wish to commend the distinguished gentleman from Wisconsin (Mr. OBEY) for his exceptional articulation of this most pressing matter. I am pleased to join with him and with other Members in cosponsoring this important and much-needed amendment to the Social Security Act. This bill would expand the scope of the present medicare program to include the costs of outpatient prescription drugs required by present and future beneficiaries.

Prescription drugs now represent the largest single personal health expenditure that the elderly must meet almost entirely from their own resources. Average annual per capita drug expenditures for persons over 65 are more than three times that of the younger population groups. It is true, of course, that many older people have purchased on their own additional health insurance protection over and above that afforded by medicare. The Social Security Administration recently reported that the net number of persons with additional hospital protection, for example, is nearly 10 million. But only about 3 million older people have managed to obtain out-of-hospital drug insurance, or only about 15 percent of the elderly.

For many beneficiaries, and particularly for those with chronic conditions, annual drug outlays may reach several hundreds of dollars. And these expenditures are in addition to whatever other deductibles and coinsurance costs older people are now being asked to pay under medicare. Many of the aged must get along on social security cash benefits and perhaps some meager savings—major drug expenses can literally destroy the financial security of the retired husband and wife.

Study after study has shown clearly that there is a need for this sort of legislation. Congress has repeatedly postponed action nevertheless. I say that further delay is totally unjustified. H.R. 2355 has been carefully drafted and designed to meet most of the problems regarding administration of a drug benefit pointed out 2 years ago by the Task Force on Prescription Drugs. It is, therefore, a feasible, as well as desirable, revision in the medicare protection scheme.

The bill proposes to extend the "vendor" concept to the provision of pharmaceutical services for medicare beneficiaries. The administrative arrangements for the program, therefore, would not involve the beneficiaries, just as they are not involved when these people are patients of hospitals or extended-care facilities. Individual recordkeeping and filing would, thereby, be eliminated.

This bill is, Mr. Speaker, an important piece of legislation, and I commend it to the Members for their careful consideration.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Tuesday, May 4, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

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

O Thou Creator Spirit, Thou Light of the World and Revealer of Truth, we thank Thee for the occasional dazzling flashes of pure beauty, pure goodness, pure love, which show us who Thou art and what Thou dost desire of us. We thank Thee that the vision of Thy holiness throws into vivid contrast the cruelty, the horror, the greed, the oppression, the ugliness which still stain the life of man and efface the divine image of Thy creation.

Help us to hear Thy call and to say with the prophet, "Here am I, send me." Send us, O Lord, into this very world to help remake it. When Thou hast shown us the way, help us to do the right though difficult thing, to give the unpopular message in the uncongenial place, to sacrifice our personal advantage when sacrifice is the only way to redemption, to do what we do for the good of the Nation and the welfare of mankind.

We pray in Thy holy name. Amen.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Agriculture and Forestry.

(The nominations received today appear at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes;

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel;

H.R. 1100. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40–K, and for other purposes;

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes;

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets numbered 79–A, 153, 158, 209, and 231, and for other purposes;

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18–A, 113, and 191, and for other purposes;

H.R. 6283. An act to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes; and

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318.

The message also announced that the House had agreed to House Resolution 414, that the bill of the Senate (S. 860) relating to the Trust Territory of the Pacific Islands, in the opinion of the House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of the House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 6283. An act to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel. Referred to the Committee on Commerce.

H.R. 135. An act to provide for periodic

pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes. Referred to the Committee on Post Office and Civil Service.

H.R. 1100. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket No. 40–K, and for other purposes;

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92; and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes;

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets Nos. 79–A, 153, 158, 209, and 231, and for other purposes;

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes; and

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission docket Nos. 316, 316–A, 317, 145, 193, and 318. Referred to the Committee on Interior and Insular Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 3, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

RECOGNITION OF SENATOR BROCK AND SENATOR TAFT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and disposition of the Journal on tomorrow, and the recognition of the joint leadership, the distinguished Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Ohio (Mr. TAFT) to be recognized for a like period of time.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. SCOTT) desire to be recognized at this time under the standing order?

FREIGHT CAR CORPORATION

Mr. SCOTT. Mr. President, I have joined with the distinguished chairman of the Senate Commerce Committee (Mr. MAGNUSON) as a cosponsor of his bill (S. 1729) to establish a National Freight Car Corporation. I am pleased to note that Senators from both political parties are sharing as cosponsors in this effort.

As a former member, I am fully familiar with the considerable effort which the Commerce Committee has made in past sessions to find a workable solution to the chronic shortage of railroad freight cars. The Nation is faced with a paradox that finds on the one hand a genuine shortage of cars where needed, and on the other, too frequently, too little usage of cars actually available. There is every reason to believe that this situation will worsen unless Congress acts effectively to meet a potential crisis affecting not only the railroads and shippers, but ultimately the American consumer.

As with all complex problems, it is doubtful that this one yields to any single solution on which all could agree. Certainly, however, the approach proposed in S. 1729 warrants the fullest consideration. Congress has already established, through legislation which I supported last year, a National Rail Passenger Corporation to deal with the difficulties facing the passenger segment of the rail industry.

What is being proposed in S. 1729 is a similar corporation that could serve, for the first time, as a source for badly needed new freight rolling stock. Equally intriguing is the bill's proposal for a computerized identification control system which would make it possible, on a nationwide basis, to locate unused freight cars and to greatly increase their utilization. I am aware that similar efforts are already underway within the industry, and I believe that these should be encouraged.

I recognize that the financing provisions of this legislation are more controversial, especially those which would increase railroad per diem costs. On these, I must express some reservations. I am concerned especially that the proposed per diem surcharge may prove to be too great a burden for railroads already in or faced with the prospect of bankruptcy. I am confident, however, that this matter will be thoroughly examined in any forthcoming hearings by the Senate Commerce Committee, and I cosponsor this legislation with this in mind.

OUR CHINA POLICY

Mr. SCOTT. Mr. President, in addressing the joint luncheon of advertising clubs of Greater Boston and the New England Broadcasting Association in Boston, Mass., our distinguished colleague, Senator BROOKE, made a searching review of our past and present policy in regard to mainland China. These views, while not necessarily shared in full by me, are an important contribution to our thinking.

I ask unanimous consent that the full text of Senator BROOKE's remarks be printed in the RECORD.

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

REMARKS OF SENATOR BROOKE

During his campaign for the Presidency in 1968, Richard M. Nixon stated a profound but at the time almost heretical truth:

". . . taking the long view we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates, and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation."

With a few modifications, we might apply these same words to ourselves. For we, too, have "nurtured fantasies," "cherished hates," posed a threat—perhaps unintentional but no less real—to the Mainland Chinese, and done more than any other nation to isolate the peoples and the government of China.

For 22 years we have not had a policy toward China, but a program of contrived retaliation.

We have refused to recognize a government which for nearly a generation has exercised effective control over the largest nation in the world.

We have refused cultural contact with the oldest continuing civilization in the history of man.

We have criticized our allies and neutral nations alike when they sought out the natural, if still limited, markets which 800-million people provide.

And then, the ultimate irony: we have argued that China merits isolation because it is a revolutionary power seeking to change the world order. If the world order from our perspective were such as I have described, would we not find it in our interests to foment change?

I do not speak today as an apologist for Communist China. The regime of Mao Tse-tung is harsh and demanding, stern and dictatorial. China is the self-proclaimed leader of a world revolution. It is the country once described by its own (former) Minister of Communications as: "a country of 500-million slaves ruled by a Single God [Mao Tse-tung] and 9-million Puritans [the Communist Party]." Leaving ideology aside and looking at China only in traditional, geopolitical terms, it represents a natural rival of the United States. With one-quarter of the world's population and vast, largely untapped natural resources, it faces us across the Pacific Ocean as a real rival for control of the landmass of Asia, and a potential rival for control of the sea as well.

Toward such a power, isolation in self-defeating. Intransigence is hurtful to ourselves.

In the West we have a popular maxim—in three words: "know your enemy." The Chinese sages have said the same thing in a more courteous way: "I am not concerned that the man does not know of me. I am concerned that I do not know of him."

We would do well to heed the advice of such universal wisdom: we need to know more about China, and to formulate an effective policy on the basis of that knowledge.

In 1949, when Mao Tse-tung took over the Mainland, we believed and hoped that by denying his government diplomatic recognition we could facilitate its downfall. Twenty-two years later, through many reverses, that government still stands.

In the early 1950's we engaged in a land war to prevent the expansion of Communist control over all Korea. We found ourselves engaged against Chinese troops. They withdrew and so did we. But the lesson of the Yalu is that, short of nuclear war, military containment will not work.

Toward the end of that decade and into the 1960's we and the Soviets alike practiced technological containment. The Nuclear Test-Ban Treaty, the Non-Proliferation Treaty, and the Soviet's firm refusal to share

their nuclear research with the Chinese were all part of a plan to maintain the nuclear predominance of the two super-powers. But China had scientists who were trained in the West. And combining their ingenuity, Mainland China developed a nuclear capability. They now have missiles with an estimated 6,000 mile range and rockets powerful enough to launch earth satellites.

We have heard a great deal in recent weeks about a "new China policy". It is said that our "trade policy" has been modified to permit exchange of goods with the Mainland; that our "policy" toward admission to China to the UN has been the subject of a recommended reversal; that our "policy" on permitting travel to China has been quietly revised.

But in each of these instances the word "policy" has been grossly misused. For policy is really an established goal and a rational means for its achievement. To use the word to describe minor modifications of outstanding regulations is to obscure the fundamental changes that are occurring and at the same time to attach undeserved importance to the symptoms of that change.

I submit that our policy toward China *has* changed. It has been a fundamental change that may well be the single most significant legacy of the present Administration. But that change cannot be understood, nor can it be facilitated, if we mistake form for substance.

Very simply, the Nixon Administration has completely reversed the policy of isolation which has prevailed under four previous Presidents. It has done so with a conscious goal in mind, and through the use of rational means to achieve that goal.

Our government now knows the keen irrelevance of isolation and has rejected that program. And in its place there has been substituted a policy geared to including China in the counsels of the world.

Our ultimate goal is peace. The means we have chosen to achieve it is a strong deterrent combined with searching dialogue to discover our mutual interests.

I am not one who believes that the exchange of a few scholars and newsmen, or the reduction of barriers to trade, will reform the Chinese. Their grievances against the West—the product of a ruthless and humiliating colonial period—are far too real. And their fantasies regarding our continuing objectives in Asia have received too much reinforcement—in Korea, Formosa, Vietnam, Laos, and Cambodia to name but a few—for us to allay their fears with a few moderate pronouncements.

But I *do* believe that if we would improve our chance of achieving peace, we must operate from an understanding of both the short-range and the long-range benefits which our new policy can bring.

Most frequently cited as a possible benefit is the idea that if China were widely accepted politically it would be less fearful and therefore less hostile. But there is no indication that China is motivated by *fear*. Quite the contrary. They are motivated by faith that theirs is the way to economic development and political supremacy. They believe that the future belongs to them—that the East Wind will prevail over the West—and their revolutionary strategy is one of maximum flexibility. "When the enemy advances, we retreat; when the enemy retreats, we pursue," and wherever "the enemy is settled we harass." Korea, India, Africa, Quemoy and Matsu—and Southeast Asia by proxy—provide a continuing testimony to the durability of this doctrine. It is a teaching of Mao, embedded in the consciousness of modern China. We should expect no immediate modification.

There is another theory: that when China is sufficiently developed economically, like the Soviet Union today, it will have more to lose than to gain from turmoil and conflict and will therefore be less aggressive. It took the Soviet Union fifty years to reach that point. But Russia was a Western power with a more developed industry, a larger territory, and a considerably smaller and more manageable population. The revolution in China is only 22 years old and it is built on a very different foundation. Though China's GNP has shown remarkable growth in recent years, to the point where it exceeds the production of most Western European nations, her per capita income of $100 per year still places her among the poorest nations. What it has taken Russia fifty years to achieve, it may well take China a hundred years or more. And so, we cannot count on the mitigating effects of economic development to moderate China's policies in the foreseeable future. This, too, must remain a long-range goal.

But these are not the only alternatives available for achieving a modification of China's revolutionary role in the world today. In simple terms, we are playing to a larger audience than Peking.

There is, first of all, the world: our allies, the Asian countries, and neutral nations around the world who have, in popular parlance, been "turned off" by our intransigence on the China question. The rest of the world sees China for what it is: a populous, potentially powerful revolutionary state whose ostracism by the leading western nations has made it a magnet attracting the support and earning the respect of the West's most fervent critics.

A U.S.-China accommodation would do much to defuse this dynamic situation. It could make China more "respectable", and therefore less appealing in radical eyes. It could help to destroy the all too simple equation: "pro-change equals anti-U.S.". It would demonstrate more clearly than all our pronouncements that we accept and understand a pluralistic political world. Taken all together, accommodation with Communist China can be the first significant break in the anti-U.S. chain that has bound the world's revolutionary elites, and has posed a very real danger to our way of life.

Yet this is not really a gain, but an equalization, a restoration of a balance whose past disequilibrium was the product of our own backward movement. We must now move forward on a number of fronts if we would enjoy the benefits of our present stance.

In recent weeks President Nixon has proposed specific programs designed to bridge the barriers that have divided us from China.

However we are dealing with a totalitarian society and therefore we must not deceive ourselves into believing that the Chinese will prove readily receptive to western ideas. American tourists in Peking may show to the Chinese people that Americans are devoid of horns! But China has never had a democratic, individualist tradition, and we should not expect that cultural exchange will lead to a new revolution that is pro-west. Rather, through the exchange of scholars, newsmen and private citizens, we ourselves have much to gain from their ancient culture and much to learn of their present way of life.

Likewise, the relaxation of trade restrictions will not lead to a great upsurge in economic contact and mutual exchange. The Chinese have been far more conscious than we of the benefits of a favorable balance of trade. Not once in the last 22 years have their imports exceeded their exports, and they have made a conscious effort not only to maintain an overall balance, but to keep trade with Communist and non-Communist regions, and even with individual countries, roughly in balance. Thus, if we are to acquire a portion of the Chinese market, it must be accomplished in one of two ways: either we must import goods from China which are roughly equivalent in value to the products we would sell to them, or we must compete successfully with other Western nations for their share of the Chinese market.

The value of China's foreign trade has averaged approximately $4 billion per year over the last decade. And the direction of that trade has changed drastically and encouragingly: throughout the 1950's the Communist bloc states accounted for nearly ¾ of China's foreign exchange, but since 1960, the balance has swung heavily in favor of the West. Japan and West Germany are China's two largest trading partners, with Britain, Australia and Canada close behind. Proportionately, the *West* now accounts for ¾ of China's trade. It is time for us to participate in this market.

Our political relationship with China is still the major unresolved issue between our two countries. Actually there are two specific issues: recognition of Communist China, and its admission to the United Nations.

Fifty-nine nations in the world presently have diplomatic relations with, or recognize, Mainland China. Of these, seven are members of NATO and our closest allies: Britain, Canada, Italy, France, Denmark, Norway and the Netherlands. Eight nations have extended recognition within the last two years.

Ideally, we should follow suit and recognize Communist China. But practically there are still impediments to such a step on the part of both powers: China is bound by its support of North Vietnam, and we are bound by our support of Formosa, or Taiwan.

Taiwan is one of our most difficult foreign policy questions. Chiang Kai-shek was a wartime ally who shortly thereafter lost his country in civil strife. For twenty-two years we have supported his regime on the offshore Chinese island of Taiwan.

The Nationalist Chinese have lived for years with a faith and hope of returning to the Mainland. For them recognition as the legitimate government of China is the fiction which maintains them. Consistently they have severed relations with the nations which have recognized Communist China.

But a prolongation of this course can only mean the virtual isolation of Taiwan—and of the United States as her protector. Isolation, intransigence, inflexibility on the part of Taiwan can mean economic and political stagnation, and even revolution. Taiwan must move toward acceptance of dual recognition. And we must persuade her to do it—in her interest and our own.

In the United Nations, the question of admission is likely to arise and be resolved within a year—or at most, two. From only 11 nations supporting China's admission in 1951, the number in 1970 was 51 and for the first time constituted a majority of the voting states. Among those either voting in favor or abstaining were also a majority of our NATO allies—despite our best efforts to the contrary.

The United States has nothing to gain from continued opposition to the seating of Communist China. We are only isolating ourselves, appearing irrational in the eyes of the world, and denying the very real benefits of China's participation in world affairs. Mainland China has reportedly made significant advances in medical research: it should be a part of the international conferences and organizations discussing this subject. Mainland China has a nuclear capability. To discuss arms control and disarmament without her participation is to put the negotiators at a serious disadvantage. Mainland China has food surpluses, new production techniques, and an extraordinary culture; it makes no sense to deny these benefits to the nations and peoples of the world.

We have two courses of action available to us, either of which would accomplish the result of China's admission to the U.N. First we can simply let it be known that we will no longer oppose the seating of Mainland China and its assumption of China's seat in the

Security Council. This course of action would require that we simply abstain when the matter once again comes to a vote.

But the resolutions on seating Communist China have consistently contained a second operative clause: the expulsion of Nationalist China. It is for this reason that I favor a second course of action which is more constructive and more in keeping with our long-time policy. The United States should sponsor a resolution of its own: admitting Mainland China, granting it a Security Council seat, but providing for the continued membership of Taiwan in the General Assembly. This removes from us the onus of obstructing the admission of the most populous nation in the world, and it would place the ball squarely in the court of Peking and Taipei for determination as to which, or both, would accept membership on those terms. The alternative for the U.S. is to delay Peking's admission for at best a year or two, and to suffer inglorious defeat at the hands of world democracy. The price is one we should not have to pay.

Finally, I would turn to a course of action which does not involve our direct relations with China, but may in the long run be the most significant course we choose. Put in simplest terms, we cannot harness this country to the containment of change. We cannot see in every revolution a communist threat; we cannot paint each socialist ruler red. To do so is to attribute extraordinary power to the revolutionary influence of Communism—and not coincidentally, to encourage every proponent of change to look to our adversaries for assistance. The Department of Defense, in 1966, conducted a study of the 149 serious internal insurgencies which had occurred over the last several years. They found that Communists were involved—not leading, not dominating, not initiating, but only *involved*—in 38 percent of these insurgencies. And this figure included seven instances in which a Communist government was itself the target of the uprising.

We must realize that we live in revolutionary times. That change, often violent change, is inevitable in the developing world. And we must understand that the Communists can capitalize on this condition only if we permit them to do so—through supporting unpopular governments because they are "stable", or "pro-West", through branding every nationalist leader as a Communist; through making economic aid conditional on support of our politics.

More than a single policy is at test in our relations with Communist China. It is up to us to prove our system works. What is at stake *is* our way of life. But it is being challenged in a way no ABM can counter, no radar can detect, no defense pact can deter. The challenge that is before us can be met. We must *begin* by improving our relations with Communist China. We must continue by countering their appeal with our own. We must understand the nature of the struggle and adapt our policies to meet it. And we *can* win.

REFERRAL OF SENATE RESOLUTION 112 TO COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, on behalf of the joint leadership, and with the approval of the chairman of the Committee on Rules and Administration, the distinguished Senator from North Carolina (Mr. JORDAN), I asked unanimous consent that Senate Resolution 112, to permit the appointment of Senate pages, without discrimination on account of sex, submitted by the distinguished Senator from New York (Mr. JAVITS) on yesterday, be referred to the Committee on Rules and Administration with instructions that it be reported from that committee to the calendar on Tuesday next, May 11, 1971.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from New York (Mr. BUCKLEY) for 15 minutes.

FIRST ANNIVERSARY OF THE KENT STATE TRAGEDY

Mr. BUCKLEY. Mr. President, a year ago today, four students lost their lives at Kent State University. Much has been written about their deaths, and about the weekend of rioting and violence which led up to the fatal confrontation.

To my mind, one of the most moving and perceptive statements of the true meaning of the tragedy, is an unpublished essay written a week after the event by a young New Yorker who was then an undergraduate at Kent State.

I would like to take the occasion of this sad anniversary to read this student's reflections into the RECORD:

Today is Monday and I am afraid. Because I am a college student in 1970 and I should be doing something, but I don't know what. Projections into the future are blurred and distant, like the wrong end of a telescope. So I look backward for a clue. Travelling through twenty years of life seemed so easy and so natural. Why should twenty seconds of reflection now appear so painful?

A single thought keeps running through my mind. It was something my father told me many times when I was a child. It seems so long ago and it never struck me as any kind of philosophical pearl one is inclined to string up along the way. This is what he said: "When I dropped a book in my home, my mother make me pick it up and kiss it. Never," he added, "without the admonition that the ideas and ideals in books are precious. They represent the advance of civilization, the recorded progress of mankind.

Now until Kent State University was closed did I experience the full impact of what my father had been taught, and I through him. A childhood memory haunts me. My school is closed and I have lost my voice, my mentors, my audience, my fellows and my life's inspiration. I have dropped my books and much as I try I can't find them. So I ask myself painful questions. Is this the way of reason and logic? Are our schools destined to be politicalized? To become arenas of physical combat rather than intellectual development?

What will become of 20,000 students who on that fateful Monday went to their classes, stayed in their dormitories, obeyed the regulations? The Class of '70 was erased in a single afternoon. Whatever their role in the tragic events that day, the body of undergraduates seeking their identity in the laboratories of society now walk around with the stigma of death and violence.

We ask to be judged with equality, but receive instead equal punishment, and we feel lonely and abandoned. The politicians have embraced the generation gap, but does that mean we will be left out of the mainstream of society? This apparent end does not relate to any of the means.

The radical segment of Kent State students sought a confrontation and succeeded. The students who died no longer have a say among the living, but as martyrs they will live on as symbols of our failures on the campus. Unfortunately, there were no victors, only losers. A battle cry is hardly sufficient reward for the living.

I talked with some of the National Guardsmen. I thought, gee, they look just like we do, young, eager to get back to their education or jobs. Some asked how they might get to meet some of the coeds at Kent. Others asked about the town and the people. Afterward, I tried to rationalize the events of that day. The young men in uniform did not burn down school buildings. Nor did they smash through the business section of town, attack the firemen and police officers, or loot the stores. Yet, they will carry forever the memory of an act of war they neither wanted or wished for the rest of their lives.

Since Kent was closed, I have cried myself to sleep more nights than I care to remember or admit, only to be awakened by nightmares. I can cope with the warm perspiration and the cold chill of fear in time, but the frustration of being dispossessed and the inability to correct an injustice to my University gnaw at my inner self.

The students of Kent failed. Of this there is no doubt. The 95 percent who did nothing to cope with a wave of discontent as well as the 5 percent who did too much. But the failure has many authors. We had no student vote on whether to picket or demonstrate, so the democratic process was lost. The voice of reason, from our instructors, was silent. On the other hand, some faculty members were seen exhorting the fired radicals to smash the National Guard just before the rifles roared. What are the priorities of our teachers? To encourage intellectual exploration? To question and challenge? Certainly not to politicalize our schools, ignore our democratic ideals, overrule the authority of our parents, or deride our elected leaders. Are they not just as lacking in their responsibility if they see and hear nothing and thereby convey nothing?

I have watched television newscasters and commentators, read newspaper accounts, listened to political spokesmen, but the questions remain unanswered. And so another Monday is here and I am afraid for myself, and for all our people.

We have dropped our books and there they lie, filled with solutions and sanity and the hope of the future, but no one will bend.

I am deeply saddened, Mr. President, that this first anniversary of the Kent State tragedy should be marked here in Washington by a new resort to confrontation politics. The true lesson of Kent State, seared in the memory of this young student, is, of course, wholly lost upon those who would inflict their barbarities upon the Nation's Capital. But I trust that it will not be lost upon others who may be tempted from time to time to believe that disruption is a legitimate substitute for discussion. I trust, and believe, that the vast majority now understand that the cause of peace will not be advanced one iota by the threat to paralyze this city, while the attempt to carry out that threat could unleash the violence which here, as at Kent State, could still claim its victims.

I believe, moreover, that we have learned much in the last year. The demonstrators, by and large, have avoided the more flagrant acts of violence; and the forces of reason and order have made it clear that this Government does not intend to be intimidated, that it will not roll over and play dead at the command of the motley Pied Pipers who have ordained this demonstration. The sober firmness which has been exhibited by the authorities of this city and govern-

ment has stripped confrontation politics of its glamor; and, hopefully, the sobering effect of this firmness will be to remind the country that it is time to back away from this springtime madness; that it is time to pick up the books.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the senior Senator from Florida is recognized for not to exceed 15 minutes.

(The remarks of Mr. GURNEY when he introduced Senate Joint Resolution 91 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Pursuant to the previous order, the Senate will now proceed to the consideration of routine morning business, with the statements therein limited to 3 minutes.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow following the remarks of the distinguished Senator from Ohio (Mr. TAFT), the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday following the remarks of the distinguished Senator from New Mexico (Mr. MONTOYA), the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

PROPOSED ASSISTANCE FOR VICTIMS OF UNEMPLOYMENT

Mr. TUNNEY. Mr. President, unemployment is a national disaster as devastating and disruptive as any caused by an earthquake or hurricane, and its victims must be helped.

They must receive Federal assistance on the same broad scale and effective measure as those who lose their homes and their possessions to natural havoc.

I wholeheartedly support legislation now being drafted by the Committee on Public Works to apply the principles of our Disaster Relief Act to the cataclysm of unemployment.

The legislation, I am sure, will be a legislative landmark in assisting the unemployed with mortgage payments, loans and income until they find new work.

I intend, however, to offer a far-reaching amendment that will bring direct assistance to those who may be among the most unfortunate of the unemployed—the victims of cutbacks in Government contracts or operations.

For many of these Americans, the prospects are dim they will get their old jobs back. This particularly applies to aerospace industries where the immediate prospect is for more unemployment, not less.

Specifically, my amendment would provide aid whenever substantial unemployment results from cutbacks in Federal contracts or curtailment or closing of military bases and other Government facilities.

As provided in the bill now being drafted by the Committee on Public Works, the aid would be sufficient to permit an unemployed person to retain his home, his family, and his dignity. He would receive unemployment compensation for as long as an employment crisis existed. His mortgage payments would be met for 12 months. Alternatively, he could receive a long-term, low-interest loan of 80 percent of his normal salary, up to $12,000 for 1 year.

This amendment will go a long way in shielding communities from the devastating effect of an abrupt cutback in Federal spending.

It will round out governmental responsibilities toward sustaining the economic equilibrium of communities that depend on Federal contracts or installations.

It will rescue workers who are swallowed into huge Federal procurements for weapons systems or aerospace systems only to be regurgitated when those programs are abandoned.

The dimensions of our national disaster in unemployment is indicated by grim statistics:

Five million unemployed nationally; 700,000 of them in California, an increase of 200,000 in 1 year. Nationally, 800,000 persons have lost defense-related jobs in the past year; in California, 172,000 aerospace workers have been thrown out of work since 1968, and the figure will reach 200,000 by the end of this year.

Of the jobless in California, 150,000 are not eligible for unemployment compensation, and many more have exhausted their benefits. Presently, the United States is utilizing less than three-quarters of its manufacturing capacity, but prices continue their inexorable rise—5.2 percent this past quarter.

The excruciating problems of unemployment have been under extensive review for the past 3 months by the Public Works Subcommittee on Economic Development, of which I am a member.

Subcommittee Chairman Senator MONTOYA held hearings in Raleigh, N.C.; Memphis, Tenn.; Wichita, Kens.; Albuquerque and Santa Fe, N. Mex.; Seattle, Wash.; Anchorage and Fairbanks, Alaska; and Los Angeles. This has been a tough-minded search for sound legislation.

My distinguished colleague and chairman of the Public Works Committee, Senator RANDOLPH, has personally participated in these hearings, as have I. Under his able leadership and that of Senator MONTOYA, the committee is now completing the unemployment disaster bill. As Chairman RANDOLPH has announced, the committee will hold final hearings on this major new legislation on May 12 in Washington. An outline of the legislation was adopted by the committee at a meeting on April 29.

I am delighted to have joined in this long effort, and I am pleased as well that we are now so near to major legislation.

The proposal which Senator RANDOLPH and the Public Works Committee are now considering would provide aid to economically distressed areas in the following manner:

First. Allow the President, with appropriate certification, to declare any area eligible for emergency aid which has suffered or will suffer an unusual or abrupt rise in unemployment so as to disrupt the economic life of the area. In making this judgment, the President must find that any of a series of specific economic events has occurred. For example, he would find that there has been or will be 6 percent or greater unemployment resulting from an abrupt rise in joblessness, over 6 of the last 12 months; or that unemployment had risen by 50 percent within the preceding year; or that Vietnam veteran unemployment had been 25 percent or more above the national average for 3 of the last 12 months.

Second. For any eligible area, a Federal coordinating officer can develop a swift survey of needed projects which will stimulate employment, and he would coordinate Federal and State employment aid.

Third. Massive Federal aid would flow immediately to eligible areas. These funds would pay for the lion's share of accelerated public works construction, and could pay for substantial financial aid to job-producing private organizations. Equally, Federal grants could underwrite massive programs of income maintenance to stretch out unemployment compensation; could allow Government funding of rent or mortgage payments for up to 12 months; or could provide a long-term, low-interest emergency loan to pay substantially all the normal salary of an individual for 12 months, up to $12,000 yearly. Repayment of his loan could be delayed until after the person receiving the loan found a new job.

These proposals build on the basic concepts of the Disaster Relief Act of 1970 which provides permanent authority for quick Federal aid to victims of natural disasters. My fellow Californians have been helped already by that program in the weeks following the tragic February earthquake.

I hope that these ideas will receive a broad welcome in the Senate. My dis-

tinguished colleague from Washington, Senator JACKSON, has already announced on April 14 to the Senate that he supports and will propose a Regional Economic Disaster Relief Act similar to the Federal aid program for natural disasters. I also recall hearing Governor Evans of Washington testifying before the Economic Development Subcommittee in our Seattle hearings that he likewise favored "economic disaster" legislation. Both of these distinguished leaders speak from harsh immediate experience, because Washington joins my State of California in suffering terribly from our present economic crisis. The support of Senator JACKSON for these ideas will be especially valuable in the Senate's consideration of these matters.

Beyond this, I believe my amendment will help those victims of unemployment in aerospace until that industry is revitalized through conversion to pollution controls, rapid transit and other domestic priorities.

I have discussed this amendment with the Senator from Tennessee (Mr. BAKER), ranking Republican on the Economic Development Subcommittee, and he expressed deep interest in it. It is my hope that the amendment will receive broad bipartisan support.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be closed and that after passage of several bills the morning business be resumed again, if need be.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

The PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business, which will be stated by the clerk.

The assistant legislative clerk read as follows:

S. 421, to amend title 10 of the United States Code, to provide special health care benefits for certain surviving dependents.

The Senate resumed the consideration of the bill.

AN ACT RELATING TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 860.

The President pro tempore laid before the Senate a message from the House of Representatives that the bill of the Senate (S. 860) relating to the Trust Territory of the Pacific Islands in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 860 was passed, together with third reading.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The bill is open to amendment.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment to strike title 4 of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The amendment was read, as follows:

Beginning on page 15, line 1, strike all language through line 10, page 17.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD).

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 860) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 860

An act relating to the Trust Territory of the Pacific Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ECONOMIC DEVELOPMENT OF TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 101. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the government of the Trust Territory of the Pacific Islands as a grant in accordance with the provisions of this title, an amount which when added to the development fund established pursuant to section 3 of the Act of August 22, 1964 (78 Stat. 601), as augmented by subsequent Federal grants, will create a total fund of $5,000,000, which shall thereafter be known as the Trust Territory Economic Development Loan Fund.

SEC. 102. The grant authorized by section 101 shall be made only after the government of the Trust Territory of the Pacific Islands has submitted to the Secretary of the Interior a plan for the use of the grant, and the plan has been approved by the Secretary. The plan shall provide among other things for a revolving fund to make loans or to guarantee loans to private enterprise. The term of any loan made pursuant to the plan shall not exceed twenty-five years.

SEC. 103. No loan or loan guarantee shall be made under this title to any applicant who does not satisfy the territorial administering agency that financing is otherwise unavailable on reasonable terms and conditions. No loan or loan guarantee shall exceed (1) the amount which can reasonably be expected to be repaid, (2) the minimum amount necessary to accomplish the purposes of this title, or 25 per centum of the funds appropriated pursuant to section 101. No loan guarantee shall guarantee more than 90 per centum of the outstanding amount of any loan, and the reserves maintained to guarantee the loan shall not be less than 25 per centum of the guarantee.

SEC. 104. The plan provided for in section 102 shall set forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

SEC. 105. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this title.

SEC. 106. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any relevant books, documents, papers, or records of the government of the Trust Territory of the Pacific Islands.

TITLE II—CONTRIBUTIONS TO CERTAIN INHABITANTS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Chapter 1.—EX GRATIA CONTRIBUTIONS

SEC. 201. The Congress recognizes and declares that—

(1) certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, now administered by the Secretary of the Interior, hereinafter referred to as the "Secretary", pursuant to the Act of June 30, 1954 (68 Stat. 330), as amended (48 U.S.C. 1681), suffered from the hostilities of the Second World War and the military occupation thereafter;

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

(3) the Governments of the United States and Japan have agreed to contribute ex gratia the equivalent of $10,000,000 to the Micronesian inhabitants of the Trust Territory of the Pacific Islands, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services; and

(4) payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, and settlement of postwar claims, will meet a longstanding Micronesian grievance and will promote the welfare of the Micronesian people.

SEC. 202. (a) There is hereby authorized to be appropriated and paid into a Micronesian Special Fund the sum of $5,000,000, which shall be in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended.

(b) Funds approximating $5,000,000 appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with section 2 of the Act of June 30, 1954, as amended, shall be paid into a Micronesian Special Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds, together with the sum appropriated pursuant to subsection (a) of this section,

shall constitute the whole of the Micronesian Special Fund.

SEC. 203. (a) There is hereby established a Micronesian Special Commission, hereinafter referred to as the "Commission", for the purpose of determining the Micronesian inhabitants who are entitled to ex gratia contributions from the Micronesian Special Fund. The Commission shall be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No Commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

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

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

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

(e) The Commission shall complete its work as expeditiously as possible and in any event not later than three years after the expiration of the time for filing claims under this title.

SEC. 204. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates the various islands of Micronesia were secured by United States Armed Forces.

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

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

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

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

(c) When all claims have been adjudicated, the Commission shall certify them to the Secretary for payment from the Micronesian Special Fund as provided in this section, except that as to claims based on death up to $1,000 shall be certified to the Secretary and paid immediately upon adjudication.

(d) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Committees on Interior and Insular Affairs of the Senate and House of Representatives concerning its operations under this title. The Commission shall, upon completing its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and to the Congress of the United States the following:

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

(2) a list of all claims disallowed;

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

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

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

SEC. 205. There are authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Commission and the Foreign Claims Settlement Commission under this Act.

SEC. 206. On view of the fact that the agreement for the payment of the ex gratia funds authorized by this chapter was negotiated by the Governments of the United States and Japan, and personnel appointed by the Secretary or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands in filing all claims covered by either chapter 1 or chapter 2 of this title, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims covered by either chapter 1 or chapter 2 shall exceed, in total, 1 per centum of the amount paid on such claim or claims, pursuant to the provisions of this title. Fees already paid for such services shall be deducted from the amounts authorized by this title. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

Chapter 2.—POSTWAR CLAIMS

SEC. 207. In order to promote and maintain friendly relations by the settlement of meritorious postwar claims, the Micronesian Special Commission established by section 203 is authorized to consider, ascertain, adjust, and determine all claims by Micronesian inhabitants of the trust territory against the United States or the government of the Trust Territory of the Pacific Islands on account of damage to or loss or destruction of private property, both real and personal, or personal injury or death, including claims for a taking or for use or retention of property where no payments or inadequate payments have been made therefor, when such damage, loss, destruction, or injury was caused by the United States Army, Navy, Marine Corps, or Coast Guard, or individual members thereof, or military personnel or United States Government civilian employees, or employees of the trust territory government acting within the scope of their employment: *Provided*, That no claim shall be considered by the Commission unless it is presented in writing within the time provided in section 203(d) and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under the control of the United States at the time of the accident or incident: *Provided further*, That any such settlement made by the Commission and any payments made by the Secretary under the authority of this title shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall not be subject to review.

SEC. 208. There are authorized to be appropriated $20,000,000, which shall be in addition to the appropriation authorized by section 2 of the Act of June 30, 1954, as amended, and which shall be used by the Secretary to pay the claims allowed under section 207.

SEC. 209. Any funds appropriated for the purposes of this chapter which remain after the settlement of claims under the provisions of this chapter shall be covered into the Treasury of the United States.

TITLE III—FREE ENTRY OF CITIZENS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 301. The Act of June 27, 1952 (66 Stat. 163), as amended, is further amended by adding at the end of title II thereof the following new section 293:

"SEC. 293. (a) Nothing contained in this title, except for sections 212(a), (27), (28), and (29), 215, and 241(a)(1), (6), and (7) shall be construed to limit, restrict, deny, or affect the coming into or departure from the United States of a citizen of the Trust Territory of the Pacific Islands who presents a valid identity certificate issued by the High Commissioner of such territory: *Provided*, That nothing contained in this section shall be construed to give or to confer upon any such citizen any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

"(b) The High Commissioner of the trust territory shall issue an identity permit, upon request, pursuant to such regulations as he may prescribe, to any citizen of such territory who resided in the territory on July 18, 1947, including a citizen temporarily absent from the islands on that date, and to any citizen of such territory who was subsequently born or naturalized there, if after that date or after his birth or naturalization he continued to reside in the trust territory or in the United States, its territories or possessions, and has taken no affirmative steps to acquire foreign nationality.

"(c) Any person who comes to the United States pursuant to the provisions of this section shall, upon completion of the residence and physical presence requirements of section 316(a) of this Act, be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such coming, for the purpose of petitioning for naturalization."

TITLE IV—NATIONALS AND CITIZENS OF TRUST TERRITORY OF THE PACIFIC ISLANDS SERVING IN THE ARMED FORCES

SEC. 401. Section 3253(c) of title 10, United States Code, is amended to read as follows:

"§ 3253(c). Army: persons not qualified

"In time of peace, no person may be accepted for original enlistment in the Army unless he (1) is a citizen of the United States, (2) has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8, (3) is a national of the United States, or (4) is a citizen of the Trust Territory of the Pacific Islands and presents a valid identity certificate issued by the High Commissioner of such trust territory."

SEC. 402. Section 8253(c) of title 10, United States Code, is amended to read as follows:

"§ 8253(c). Air Force: persons not qualified

"In time of peace, no person may be accepted for original enlistment in the Air Force unless he (1) is a citizen of the United States, (2) has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8, (3) is a national of the United States, or (4) is a citizen of the Trust Territory of the Pacific Islands and presents a valid identity certificate issued by the High Commissioner of such trust territory."

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5674.

The PRESIDENT pro tempore laid before the Senate H.R. 5674, to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

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

There being no objection, the Senate proceeded to consider the bill.

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

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 79, S. 699.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill S. 699 to require radio telephone on certain vessels while navigating upon specified waters of the United States.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, it was to this bill that I sought to add the Metcalf-Mansfield amendment which, if adopted, would have postponed the implementation of the so-called Amtrak rail passenger system. A bill identical in effect to the Metcalf-Mansfield amendment now appears on the calendar, identified as S. 1698. It is the Metcalf-Mansfield bill and should such a legislative vehicle be considered in the future, it would be unnecessary to retain on the calendar two identical proposals for our objectives. I, therefore, ask unanimous consent to withdraw the yeas and nays on my amendment to S. 699, and to withdraw my amendment.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-78), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to reduce vessel collisions and mishaps by requiring that certain vessels be equipped with and monitor a bridge-to-bridge voice communication system while navigating upon specified waters of the United States.

BACKGROUND AND NEED FOR THE LEGISLATION

The need for this legislation is clear. Under present law, the statutory rules of the road require certain whistle signals to be sounded by vessels approaching each other. While this legislation would not alter the Rules of the Road, it would help supplement the inadequate system of conveying information that they provide. From 1965 to 1969, there were over 300 collisions between vessels that would be subject to the new radiotelephone requirement. These collisions resulted in 115 deaths and $20 million in property damage. In a number of cases, collisions also have resulted in substantial environmental damage through the spillage of oil and other cargoes, fire, and explosion. The committee received expert testimony which established that in the overwhelming majority of these cases, the ability to understand intentions between approaching vessels would have prevented these tragedies.

The efficacy of the type of system envisioned by the bill is demonstrated by the widespread voluntary use of radiotelephones on vessels and by successful experience where regional systems have been adopted. On the Great Lakes, where a regional system of bridge-to-bridge communication has been in effect for several years, very few collisions have occurred even though the water is heavily trafficked. Similarly, since the introduction of a voluntary radiotelephone system on Delaware River and Delaware Bay in 1960, the number of collisions in the area has been cut to a quarter of its former annual rate. This drop in collisions, extending over a 10-year period, is dramatic evidence of the effectiveness of bridge-to-bridge radiotelephone capability.

S. 699 was introduced at the request of the Department of Transportation. Similar legislation was endorsed by the President last year (H. Doc. 91-340) and was included in the President's first special message to the 92d Congress (H. Doc. 92-36). The National Transportation Safety Board, the Coast Guard, and Federal Communications Commission, as well as various labor and management groups in the vessel operation industry, all testified to the need for this legislation and in support of the bill.

WHAT THE BILL DOES

The bill would require that all power-driven vessels of 300 or more gross tons, all passenger vessels of 100 gross tons or more, all towing vessels of 26 feet or more in length, and all dredges or similar vessels likely to obstruct navigation be able to transmit and receive navigational information on a frequency or frequencies designated by the Federal Communications Commission in consultation with other cognizant agencies. The requirement would apply to the navigable waters of the United States inside the lines which demarcate the inland waters of the United States.

The bill would further require that the master or person in charge of the vessel, or the person designated by him to pilot the vessel, maintain a listening watch on the designated frequency. The watch would be required continuously while the vessel is navigating and the radiotelephone would be exclusively for the use of the persons named above for the exchange of navigational information. It is not intended to replace existing radio facilities or radio officers carried aboard vessels under existing law or agreements. The bill would also permit the use of portable equipment.

During the hearings on the bill, several witnesses raised narrow and special problems with respect to various provisions of the bill. A number of these were regional in nature, as in the case of the special conditions prevailing in New York and San Francisco or on the Great Lakes where an existing system, including an agreement with Canada, is already in effect. The committee believes that these special situations can best be dealt with administratively rather than legislatively. Section 7 of the bill provides that the Secretary may issue exemptions with respect to any provision of the act, upon such terms and conditions as he deems appropriate, if he considers that safety will not be adversely affected or where a local communication system complies with the intent of the legislation but does not conform in detail.

Some concern was also expressed with respect to the requirement of a continuous listening watch on the bridge-to-bridge chan-

nel. A similar bill in the 91st Congress would have permitted leaving the bridge-to-bridge channel when there was "no risk of collision." However, this rather ambiguous and subjective standard, requiring an ad hoc determination in each case, was opposed by the National Transportation Safety Board, Coast Guard, and Federal Communications Commission. The recent tragedy in San Francisco Bay, involving the collision of the *Arizona Standard* and the *Oregon Standard*, lent further support to the argument against inserting such language in S. 699. In that case, both vessels were equipped with radiotelephone devices, but apparently were not listening on the same frequency. The best radio equipment in the world is of little use if no one is listening.

While the committee therefore determined not to include statutory exceptions to the requirement for a continuous listening watch, it recognizes that some adjustments may be required in administration. For example, the committee received testimony relating to a specific problem that pilots may have when using portable equipment. Pilots are now using their portable radios both for meeting and passing purposes and also for exchanging navigational information with towboats and other land installations, and it may not be practicable to maintain a continuous listening watch on the bridge-to-bridge frequency at all times on this portable equipment. However, to the extent that adjustments are necessary, the committee believes that they can be more finely tailored, and that the interest of safety can best be served, by permitting administrative flexibility.

Similarly, there was testimony that the bill ought not to apply to towing vessels under 45 feet, particularly those engaged in certain logging operations and shipyard work outside normal channels of navigation. However, there are approximately 1,500 towing vessels between 26 and 45 feet in length and no information to suggest that all of them are engaged in these types of operations. In addition, from 1965 to 1969, these vessels were involved in 53 collisions resulting in $626,000 of property damage. Consequently, the committee determined not to exempt towing vessels under 45 feet, though an administrative exemption may prove appropriate in certain circumstances.

EXPLANATION OF AMENDMENTS

The committee made certain amendments to the legislation which are essentially technical or conforming in nature. At page 1, line 10, the committee amended the statement of purpose of the bill in section 2 to conform to section 4 by referring to a "frequency or frequencies". This is also intended to make clear that there is sufficient administrative flexibility to permit the use of separate calling and working frequencies if that becomes desirable. A similar amendment was not required to section 5 since the reference there could be interpreted to apply solely to a designated calling frequency.

The amendment at page 2, line 9, was to correct an erroneous section reference.

The amendment at page 2 line 16, deleting "at the waterline", was made at the suggestion of the Coast Guard because it is difficult to measure vessels in that manner and in order to better conform with other regulations.

The amendment at page 3 line 12, is intended to make clear that the radiotelephone is for the exclusive use of the master or person in charge of the vessel, or of the person designated by the master or person in charge to pilot or direct the movement of the vessel.

The amendment at page 3 line 20, is intended to make clear that the master is not personally required to do the physical work of restoring the radio but can cause it to be restored by another.

The amendment at page 5 lines 1 and 4, was requested by the Coast Guard to make clear that the maximum penalty for noncompliance need not be assessed in every case.

The amendment at page 5 line 11, establishes an effective date of May 1, 1971 or 6 months after the promulgation of regulations, whichever is later.

CONCLUSION

The increase in varieties and amounts of hazardous materials shipped on the navigable waters of the United States makes the need to prevent collisions one of urgent importance. The enormous amounts of petroleum products so carried and the potential for a catastrophic casualty in our inland and coastal waters is a matter of growing public concern. The threat of major pollution, and ever-present chance of fires and explosions of major proportions dictate the adoption of collision avoidance measures. The requirement of bridge-to-bridge radiotelephones is an important measure in the prevention of such possible collisions between vessels engaged in the transport of hazardous materials.

COST OF THE LEGISLATION

Enforcement of the legislation will not result in additional cost to the Government. Compliance by Government vessels will result in an initial one-time acquisition cost for radiotelephone equipment of approximately $300 per vessel for an estimated total cost of $500,000 for all Government vessels.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as amended, as follows:

S. 699

An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States

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 "Vessel Bridge-to-Bridge Radiotelephone Act".

SEC. 2. It is the purpose of this Act to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is need for a specific frequency *or frequencies* dedicated to the exchange of navigational information, on navigable waters of the United States.

SEC. 3. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(2) "power-driven vessel" means any vessel propelled by machinery; and

(3) "towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

SEC. 4. (a) Except as provided in section 7 of this Act—

(1) every power-driven vessel of three hundred gross tons and upward while navigating;

(2) every vessel of one hundred gross tons and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commissions, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

SEC. 5. The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

SEC. 6. Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

SEC. 7. The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he considers appropriate.

SEC. 8. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

SEC. 9. (a) Whoever, being the master or person in charge of a vessel subject to this Act, fails to enforce or comply with this Act or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this Act to pilot or direct the movement of the vessel, fails to enforce or comply with this Act or the regulations hereunder—

Is liable to a civil penalty of not more than $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of not more than $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

SEC. 10. This Act shall become effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that there again be instituted a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF ADDITIONAL FINDINGS OF FACT IN DOCKET NO. 22–A, INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding Docket No. 22–A, the Jicarilla Apache Tribe of the Jicarilla Apache Reservation, N. Mex., plaintiff, against the United States of America, defendant (with an accompanying report); to the Committee on Appropriations.

NATIONAL CAPITAL REGION WATER AND WASTE MANAGEMENT REPORT

A letter from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the National Capital Region Water and Waste Management Report (with accompanying report); to the Committee on the District of Columbia.

PROPOSED DISTRICT OF COLUMBIA ADMINISTRATIVE IMPROVEMENTS ACT

A letter from the Assistant to the Commissioner of the District of Columbia transmitting proposed legislation for improvements in the administration of the government of the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED DEVELOPMENT OF PERSONNEL DOSIMETER FOR URANIUM MINERS

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the University of San Francisco, San Francisco, Calif., for a research project entitled "Development of Personnel Dosimeter for Uranium Miners" (with accompanying papers); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED VETERANS MEDICAL CARE ACT OF 1971

A letter from the Administrator, Veterans' Administration, submitting a draft of proposed legislation to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes (with accompanying papers); to the Committee on Veterans' Affairs.

EXECUTIVE REPORT OF A COMMITTEE

Mr. CHURCH. Mr. President, as in executive session, from the Committee on Foreign Relations I report Executive O, 81–1, "International Convention on the Prevention and Punishment of the Crime of Genocide." I ask unanimous consent that the report be printed together with individual views.

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

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GURNEY:

S. 1754. A bill to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Fla. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHILES:

S. 1755. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; and

S. 1756. A bill to amend the Higher Education Act of 1965 in order to strengthen the student insured loan program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. PEARSON:

S. 1757. A bill to allow a credit against Federal income tax for State and local real property taxes paid on their residences by individuals who have attained age 65. Referred to the Committee on Finance.

By Mr. FONG:

S. 1758. A bill for the relief of Benigno Domiao Jacinto;

S. 1759. A bill for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza;

S. 1760. A bill for the relief of Editha Espirito Rabara; and

S. 1761. A bill for the relief of Burgos Jose Maglay. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the Cache National Forest, Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE:

S. 1763. A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to. Referred to the Committee on Commerce.

By Mr. INOUYE (for himself, Mr. BEALL, Mr. EAGLETON, Mr. PERCY, Mr. STEVENSON, and Mr. TUNNEY):

S. 1764. A bill relating to the Federal payment for the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. BENNETT:

S. 1765. A bill for the relief of Takaaki Shiraki. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. PROXMIRE, Mr. TOWER, and Mr. BENNETT):

S. 1766. A bill to provide for the striking of medals in commemoration of the Bicentennial of the American Revolution. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PELL:

S. 1767. A bill to amend title II of the Social Security Act to provide that benefits payable thereunder shall be periodically increased or decreased so as to correspond to increases or decreases in the cost of living; and

S. 1768. A bill to amend title II of the Social, Security Act to increase the annual amount that individuals are permitted to earn without suffering deductions in the monthly benefits payable to them thereunder. Referred to the Committee on Finance.

By Mr. GURNEY (for himself, Mr. PASTORE, Mr. YOUNG, Mr. DOLE, Mr. THURMOND, Mr. BUCKLEY, Mr. ALLOTT, Mr. HUMPHREY, Mr. BIBLE, Mr. ERVIN, Mr. BENNETT, Mr. GOLDWATER, Mr. RANDOLPH, Mr. STEVENS, Mr. PELL, and Mr. JAVITS):

S.J. Res. 91. A joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 1755. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; and

S. 1756. A bill to amend the Higher Education Act of 1965 in order to strengthen the student insured loan program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. CHILES, Mr. President, today, I am introducing the Student Assistance Act of 1971 and the Secondary Student Loan Market Act of 1971. Together, these bills give strength and substance to the present laws that provide for guaranteed student loans. The program for these insured loans is a good one but it needs some adjustment. Nevertheless, over the last 5 years that it has been in existence, it has grown from $77 million in 1966 to $863 million in the first 9 months of fiscal year 1971, for a cumulative of $3.15 billion. In 1970, there were 921,896 students receiving assistance from this program for a total of $840 million at a cost to the taxpayer of $74 million. The three other major programs, NDEA loans, college work study, and economic opportunity grants provided assistance to 1,121,000 students at a cost of $512 million. Dollar for dollar, the taxpayer's money goes further and to more students with the guaranteed student loan program than with any other form of student financial assistance.

The changes these bills provide for in the present legislation will enable more students and more lending institutions to join together in helping to insure that

the financial barriers to higher education will become less and less significant.

Specifically, the Students Assistance Act of 1971 increases the amount of a loan to $2,500 for courses of study where costs are unusually high, insures the interest as well as the principle of the loan, removes restrictive repayment limits, provides an interest subsidy in times of a difficult economy, provides added income to insure the efficient operation of the Federal insured loan program, enables greater participation by lending institutions, gives the law some teeth so that nonqualified institutions can be removed from participation in the program, and significantly decreases the amount of paperwork for the lending institutions.

To solve the problem of banks becoming overloaded with student loan paper and not being able to liquidate it, my second bill would establish a secondary market for student loan notes. Such a vehicle would allow lending institutions to keep a certain percentage of their assets available for student loans without becoming overburdened with loan paper they cannot move.

I urge my distinguished colleagues in the Senate to join me in assisting the great many students who want to continue their educations and are willing to assume the responsibility for paying their way. With this legislation, we will be assisting those students who want to be a constructive part of our society.

Mr. President, I ask for unanimous consent that the two bills be printed in the RECORD, along with an explanation of the proposed legislation.

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

S. 1755

A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association

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 "Student Loan Marketing Association Act of 1971".

SEC. 2. Title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part G:

"PART F—STUDENT LOAN MARKETING ASSOCIATION

"DECLARATION OF PURPOSE

"SEC. 471. Congress hereby declares that it is the purpose of this part to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans and provide liquidity for student loan investments.

"CREATION OF AGENCY

"SEC. 472. (a) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(b) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"(c) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association.

"BOARD OF DIRECTORS

"SEC. 473. (a) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the President.

"(b) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders under this Act, seven of educational institutions, and seven of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(c) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors.

"(d) At the time the event described in subsection (c) has occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(e) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and until their successors have been elected. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(f) The Board of Directors shall meet at the call of its chairman. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"FUNCTIONS

"SEC. 474. (a) The Association is authorized, subject to the provisions of this part, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured under this Act.

"(b) Any warehousing advance made under subsection (a) of this section shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"COMMON STOCK

"SEC. 475. (a) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under part B of title IV of this Act, pertaining to Guaranteed Student Loans, who are qualified as insured lenders under such part.

"(b) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in section 473(c).

"(c) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(d) To the extent that net income is earned and realized, subject to section 476 (b), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividend shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"PREFERRED STOCK

"SEC. 476. (a) The Association is authorized, with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(b) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(c) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"OBLIGATIONS

"SEC. 477. (a) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(b) The Secretary of Health, Education, and Welfare is authorized, on behalf of the United States, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guaranty under this subsection.

"(c) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

"GENERAL POWERS

"SEC. 478. The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this part in any State without regard to any qualifications or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"AUDIT OF FINANCIAL TRANSACTIONS

"SEC. 479. (a) The financial transactions of the Association shall be audited by the Secretary of Health, Education, and Welfare in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as he may prescribe. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(b) The expenses of any audit performed under the section shall be borne out of appropriations to the Department of Health, Education, and Welfare, and appropriations in such sums as may be necessary are authorized. The Association shall reimburse the Department for the full cost of such audit as billed therefor by the Secretary, and the Department shall deposit the sums as reimbursed in to the Treasury as miscellaneous receipts.

"AUDIT REPORT TO CONGRESS

"SEC. 480. A report of each such audit for a fiscal year shall be made by the Secretary of Health, Education, and Welfare to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of the Treasury and to the Association.

"OBLIGATIONS AS LAWFUL INVESTMENT, ACCEPTANCE AS SECURITY

"SEC. 481. All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the American pursuant to this part shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"PREPARATION OF OBLIGATIONS

"SEC. 482. In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"ANNUAL REPORT

"SEC. 483. The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.

"SEPARABILITY

"SEC. 484. If any provision of this part or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the part, and the application of such provisions to other persons or circumstances, shall not be affected.".

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 3. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(d) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: ", or in obligations or other instruments or securities of the Student Loan Marketing Association".

S. 1756

A bill to amend the Higher Education Act of 1965 in order to strengthen the student insured loan program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be called the Student Loan Assistance Act of 1971."

SEC. 2. (a) The first sentence of section 424 (a) of the Higher Education Act of 1965 is amended by striking out the word "three" and inserting in lieu thereof the word "eight".

(b) The second sentence of section 424 (a) of such Act is amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1980".

SEC. 3. (a)(1) The first sentence of section 425 (a) of the Higher Education Act of 1965 is amended by inserting immediately before the period a comma and the following: "except that pursuant to such regulations as the Commissioner may establish, such total in any academic year or its equivalent may exceed $1,500 but not $2,500 if the student has been accepted for enrollment or is attending an eligible institution taking a course of study for which the fees are unusually high."

(2) The second sentence of section 425 (a) of such Act is amended by inserting before the period therein a comma and the following: "except that in any case where the total of loans made to any student in any academic year exceeds $1,500, such aggregate shall not at any time exceed $10,000.

(b) (1) The first sentence of section 425 (b) of such Act is amended by inserting before the period thereof a comma and the words "plus interest".

(2) The second sentence of such section is amended to read as follows: "The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under the provisions of section 430 or 437 of this part.

SEC. 4. (a) Section 427 (a) (2) (B) of the Higher Education Act of 1965 is amended by striking out "less than 5 years", by strik-

ing out "(unless sooner repaid) was", and by striking out "earlier than 9 months nor".

(b) Section 427 (a) (2) (D) of such Act is amended by striking out "(but without thereby increasing the insurance liability under this part)".

SEC. 5. (a) Section 428 (a) (4) of the Higher Education Act of 1965 is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1976", and by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1980".

(b) Section 428 (b) (1) (D) is amended by striking out "less than 5 years nor" and by striking out "earlier than 9 months nor".

(c) Section 428 (b) (1) of such Act is amended (1) by striking out the word "and" in paragraph (J) thereof, (2) by striking out the period at the end of paragraph (K) of such section and inserting in lieu thereof a semicolon and the word "and," and (3) by adding at the end thereof the following new paragraph:

"(L) provides that the lender will not collect or attempt to collect from the borrower any portion of the interest on the note which is payable by the Commissioner under this part."

SEC. 6. Section 429 (c) of the Higher Education Act of 1965 is amended by striking out "one-fourth of 1 per centum" and inserting in lieu thereof "one-half of 1 per centum."

SEC. 7. Section 434 of the Higher Education Act of 1965 is amended by striking out "up to 15 per centum of their assets,".

SEC. 8. Section 430 (a) of the Higher Education Act of 1968 is amended by striking out "(other than interest added to principal)".

SEC. 9. Section 435 (a) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this part, whenever the Commissioner determines that it is necessary in order to carry out the purposes of this part and after affording an opportunity for a hearing he is authorized to suspend or terminate eligibility under this part for any single otherwise eligible institution.

SEC. 10. Section 2 (a) (7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1976".

SEC. 11. Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding the following new paragraph at the end thereof:

"(5) Loans under title II of the National Defense Education Act of 1958 or loans to which title IV of the Higher Education Act of 1965 is applicable."

EXPLANATION OF PROPOSED LEGISLATION

Higher education directly and indirectly benefits society by increasing the abilities of its citizens and providing higher levels of scientific and cultural achievement, as well as sounder laws and more meaningful public decisions.

The value of higher education is readily seen in rapidly increasing student enrollment. While in 1960 there was an estimated 3,570,000 students in our colleges and universities, now there are almost 7½ million and by 1980 it is projected there will be over 11,100,000. And it comes as no great surprise to us that we have tremendous problems as a result of such growth.

In 1969, for example, colleges and universities spent $20.4 billion, most of it from State and Federal sources. The cost of everything keeps going up and the institutions just naturally have to keep increasing student fees.

So, going to college gets more and more expensive, not just tuition fees but everything else. So what do we find? We find that a student from an upper-income family has a much greater chance of going than does a student from a low or middle income family. No matter that both young people may have substantially equal ability and potential for learning. But we want our young people to have the opportunity for education; we would like to see every single person who has the capability and desire to learn in an institution of higher learning. But it isn't working out just that way. At the elementary and secondary level, everybody pays for a public education system to which almost everyone goes. At the higher education level, however, the taxpayers pay for a higher education system to which anyone may be admitted but is more likely to serve those whose family has the means to get and keep them there.

Back in 1787, our country made a commitment to education with the Northwest Ordinance. To fulfill that commitment requires new ideas and dedication to the difficult job. We need to remove existing financial barriers to attendance; we need to increase the resources flowing into higher education; but at the same time we must maintain the uniqueness and diversity and autonomy of the individual institutions.

It would be too much, I am sure, to expect State and local governments to provide necessary funds to do the job. Even if it could be done at those levels, the major source of funds would probably be increased sales and property taxes, and this would hit another lick at low to moderate income families.

Recognition of the benefits of increased education should compel us at the federal level to provide the needed funds and resources for higher education because the states and localities by themselves cannot subsidize education at a desirable rate and because the methods they will most likely choose will not be the best one from the point of view of insuring the equality of opportunity and preserving the diversity of a partially private system.

With the dynamic growth of students who want to continue their education after high school, whether in colleges and universities or vocational and technical schools, the increasing cost of such education, the increasing incapabilities of schools to take care of the expanding numbers of students and the inability of families to foot the bill, it is imperative that we find ways to fulfill our country's commitment to education that dates back to 1787.

Today, I am introducing two pieces of legislation that will help develop greater sources of funds for students to finance their education. I have in the first piece of legislation attempted to remove the snags in the present public laws covering federally insured student loans. This is the technical part of the legislation that I'm offering, but even thought it is technical it adds considerably to the ability to provide funds to help our students.

Helping students finance their education through loans has been a practice of the federal government for a number of years. Presently, the most significant loan program is the federally insured student loans of the Office of Education in the Department of HEW.

This is an interesting program because it involves the cooperation of American business with the federal and state governments. The loans are obtained directly from a bank or other commercial lenders. The loan is guaranted by a state or private non-profit agency or is insured by the federal government; this protects the lender against loss by death or default of the borrower; second, the federal government assists some students with interest payments on their loan. Regulations governing the program vary from state to state but follow federal guidelines.

One is eligible to borrow if at least a half-time student at an eligible institution. A student with an adjusted family income of less than $15,000 a year is eligible also for Federal assistance with interest payments.

At present, up to $1,500 a year may generally be borrowed and the Federal Government pays the full rate of interest while the borrower is in school, if adjusted family income is less than $15,000.

Since 1966, when the program began, the number of loans has increased from 48,495 to 879,308 in the first nine months of this fiscal year. The amount in loans has grown from $77 million to $863 million at a cumulative cost of around $225 million for the five years of operation. This includes the special incentive allowance made to lenders. Seventy-one percent of these loans have gone to students with adjusted incomes of less than $9,000 and 45.3% to those with less than $6,000. Sixty percent of all the students are between 21 and 28 years old and 34% are between 18 and 20 years old. In the fiscal year 1970, 921,325 students received aid totaling $840 million which cost the taxpayers less than $74 million. The three other major programs—NDEA loans, college work study and educational opportunity grants provided aid to 1,121,000, a cost of $512 million. It is obvious that for each dollar expended there appears to be more aid generated by the federally insured loan program than practically all three other programs combined.

But even though the present legislation is doing a creditable job, there are points where it should be improved. My legislation makes those necessary changes: it increases the amount of a loan to $2,500 for courses of study where costs are unusually high, it insures the interest as well as the principal of the loan, it removes restrictive repayment limits, it provides an interest subsidy in times of a difficult economy, it provides added income to insure the efficient operation of the Federal insured loan program; it enables greater participation by lending institutions, it gives the law some teeth so that non-qualified institutions can be removed from participation in the program, and it significantly decreases the amount of paperwork for the lending institutions.

In the next ten years the growth in the total higher education student population will be around 8 million with most of these students coming from low-income families. The need for available resources is growing dynamically and the $3 billion that we have loaned out will seem trivial.

At the same time, banks and private lending institutions are becoming increasingly cautious about lending out more money.

The reason for this can be seen in the nature of the loan itself and in the failure to provide for a secondary market for the lending institutions. The loans can amount to $7,500 and it might be five to seven years before payments begin on the principle and 15 to 20 years before they are paid off. The thin profit and long term non-liquidity nature of these loans often prevent the lenders from even providing funds for their own customers.

Then, too, when a few banks in an area fail to participate in the program, their non-participation puts an increased burden upon other banks to service the needs of their own customers as well as the non-participating banks. In this way many banks have become overloaded with loans and loan requests before they have been able to take care of their customers.

In the biggest county in Florida, before this past March only 12 out of 67 banks participate in the program and the few that do cannot meet the overflowing demand.

This kind of program has done an initially effective job with limited program resources. It has grown amazingly in an extremely difficult economy. What it has been able to do in the past is only an indication of what it can do in the future.

Considering the nature of our society, its

divergencies of resources, needs, desires and capabilities, any program that will provide aid to our students will of necessity have to be extremely flexible. Without the flexibility to change as the economy changes and the needs of the students change, any program of aid will become highly structured and thereby result in aid being available to a limited number of students who fulfill certain requirements or to students who were just lucky enough to get some money before it ran out.

By adding to the capabilities of the present student loan programs, namely the federally insured loans, we can manage the problem of getting money to the great many students who need it by using our present free enterprise structure of banks, savings and loan institutions, and other private lending agencies without an overwhelming dependence on a Federal bureaucratic structure.

To solve the problem of banks becoming overloaded with student loan paper and not being able to liquidate it, my second bill would establish a secondary market for student loan notes. Such a vehicle would allow lending institutions to keep a certain percentage of their assets available for student loans without becoming overburdened with paper they cannot move.

By providing a release valve for the lenders it will be possible to encourage many of the more hesitant institutions that have not cooperated in the past to join in the enterprise of seeing to it that the future of our country is in the hands of a more highly educated citizenry.

This is the effect of the legislation I offer today. It will get the federally insured loan program to more students by removing many of the hitches in the present law and two, it will encourage and enable more lending institutions to participate thereby multiplying the number of outlets through which to obtain insured loans.

By Mr. PEARSON:

S. 1757. A bill to allow a credit against Federal income tax for State and local real property taxes paid on their residences by individuals who have attained age 65. Referred to the Committee on Finance.

Mr. PEARSON. Mr. President, history advises us that the mark of a civilized society is the manner in which that society provides not for the strongest of its members but the weakest.

At the turn of the century, there were but 3 million people in the United States over age 65—comprising 4 percent of the total population. Today 20 million older Americans make up 10 percent of the total population—every 10th American. Older persons have less than half the income of the younger, with the median income of our older persons living alone being $1,734 in 1968. About a quarter of the Nation's elderly, moreover, live below the poverty line. And the largest concentration of older persons occurs in my region of the United States—the great Midwest.

Mr. President, it is an unfortunate fact that our society has ignored this quiet 20th century revolution in aging. We have, to a great extent, turned our backs on the needs of older people for understanding, involvement, and independence.

The legislation I introduce today is designed to meet one of the demonstrated needs of our older Americans. I seek today to guarantee every older American that he or she may continue to own and live in their homes despite the rising tide of property taxes which have forced so many of their generation out of their homes, their accustomed surroundings, or their family farms. In short, Mr. President, this legislation is intended to be a homestead exemption for older Americans.

This measure would grant a tax credit not to exceed $330—$165 in the case of a married individual filing a separate return—to any individual who has attained the age of 65—or married couple one of whom has attained the age of 65—and whose adjusted gross income does not exceed $6,000—$3,000 in the case of a married individual filing a separate return. The tax credit shall be allowed against real property taxes paid to any State or political subdivision thereof on property owned and used as a principal residence.

Mr. President, 65 percent of those Americans over age 65 own and occupy their own homes. One of the most agonizing fears of these people is the prospect that they may some day have to give up their hard-won home. In this wealthy and affluent Nation, such fears and such realities, I submit, need not exist. I believe it to be eminently fair and reasonable, Mr. President, that we should assure our aging Americans that they should be able to live the rest of their lives in the knowledge that no Federal, State, or local government shall take from them their home.

Finally, Mr. President, I wish to indicate for the record that the cost of this proposal as estimated by the Department of the Treasury would be $135 million annually.

I ask unanimous consent that this bill be printed in the RECORD at the conclusion of my remarks. I invite the attention of the Senate to it.

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

S. 1757

A bill to allow a credit against Federal income tax for State and local real property taxes paid on their residences by individuals who have attained age 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. RESIDENTIAL REAL PROPERTY TAXES PAID BY INDIVIDUALS WHO HAVE ATTAINED AGE 65.

"(a) GENERAL RULE.—In the case of an individual who has attained the age of 65 before the close of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter the amount of real property taxes paid by him during the taxable year which were imposed by a State or political subdivision thereof on property owned and used by him as his principal residence.

"(b) LIMITATIONS.—

"(1) In general.—The credit under subsection (a) for any taxable year shall not exceed $330 ($165, in the case of a married individual filing a separate return).

"(2) Adjusted gross income over $6,000.—The credit otherwise allowable under subsection (a) for any taxable year (determined with the application of paragraph (1)) shall be reduced by an amount equal to the amount by which the taxpayer's adjusted gross income for the taxable year exceeds $6,000 ($3,000, in the case of a married individual filing a separate return).

"(3) Joint ownership.—In the case of property owned and used by two or more individuals (other than a husband and wife) as their principal residence, the limitations provided by paragraphs (1) and (2) shall, under regulations prescribed by the Secretary or his delegate, be applied collectively to such individuals.

"(4) Application with other credits.—The credit under subsection (a) for any taxable year shall not exceed the tax imposed by this chapter reduced by the credits allowable under sections 33, 35, 37, and 38 for the taxable year.

"(1) Husband and wife.—In the case of a husband and wife who file a single return jointly under section 6013, the age requirement contained in subsection (a) shall, with respect to property owned jointly and used by them as their principal residence, be treated as satisfied if either spouse has attained the age of 65 before the close of the taxable year.

"(2) Property used in part as principal residence.—In the case of property only a portion of which is used by the taxpayer as his principal residence, there shall be taken into account, for purposes of subsection (a), so much of the real property taxes paid by him on such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of such property so used by him. For purposes of this paragraph, in the case of a principal residence located on a farm, so much of the land comprising such farm as does not exceed 40 acres shall be treated as a part of such residence.

"(3) Cooperative housing.—For purposes of subsection (a), an individual who is a tenant-stockholder in a cooperative housing corporation (as defined in section 216 (b))—

"(A) shall be treated as owning the house or apartment which he is entitled to occupy by reason of his ownership of stock in such corporation, and

"(B) shall be treated as having paid real property taxes during the taxable year equal to the portion of the deduction allowable to him under section 216(a) which represents such taxes paid or accrued by such corporation.

"(4) Change of principal residence.—If during a taxable year a taxpayer changes his principal residence, subsection (a) shall apply only to that portion of the real property taxes paid by him with respect to each such principal residence as is properly allocable to the period during which it is used by him as his principal residence.

"(5) Sale or purchase of principal residence.—If during a taxable year a taxpayer sells or purchases property used by him as his principal residence, subsection (a) shall apply only to the portion of the real property taxes with respect to such property as is treated as imposed on him under section 164(d), and for purposes of subsection (a), the taxpayer shall be treated as having paid such taxes as are treated as paid by him under such section.

"(d) ADJUSTMENT FOR REFUNDS.—

"(1) IN GENERAL.—The amount of real property taxes paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) INTEREST.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of real

property taxes which caused such underpayment.

"(e) DEDUCTION NOT AFFECTED.—The credit allowed by subsection (a) shall not affect the deduction under section 164 for State and local real property taxes."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Residential real property taxes paid by individuals who have attained age 65.
"Sec. 41. Overpayments of tax."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. MOSS:

S. 1762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the Cache National Forest, Utah. Referred to the Committee on Interior and Insular Affairs.

ADDITION OF WELLSVILLE CANYON AREA TO CACHE NATIONAL FOREST IN UTAH

Mr. MOSS. Mr. President, I am today introducing a bill to authorize the U.S. Forest Service to purchase 1,160 acres in the Wellsville Canyon area of Cache County, Utah, and add them to the Cache National Forest.

The area in question consists of 1,040 acres which compose the so-called Sherwood tract, and 120 acres known as the McBride tract. Together these two tracts form an enclave of private land surrounded on three sides by the Cache National Forest in north central Utah near U.S. Highway 89–91, and about 10 miles south of Largo, Utah, and 3 miles southwest of the town of Wellsville. The two tracts are situated on the Wellsville Canyon drainage, and some 268 acres of the Sherwood tract area in the Leatham Springs area, which is the municipal water source for the town of Wellsville.

Nature lovers in Utah have for years sought to keep the area in its natural state. It lies mostly in the foothills of the picturesque Wellsville Mountains, and includes some steeply rugged small canyons and ridges and a beautiful back valley-type area at the northern end known as Pigsah Trench. There has been considerable dry farming and grazing of livestock in the area in the past, but at the present time only about 50 acres are still being dry farmed, and grazing has been considerably reduced.

A number of years ago overgrazing denuded the slopes of the Wellsville Mountains, and in the twenties flash floods and mudflows wreacked havoc on the town of Wellsville and the surrounding farms but the higher slopes of the mountains have now been acquired by the Forest Service, and are being healed. The Douglas fir stands which were cut over at one time for lumber are also being protected and restored. On the whole, the two tracts are almost as verdant as they were when the area was first settled by the Mormon pioneers in 1855. The land is again covered by dense vegetation, mostly of oakbrush, mountain maple, and grass, and this is lush cover for wildlife, including deer, grouse, and recently planted bighorn sheep.

The drive of many years to protect this choice area of northern Utah was heightened when the Sherwood tract was acquired recently by the Consolidated Capitol Co. of Salt Lake City, which proposed building a summer and year-round subdivision there, with some 700 units. Since the farming, grazing, and even limited recreational use in the past has posed a problem to the water supply of the town of Wellsville, citizens immediately became apprehensive that a high-density subdivision, with its own waste disposal problems, would become an insurmountable hazard.

This fear, combined with the longstanding desire of the environmentalists to keep the area in its natural state, brought on considerable citizen resistance to the proposed subdivision, and after highly charged public meetings, the Cache County Commission in March refused to rezone the Sherwood tract for a housing development.

The tract is, however, already zoned for sale 40-acre lots, for all-season or summer homes or ranches, or for most other purposes. Thus the threat to the water system, and to the natural beauty of the area, still hangs over Cache County, and I have been asked to introduce a bill to place the entire area under the protection of the U.S. Forest Service.

I am doing so, upon request, not to aline myself especially with those who feel that the Cache County Commission is right in zoning the area for residential or other development and in seeking the extra tax revenues such development would bring, or to aline myself with those who have their money invested in the Sherwood tract development, or with those who feel that we must not "despoil thousands of years of nature's work," as one of my correspondents put it.

I am introducing the bill to provide a vehicle for hearings so that the citizens of Cache County, and other Utahans, can have an opportunity to express their views. I would hope that hearings can be held in the area, and that representatives of the Consolidated Capitol Co., of the Cache County Commission, and of the various environmentalists groups can be heard. I would hope, also, that the officials of the U.S. Forest Service would be able to give us an authoritative opinion on the worth of the two tracts as an addition to the forest system, and that experts in water supply could evaluate the possibilities of contamination of the water supply from any development which is proposed.

I have always been a strong defender of the environment, as my colleagues know, and I feel we must take a careful look at this choice area of Utah, and make sure we are using it for its best purposes. But I would attend the hearings with an open mind—and be willing to listen to all factions, all interests, and all points of view.

By Mr. BIBLE:

S. 1763. A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to property. Referred to the Committee on Commerce.

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to amend the Federal Aviation Act of 1958 and impose by statute a legal limit of liability for cargo air carriers to conform with liability of surface carriers.

During the past 2 years, the Small Business Committee, of which I have the honor to be chairman, has conducted hearings and extensive examination into the impact of air cargo theft on the shipping community, particularly the small business shipper, which reached a record high of an estimated $210 million or more for 1970. Our first hearings on May 23, 1969, brought out the fact that the rate of liability for domestic air carriers is generally limited to $50, or 50 cents a pound, where the shipment weighs in excess of 100 pounds.

Paragraph 2 of article 22 and article 25 of the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw, Poland, on October 12, 1929, sets the liability for all cargo in international air commerce. The rate for such liability is 250 francs per kilogram, which is approximately $7.50 per pound.

In domestic air commerce, the air carrier's liability for the negligent loss of freight is provided for in the Federal Aviation Act of 1958, which governs the contractual arrangement and obligations of the carrier. Thus, to the extent they are valid, the tariffs filed with the Civil Aeronautics Board constitute the contract of carriage between the parties. At present, this liability is 50 cents per pound, not to exceed $50 per shipment unless a greater value is declared and paid for by the shipper on the air bill, at the time of receipt of the shipment from the shipper. This limits substantially the carrier's liability for a negligent loss of air cargo. Even gross negligence or proof that an employee of the carrier actually stole the goods would not suffice to render the tariff inapplicable.

One very important aspect of the liability of the carrier as provided by statute is the fact that the shipper is deemed to have knowledge of the provisions of the tariff, as filed with CAB, irrespective of whether or not he does. Thus, the carrier is under no obligation to affirmatively inform the shipper of its legal limit of liability or the fact that, by declaring a greater value to his shipment and the payment of 10 cents or more per $100 value in excess, he can be covered for a greater amount.

The Small Business Committee found that most of the witnesses appearing before it reflected the view of Mr. Charles Baker, Deputy Under Secretary of Transportation, Department of Transportation, when he told us on May 23, 1969:

> Maximum rates of liability are set by law at an inadequate, minimal level. These can be raised, but only if the shipper knows he can do so by declaring the value of his cargo and paying an extra fee. There is no incentive to the carrier to disclose this option to the small shipper, who typically is unaware of any limits on carrier liability.

Mr. President, in 1967 the Civil Aeronautics Board, recognizing the serious situation existing with respect to the shipper's losses posed by the carrier's

limits of liability, requested the Nation's air carriers to sit down together and recommend changes in the limits of liability and other claims practices to meet more realistically the needs of the shipper.

The Senate Small Business Committee recommended in its report to the Senate in December 1969 on the impact of air cargo theft and loss:

Recommendation 2.—That under its statutory authority, the CAB should initiate a formal Board investigation into the rate of liability of the carrier to determine if such liability is too low, and if there is justification to change the applicable tariff and amend this present rate.

Should the Board not act in this most important area, legislation should be introduced to establish a select commission charged with examining such rates of liability to determine if there is a justifiable basis for changing the present tariffs relating to the maximum rate of liability of air carriers.

On November 11, 1969, to express an interest in this problem area so important to American businessmen who use air cargo transport facilities, I filed with the Civil Aeronautics Board a Memorandum of Concern suggesting the necessity of a CAB investigation to examine into the merits of increasing the limits of carrier cargo liability. The Board subsequently issued an order along these lines, but the matter has been in an inactive and silent state for 1½ years, while cargo theft losses have increased to the detriment of businesses and the shipping public using the air commerce lanes.

I am aware that the CAB, in an order of August 6, 1968, saw the problems inherent in the air carriers' liability rules by granting the petition of seven airlines to carry on joint shipper-carrier discussions relating to air freight tariff rules regarding liability, valuation, and claims. The Board recognized by its order the considerable dissatisfaction with the air carriers' liability and claim rules and practices.

The Board also stated that:

It is clear that the general area of air freight liability, valuation and claims rules and practices warrants a close review.

It further said that since the:

Tariff rules in question have been in existence in substantially the same form and content since the 1944–1947 inception of the air freight industry . . . technological changes, as well as sheer growth, would indicate that an updating and modernization of the carrier-shipper relationship is appropriate in order that the industry will continue to well serve the public and to prosper.

The Board's order also indicated the direction it desired the modernization to go by its language that:

. . . a general swing in air freight toward surface carrier liability and claim rules and practices is favored by many shippers" and "such uniformity would not only generally increase the upper dollar limits on air carrier liability for loss or damage and other actions, but would also materially improve the understanding and acceptance of air freight transportation by the average surface-oriented shipper.

Mr. President, therefore, pursuant to the Small Business Committee's recommendation to the Senate, I am introducing this legislation today with the hope that it will assist in bringing this important matter to a focus.

A primary purpose of my bill is to require domestic air carriers to assume the same degree of liability as that required of other public carriers—the railroad, steamships and trucks—who must reimburse a shipper for the actual cash value of the loss of, or damage to, such goods entrusted to them for safe transport.

As Mr. Walter Perry, of the American Institute of Marine Underwriters, who testified before our committee in 1969 stated:

. . . an air carrier, under law, becomes a bailee for the cargo. It is the one to whom goods are entrusted and which has temporary possession and a qualified property in them for the purposes of the trust. However, the liability of a domestic air carrier for cargo loss is generally limited to $50 or 50 cents a pound where the shipment weighs in excess of 100 pounds, in the absence of a greater declared value for carriage. Internationally, air carriers, regardless whether the transportation is subject to the Warsaw Convention, limit their liability to $7.48 a pound for cargo loss unless a greater value is declared. Therefore, in the absence of full declared value, one may question whether the present limits of liability for aircargo loss are sufficient inducement for airfreight forwarders and air carriers to adopt sound loss prevention programs for the control and protection of cargo entrusted to their care, in view of the inequity of the rate of liability to values handled.

A glaring example of this situation occurred last September [1968] when diamonds and cash valued at $262,000 was stolen from an aircargo terminal at John F. Kennedy International Airport. The shipment weighed 48½ pounds and the air carrier's liability was a mere $362.79. Had the shipper imposed a greater liability on the air carrier by declaring at least a meaningful percentage of the value of the shipment he would have been able to recover a far greater proportion of his loss than $362.

We are sympathetically aware of the financial problems in which our airlines find themselves today. We are just as sympathetically aware of the financial problems of the millions of people and businesses who constitute the shipping public to whom substantial responsibilities are owed by the franchised air carriers for cargo in their custody.

Therefore, it would seem highly appropriate that at the time the Congress, the regulatory bodies and the airlines themselves consider the air industry's economic plight today and its future for tomorrow that this important aspect be considered. Certainly, probable dollar expenditures involved in improved security and compensatory payments for loss or damage of goods in transit would be a factor in these deliberations.

Certainly, the shipping public is entitled to have the question of air cargo liability examined into by a proper body when we consider cargo losses are running higher into the millions every year. And once again, it is the consumer who pays not only for the loss of the goods but for the economic waste involved.

There seems no question that the effect of present liability and claim practices by the airlines and that relationship to air cargo theft, pilferage and loss upon small businesses directly and the public indirectly is staggering with crime and inflation so closely intertwined and therefore a matter of deep everyday concern to everyone.

Historically, carrier responsibility for loss and damage to cargo has been built into shipping tariffs. The 50 cents per pound liability was first used by surface domestic transport, particularly in rail transport, in the last of the 1800's and the early 1900's. The Railway Express Agency used the 50 cents per pound liability figure as the first shipper in the original "Air Freight Bus." Certainly, the 50 cents per pound liability for domestic cargo is realistically inconsistent with the $7.50 liability established in the early 1930's by the Warsaw Pact for all international airlines and now quoted at $7.52 per pound.

Just 2 years ago I referred to the airline's handling of cargo security problems as lackadaisical and slipshod. Today, I believe a more realistic carrier liability requirement can serve as a substantial incentive for the airlines to undertake more affirmative security measures to protect that cargo moving in increasingly greater tonnage through our airlanes.

In my judgment the airlines have made some meager efforts in the last 2 years to improve cargo security, but their steps have been small ones compared to the problem at hand. I believe this legislation by focusing on the problem may assist in the matter we have before us.

Mr. President, in conclusion I ask unanimous consent to have included in the RECORD at the conclusion of my remarks a news article from the New York Journal of Commerce of April 26, written by Carl E. McDowell, executive vice president, American Institute of Marine Underwriters; a copy of the Memorandum of Concern filed with the Civil Aeronautics Board on November 11, 1969; an order of the Civil Aeronautics Board of July 24, 1970, instituting an investigation into liability and claim rules and practices; and the full text of the bill I introduce today.

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

S. 1763

A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to property

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Federal Aviation Act of 1958 is amended by adding at the end thereof a new section as follows:

"THROUGH BILLS OF LADING; LIABILITY FOR LOSS, DAMAGE, OR INJURY TO PROPERTY

"SEC. 417. (a) Any air carrier receiving property for shipment in air transportation shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any air carrier to which such property may be delivered for further movement in air transportation on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever shall exempt such air carrier from the liability hereby imposed; and any such air carrier receiving property for shipment in air transportation or any air carrier delivering said property

so received and transported shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such air carrier to which such property may be delivered when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Board; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void.

"(b) The provisions of subsection (a) respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply (A) to baggage carried on any aircraft carrying passengers, or (B) to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Board to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not, so far as relates to values, be held to be a violation of any other provision of this title; and any tariff schedule which may be filed with the Board pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared and agreed upon; and the Board is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. For the purposes of this subsection the term 'ordinary livestock' includes all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses.

"(c) Nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law.

"(d) Actions brought under and by virtue of this subsection against the delivering carrier shall be brought, and may be maintained, if in a district court of the United States, only in a district, and if in a State court, only in a State, through or into which the defendant carrier operates as an air carrier.

"(e) It shall be unlawful for any such receiving or delivering air carrier to provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than six months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice.

"(f) The liability imposed by this section shall also apply in the case of property reconsigned or diverted in accordance with applicable tariffs, if any, filed as in this title provided.

"(g) The air carrier issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the air carrier on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any action at law brought by the owners of such property.

"(h) For the purposes of this section the delivering carrier shall be construed to be the carrier performing the line-haul service nearest to the point of destination."

SEC. 2. This Act shall take effect sixty days after the date of its enactment.

[From the New York Journal of Commerce, Apr. 26, 1971]

COUNTERACTION BEGINS—CARGO THEFT SPURS CRIME FIGHT

(By Carl E. McDowell, Executive Vice President, American Institute of Marine Underwriters)

The brazen, skillful inroads of crime on the transport of goods in American domestic and international trade has apparently aroused business and government to counterattack. What may become a war on crime is being signalled at long last.

If only the consumer could be made to realize that he pays the cost of organized thievery, surely he will support business and government in their efforts to provide greater security and control in the movement and storage of consumers' goods. One might hope that the thought of having a thief's hand in the consumer's pocketbook or pocket to the extent of 10 cents on every dollar might arouse the consumer to join in a concerted effort or war on crime.

On March 30, CBS–TV on its "60 Minutes" documentary spread across the country the record of arrogant thievery on the waterfront. Life Magazine's issue of Feb. 12, 1971 exploded the story of thievery at the airports. On April 1, Robert E. Redding, Chief of the Office of Facilitation in the Department of Transportation convened a meeting of concerned congressional committees, government agencies, and business groups to inventory the entire transportation crime situation.

Much credit for the instigation of the counterattack on crime goes to Senator Alan Bible, chairman of the Senate Small Business Committee. Early in 1969 his committee began an investigation and public hearings into the impact of crime against small business. The hearings centered on air-cargo thefts, then maritime and truck losses, and finally, the railroads. As he has said, "It is graphically clear that a cargo crime crises is upon us today. . . . law enforcement agencies, our federal transportation regulatory and policy bodies, and our transport carrier industries generally have been unable to mount an effective response."

COST TERMED 'APPALLING'

The initial investigations by Senator Bible's committee led the senator to conclude that crime-based cargo losses nationwide for 1969 totaled approximately an appalling $1,200 million. And he termed them "merely conservative estimates." He characterized "the cargo-theft pilferage problem" as being "at the heart of the biggest multi-billion-dollar racket nationally today. . . ."

Once again, it is the consumer who pays—not only for the out-of-pocket losses of the goods, but also for the economic waste which is broadly related to such losses. The dislocation to merchandising programs, to production schedules, to inventory-maintenance; the loss of customer goodwill; the increase in insurance premiums; and many other aspects of trade are difficult to measure in dollars and cents, but the overall costs are very real.

In the 91st Congress, Senator Bible introduced legislation (S. 3595) to establish a commission on security and safety of cargo. Hearings were held by Senator Magnuson's committee on commerce, but time ran out in the 91st Congress before Senate and House action could be completed. The bill has been introduced into the 92nd Congress as S. 942.

AIMS AT NEW COMMISSION

The legislation, which has been reintroduced in the Senate at this session, would create a commission comprised of representatives from each mode of the cargo transportation industry and from cargo handlers' labor organizations, terminal operators and independent warehouse and storage concerns, and the attorney general of the United States, the secretary of transportation, and the secretary of commerce.

The duties of the commission are "to undertake and compile inquiries and studies to determine the causes, and practical and effective measures for the prevention and deterrence of loss, theft, and pilferage of cargo in interstate and international commerce." In addition the commission is "to encourage the use of existing preventive technology and to promote the development of new techniques, procedures, and methods to enhance the safety and security of storage and transportation."

Action has already commenced to implement the thinking and proposals of Senator Bible's committee. New customs regulations designed to cut down theft of cargo from airports and piers went into effect on April 1. These regulations were drawn up under the direction of Assistant Secretary of the Treasury Eugene T. Rossides. They include issuance of identification cards, based on fingerprinting and possible previous criminal records, to all employes of carriers, brokers and warehouse operators. The regulations also hold carriers accountable for any loss of cargo from unloading to delivery, and require presentation of authenticated pick-up forms before cargo is released.

The Treasury Department also proposes congressional legislation to require establishment of national standards for security of high value cargo while it is in the custody of customs. The American Institute of Marine Underwriters is assisting in the preparation of standards to be incorporated in national standards. The Institute hopes that such standards will be acceptable to and adopted by terminal operators for application everywhere and not limited to areas under customs control.

In addition to action already underway by the Treasury Department, there is satisfying evidence that the war on crime is mounting elsewhere. Both Senator Warren G. Magnuson and Senator John L. McClellan have announced that committees under their leadership will call for hearings on the crime situation.

The Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission have already initiated regulatory action. The ICC has issued proposed rules requiring carriers to file quarterly reports on freight loss and damage claims. And it might be anticipated that the Federal Maritime Commission and CAB will find means of utilizing whatever standards are developed by the Treasury Department.

INDUSTRY SEES NEED

Industry is already fully aware of the need for tighter security measures applicable to goods in transit. New York and Chicago have had security bureaus in operation for many years, in addition to the strong disciplinary force of the New York Waterfront Commission. San Francisco and Los Angeles have recently organized cargo security councils. The Air Transport Association, the International Air Transport Association, and the Airport Security Council (in New York) have recently appointed or strengthened their security personnel.

It is very satisfying to note the aroused antagonism to the impact of crime on the transport of goods. But there is so much to be done. Realizing that it is the consumer that pays in the long run, obviously the

consumer or average citizen is still the individual who must be awakened to his part in the counterattack.

It may well be the task of the United States Chamber of Commerce; the New York, San Francisco, New Orleans, Chicago, and other chambers of commerce or boards of trade; the Commerce and Industry Association of New York; the American Importers Association; and the National Foreign Trade Council who must urge their members to support federal legislation and regulation to bring about the necessary standards and means of control.

It is specially important that an appropriate committee in the House of Representatives initiate action parallel to that of Senator Bible's Select Committee on Small Business. The creation of a national commission on security and safety of cargo is a vital basic action in the war on crime.

MEMORANDUM OF CONCERN SUBMITTED BY SENATOR ALAN BIBLE, CHAIRMAN, SELECT COMMITTEE ON SMALL BUSINESS, U.S. SENATE, TO THE CIVIL AERONAUTICS BOARD, ON NOVEMBER 20, 1969, CONCERNING CARGO LIABILITY AND CLAIMS PRACTICES AGREEMENTS C.A.B. Nos. 19891–A4, 20746–A1, 20746–A2 and 21288, DOCKET 19923

INTRODUCTION

The purpose of this memorandum is to provide the Civil Aeronautics Board with certain information and items of concern developed as a result of public hearings before the Select Committee on Small Business, held to examine the impact of air cargo theft and loss on the small business community.

These hearings were conducted pursuant to S. Res. 58 of the 81st Congress, which authorizes the Committee "to study and survey by means of research all the problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which aid the Congress in enacting remedial legislation." 95 Cong. Rec. 8926 (1949) (Report No. 598 of the Committee on Rules and Administration introduced by Senator Wherry).

As a result of these hearings and on the basis of field investigations conducted by the Committee staff and staff of the Chairman, information has been developed which details the problems being experienced by the shipping public as a result of loss and theft of cargo from the nation's air carriers. As was pointed out by the Chairman upon introduction of S. 2787, a bill to require loss, damage and theft reports of air carriers, "thievery (of air cargo) is part of the biggest multibillion dollar racket nationally—stealing from business."

Thus, it is felt to be appropriate to file this memorandum with the Board prior to Board action on Agreements C.A.B. Nos. 19891–A4, 20746–A1, 20746–A2, and 21288 to express concern over the present status of air carrier liability for lost or stolen cargo. A sufficient amount of concern over air carrier liability tariffs has been generated by the Board, shippers, air carriers, and other concerned members of the public, and the record now before the Board is so inadequate as to necessitate a full evidentiary hearing prior to Board action on the agreements. This memorandum will not undertake to express any definitive views on the substance of the proposed agreements.

As a result of the hearings on cargo theft in the air transportation industry conducted by the Senate Select Committee on Small Business during the latter part of May and July 1969, it became obvious that air cargo theft is extensive; that many, if not most air carriers are extremely lax in their security measures; that the restrictions on air carrier liability for cargo loss and theft encourage this laxness; and that much of the losses are ultimately paid, not only by shippers, but by the consumer public.

To illustrate how extensive the theft problem is, it is only necessary to look at the loss figures for the last few years at John F. Kennedy International Airport. During 1966, tonnage was transited with a value of $5,500 million with a *reported* loss by theft of $877,350. In 1967, tonnage was transited with a value of $6,333 million with a *reported* loss by theft of $2,272,373. In 1968, tonnage was transited with a value of $7,779 million with a *reported* loss of $1,854,908. For the first quarter of 1969, tonnage was transited with a value of $2,382,761,520 with a *reported* loss of $365,508.[1] The true and complete extent of the theft problem is magnified by the acknowledged fact that the majority of thefts go unreported. Further testimony elicited at the hearings indicated that this problem is not confined to J.F.K. Airport, but that other airports have similar problems in varying degrees.

The testimony at the hearings established as a contributing cause of the tremendous number of cargo thefts the laxness of the airlines in their security measures. The testimony of Captain Robert E. Herzog, Massachusetts State Police, regarding the state of cargo security at Logan International Airport is astounding. His initial statement that "I feel that there is much room for improvement in airport security . . ." becomes a monumental understatement as his testimony continues into a detailed analysis of the situation at Logan. If it were not for the serious nature of this criminal activity, the ease with which Captain Herzog's men were able to "steal" cargo during mock sorties filmed to illustrate the problems to the airlines would be comical.[2] Captain Herzog's investigations revealed that the "airline companies at Logan Airport have no conception of what was being taken from them" and that ". . . air cargo security is almost totally nonexistent."[3] It appears that the security situation at Logan is not unique.

The testimony at the hearings is replete with statements by witnesses that the limited liability of the airlines for cargo theft losses is a prime reason for the airlines' failure to institute and strictly enforce security measures. It was the opinion of these witnesses that the airlines find it economically feasible to ignore security measures because the amounts they are required to pay for cargo losses under their limited liability tariffs would be far exceeded by the cost of strict security enforcement.[4]

It is apparent that the tariffs limiting liability for air cargo theft and loss on domestic and international flights should be reviewed because of their effect upon cargo loss and theft. The difference in the liability of air carriers, as compared with that of ships, railroads and motor carriers, justly raises concern by air shippers and requires a reevaluation of air carrier rules so that the air carriers' privileged status can either be reaffirmed or rejected.

The Board recognized the problems inherent in the air carriers' liability rules when by its Order 68–8–18,[5] it granted the petition of seven airlines to carry on joint shipper-carrier discussions relating to air freight tariff rules regarding liability, valuation, and claims. In its order the Board recognized the "considerable dissatisfaction with the air carriers' liability and claim rules and practices." The Board also stated that "It is clear that the general area of air freight liability, valuation, and claim rules and practices warrants a close review." The Board continued that since the "tariff rules in question have been in existence in substantially the same form and content since the 1944–1947 period of inception of the air freight industry . . . technological changes, as well as sheer growth, would indicate that an updating and modernization of the carrier-shipper relationship is appropriate in order that the industry will continue to well serve the public and to prosper." The Board's order also indicated the direction it desired the modernization to go by the language that ". . . a general swing in air freight towards surface carrier freight liability and claim rules and practices is favored by many shippers" and "such uniformity would not only generally increase the upper dollar limits on air carrier liability for loss or damage and other actions, but would also materially improve the understanding and acceptance of air freight transportation by the average surface-oriented shipper."

In addition to these broad guidelines as to what the Board expected as results from the joint discussions, the Board also required the air carriers to provide shippers with ". . . the opportunity to submit their views, both in person or in writing . . ." and that the carriers ". . . support their conclusions and any agreement filings with factual data to the maximum extent possible." It is obvious that the results of the joint discussions, i.e., the agreements now before the Board, do not live up to the Board's expectations as expressed in Order 68–8–18. The remainder of this memorandum attempts to highlight the areas in which it is felt that the "joint discussions" failed to be responsive to the Board's order.

ITEMS OF CONCERN

Based on the available evidence it would seem the Board should consider whether or not to grant approval of the airlines' proposed agreements to revise air freight tariff rules because (1) the data supplied to the Board to support the revisions is grossly inadequate, (2) there was inadequate shipper participation and (3) the record reflects a sharp division between the desires of the shipping public and the airlines' proposals.

A. Since inadequate data has been developed, the Board should order a full investigation to develop the information necessary to proceed intelligently with regard to any revision of the rules.

As discussed above, the Board in its Order 68–8–18 stated that it expected the carriers to support their conclusions and agreements with factual data to the maximum extent possible. It is apparent that this condition has been observed only in so far as certain ineffectual studies have been attempted without success. There is a definite need for the development of data as an empirical basis for resolving the many problems of the present liability rules. At the hearings conducted by the Committee, it became apparent that the need for such data existed. Mr. Mario T. Noto, Executive Director, Airport Security Council, testified that data was unavailable to appropriately assess air cargo losses resulting from criminal activity.[6] Mr. Charles D. Baker, Deputy Under Secretary, U.S. Department of Transportation, explaining that the Department of Transportation sponsored a general survey of loss and damage in transportation, concluded from this survey that the present statistical data reported from the industry is inadequate to obtain a complete picture of the economic cost of air freight loss and damage, making it impossible to relate this cost to other economic indices.[7] It is also apparent that the air carriers themselves recognized the necessity of substantiating their conclusions with factual data. An analysis of the Board's Order 68–8–18 was prepared by the staff of the A.T.A., which stated that the "Board again invites shippers and others to suggest additional rules or practices which should be embraced within the scope of this proceeding and offers to give consideration to any such suggestions." The analysis also notes that the Board will "expect the carriers to support their conclusions and any agreement filings with factual data to the maximum extent possible."[8]

It appears to be the consensus of all parties involved that there has been no

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Footnotes at end of article.

reliable data developed. The A.T.A. in its Memorandum No. 40 [9] to heads of airlines informed them of a questionnaire prepared by a special committee the answers to which were expected to provide an insight to the problems.

After emphasizing the importance of their questionnaire, the airlines were directed to submit their response by December 31, 1968. In a letter from Mr. Donald W. Markham, attorney for certain airlines, to the C.A.B., the Board was advised that a working group of airline personnel had reached some tentative conclusions based upon a review of shipper comments. However, before the group finalized their recommendations, they wished to review them in light of the data and information being collected by the airline personnel by way of the questionnaire mentioned above. For this reason, the air carriers, represented by Mr. Markham, requested an extension of the authority to discuss airline liability originally granted by Board Order 68–8–18. The Board granted an extension for six months by Order 69–3–4; [10] thereby emphasizing the importance of the development of data. At a meeting of the Ad Hoc Working Group held on March 27, 1969, the Working Group approved the subgroup conclusion that the responses to the questionnaire did not require reconsideration of the tentative conclusions previously reached.[11] This blanket approval is startling after a reading of the report of the subgroup.[12] The report is highly critical of the results of the questionnaire. It states that only four replies had been received by December 31, the original cut-off date, and as of the date of the subgroup's meeting on January 22, only 16 had been received out of a total of 35 airlines sent the questionnaire. The report assessed blame for this poor response on a series of factors, among which may be found the confusing nature of the questionnaire as a result of the amount of detail called for and ambiguities in the questionnaire itself. In addition to the small number of replies, the subgroup apparently was plagued by incomplete and patently inaccurate or unresponsive answers on nearly all the responses. It is obvious that the Ad Hoc Working Group's conclusion that the results of the questionnaire do not alter their tentative recommendations, does not give a true picture of the validity of these recommendations.[13] This bald conclusion gives the appearance that the data obtained supports the recommendations when according to the report of the subgroup, the data is not only not representative but inherently invalid.

The results of this study certainly are not the quality of data to support the airlines' conclusions that the Board envisioned in its Order 68–8–18. This conclusion is supported by the recommendation of the Market Research Subcommittee elicited by the Steering Committee at its meeting of May 14, 1969. This subcommittee was to determine whether the returns provided representative and meaningful information and whether further study was needed. In its recommendation, the subcommittee concluded that it would be desirable and useful to supplement the information obtained in response to the questionnaire.[14]

The airlines' statement in support of the agreement reiterates the airlines' recognition that no reliable data was developed and states that another study will be done.[15] This study, which is to cover four months from August 12, 1969, at the earliest will be too tardy to factually corroborate the agreements for which the airlines now seek approval. It appears that the airlines have used the dearth of data in a negative manner rather than in the positive manner contemplated by the Board. This is demonstrated by the comment found in the A.T.A. statement in support of the agreements that "The carriers after careful consideration, not only of the conflicting viewpoint of shippers, but of such inconclusive data as was produced by the shippers and responses to the airline questionnaire, concluded that they do not have any sound basis for changing the present basic limits of liability." [16]

Not only is it the opinion of the carriers that the data developed is insufficient, but it is also the opinion of certain shippers. A letter by Charles A. Washer, Transportation Counsel of the American Retail Federation, to G. J. Godbout, Director, Cargo Services, A.T.A., is an example of shipper concern over the lack of reliable data. After commenting on the absence of such data, Mr. Washer goes on to say that "Without factual data you are undoubtedly hesitant about the precipitous step of changing your limitations on liability, but is not the obverse equally true—without factual data how can you justify the continuation of the current fixed limitation?" [17] The letter of Robert B. Reedy, Chairman, NITL-Freight Claims Committee, to Mr. Godbout reiterates the complaint of no factual data to support the recommendations when it stated "Although Board Order 68–8–18 required the carriers to support their conclusions with factual data, the Working Group, while indicating its dissatisfaction with the results of a liability questionnaire, proceeded to adopt far-reaching conclusions having no basis in fact." [18] John Wilson, G. T. M. of Hartz Mountain Products Corporation, points out in a letter to Mr. Godbout that the Board's directive that conclusions of the airlines should be supported by factual data was not complied with.[19] The comments of these shippers are well taken and are substantiated on the face of the record before the Board.

B. The agreements should not be approved because, even though the Board's order directed shipper participation, shippers were allowed to attend only one meeting and were otherwise limited to submitting written comments and the agreements do not appear to be responsive to the comments they were able to make.

The Board's Order 68–8–18 contemplates a joint effort of both air carriers and shippers in the attempt to revise the liability tariff rules.

The Board stated it "believes that the carriers and their shipper customers, working together under Board supervision, should be able to develop improved rules and practices for the mutual benefit of the carriers and the public . . . that shippers, including forwarders, should be provided the opportunity to submit their views both in person or in writing; that shippers should be provided advance notice of the meetings at which they may request an appointment to be heard . . ." [20] Obviously, it was the Board's intent to encourage a true working relationship between the air carriers and shippers so that mutually satisfying revisions might result. It is evident that the manner in which the A.T.A. conducted the joint discussions violated the Board's concept of "working together." It is clear from the record that the A.T.A. setup of the discussions procedurally placed the airlines in a position of tremendous superiority in the decision making process relative to the shippers'. Instead of a collective method of making decisions, the shippers found them on the outside looking in. This resulted from the airlines limiting shipper participation to the extent that they were prohibited from actually sitting down with airline representatives to negotiate their differences. The manner in which the shippers were actually *allowed* to participate, as described below, was not conducive to productive interaction leading to the type of revisions envisioned by the Board. The situation is succinctly expressed by Mr. Alan Mills, Executive Vice President of the California Grape and Fruit League, when he says that ". . . the examination and discussions [should be] expanded to include shippers as a working delegation in the Working Group. It is not enough that shippers might be given the privilege to submit statements or make appearances. It is essential that shippers and carriers jointly study the subject of air freight service and to ultimately develop a statement of policies and procedures that are understood by and are binding upon both carriers and shippers." [21]

An examination of the record reveals that the extent to which shippers participated was limited to attendance at one meeting and the submission of written comments. This meeting was held on December 4 and 5, 1968, with 52 shippers present. Fourteen shippers gave brief oral presentations at the meeting.[22] Nineteen written comments were received, some prepared by individuals who gave oral statements.[23] In addition, a substantial number of letters from shippers were received by the A.T.A. Many shippers feel that, even though they were given this limited opportunity to participate, their suggestions were ignored with impunity.

An example of this is illustrated by the letter of Curtis L. Wagner, Jr., Chief, Regulatory Law Division, Office of the Judge Advocate General, Department of the Army, to Mr. Godbout stating that ". . . their [the Ad Hoc Working Group] recommendations do not respond in any material degree to the complaints voiced by the Department of Defense and other shippers regarding damages and claim practices of air carriers." [24] Another comment illustrative of shipper feeling may be found in the letter from Mr. Robert B. Reedy to Mr. Godbout previously referred to. Mr. Reedy says that the "March 27 minutes provide no insight whatsoever nor do they give any indication that shippers' recommendations were even considered in drafting the recommended rules contained therein." [25] Perhaps the most vehement shipper comment about their participation comes from C. J. Van Duker, Executive Secretary of the Western Regional Floral Traffic Conference, in an open letter to all shipper participants in air freight liability discussions. The letter in part reads as follows: ". . . we are tired of 'cooperating' for the purpose of justifying the status quo. We are tired of reading under what conditions our claims will be 'entertained' . . . So far, the carriers appear to be paying about as much attention to you and your ideas as they do to jet smog . . ." [26] John Wilson of Hartz Mountain Products expressed very much the same view.[27]

After an examination of the record, the minutes of meetings in particular, this appears obvious. Even though the minutes explicitly state that the shippers' views were considered, it appears that they were rejected, because they would cost the airlines additional money or because they could not determine any shipper consensus. This can readily be seen by referring to the A.T.A. statement in support of the agreements in which it was said that "Although numerous shippers criticized the 15-day period for reporting concealed loss or damage, it was the conclusion of the airlines that such a requirement works to the benefit, not only of the carriers, but of the shippers, since prompt reporting is essential to a fair investigation, and early investigation is more likely to produce evidence of liability than one longer delayed." [28] Notwithstanding this comment, it is difficult to ascertain any benefit that might be received by shippers because of the 15-day limit on reporting concealed damage. (Since the rule provides that any concealed damage must be reported 15 days from the date of delivery, it is not unlikely that such damage, by the very nature of its concealment might not be discovered until after the 15 days had elapsed. A better rule would be 15 days from the date the damage might reasonably have been discovered.) The

Footnotes at end of article.

patronizing attitude exemplified by the airlines' handling of the concealed damage problem typifies the airlines' self-assumed position of superiority in their conduct of the joint discussions. As a result, the proposed agreements seem to reflect shipper proposals only in a very insignificant manner.

C. The board should not approve the airlines' proposed agreements to revise air freight tariff rules because the record reflects a sharp division between the shipping public and the airlines' proposals.

There is a serious question whether approval of the agreements as submitted by the A.T.A. would be in the public interest. The position of the airlines appears to be that, even though some shippers have proposed substantial changes in the liability rules, changes should not be made because the shippers cannot reach agreement on exactly what changes they want.[29] The airlines feel that, along with the disagreement among the shippers, the poor results of the attempt to collect data justify their inaction.

An area in which a sharp disagreement occurs is in Rule 32 which limits an airline's total liability in any event to the value of the shipment as determined by Rule 52 (50c per pound and $50 per shipment). The proposed agreements do not change this rule with regard to the limit on liability. This maintenance of the status quo was supported by the rationale that consideration of the conflicting viewpoints of shippers and of the inconclusive data produced by the shipper and the airlines did not present any sound basis for changing the existing rule.[30] The airlines recognize that this rule is one of the principal sources of shipper irritation; yet, they dismiss any serious attempt to resolve the problem by the above reasoning. It appears that the airlines have grasped the one straw available to them in an effort to save a rule that so obviously benefits them; that being the position of a small number of shippers who want the rule to stay the same because of the low value of the goods they ship. This position, however, is in direct conflict with the espoused position of a vast majority of the participating shippers. While it is true that many of these shippers disagree upon exactly what changes should be made, most agree that the rule as it presently exists must be altered. The following letters from shippers express their desire for changes:

William W. Wolyn, President, Aerospace Airfreight Association, Inc., April 9, 1969[31]

Curtis L. Wagner, Jr., Chief, Regulatory Law Division, Judge Advocate General, Department of the Army, April 29, 1969[32]

Charles A. Washer, Transportation Counsel, American Retail Federation, May 1, 1969[33]

John R. Whittemore, Manager—Claims, Emery Air Freight Corp., May 7, 1969[34]

W. T. Vogt, Claim Investigator, Univac Division of Sperry Rand Corp., May 8, 1969[35]

F. L. O'Neill, Director of Traffic, 3M Company, May 8, 1969[36]

John Wilson, Hartz Mountain Products Corp., May 8, 1969[37]

The letters of the shippers listed above and others also disagree in various ways with the airlines' proposed rule on liability. Many wish the air carriers would delete from Rule 30 the language that the carrier shall not be liable if it proves that it and its agents have taken all necessary measures to avoid the damage or that it was impossible for the carrier or its agents to take such measures. Just as many would like to see the air carriers drop the portion of Rule 30 which protects the carrier from liability for consequential or special damages, even upon notification of their likelihood; which in the shippers' view is contrary to every other rule of liability in existence.

The granting of the authority to the air carriers to conduct joint carrier-shipper discussions carried with it the hope that these parties would resolve their differences and develop mutually acceptable rules. This goal never came to fruition.

D. CONCLUSION

Even though Section 412 of the Federal Aviation Act of 1958 sets forth no procedural requirements to guide the Board in its duty to determine whether or not an agreement is in the public interest, the Board has a duty to "undertake to inform itself sufficiently with regard to any instrument filed thereunder to enable it to accurately and objectively apply the statutory tests." *Mutual Aid Pact Investigation*, 40 C.A.B. 559 at 561 (1964). The Board in that case referred the matter to an examiner for a full evidentiary hearing and investigation because it considered the case complex, novel, and important. This is exactly what should be done in the case of air freight liability rules. The poor results of the attempts to collect data and the lack of true shipper participation require a full evidentiary hearing because it is the only vehicle by which the Board is going to be able to determine whether or not the public interest will be served by approval of the airlines' proposals. Certainly the problems of air freight liability rules and practices are complex and important enough to deserve a full scale investigation.

FOOTNOTES

[1] Hearings on the Impact of Crime on Small Business—1969 Before the Select Committee on Small Business of the United States Senate, 91st Cong., 1st Sess., pt. 1, at 141 & 142 (1969).
[2] Id. at 199, 200, 204, 216, 217, 218, & 219.
[3] Id. at 202.
[4] Id. at 166, 227, 238, 254 & Appendix 1 at A–1.
[5] Appendix 2 at A–2.
[6] Hearings on the Impact of Crime on Small Business, supra note 1, at 136 & 137.
[7] Id. at 254.
[8] Appendix 8 at A–24.
[9] Appendix 7 at A–22.
[10] Appendix 3 at A–7.
[11] Appendix 4 at A–9.
[12] Appendix 5 at A–11.
[13] Id. at A–13.
[14] Appendix 6 at A–21.
[15] Brief for Airlines at 9, Civil Aeronautics Board Docket 19923.
[16] Id. at 19 & 20.
[17] Appendix 9 at A–27.
[18] Appendix 10 at A–29.
[19] Appendix 11 at A–34.
[20] Appendix 2 at A–2.
[21] Appendix 12 at A–37.
[22] Appendix 13 at A–38.
[23] Appendix 14 at A–41.
[24] Appendix 15 at A–45.
[25] Appendix 10 at A–29.
[26] Appendix 16 at A–47.
[27] Appendix 11 at A–34.
[28] Brief for Airlines, supra note 15, at 35.
[29] Id. at 11 (footnote), 18, 19 & 20.
[30] Id. at 19.
[31] Appendix 1 at A–1.
[32] Appendix 15 at A–45.
[33] Appendix 9 at A–27.
[34] Appendix 17 at A–48.
[35] Appendix 18 at A–50.
[36] Appendix 19 at A–51.
[37] Appendix 20 at A–53.

[United States of America Civil Aeronautics Board, Washington, D.C., Order 70–7–121, Docket 19923, Agreements CAB 19891–A4, 20746–A1, 20746–A2, 21288]

AIR CARRIER AGREEMENTS ON AIR FREIGHT TARIFF, LIABILITY AND CLAIM RULES AND PRACTICES

(Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July, 1970)

ORDER

In August 1967, the Board initiated an informal inquiry of the air freight liability and claim rules and practices of the United States scheduled route air carriers, and requested that carriers review such rules and practices with a view toward improving uniformity, removing ambiguity and increasing shipper acceptance and understanding of air transportation. Subsequently, the carriers petitioned the Board to engage in discussions on the foregoing subjects, which the Board approved.[1]

By a series of agreements filed in 1968 and 1969 on behalf of the domestic air carriers, the carriers propose to revise certain tariff rules concerning air freight liability and claims matters. These agreements are the product of the series of inter-carrier and shipper-carrier meetings during 1968 and 1969, as authorized by the Board. Notices of all meetings and minutes, thereof, as well as the proposed revised rules and the carriers' supporting justification statements, have been filed with the Board and distributed to interested shippers and other parties. Major changes proposed by the carriers are set forth below.

Although the carriers intend to maintain their present limitations on domestic liability, typically 50 cents per pound or $50.00 per shipment, whichever is greater,[2] they now propose to reimburse freight charges over and above such liability limits.[3] The carriers also propose to treat each part of an assembly or distribution shipment as a separate shipment for purposes of determining the limit of liability.[4] The carriers' current domestic tariffs provide that the liability limit on interline shipments between carriers having different liability limits shall be the lowest liability limit of any of the carriers in the routing, and that excess valuation shall be charged at the highest valuation rate of either carrier. The carriers now propose to change this rule to provide that the liability limits and excess declared value rate of the origin carrier shall govern the through interline movement.[5] The carriers also propose to establish joint liability for interline shipments, whereby the consignor shall have a right of action against the origin carrier, the consignee against the destination carrier, and each may further take action against the carrier which performed the transportation during which the destruction, loss, or damage took place.[6] The carriers have also added a rule for international traffic reflecting Article 29(1) of the Warsaw Convention (Warsaw)[7] providing that the right to damages shall be extinguished if action is not brought within two years[8] along with the present domestic rule which essentially establishes a 2-year limitation for bringing such actions.[9]

The present rule on liability for charges obligates the shipper and consignee for unpaid freight charges, even though the carrier has extended credit to the responsible party. The proposed rules would relieve the other party (shipper or consignee) when the carrier has extended credit.[10]

The carriers have clarified the rule concerning their lien on shipments for sums due the carriers,[11] as well as the rule providing for notice and disposition of delayed or undelivered shipments. Shippers of edible perishables have previously objected to the lack of adequate notice to them when delay occurs, and have advocated automatic notice in such instances. Although opposing automatic notice, the carriers have rewritten these rules for clarification and simplification, and have provided for advance written instructions by the shipper whenever he desires notification of delay, etc.[12] Tariff revisions to clarify Rules 38 and 40 were filed in the tariff for effectiveness August 16, 1968, and were not protested by any party, and the Board is herein approving the agreement relating thereto.

Specific time limits are established in the carriers' existing tariffs for the filing of various types of claims. The carriers propose to extend their present 270-day time period for the filing of claims for delay and visible loss or damage to 9 months and 9 days, and to waive the payment of freight charges as a prerequisite to the filing of a claim when-

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Footnotes at end of article.

ever any part of a shipment is not delivered.[13] The carriers state that the above change from 270 days to 9 months plus 9 days was made to satisfy shipper requests for greater compatibility with surface carrier rules, and that the waiver of payment of charges on non-delivered shipments or parts of shipments was made in response to shipper requests for a more equitable rule.[14]

The carriers' agreements also include a substantive change in their rule concerning carrier liability (Rule 30). The present rule provides essentially that the carrier shall not be liable except for its actual negligence, and shippers contend that the carriers often deny liability on the grounds that they have accorded the goods ordinary care in handling and without undue delay. The carriers now propose to adopt, for domestic purposes, the principles of Articles 10, 11, 18(1), 20(1), and 26(1) of the Warsaw Convention. The proposed rules provide that the carrier will be liable in event of loss or damage during the transportation covered by the airline and that the carrier shall not be liable if it proves it has taken all measures to avoid damage or that it was impossible to take such measures.

In addition to the international provision cited above for actions at law, the carriers propose other "international" rules to be added to the domestic tariff. Such rules would have application only to traffic moving to or from the United States when the rates of a domestic carrier are combined with those of an international carrier, and when such domestic carrier does not participate in the through international rules tariff of the international carrier. The proposed provisions reflect international rules only insofar as Warsaw traffic is concerned; hence international no-Warsaw traffic would still be governed by "domestic rules, e.g., 50 cents per pound, etc. This is substantially dissimilar to the tariffs of the international carriers, which typically treat Warsaw and non-Warsaw international traffic the same. Further, the proposed international rules for the domestic tariff perpetuate the practice of the international carriers in basing the additional charge (currently $.40 per $100.00 or fraction thereof) for excess valuation declarations on the shippers' total declared value, as distinguished from assessing the excess valuation charge only upon the amount by which the declared value is in excess of the liability limits assumed by the carrier.

From the inception of this proceeding in August 1967 to date, the Board has received a substantial volume of correspondence on this subject from shippers and various shipper groups, the general public, and Members of the Congress. Much of such correspondence and other written presentations is thoughtful and compelling, and the Board can only conclude, as it earlier indicated in 1967, that a substantial degree of public dissatisfaction has existed and will still exist with respect to the air carriers' rules and practices concerning air freight liability and claims.

With rare exception, however, protestants offer little opposition to the pending agreements of the carriers and their proposed rule changes, *per se*. Rather, the opposition has focused largely on what the carriers have not proposed to revise, and/or that their proposed revisions do not go far enough. Thus, it appears that the proposed revisions to these rules are considered typically to constitute an improvement, albeit a lesser one than most would have contemplated. The Board therefore finds that such changes do not appear to be adverse to the public interest or in violation of the Federal Aviation Act, and we will accordingly approve the agreements, subject to certain conditions, as hereinafter explained. Those agreements which we are herein ordering investigated are approved *pendente lite*.

We are not convinced, however, that the carriers have fully resolved the major issues on carrier liability, limit of liability, declared value, packing and marking requirements, and the 15-day notice rule on concealed loss and damage, and, upon consideration of all relevant matters, the Board finds that these provisions may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and that they should be investigated.

While the Warsaw principles proposed for domestic carrier liability undoubtedly constitute an improvement over the present rules, the carriers still maintain exclusions or limitations on their cargo liability which are significantly more limited than the traditional liability of common carriers. The 50 cent/$50.00 liability limit of the carriers has been both protested and supported by shippers. The amount provided by this rule would undoubtedly cover only a portion of the actual loss to the shipper in most situations and there is a serious question as to its lawfulness. More so are the carrier exceptions to these limits (footnote 2, supra). The maintenance of a total exclusion on liability for consequential and special damages also appears to warrant reexamination.

The carriers do not propose any change in their general rules on packing requirements, which typically place the full burden on the shipper to anticipate properly the hazards inherent in air transportation. Claims for damage are often denied on the grounds of improper packing, even though the carrier accepted the goods without noting any exceptions as to condition of the shipment. The Board is of the opinion that the carriers should specify packing requirements consonant with the air environment, which they should know best. Absent such carrier-prescribed packing standards, it would seem to follow that the carriers should not be permitted to deny liability for loss or damage if they have accepted the goods for transportation.

Although surface carriers also employ a 15-day notice standard on concealed loss or damage, the absence of such notice is not of itself grounds for denial of a claim. Hence the unequivocal air carrier rule on this point is more stringent than the surface carriers' rule.

The Board intends, at least initially, that the investigation be limited to the major issues just discussed. With regard to other rules and issues of lesser import, which the carriers have not resolved, the Board will instruct its staff to develop revised and improved rules to be circulated to the carriers and shippers,[15] which if adopted will obviate an investigation thereof by the Board. We will not hesitate, however, to broaden the investigation to include other rules and issues should it appear that these informal procedures are not successful.

In addition, it appears that some matters will more readily lend themselves to rulemaking action by the Board, and we will review and consider this avenue for such matters as a uniform standard airbill, reserved air freight, shippers' all-risk insurance, and a shipper's claim manual.

Lastly, we turn to the proposed international rules for domestic carriers. The addition of such rules to the domestic tariff will very likely clarify numerous points on which the tariff is presently silent, and will to some degree bring such provisions into better agreement with other international provisions. While the volume of traffic which would move under the international rules of the domestic carriers is limited, we cannot find that it is in the public interest for the domestic carriers to agree to apply more onerous conditions on international traffic which is not subject to the Warsaw Convention than to Warsaw traffic. We will therefore condition our approval to insure that international non-Warsaw and Warsaw traffic are treated the same with respect to the liability limit of $7.52 per pound, and to establish uniform time limits for claims.[16] Lastly, the rules are silent as to whether the carriers' liability of $7.52 per pound is based upon the total weight of the entire shipment or only the weight of the lost or damaged packages, and are silent on time limits for filing claims on loss or overcharges, and we believe these omissions should be corrected. Accordingly, the Board will condition its approval of the carriers' agreements with respect to the foregoing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, 412, 414 and 1002 thereof

It is ordered that:

1. Agreement CAB 19891–A4 covering Rules 38 and 40, Agreement CAB 20746–A1 covering Rule 36, Rule 60(B), Rule 62 and Rule 64,[17] Agreement CAB 20746–A2 covering Rule 36, and Agreement CAB 21288 covering Rule 30, Rule 32, and new Rules 52(B), (D), and (E) (3) are approved;

2. Agreement CAB 20746–A1 covering Rule 60(A) and 60(B)(2), and Agreement CAB 21288 covering Rule 52(A) are approved, provided (a) that the definition of "international transportation" is amended to include all traffic between a point in the United States and a point outside the United States, including but not limited to "international transportation" as defined in the Warsaw Convention; (b) that notice of claims on international partial loss is treated the same as damage under the international 7-day rule; (c) that notice of claims on international total loss (including non-delivery) be made subject to a 9-month plus 9-day time limit; (d) that a 2-year time limit on international overcharge claims shall be required in conjunction with Rule 60(A); (e) that international liability at $7.52 per pound shall be computed on the weight of the total shipment; (f) that international charges for shipper's declared value shall be assessed on only that amount by which such declared value exceeds $7.52 per pound per shipment; and (g) that the absence of the 15-day domestic notice requirement on concealed loss or damage shall not constitute grounds for denial of such claims;

3. An investigation is instituted to determine whether the provisions of the rules appearing on the revised pages of the tariffs, including subsequent revisions and reissues thereof, enumerated in Note 2 through Note 16 of Appendix A to the extent they apply for or on behalf of the carriers as shown in Note 1 of Appendix A, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

4. The scope of the investigation instituted by ordering paragraph 3 above shall include as issues whether Agreements CAB 20746–A1 and 21288, embodying the provisions of Rules 30, 32, 52 and 60 of Airline Tariff Publishers, Inc. Agent's Tariff CAB No. 96 are adverse to the public interest or in violation of the Federal Aviation Act of 1938;

5. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. Copies of this order will be served upon the air carriers named in Appendix A which are hereby made parties to this proceeding.[18]

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

HARRY J. ZINK, *Secretary.*

FOOTNOTES

[1] See Orders 69–10–4 of October 1, 1969, and 69–6–32 of June 6, 1969, and prior orders in Docket 19923; the discussion authority expired March 30, 1970.

[2] Numerous commodities are accorded lower limits, e.g., 10 cents per pound, or $10.00

per shipment, with excess valuation charged at $2.00 per $100.00.

[3] Rule 32(B); all Rule Nos. referred to are published in Official Air Freight Rules Tariff No. 1–B, C.A.B. No. 96, Airline Tariff Publishers, Inc., Agent.

[4] Rule 52(E)(3).

[5] Rule 52(D).

[6] Rule 64.

[7] *Convention for Unification of Certain Rules Relating to International Transportation by Air* Concluded at Warsaw, Poland, on the 12th day of October, 1929.

[8] Rule 62(A).

[9] Rule 62(B); previously approved by the Board, Order 68–10–13, dated October 3, 1968.

[10] Rule 36.

[11] Rule 38.

[12] Rule 40.

[13] Rule 60; see also Order 68–10–13, *supra*, concerning the 2-year limit on overcharge claims.

[14] The carriers do not propose any change in their 15-day notice rule on concealed loss and damage, or as to packing and marking requirements, both of which were the subject of substantial shipper complaints.

[15] In addition to rules directly concerned with liability, the Board also takes note of concern expressed by shippers with rules involving carrier terms of acceptance, as well as the numerous individual carrier exceptions throughout the carriers' tariff. The staff effort will therefore embrace these aspects as well.

[16] Although the industry agreement cites $7.52 per pound, derived from 250 francs per kilogram as specified in Article 22 of the Warsaw Convention, various international tariffs currently use either the language of the Convention, or $7.48 per pound, or $16.50 per kilogram, to express the limit of carrier liability. In addition, several international carriers require that in case of partial loss a complaint must be made in 7 days, consistent with the Warsaw requirement as to damage in Article 26; for total loss, however, many international carriers impose a 120-day requirement, and some, but not all, international tariffs specify a 2-year time limit on the filing of overcharge claims.

[17] Provisions of Agreement CAB 20746–A1 concerning present tariff Rule 58(D) were earlier approved by Order 69–10–4.

[18] Persons who have previously communicated with the Board in this proceeding will be served with this order, but are not made parties to this investigation at this time. Any interested person may file documents authorized by Part 302—Rules of Practice in Economic Proceedings. Persons desiring to appear at any hearing and present relevant evidence may participate in accordance with Rule 14 of the Board's Rules of Practice. Persons desiring to formally intervene as a party in any hearings held pursuant to this investigation must file a petition to intervene and are otherwise governed by Rule 15 (14 CFR 302.14, 302.15).

By Mr. INOUYE (for himself, Mr. BEALL, Mr. EAGLETON, Mr. PERCY, Mr. STEVENSON, and Mr. TUNNEY):

S. 1764. A bill relating to the Federal payment for the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. INOUYE. Mr. President, I send to the desk for approximate reference a bill to provide a $200 million Federal payment for the District of Columbia. As chairman of the District of Columbia Appropriations Subcommittee of the Appropriations Committee, I have been conducting hearings into the needs of the District of Columbia for funds to operate the city. During the course of these hearings it has been quite obvious that the city's need for revenue exceeds its ability to obtain that revenue. The budget proposed for the District of Columbia by the President includes expenditures based upon the imposition of a reciprocal income tax upon residents of the surrounding States, an increased Federal payment of $27 million, and an increase in the real property tax.

I do not think I am overstating the situation when I say that the likelihood of Congress imposing a reciprocal income tax upon residents of Maryland and Virginia for the benefit of the District of Columbia is remote. Despite the mayor's eloquent pleas for such a tax, I do not believe that it could be enacted in time to meet the fiscal needs of the city for fiscal year 1972.

During the course of my hearings I have been impressed by both the fact that the needs of the city are real and that the Federal presence in the city requires a much larger expenditure of funds than at least I realized prior to taking on this assignment as chairman of the District of Columbia Appropriations Subcommittee. For example, the very peaceful march upon the Congress conducted by Vietnam war veterans in the last week cost the city over $100,000 in added expenses. A less peaceful march obviously would cost the city much more. Furthermore, it is the only city in the United States that plays host to foreign dignitaries brought to these shores by the President on behalf of our country. This is the city that must provide these visitors with protection, with facilities for their entertainment, and the myriad other services which are required as the Nation's Capital hosting foreign dignitaries. Heretofore, the Congress has always thought of the Federal payment in terms of the land that the Government uses to house its offices, and the loss of tax revenues occasioned thereby. This may make up for the expenses occasioned by the employees of the Federal Government, but it does not make up for the expenses occasioned by this being the Nation's Capital with hundreds of thousands of visitors coming here every year. I know that the citizens of the District of Columbia are happy to welcome most of these visitors and are proud to receive them. But these visitors, welcomed or otherwise, do require extra police protection, extra fire services, extra sanitation services, and I believe that it is time the Congress recognizes these additional expenses.

The nature of the city of Washington has been determined by its designation as our Nation's Capital and the restrictions which we have, therefore, imposed. These restrictions include maximum height limitations on buildings, land-use decisions, and actions by the Fine Arts Commission which have caused industries and commercial enterprises to locate outside her geographic boundaries. The District of Columbia's tax revenues and ability to be financially self-sufficient have thereby been further reduced.

For these reasons the taxable value of those lands which are owned by the Federal Government are an inadequate measure of our obligation to provide special supplements to normal district revenue sources.

This is not to say that I have not found some areas where I, at least, believe that expenditures of the city could be cut back. Some of these I have pointed out publicly during the course of the hearings. Others I will discuss with members of the Appropriations Committee during executive sessions on the budget for the District of Columbia. I intend to recommend the cut of all unnecessary and all unreasonable expenses from the budget of the District of Columbia. I hope that when the committee has completed its consideration there will be no fat in the city budget. However, I am sure that no Member of this body believes that in order to provide services for our visitors we should deprive the children of the Nation's Capital of a decent education; nor should we deprive the citizens of the Nation's Capital of the usual services that every city provides its citizens.

While I am sure that Washington is not unique in this regard, I was very pleased to find that there is no evidence of major or significant corruption in the city's government. I have received hundreds of letters and phone calls from citizens in the District and surrounding areas, giving me information with regard to the District and its budgetary problems. Many of them indicated areas where expenses might be curtailed but in no instance did I receive any information that money was being illegally or illicitly spent. City official's pockets were not being lined. The Mayor and the members of his government are to be commended for this, and the best way we can show our commendation is to give them the money necessary to properly run the city government.

In sum, Mr. President, I believe that since the Federal Government is the magnet which draws thousands of people to this city and increases the expenses of the city, the Congress should recognize this situation and attempt to fully meet the especial expenses which are created.

By Mr. SPARKMAN (for himself, Mr. PROXMIRE, Mr. TOWER, and Mr. BENNETT):

S. 1766. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce on behalf of myself, and Senators PROXMIRE, TOWER, and BENNETT, a bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

This would conform to our practice to authorize the striking of medals to commemorate various historical events. Public Law 89–491 established the American Revolution Commission and specifically requested the Commission to consider the issuance of medals as a part of the national program for commemorating the bicentennial of the American Revolution. The medals authorized to be struck by the mint under this bill have been recommended by the Commission.

Mr. President, I ask unanimous consent that a copy of the bill and a section-

by-section explanation be printed in the RECORD at this point.

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

S. 1766

A bill to provide for the striking of medals in commemoration of the Bicentennial of the American Revolution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the Bicentennial of the birth of the United States and the historic events preceding and associated with the American Revolution, the Secretary of the Treasury (hereafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, each with suitable emblems, devices and inscriptions to be determined by the American Revolution Bicentennial Commission (hereafter referred to as the "Commission") subject to the approval of the Secretary.

SEC. 2. A national medal shall be struck commemorating the year 1776 and its significance to American independence. In addition to the national medal, a maximum of thirteen medals each of a difference design may be struck to commemorate specific historical events of great importance, recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

SEC. 3. The Secretary shall strike and furnish to the Commission such quantities of medals as may be necessary, with a minimum order of 2,000 medals of each design or size. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1983.

SEC. 4. The medals authorized under this Act are national medals within the meaning of section 3551 of the revised Statutes (31 U.S.C. 368).

SEC. 5. The medals shall be furnished by the Secretary at a price equal to the cost of the manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

SECTION-BY-SECTION EXPLANATION

BACKGROUND

Throughout history it has been the practice of Governments to strike commemorative medals in celebration of and to perpetuate historic occasions and events. The United States government has, through the U.S. Mint, struck such medals on numerous occasions, including the Centennial anniversary of the Declaration of Independence.

In enacting PL 89-491 which established the American Revolution Bicentennial Commission, the Congress directed the Commission to recommend an overall program for commemorating the Bicentennial of the American Revolution including the issuance of commemorative medals.

Accordingly, the Commission convened an Advisory Panel on Coins and Medals composed of professional numismatists to develop recommendations for Bicentennial numismatic commemorative programs.

The Panel's recommendations regarding a commemorative medals program were adopted by the Commission.

The recommendations are that:

A *national medal* be struck by the U.S. Mint which would be singularly identifiable in both obverse and reverse design as the official national medal commemorating the Bicentennial.

A series of not less than 6 and not more than 13 appropriate commemorative medals be struck by the U.S. Mint, to be issued annually with a related commemorative stamp, having a first date of issue cancellation, as a *philatelic-numismatic combination.*

An *awards medal* be struck by a private mint as a Commission presentation piece in recognition of outstanding service, leadership or support of Bicentennial programs.

A *State medal* authorized by each State be struck by private mints in cooperation with the Commission to assure uniform size, composition and design to result in an official matching set of medals of all the States.

The Commission believes that this comprehensive program will result in a variety of official National and State commemorative medals to satisfy the needs of the general public and collectors and to perpetuate the Bicentennial by means of such historic mementoes.

The draft bill authorizes two kinds of medals recommended by the Commission for striking by the U.S. Mint. That is, the national medal, and the medals for the philatelic-numismatic combination series. The State medals will, of course, have to be authorized in appropriate State legislation. Also, since the awards medal is to be struck by private mints, no Federal authorizing legislation is necessary.

Section 1

This Section authorizes the Secretary of the Treasury to strike the medals authorized in Section 2 of the Bill. The designs, sizes, and metals will be determined by the Commission subject to the approval of the Secretary of the Treasury.

Section 2

This Section authorizes the striking of a national medal commemorating 1976 as the 200th anniversary of American independence. The medal, in a design approved by the Commission and with concurrence of the Secretary of the Treasury, will be struck in uniform sizes and of common and precious metals. In order that sufficient numbers of medals are produced, the striking and stockpiling by the Mint will begin a sufficient period of time prior to 1976. Distribution of the medals will probably begin no earlier than July 4, 1975, and may end on or before December 31, 1983. Various outlets will be established for widest possible distribution of the medals.

This Section also authorizes the striking of a maximum of thirteen medals (one for each year 1971 to 1983; or a minimum of six, one for each year 1971 to 1976) to create philatelic-numismatic commemoratives, a unique combination of a commemorative stamp and a commemorative medal (usually representing one specific event) affixed together in a specially designed envelope which is postmarked and cancelled on the eventful date at a pertinent historical location. The philatelic-numismatic combination was chosen as a meaningful and tangible method to perpetuate the Bicentennial era since it can portray historic characters and events in contemporary fashion for retention as official historical mementoes.

It is expected that the U.S. Mint will produce the commemorative medals, the U.S. Postal Service will produce commemorative stamps, and a private corporation on contract will package and distribute the philatelic-numismatic commemorative packages in the name of the American Revolution Bicentennial Commission.

Section 3

This Section authorizes the Secretary of the Treasury to fill Commission requests for the various medals. Generally, medal production will be based on estimates of demand.

The first philatelic-numismatic commemoratives are planned for distribution on July 4, 1971. Follow-up PNC's may be distributed on each subsequent Independence Day or a day of special significance to the realization of American independence.

Section 4

This Section stipulates that the medals authorized by the Bill are national medals. Such official designation enhances their value as historic mementoes.

Section 5

This Section provides that the Commission will receive the medals at cost from the Mint. The Commission plans to make the medals available to the general public at a reasonable price.

The national medal will be sold in both common and precious metals and large and small sizes, ranging, for example, from a small 1-5/16 inch bronze, to a 3 inch platinum medal.

The philatelic-numismatic commemoratives, all of a uniform size and composition, should be of interest both to stamp and medal collectors and to the general public for their uniqueness and historic value.

By Mr. PELL:

S. 1767. A bill to amend title II of the Social Security Act to provide that benefits payable thereunder shall be periodically increased or decreased so as to correspond to increases or decreases in the cost of living; and

S. 1768. A bill to amend title II of the Social Security Act to increase the annual amount that individuals are permitted to earn without suffering deductions in the monthly benefits payable to them thereunder. Referred to the Committee on Finance.

NEEDED IMPROVEMENTS IN THE SOCIAL SECURITY PROGRAM

Mr. PELL. Mr. President, I introduce for appropriate reference a bill to provide for automatic cost of living increases for social security beneficiaries and a bill to increase the amount of wages a social security beneficiary would be permitted to earn while receiving social security benefits.

Recently the Congress enacted a long needed increase in benefits for social security beneficiaries. While I am delighted that we were able to act to provide a 10-percent increase in social security benefits, I would urge my fellow Members of Congress not to forget our senior citizens for the remainder of this Congress.

There are many more improvements that need to be made in the social security program if the retirement years of our older Americans are going to be made, not black with poverty, but golden with the security of an adequate income.

The shocking fact is that nearly 5 million older Americans are classified as poor, and that since 1968, when the present inflationary period first began, nearly 200,000 senior citizens have been added to the rolls of the poor. While all other demographic groups were experiencing a decrease in the number of poor persons, the aged as a group were suffering an increase. In a country as affluent as our own, I find this fact unacceptable.

If the administration is not willing to use the authority given to it by Congress to end inflation through the use of wage and price controls, I do not think it is fair for us to allow the group most unable to carry the burdens of inflation, the elderly, to be penalized.

Unlike other more affluent citizens, inflation does not mean that the vacation to Florida is put off another year or that the purchase of a new car is delayed; but for the elderly pensioner it means less nutrition, less money to buy essential foods, bad health, less money for needed medications; it means not an

annoyance, not a disappointment, but, disaster and despair.

While it is, no doubt, of help to the elderly when the Congress enacts periodic increases in social security benefits during periods of inflation; these benefit increases are no help to the pensioner who, during the period of inflation before a benefit increase, must do without some of the essentials of life because of a temporary loss of purchasing power. Social security beneficiaries pay an unnecessary penalty in awaiting cost of living increases provided by Congress.

To remedy this situation I propose a relatively uncomplicated bill to provide for automatic cost of living adjustment in social security benefits.

My bill provides that if the cost-of-living index compiled by the Bureau of Labor Statistics reflects a 3-percent rise in relation to a stated base period, then social security benefits would be adjusted upward by the same percentage. The legislation also provides that in the event such a cost-of-living increase should result in an actuarial deficiency in the trust fund, the Secretary of Health, Education, and Welfare shall report this fact to Congress, together with recommended changes for additional finances.

For the typical retired worker, the average social security benefit is only about $1,400 a year. For the average retired couple, social security provides approximately $2,400 in annual benefits.

Those funds are obviously not enough for retired persons to live in comfort. When the Social Security Act first became law in 1935, the intent of the program was that the benefits provided were only to be supplementary to other income elderly persons were expected to have from private pensions, investments, and rents. Consequently, since a social security beneficiary was expected to be living off those so-called retirement incomes, a limitation was put upon the wages a person could receive when receiving social security benefits.

Studies now show that very few elderly citizens have incomes other than their social security benefits on which to live. Only one person in 10 who made a contribution to a private pension plan, according to a report of the Senate Labor Subcommittee of which I am a member, actually now receive pension benefits when he retires. According to another study, pension benefits make up only 3 percent of the income sources of elderly persons. This means that for most older Americans, social security is not a supplementary payment, but it is an only payment.

Unless an elderly person wants to live on only $1,400 a year, he has no choice but to seek work. I do not believe our senior citizens should be penalized by sanctions in the social security program if they do not want to live in poverty and if they want to work. It is for this reason I am today introducing a bill to increase the earnings limitations imposed on recipients of social security benefits.

Under existing law, an individual receiving benefits can earn only up to $1,680 a year before his additional earnings are offset, either in part or in whole, by deductions from his benefits. In the past two Congresses, I have introduced legislation to increase the limitation. I am now proposing an increase in the limitation to $2,700.

A higher earnings limitation would have two beneficial effects. It would permit our senior citizens to supplement to a degree the modest benefits provided by social security, without returning to the work force as full-time employees.

In addition, the increase would permit the Nation to receive to a larger degree the benefit of the contributions these senior citizens can make to our society, and at the same time, permit the senior citizens to lead fuller lives by using their talents and abilities, if they wish, in part-time remunerative activities.

Mr. President, while, as the sponsor of the bills I have just described, I would hope that those bills would be given priority consideration, there are a number of other bills which I have cosponsored with other Senators that I believe should also be given a high priority in this Congress.

It is important that when the Congress enacts a cost-of-living adjusment provision as I have suggested, that the level of social security benefits be at least even with the rate of inflation which has already diminished the value of social security benefits.

Therefore, as a cosponsor of S. 923, I would urge the Congress to consider favorably the provisions of that bill providing for a 15-percent across-the-board increase in benefits in 1972. This provision would provide an equitable starting point from which automatic increases could begin.

Minimum benefits are now at a level of $64 a month. This represents $770 a year, which is less than one-half of $1,749, the poverty threshold for an aged person. As a cosponsor of S. 923, I would propose raising this minimum to $100 this year and then to $120 in 1972.

With this approach, with the automatic cost of living increases, the relaxation of the outside earnings limitation, and a 15-percent boost in benefits, a large number of elderly persons could be lifted out of poverty.

We are all aware of the increasing cost of health care, a cost that is increasing at twice the rate of normal inflation. Few persons, other than the elderly, however, are more sensitive to those increases. The elderly are the primary people who are sick and who are hospitalized. Despite the benefits of medicare, they are finding that health costs are eating up more and more of their limited incomes. The elderly spend three times as much on health care as the average person—an estimated $595 in Rhode Island—while the average reimbursement is equal to only approximately half of those costs—an estimated $307 in Rhode Island.

We must seek ways to reduce this burden of health costs. Two steps I believe we can take now are included in S. 923, which I have cosponsored.

I would urge the elimination of the expensive part B premium for physician coverage under medicare. In July, when the new part B rates go into effect, an elderly couple will be paying about $135 a year for limited physician coverage alone. The bill I have cosponsored would merge the part B premium into the financing of part A through the traditional payroll tax, with some funding from general revenues.

I would also urge consideration of the inclusion of out-of-hospital prescription drugs in the medicare program.

The elimination of the part B premium and the coverage of prescription drugs as proposed in S. 923, I would note, are recommendations that have the support of the National Advisory Council on Social Security, the AFL–CIO, and the National Council of Senior Citizens.

Mr. President, in some instances the lack of an adequate pension would not be such a significant burden on the elderly if there were ways in which they could obtain, without difficulty, personal services which they need, such as help with their housework and in the preparation of hot meals.

It is for this reason I have also cosponsored S. 882, a bill to authorize payment under the medicare program for the services of household aides, and I have cosponsored S. 1163, a bill to authorize the establishment of a permanent and expanded "meals on wheels" program capable of providing low cost, nutritionally sound meals to be served in senior citizen centers, community centers, and other public and private nonprofit institutions. In order to aid senior citizens in their transport between their homes and these centers, I have also cosponsored S. 1124, a bill to establish a demonstration grant program to focus on the development of low cost and efficient means of transportation for senior citizens.

Mr. President, our senior citizens are a significant and ever-increasing segment of our population. In my own State, at the turn of the century, senior citizens represented a little over 4 percent of the population. Now they are approaching 11 percent of the population.

We cannot, as a Nation concerned about the welfare of our citizens, sit idly by and allow such a large segment of our population to enter into a period of retirement which is synonymous with poverty and despair. Our senior citizens have worked hard and long to make our Nation the great Nation that it is. They deserve a rest. They deserve some time in which they can enjoy the relaxations of a leisurely retirement without the burdens of economic deprivation. The bills I offer here today and the bills I have cosponsored, I believe, offer the possibility of making our senior citizens' retirement years truly the golden years. I would commend these bills to your attention for your support.

By Mr. GURNEY (for himself, Mr. PASTORE, Mr. YOUNG, Mr. DOLE, Mr. THURMOND, Mr. BUCKLEY, Mr. ALLOTT, Mr. HUMPHREY, Mr. BIBLE, Mr. ERVIN, Mr. BENNETT, Mr. GOLDWATER, Mr. RANDOLPH, Mr. STEVENS, Mr. PELL, and Mr. JAVITS):

S.J. Res. 91. A joint resolution to authorize the President to issue annually

a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week." Referred to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

Mr. GURNEY. Mr. President, I am today introducing a resolution which would designate the fourth week of November as "National Family Week." I am happy to include Senators PASTORE, YOUNG, DOLE, THURMOND, BUCKLEY, ALLOTT, HUMPHREY, BIBLE, ERVIN, BENNETT, GOLDWATER, RANDOLPH, STEVENS, PELL, and JAVITS as cosponsors for this legislation.

This legislation, which has also been introduced in the House by Representative JOHN T. MYERS, would authorize the President to designate the week beginning with the fourth Thursday in November of each year as "National Family Week." It also encourages the States and local communities to observe the week with appropriate ceremonies and activities.

Mr. President, the basic strength of our society is the family. William Makepeace Thackeray once stated:

As are families, so is society. If well ordered, and well governed, they are the springs from which go forth the streams of national greatness and prosperity—of civil order and public happiness.

Today America's families are in trouble—trouble so deep and pervasive as to threaten the future of our Nation. An article, "The American Family: Future Uncertain," which appeared in Time magazine, December 28, 1970, supported this concern. It states:

One in every four U.S. marriages eventually ends in divorce. The rate is rising dramatically for marriages made in the past several years, and in some densely-populated West Coast communities is running as high as 70%. The birth rate has declined from 30.1 births per thousand in 1910 to 17.7 in 1969 . . . each year an estimated half-million teen-agers run away from home.

The crisis in the family has implications that extend far beyond the walls of the home. "No society has ever survived after its family life deteriorated," warned Dr. Paul Popenoe, founder of the American Institute of Family Relations. Harvard Professor Emeritus Carle Zimmerman has stated the most pessimistic view: "The extinction of faith in the familistic system is identical with the movements in Greece during the century following the Peloponnesian wars, and in Rome from A.D. 150. In each case the change in the faith and belief in familistic systems was associated with rapid adoption of negative reproduction rates and with enormous crisis in the very civilizations themselves."

The Time article continues:

Throughout most of western history, until the 20th century, society as a whole strongly supported the family institution, it was the family's duty to instruct children in moral values, but it derived those values from church, from philosophers, from social traditions. Now most of these supports are weakened, or gone.

The observance of family week cannot promise to resolve the many problems that plague the family in America today. But we can focus attention on this institution, its strengths and virtues in this era of change. And we can enlist the millions of American parents to understand the wants and needs of their children, and we can properly encourage the children to understand the duties and obligation to their parents.

I also think it fitting to designate National Family Week to coincide with Thanksgiving Day, the traditional time when families throughout the Nation are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

In the March 1969 issue of Science Digest, Mr. Arthur Mandelbaum spoke about the true image of the American family:

Ogden Nash once defined a family as a unit, composed not only of children, but of men, women, and an occasional animals and a common cold. But this is an idealized, false, homogenized image of the American family. It does not exist except in some Hollywood or T.V. fantasy. Families do not have such a harmonious and boring architecture, they come in all sizes and shapes; fascinating, fantastic, wonderful and quite human, unpredictable and plausible, in different genetic combinations and qualities, covering a range of varied sensitivities.

We can appreciate this statement, Mr. President, since in the last few days we have certain events occur in Washington. I know in some instances of young people who participated in these unpleasant and tragic events of the last few days that come from my home State of Florida. And I know that in some instances their parents had no idea that they were in Washington at all. They have communicated that fact with my office.

The parents are heartbroken. They deplore the fact that their children were engaged in these events that occurred in the last few days. I suspect that every Member of the Senate can relate similar circumstances.

I do not think there is any question in my mind that a lot of the trouble we have experienced in the last few days can be traced right back to the families and the lack of supervision by the parents of the children and the mark of inculcation of certain basic values that every society must have, which are necessary, even though they are very different, in order that society may stick together. Certainly the problem of discipline is involved there, also.

I think a good deal of what has happened in the last few days in Washington can be traced directly to family problems and the lack of family cohesiveness.

I am hopeful that the Senate will early consider and speedily and favorably act on this resolution and that various organizations within local communities will join together to make such an observance as meaningful as possible.

ADDITIONAL COSPONSORS OF BILLS

S. 75 AND S. 77

At the request of Mr. NELSON, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 75, the Detergent Pollution Control Act, and S. 77, the Mined Lands Restoration and Protection Act.

S. 1498

At the request of Mr. NELSON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1498, a bill to ban strip mining for coal.

S. 1608

At the request of Mr. SPARKMAN, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1608, to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 108

Mr. BYRD of West Virginia. Mr. President, at the request of the junior Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing, the names of Senators HART, MONDALE, CRANSTON, INOUYE, and MCGOVERN be added as cosponsors of Senate Resolution 108, to disapprove reorganization plan No. 1.

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

SENATE RESOLUTION 112

At the request of Mr. GURNEY, for Mr. JAVITS, the Senator from Kentucky (Mr. COOK) was added as a cosponsor for Senate Resolution 112, providing for appointment of female Senate pages.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from South Dakota (Mr. MCGOVERN), I ask unanimous consent to have printed in the RECORD a statement by him announcing open hearings by the Subcommittee on Indian Affairs on May 13 and 14.

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

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. MCGOVERN. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Indian Affairs on several judgment distribution bills for May 13 and 14. Those to be heard on May 13 are:

S. 1462, to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and

S. 101, to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets numbered 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367, consolidated, and for other purposes.

On May 14 the Subcommittee will consider the following:

H.R. 1100—To provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K, and for other purposes.

S. 1103 (H.R. 1444)—providing for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and

the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93;

S. 1231 (H.R. 6072), providing for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission docket numbers 18–A, 113, and 191, and for other purposes;

S. 1070 (H.R. 6797) providing for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316 and 193;

S. 805, S. 1066 (H.R. 4353) providing for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Kansas, Nebraska and Oklahoma.

The hearings will be held in room 3110, New Senate Office Building and will begin at 10:00 a.m. Anyone wishing to testify at these hearings should so advise the staff of Committee on Interior and Insular Affairs.

NOTICE OF HEARINGS CONCERNING OIL POLLUTION OF THE SEA

Mr. PELL. Mr. President, I wish to announce that on Wednesday, May 19, the Subcommittee on Oceans and International Environment of the Committee on Foreign Relations will begin 2 days of public hearings on Executive G—the IMCO Oil Pollution Conventions and Amendments to the 1954 Convention on the Prevention of Pollution of the Sea by Oil.

Briefly, these conventions and amendments are aimed at accomplishing three things. First, the Convention Relating to Intervention on the High Seas would establish the right of a coastal nation to take whatever action it deems appropriate "to prevent, mitigate or eliminate" the threat of oil pollution that might result from a maritime accident. Second, the Convention on Civil Liability for Oil Pollution Damage would write into international law the standard of absolute liability against the owner of a tanker involved in any maritime accident which causes oil pollution damage. And, three, the amendments to the 1954 convention would tighten up existing rules and regulations governing the discharge of oil at sea.

Mr. President, during its 2 days of hearings, the subcommittee will endeavor to hear from as wide a range of both governmental and nongovernmental witnesses as time permits. The subcommittee will also be receptive to the submission of written statements for insertion into the hearing record. I hope in this way, Mr. President, that a full, complete record can be compiled on these conventions and amendments.

In this regard, I also wish to renew my invitation to the members of the Subcommittee on Air and Water Pollution of the Public Works Committee who may wish to sit in on these hearings. And, at the same time, I want to extend a similar invitation to the members of the Commerce Committee's Subcommittee on Oceans and Atmosphere.

Mr. President, the conventions and amendments which the subcommittee will be considering represent the first international agreements relating to various aspects of the oil pollution issue to come before the Senate in this "Age of Ecology." Whether or not these agreements measure up to the honest concerns that have been expressed on this issue, is something that the Subcommittee on Oceans and International Environment will endeavor to determine. I hope that a favorable judgment can be rendered.

NOTICE OF HEARINGS CONCERNING CORRECTIONAL REFORM

Mr. BYRD of West Virginia. Mr. President, the Senator from North Dakota (Mr. BURDICK), as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, has asked me to announce hearings for May 13 at 2:00 p.m. in room 155 of the Senate Office Building. The purpose of this hearing will be to hear Mr. David Rothenberg, executive secretary of the Fortune Society and other members of the society regarding their views on correctional reform.

ORDER FOR RECOGNITION OF SENATORS McGOVERN, PERCY, AND HART ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished senior Senator from Virginia (Mr. BYRD), the following Senators be recognized, each for 15 minutes, and in the order stated: Messrs. McGOVERN, PERCY, and HART.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks by the able Senator from Michigan (Mr. HART), there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

EXTENSION OF TIME FOR FILING REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce have until midnight tonight to file a report on an original resolution authority a study of rail passenger service.

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

CHANGE OF REFERENCE OF A COMMUNICATION

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from consideration of the letter from the Office of the Secretary of the Air Force, dated March 4, 1971, addressed to the President of the Senate, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes, and that the letter be referred to the Committee on the Judiciary.

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

QUORUM CALL

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADDITIONAL STATEMENTS

RAISING SHEEP—A REAL CHALLENGE

Mr. HANSEN. Mr. President, a number of industries in America today face specific problems which affect their ability to prosper, or to even to survive. Some are plagued by competition from abroad, where consumer items often are produced at half the cost of those produced here, because laborers abroad are paid a fraction of what the American laborer is paid.

Some are hard-put to cope with changes in our economy, while other industries have difficulty adjusting to changing times and changing demands.

Mr. President, I invite the attention of Senators to some of the problems faced by an important industry in my State—the lamb- and wool-producing industry. Raising sheep in these times, under the circumstances at present imposed on growers, has been characterized by one experienced Wyoming rancher as "one hell of a challenge."

And he is right: for in order for this industry to survive today, its members must cope not only with foreign competition which threatens producer income from wool and lamb meat sales, but with inflation, which affects all of us; with predatory animals, which kill sheep; with increased costs for equipment, grazing leases and labor; and with an acute labor shortage which grows more serious every year.

It is important for the consumer to know something about the mechanics of producing the products he buys, and about the problems faced by those who produce these products, because the consumer then will not draw false conclusions.

Sheep producers in this country are facing some very serious problems, some of which were outlined in an article written by Pat Schmidt and published in the Riverton, Wyo., Ranger of April 29, 1971.

Mr. President, the article does an ex-

cellent job of pointing out some of the challenges faced by the sheep producer. I ask that it be printed in the RECORD.

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

SHEEPMAN: HIS PLIGHT; HIS PROBLEM; HIS HOPE

(By Pat Schmidt)

Wyoming Woolgrowers and, for that matter, woolgrowers across America face a real challenge if they are to make a go of it in their business during the next few years.

A variety of problems must be met. Major sources of trouble are low wool prices, the lack of buyers, the rapid fluctuation in the lamb market and the high overhead due to inflation.

Granted, the sheepman is guaranteed incentive payments for wool based on a 72-cent national average until 1973, but this will not necessarily be renewed at that time.

The crux of the problem lies in the field of competition, competition from sheepmen and textile manufacturers in foreign countries where lower labor costs and little or no inflation prevail.

Another problem which could arise in the future and break the sheepman's back is an increase in grazing fees, according to Jack Geraud, Fremont Sheep Company, of Riverton. The margin of profit is so minute that even a minor change would make a vital difference.

Fulton Jameson, President of the Wyoming Woolgrowers Association, feels one of the major sources of the problem is, surprisingly, the current mode of changing styles so often.

At first one would think the increased changing of styles would be a boon to the sheepmen, but this is not the case. Wool is an expensive product, but one which is a good investment because of its long-wearing potential.

With the changing styles, the period of wear expected is shortened and cheaper materials are more practical.

Another source of problems as far as other materials are concerned is synthetic fiber with its wash 'n' wear characteristics. This problem is being overcome little by little, however, as different processes such as combinations of wool and synthetics are adapted. Still the cost is high, and, no matter what the values involved are, wool is fighting a short-term, cheaper product.

FOREIGN LABOR CHEAPER

Americans have become accustomed to hearing of unbelievably cheap labor in foreign countries and are perhaps hard to impress with comparative figures.

The sheepman's labor price contrast with foreign competitors is so extreme, however, that it should impress anyone. The cost to shear a sheep in the United States is about 70 cents; in Australia, it averages around 8 cents. In 1939, it was about 10 cents in the United States.

This does not even take into account the difficulty some people have finding shearers; in some parts of the state, men are brought from as far away as Texas and Idaho to handle the shearing.

Wool prices, which were as high as $1.50 during the Korean War, are now around 18 cents a pound. Whether the 18-cent figure is where the market will bottom out is yet another question. As Geraud says, "I feel the wool situation will resolve itself and improve with the economy. I can't believe we will have to put up with this price very long."

Incentive payments up to the 72-cent average are, of course, guaranteed, but, if the figure remains at or about 18 cents, incentive payments will be around 400 per cent for 1971. The incentive program is one of the few subsidy programs which is self-supporting. The entire payment amount is taken from revenues raised through imported wool and lambs.

The figuring of the incentive is roundabout, but it is done in a manner which encourages each seller to get the highest price.

After America's woolgrowers report the prices for which their wool is sold, a national average is computed. The difference between this national average and the 72-cent base is then used as a percentage figure for determining individual payments.

(Example: The year 1970's national average was 35.5 cents per pound of wool, leaving 36.5 cents per pound or 102.8 per cent of the 72 cents to be made up in incentives. Local growers then multiply the price they pay for their wool for that year times 102.8, and the total is incentive amount paid him last year.)

Using this method, a man who sells for more than the national average receives more than 72 cents a pound while it is quite possible to end up below the national norm.

The 35.5-cent figure was down from 41.8-cent figure nationally in 1969.

There is also an incentive paid for not shearing lambs. This incentive paid $1.46 in 1970, up from $1.09 in 1969.

SHEEPHERDERS VS. PREDATORS

Another basic problem confronts the sheepman. Sheepherders are hard to come by and are necessary to protect herds from predators. Sheep-tight fencing was once thought the answer, but that just locked the sheep in an enclosure where the predators could wreak even more havoc.

According to Geraud, it is a matter of record that sheepmen using such systems suffered up to 10 per cent losses last year.

In a Department of Agriculture newsletter, 1969 predator losses in Wyoming were reported to be 140,000 sheep and lambs, 30 per cent of the total crop loss. About 94,000 of these were attributed to coyotes, 8,700 bobcats, 8,200 to eagles, 8,500 to dogs, 10,600 to bears and 9,200 to other predators.

These figures seem a bit high, but even if the loss is half that quoted, the sheepman's grudge against the predators is easily understood.

Here the question of predator control enters. Whether it is the proper course ecologically to eradicate the pests, current efforts and those in the past have proven ineffective, as losses to predators have continued to rise. Sheepmen maintain predators are on the increase.

According to Jameson, efforts to get the cattlemen to help eradicate predators have brought little response. He noted that if a sheepman goes out of the business, he would probably change to cattle and compete with the beef industry—a change that would in the long run hurt the cattleman and cattle market.

Geraud felt the switch could come and could be done in a relatively short period.

He expressed hope for the future of the domestic sheepman, and said, "We've had dark days before down through the years when it appears hopeless, but I think this time we will see a real crossroads."

There is some hope, however, as Geraud and others hastened to point out.

Several types of predator repellants such as flashing lights or chemicals on the sheep have been discussed, but none have proven effective. Primary means of control are still hunting and poisoning.

MORE CROPS CONSIDERED

Another solution which might help is currently being watched very closely—this would be the production of three lamb crops in two years.

This would enable sheepmen to capitalize on the recent upswing in slaughter lamb prices to the fullest extent but would probably increase overhead disproportionately since at least one lamb crop would come in the dead of winter.

One of the primary means of the sheepman making a living now is through drastic cutting of overhead, and every sheepman is spending sleepless nights thinking of new corners to cut.

Lower import quotas or higher tariffs on textiles and foreign wool might be the answer. Geraud feels higher tariffs in foreign countries are one of the main causes of all the sheepman's and textile manufacturer's ills in this country.

Currently there are about one million breeding ewes in Wyoming according to Geraud. At one time there were about 2½ million head in the state. Still Wyoming ranks second only to Texas. Surprisingly, there has been a gain in the smaller sheep-producing states in the midwest, while Texas and Wyoming have dropped drastically. Currently the total is dropping around four per cent annually in Wyoming.

The sheepman is facing a declining wool market, an incentive payment which may be dropped, a lamb market which gives some hope but which is still not all that healthy, a healthy mounting pradator problem, a labor problem, a closing of textile factories and a layoff of wool buyers in the area.

"It's one hell of a challenge," understates Jack Geraud.

The importance of the sheepman and his effect on the economies of Fremont County and Wyoming can be measured by the large amount of wool and lambs marketed in Fremont County last year—930,741 pounds of wool and 3,489,936 pounds of unshorn lamb.

Any great change in this area would certainly upset the economy of Fremont County.

STRIP MINING IN CAPITOL REEF

Mr. MOSS. Mr. President, I have today sent a telegram to Secretary of the Interior Rogers Morton asking him to seek immediate purchase of the leasehold interest in the area threatened by strip mining for building stones in Capitol Reef National Monument. This may be the only way we can protect this magnificent area from those who would despoil it for short-term personal economic gain.

Capitol Reef is unique in all the world. It is the fabled "land of the sleeping rainbow," with spectacularly colored cliffs and yawning chasms. It is an area rich in the history of Indian settlements and our Utah pioneers. It is an area whose remarkable scenic beauty has been recognized by four Presidents, and an area that the U.S. Senate voted last year to be a new national park.

It is incomprehensible to me that we can even contemplate strip mining Capitol Reef. It is incredible that anyone could say "we contend that the highest economic value of the land is in the building stone." In my opinion, the highest economic use for Capitol Reef is not as a stone quarry any more than the highest economic use for the Wasatch Mountains is as a gravel pit.

The strip-mining operations threaten permanently to scar and disfigure the landscape. These scars would be visible from popular overlooks. They may even extend along the entrance road to the monument, where every visitor would view this eyesore. Once accomplished, the strip mining would be a permanent mark upon the face of Capitol Reef. It may destroy forever Utah's chance to make this area into a national park.

It is contended that Wayne County and the State of Utah would reap economic benefits from the mining. I believe that strip mining would be an eco-

nomic blunder of the most serious magnitude. If the area is mined, the economic benefits end as soon as the supply of strippable stone is depleted. If the area remains unspoiled and is made into a national park, it will attract visitors as long as there are people interested in scenery, history, recreation, and camping.

We all know that America's recreational needs are growing year by year, and the amount of money that Americans spend on recreation is likewise increasing at a rapid rate. Having this area, unspoiled, as a National Park will bring to the economy of Wayne County and Utah many times over the amount of revenue that can be gained by quick and thoughtless exploitation for building stone.

I am confident that the Park Service officials can and will move quickly in this matter. It is imperative that they do so.

I ask unanimous consent that the telegram which I sent to Secretary Morton be printed in the RECORD.

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

MAY 4, 1971.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior, Washington, D.C.

Urge immediate action to appraise and purchase area in Capitol Reef National Monument threatened by strip mine operations. Imperative that we protect this magnificent area in National Park System. Copy of statement made in Senate will follow.

Senator FRANK E. MOSS.

SENIOR CITIZENS' MONTH—MAY 1971

Mr. GURNEY. Mr. President, President Nixon has designated this month as the period in which we, as a nation, can pay tribute to our older citizens. It is entirely fitting that we pause on this occasion to consider the place of older Americans in our society.

The initial observation I think we can all make is that our older citizens are not receiving the attention or the consideration they deserve from the point of view of their numbers, from the point of view of their importance to our society.

I think I can illustrate this with some illuminating figures. There are in America today approximately 7 million college students. That figure includes full-time and part-time students in universities, colleges, junior colleges, and the like.

Contrast that figure of 7 million college students with the total number of persons in our country over the age of 65: That second figure is 20 million, roughly three times as great. In spite of their numbers, our senior citizens are systematically neglected by the press; their needs and interests, their difficulties, hopes and aspirations, receive little national attention. Think of what would happen if even 10 percent of our older citizens—2 million persons—decided to demonstrate their grievances in the fashion that some of our college students demonstrate theirs. We should, as a Nation, pay attention to the ideas and the problems of college age youngsters. But, simple justice demands that we give attention to the needs of a group of Americans that is three times as large as our college population—our senior citizens.

I am happy to say that this condition is changing for better. Our Special Committee on Aging has laid the groundwork in the last 2 years for a national effort to improve the lot of our senior citizens, retired persons—persons over 65. The thrust is, of course, economic; but we are also interested in housing, nutrition, transportation, and recreation needs of our older citizens.

President Nixon has proclaimed May 1971, as Senior Citizens' Month. Let me quote a portion of his proclamation:

> The generation of Americans over 65 have lived through a particularly challenging time in world history. The fact that our country has come through the first two-thirds of the twentieth century as a strong and growing Nation is the direct result of their devotion and their resourcefulness. We owe them a great deal—not only for what they have done in the past but also for what they are continuing to do today. Perhaps the greatest error which younger Americans make in dealing with the elderly is to underestimate the energy and skill which they can still contribute to their country.
>
> During the last year, several hundred thousand older people wrote to officials of the Federal Government and told us in their own words—some sad, some hopeful—about what they need and what they desire. We learned once again that what they seek most of all is a continuing role in shaping the destiny of their society. We must find new ways for helping them play such a role—an undertaking which will require a basic change in the attitudes of many Americans who are not yet elderly.

The President also recently named Dr. Arthur S. Flemming to be full-time Chairman of the 1971 White House Conference on Aging, which begins in Washington on November 28. The selection of that distinguished gentleman indicates the importance which the President attaches to the conference. Dr. Flemming, who was President Eisenhower's Secretary of Health, Education, and Welfare organized the first White House Conference on Aging in 1961. He is the former president of three colleges and universities, the former president of the World Council of Churches, the National Conference of Churches, and the American Council on Education. We all wish him well in his latest important assignment.

Mr. President, in connection with the White House Conference on Aging—if you will, the National Conference—the State counterparts are now beginning to meet around the Nation. In my own State, the Florida Conference on Aging will be meeting in Orlando beginning May 11, 1971. Our hope is to have a session of the Special Committee on Aging convene in Orlando the day before, May 10, to hear the views and recommendations of the participants. My State is blessed with a population of senior citizens proportionately greater than most other States: Older citizens retire to Florida to take advantage of the sun and delightful climate we rightfully boast about. We know firsthand of the vitality and energy of these retired persons. They are bustling and busy people, full of life and fun. They do not look upon retirement as enforced idleness, but rather as a new challenge and a new opportunity. I think it is time that we as a nation began to give these people the respect and the honor that is their due, and develop, not a patronizing sympathy, but genuine concern for their problems, hopes, and aspirations. We owe it to them to do so; we also owe it to ourselves because these individuals have a great many lessons and a great deal of wisdom to share with us.

NO-FAULT INSURANCE

Mr. EAGLETON. Mr. President, the concept of "no-fault" insurance is being increasingly discussed, cussed, analyzed, and reanalyzed.

The Commonwealth of Massachusetts has been experimenting with the system for several months.

It is my understanding that the Senator from Illinois (Mr. STEVENSON) intends to introduce a "no-fault" bill applicable to the District of Columbia.

I found an article on this subject written, by Morton Mintz, and published in the Washington Post of May 2, 1971, to be interesting. I ask unanimous consent that it be printed in the RECORD.

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

NO-FAULT INSURANCE VOTE NEARS

(By Morton Mintz)

Congress is heading toward a day of decision on an automobile insurance system that collects $14 billion a year but pays out to claimants and policyholders a net of $7 billion, or 50 cents on the dollar.

The system is a consumer issue with a potential for vast impacts on more than 100 million car owners and on the safety and repairability of the vehicles the auto industry will design for them hereafter.

But it is also an issue with a potential for drastic restructuring of the insurance business, which deducts $6 billion from the $14 billion of premiums for selling and other administrative expenses and for profit.

The legal profession's stake is also measurable. For litigating personal-injury and property-damage cases lawyers get $1 billion of the $14 billion, or reform advocates estimate, about one-quarter of their total income.

Last Friday, a House Commerce subcommittee headed by Rep. John E. Moss (D-Calif.) completed eight days of hearings on his bills for no-fault insurance, under which a motorist's own insurer compensates him for specified injuries and losses no matter who—if anyone—was responsible for an accident.

On Monday, the Senate Commerce Committee will begin a 10-day hearing on the similar, pioneer no-fault bills and related legislation cosponsored by Sen. Warren G. Magnuson (D-Wash.), the committee chairman, and Sen. Philip A. Hart (D-Mich.), chairman of the Senate antitrust subcommittee.

Magnuson and Hart, in a March hearing, attacked the White House position, which is that the present system "needs change badly, and needs it now," but that Congress should enact a resolution appealing to each of the states to adopt a no-fault plan.

VOLPE NOT TO OBJECT

However, under questioning by Moss, Secretary of Transportation, John A. Volpe said he would not object to a law setting federal standards for the states to meet, so long as there would be no federal "take-over" of regulation.

But two experienced state legislators from Illinois and Massachusetts testified that the administration approach is doomed to fail.

Anthony Scariano, of Chicago, said that to suggest that state legislatures substantially controlled by lawyers and insurance agents who thrive under the present system to enact genuine no-fault plans is to play "a cruel hoax on the long-suffering auto accident policyholder and potential victim."

Scariano gave the House subcommittee data on the legislatures of 10 selected states—California, Florida, Illinois, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania and Texas—for 1969 which showed:

The lawyers headed 16 of the total 20 state senate and house committees with jurisdiction over no-fault bills (an insurance agent heads another).

That only Michigan had neither a house nor a senate subcommittee with such jurisdiction that was not controlled by lawyers and insurance agents.

Scariano, joined by five other members of the Illinois House, sponsored a no-fault bill in 1967. It died in committee. In 1969 he tried again. Lawyer-legislators asked him, he said, "What are you trying to do? Repeal our livelihood?"

SAVING $100 MILLION

In the Massachusetts House, Michael S. Dukakis led a long battle for a no-fault plan. Last year an extremely restricted version was adopted. Even so, motorists in his state are being saved an estimated $100 million in premiums this year alone.

Before Moss, Dukakis protested any proposal to let the states act "in their own sweet time," (Secretary Volpe conceded to the congressman that after the first state enacted a workmen's compensation law, the last did not do so until three decades later).

The "guaranteed" result, Dukakis testified, will be a "crazy quilt" of state laws that will wrap motorists in different rules whenever they leave their home states.

Almost no one any longer even bothers to offer a blanket defense of a system that in 1967, according to a massive Department of Transportation study, paid out $5.6 billion for losses that were actually $4 billion greater; gave an average permanently and totally disabled accident victim liability payments of $12,556 for an average total economic loss of $78,000 and often overpaid small claims—all while denying coverage, or charging discriminatory rates, to the unlucky.

Senate commerce committee sources said that the basic question raised by such facts is how can coverage be expanded—almost two-fold—to cover every motorist and to provide swift and adequate compensation to victims, all without increased costs to consumers?

MAIN ELEMENTS

The key elements in the Hart-Magnuson answer are these:

A no-fault bill requiring every vehicle owner to buy a policy covering himself, his family, passengers, persons using his car and pedestrians he may hit. An insurer could not deny such a policy to any owner who has a valid license and pays the premium. The policy, in event of accident, would pay *all* hospital and rehabilitation costs, up to $1,000 a month for 30 months in lost wages and other economic loss, except for damage to the vehicle (Moss would set a $36,000 limit).

A bill to authorize the Transportation Department to require auto manufacturers to design vehicles to reduce property damage. The 1975 models, for example, would have to have front and rear bumpers that would absorb a crash at 5 miles per hour into a fixed barrier with no damage to the car.

Sens. Hart and Magnuson, backed by insurance industry sources say this provision alone would decrease accident repair costs by $1 billion annually.

The National Association of Independent Insurers, whose members write more than half of the auto insurance policies, told the Moss subcommittee that the no-fault bills are "a gross overkill." This group, along with organizations of mutual firms and most companies that sell directly to consumers, favors, letting the states experiment.

The Hart-Magnuson and Moss bills would retain the liability system for death, loss of an eye or other "catastrophic harm." Last Friday, Nationwide Mutual, the fifth-largest auto insurer, proposed a no-fault system that would eliminate the liability system completely.

ENVIRONMENT, ECONOMICS, AND PUBLIC POLICY—ADDRESS BY DR. HAROLD E. PASSER

Mr. BAKER. Mr. President, I have just had brought to my attention an address delivered on April 26 to the Business Economists conference at Chicago by Dr. Harold E. Passer, Assistant Secretary of Commerce for Economic Affairs. The subject of Dr. Passer's remarks was "The Environment, Economics, and Public Policy," certainly a timely one.

As most of us are aware, we are only now entering the enforcement phase of our national effort to abate and control environmental degredation. It is in this enforcement phase that the real "crunch," as it were, will come. It is only in the enforcement phase that the society will at last become aware of what the trade-offs involved really are. Serious enforcement of stringent pollution standards will necessarily involve shifts in certain economic balances, often quite substantial. As we begin to require industry to internalize costs that have heretofore been external to the costs of production and distribution, we will have to confront as a society how those costs will be borne. We must also confront a long series of difficult choices between various degrees of environmental control and their relative costs, not only economic but as they relate to our social values and standard of living.

Dr. Passer does not pretend to have the answers to any of these questions, but he does, in my opinion, an unusually cogent job of raising them. I ask unanimous consent that the text of his address be printed in the RECORD.

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

THE ENVIRONMENT, ECONOMICS, AND PUBLIC POLICY

(Remarks by Dr. Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs)

As recently as ten years ago, the question of environmental deterioration received only sporadic attention from public officials and was of minor importance as a political issue. Today, preserving the environment ranks very near the top of our list of goals, and cannot be ignored or even minimized by any public official.

This sudden emergence of the environment as one of the foremost public policy issues should be of great interest to economists and particularly to business economists. The relationships between environmental and economic problems need to be analyzed and understood in order that government polices to improve the environment will have maximum effectiveness.

FEDERAL GOVERNMENT ORGANIZATION TO PROTECT THE ENVIRONMENT

The year 1970 brought the establishment of the major Federal agencies to protect the environment. President Nixon's first official action in 1970—the first official Presidential action in the decade of the 1970's—was to sign the National Environmental Policy Act of 1969. This act established the Council on Environmental quality (CEQ), which advises the President on environmental policy just as the Council of Economic Advisers advises him on economic policy.

Several months later, in April 1970, the President by Executive Order created the National Industrial Pollution Control Council (NIPCC) to advise, via the Secretary of Commerce, the President and the Chairman of CEQ on industrial programs to curb pollution.

NIPCC and its 30 sub-councils are composed of about 250 business leaders drawn from a broad spectrum of American industry. The Department of Commerce furnishes the supporting staff to NIPCC including technical and administrative help. The Executive Director of NIPCC, Walter Hamilton, is Deputy Assistant Secretary of Commerce for Industry Economics. The major purpose of NIPCC is to serve as a communications channel between industry and Government on environmental problems.

President Nixon took two additional steps in 1970 to adapt the structure of the Federal Government to environmental needs. He created the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce to bring together the major Federal scientific and technical programs dealing with the seas and the atmosphere. The creation of NOAA strengthens our scientific capability for dealing with these problems and also makes possible a unified approach. NOAA came into existence in October 1970.

President Nixon also established the Environmental Protection Agency (EPA) by bringing together in a single organization the major Federal pollution control programs from other Federal departments and agencies (Interior, Agriculture, Health, Education, and Welfare, and Atomic Energy Commission). The mission of EPA is to carry on the fight against pollution on an integrated basis by placing in one agency responsibility for implementing and enforcing environmental standards. EPA deals with pollution problems related to water, air, noise, pesticides, solid waste, and radiation.

To summarize, the major Federal Government organizations to combat pollution were set up in 1970 as follows:

CEQ, to formulate policy;

EPA, to enforce standards;

NOAA, to centralize scientific research; and

NIPCC, to provide a communications channel between Government and industry.

CEQ is in the Office of the President, EPA is an independent agency, while NOAA and NIPCC are in the Department of Commerce.

ENVIRONMENTAL MYTHS

One of the basic difficulties in establishing policies in environmental protection is that the intensely emotional public interest in the environment is not matched by a general knowledge and understanding of environmental problems. Let me illustrate this lack of knowledge by mentioning some widely-held environmental myths.

Myth Number 1: The U.S. environment has continuously deteriorated since the Pilgrims landed at Plymouth Rock in 1620.

First, we should note that some serious environmental problems of the past are no longer with us. In the 19th Century, a major source of pollution, and a major health hazard, in U.S. cities was animal waste from the horses used to pull horse-drawn streetcars, buggies, drays, and wagons. The coming of the electric streetcar and the automobile eliminated the animal waste problem. Another health hazard was polluted drinking water, which was a source of cholera, yellow fever, and typhoid. Now we not only have

disease-free drinking water, but it contains additives to reduce tooth decay.

Second, our environment in important respects has not deteriorated. Last summer the National Bureau of Standards and the Environmental Science Services Administration of the Department of Commerce reported on the analysis of 88 air samples that were collected at three representative continental and oceanic sites. This information was compared with data collected as far back as 60 years ago. To the surprise of many people, this comparison indicated that the atmosphere today has precisely the same percentage oxygen as in 1910—20.95 percent. The NBS–ESSA report further indicated that the burning of all known, recoverable fossil fuels would not significantly lower the oxygen content of the atmosphere.

We also know that fish caught half a century ago (and only recently analyzed) contain more mercury than fish caught in 1970. Compounding this mystery is the additional fact that fish containing mercury have been caught in lakes where there never has been an industrial discharge of mercury. As Thomas R. Shepard, of *Look Magazine*, pointed out in a recent speech, the only possible explanation is that the mercury came from deposits in nature.

Professor Crenson, of Johns Hopkins University, said in a recent article that city air is probably cleaner today than fifty years ago when coal-burning factories, locomotives, and home furnaces were in use. We know from careful measurement that the air in New York City is cleaner now than five years ago. We also know that automobiles today emit much less air pollutants than ten years ago.

Thus, we should approach our pollution problems with a sense of perspective. We have had pollution problems for a long time, but they have changed over the years. Despite our growing population and increasing affluence, it is possible to reduce pollution if we are willing to exert enough effort.

Myth Number 2: Industry is the only source of pollution.

To anyone who has lived in Washington, D.C. the falsity of this myth is self-evident. There is very little industry in the Washington area, yet the Potomac River is badly polluted. The reason, in large part, is the raw or nearly-raw sewage dumped into the Potomac by communities in the Washington area.

This problem is not restricted to Washington. Only one-third of the Nation's population is served by sewers and adequate treatment plants. The greatest municipal waste problems exist in the areas with the heaviest populations, particularly the Northeast. In addition to sewage, municipalities have serious solid waste disposal problems, which are created largely by consumers as they discard newspapers, magazines, containers, and other nonusable parts of goods they purchase. Northern cities and States that salt their streets and highways in the winter to melt ice and snow also contribute importantly to water pollution.

Agriculture is another major source of pollution. Animal wastes from cattle, horses, hogs, sheep, and chickens in the U.S. are equivalent to the wastes that would be generated by a human population of two billion persons (or ten times the U.S. population). Agriculture and home gardeners are also a source of water pollution from fertilizers, herbicides, and pesticides.

Myth Number 3: Because industry is the sole source of pollution, we can simply require industry to stop polluting and absorb the cost in their profits. Therefore, elimination of pollution will benefit the public, through an improved environment, and at no cost to itself.

Once we recognize that industry is only one of several major sources of pollution, this myth loses much of its force. But regarding industry pollution, there still is the question of who pays for the cleanup.

To an audience of economists, I need not explain at great length the proposition that the consumer or society will pay the cost of the cleanup. To reach any other conclusion is to assume that somehow we can alter the distribution of income and the incidence of taxation through environmental requirements in a way that has not been previously possible.

It should be clear that the cost of preventing environmental degradation will be reflected in business costs and prices, in the case of industrial pollution; and in agricultural costs and prices, in the case of agricultural pollution; and in local, State, or Federal taxes in the case of governmental pollution.

I do not mean to imply that the American people would not favor environmental cleanup if they were aware of the economic costs involved. But I think that they should be aware of these costs in order that they can have well-informed opinions about environmental policy.

ENVIRONMENTAL POLICY ISSUES

The Federal Government is now well organized to formulate and implement policies to prevent environmental deterioration. These policies represent a broad range of approaches. We should not rule out any alternative until we have more knowledge and experience. Thus, it is appropriate to discuss the environmental policy issues that are still unsettled.

NATIONAL VERSUS LOCAL OR STATE STANDARDS

One of the basic issues still to be completely resolved is the question of uniform national pollution standards vs. varying local or State standards. It brings into focus several interesting but difficult problems. The first involves the possible conflict between the right of State and local self-determination on the one hand, and the need to achieve compatibility of State and local standards for products marketed for nationwide or regional consumption.

Nationwide standards, with a consistent system of enforcement by the Federal Government, would cut through the layers of jurisdictional authority, and provide consistency and stability.

In many cases, the overriding consideration dictating a need for uniform national standards is the effect that conflicting local standards would have on the nationwide market systems of many firms and industries. A producer of detergents could not make and market at reasonable cost a product that must satisfy hundreds of conflicting local standards. Likewise, automobile manufacturers could not design and produce, at reasonable cost, emission controls for cars that would satisfy conflicting State or local standards.

There are precedents already in law for the Congress has enacted the Federal Insecticide, Fungicide, and Rodenticide Act, which contains hazardous substances provisions, and is considering Administration proposals for improvement of this act and for a new toxic substances bill. The FIFR Act authorizes Federal control over pesticides by establishing registration and labeling requirements. The proposed toxic substances bill prescribes minimum standard tests to be performed on these substances. In both cases, nationwide marketable products are involved. Use of these products could have a harmful effect on humans and wildlife beyond the regions in which the products are sold.

There also are instances, however, in which it is advantageous for State and local governments to establish environmental standards. Local governments can set standards for pollution abatement problems affecting the local area alone, such as in the case of sanitary land-fill requirements. It should also be recognized that even where national standards are called for, a State or local government could still require a more stringent standard by the use of its taxing power.

The issue of national vs. State and local standards also involves a recognition of the fact that pollution can occur at more than one stage of the production or consumption process:

1. The *input stage*, affecting the raw materials and other factors entering into the production of goods and services. This, in effect, involves the technical characteristics of the production process and the raw materials that are used.

2. The *output stage*, affecting the disposition of effluents as they enter the environment during the production process.

3. The *consumption stage*, when goods are used or discarded.

It is more likely that purely local or State or regional problems will arise during stages (1) and (2), while the problems that occur at stage (3) are likely to be national in scope. For example, the typical smokestack problem may be of concern only to the community in which production takes place. Even this is not strictly correct, because dirty air does not stop at political boundaries. But when throwaway containers are produced and distributed throughout the country, the solid waste problem created by their disposal transcends the boundaries of the community where such containers are manufactured. Local or regional standards, therefore, might be appropriate in the first case, whereas national standards would be appropriate in the second.

Another argument for national standards is that they would tend to establish a uniform national price for the use of our air and water resources. In the absence of uniform standards, there would be an economic incentive for industry to relocate to those areas where pollution controls were less stringent.

This leads us to an important argument for varying environmental standards. It is possible that we might want to use such an approach to alter prevailing population and migration patterns. In view of overcrowding and other urban problems, it might be advisable to use a "new town" and "growth center" concept to utilize the drawing power of a lower environmental standard to help attract the industry and jobs that are necessary to support a viable community. In such cases, the justification for nonuniform standards is based on social rather than economic grounds, and might deserve some consideration.

THE ASSIMILATIVE CAPACITY ARGUMENT

Closely allied to the pollution standards problem is the broad issue of the assimilative capacity of the environment. There are limits to the amounts of pollutants that the environment can assimilate. In some cases, we are approaching the environment's level of tolerance and the closer we get to that level, the more likely we are to reach society's level of tolerance. Thus, a pollution abatement program is essential.

The assimilative capacity argument attempts to reflect the different environmental conditions existing in various locations as a factor in establishing pollution standards. It asks the question of whether we set uniform national standards that raise the overall quality of the environment or whether we permit State and local governments to establish varying standards that might raise the level of pollution in areas that are presently less populated or industrialized, and lower it in others.

I have already mentioned one of the interesting points involved in this issue. Should we permit nonuniform standards, based on the assimilative capacity relationships presently existing, to influence industrial migration?

A second point is our time reference. Our concern with cleaning up the environment is not limited to the present but extends far into the future. We should try to project future developments resulting from current or proposed environmental policies. For example, certain areas are at this time capable

of assimilating more pollutants, because they are less industrialized or less densely populated. If environmental policies attract industry to those areas, then we may be building future pollution problems if we do not plan carefully.

This raises the important question of whether natural resources, such as rivers, streams, lakes or forest lands, belong to and should be preserved for and enjoyed by the entire Nation, or whether the local residents of an area should have the exclusive right to their use and enjoyment. We must decide whether or not individual communities or States should be permitted to decide how these resources are to be used or whether such decisions should be in the hands of the Federal Government.

AMBIENT VERSUS EMISSION STANDARDS

There is a compromise possible between the assimilative capacity issue and the need to establish uniform environmental standards. This compromise involves the establishment of national *ambient* standards rather than emission standards. Let me use an example to explain how this would work.

The Clean Air Act, as amended December 31, 1970, directs the Environmental Protection Agency to publish proposed national primary and secondary ambient air quality standards for each pollutant for which air quality criteria have been issued. The primary standards are intended to protect the public health while the more stringent secondary standards are to protect the public welfare. The public welfare, in this case involves the safety of crops, property, and human comfort.

The critical factor in this requirement is the distinction between an emission standard and an ambient air standard. The emission standard regulates the amount of pollutant a particular source, such as a municipal incinerator, can emit into the atmosphere. An ambient standard defines the level of air quality that must be satisfied in a particular area that covers more than the atmosphere surrounding a single source. It might be the atmosphere over an entire city, for example.

An ambient standard, in effect, is the net result of the pollution emitted by several sources. It is less stringent than an emission standard since it reflects the fact that emissions from an individual source will be diluted as they are assimilated into the atmosphere.

The ambient standard allows for the assimilative capacity of the environment beyond the general allowance implicit in the emissions standard. Therefore, the apparent conflict between national and local standards can be resolved by permitting the Federal Government to establish uniform ambient standards and allowing local governments to establish the specific emission standards that would enable their communities to satisfy the national standard. In sparsely populated and less industrialized areas, the emission standards could be more lenient than in areas that are highly industrialized and heavily populated.

In some cases, it might be necessary to leave decisions on emission standards to regional authorities. Such authorities might be necessary when river basin problems are involved.

ENVIRONMENTAL STANDARDS OR TAXES?

At the Federal level, we are currently implementing or proposing to implement both standards and taxes to reduce pollution. Emission standards for automobiles will be established on a national basis. The Administration is developing tax proposals related to the use of lead in gasoline and to sulphur dioxide emitted to the atmosphere in the burning of fossil fuels.

The question of taxes vs. standards was discussed by the Council of Economic Advisers in their 1971 report and also by the Joint Economic Committee in their recent report. I should like to contribute only one point to this discussion.

Advocates of the tax approach emphasize that it permits each polluter to make his own adjustment, depending upon his control costs as related to the tax. Because control costs for one substance (say sulphur dioxide) may vary widely, the tax approach permits an efficient use of society's resources in curbing pollution. I agree that this is a correct analysis.

But I think that it is important to recognize that the standards approach also leads to efficient use of resources. Under a national standards approach, various "polluters" will find that control costs differ and, therefore, the addition to the costs for different products will differ. This will mean that the cost and price of some products will rise substantially while for others there will be little or no rise. Then, through the market system, as consumers react to price changes, there will be signals sent to producers to concentrate on those products and those processes in which the pollution control cost is low. This will tend to reduce the production of products involving more pollution and increase the output of products involving less pollution. By the same process, it will tend to put the cost of pollution abatement right where it belongs—on the products that cause the pollution.

Thus, either standards or taxes are compatible with a market system and encourage efficient use of resources. The choice of a tax or a standard in a specific case should depend on which can be administered most effectively. This, in turn, will depend on many factors including the number and location of "polluters."

SCALE OF PRIORITIES

Pollution abatement is both a technological and an economic problem. The two are interrelated, because the technology of pollution abatement will help determine, in part, the cost of cleaning up our environment.

As an economic problem, pollution abatement involves the allocation of scarce resources among alternative uses. There is a need, therefore, to establish a scale of priorities which recognizes that there necessarily must be (1) trade-offs in the realization of competing objectives (e. g., pollution abatement vs. urban renewal or the expansion of health facilities) and (2) trade-offs within the area of pollution itself.

Since this Nation has only a limited supply of resources, we should recognize that we cannot accomplish all of our environmental objectives over a short period of time. Some environmental as well as competing non-environmental objectives may have to be postponed until later or at least undertaken at a reduced level of activity.

Because pollution abatement requires the use of scarce resources, our rate of increase in real economic growth and standard of living as conventionally measured will be affected. Many pollution abatement efforts will require more productive resources per unit of output than at present. More labor or capital or raw materials will be required to produce a given amount of output in order to comply with existing and future environmental standards.

An increase in the amount of additional real resources required to comply with pollution standards can be satisfied in one of two ways: (1) increasing the rate of increase in real GNP through a higher rate of investment or (2) diverting resources from the production of other goods and services.

In either case we would be diverting resources from the production of goods and services for current consumption. We would benefit, of course, not only from an improved environment in an esthetic sense but also in terms of better health, which could mean reduced medical expenses, and purer air and water, which would reduce cleaning bills and water treatment costs.

Perhaps the most difficult policy question is the speed with which pollution is abated. If we try to do this quickly, the costs will undoubtedly be much higher. We will experience more of a drag on real per capita incomes and there will be adjustment problems from sudden changes such as shutting down factories or halting homebuilding because sewage-treatment facilities are not available. Another very real cost of moving quickly is the many false steps that we will take because our knowledge of pollution is so limited. The detergent manufacturers who, in good faith, invested millions of dollars in NTA, as a substitute for phosphates, only to find NTA also unacceptable, illustrate the pitfalls when knowledge is incomplete.

THE NEED FOR ADDITIONAL AND IMPROVED DATA

Our experience with pollution control problems and the policymaking process points to the critical need for a systematic and comprehensive body of data on the important relationships between technological applications, business, population, regional and national patterns of economic development, and the biosphere. These data would enable us: (1) to measure and evaluate more reliably the relative environmental impact associated with different patterns of production; (2) to establish realistic environmental standards; (3) to determine the cost of cleaning up our environment more accurately than we can now; and (4) to determine and evaluate the economic impact of pollution control.

The Council on Environmental Quality (CEQ), with the assistance of the Department of Commerce and other Government agencies, has already undertaken a comprehensive effort to develop data sources and information for policy formulation and analytical purposes. This effort at developing an Environmental Quality Information and Planning System (EQUIPS) has begun with the Input-Output Model in the Office of Business Economics of the Department of Commerce. This model is already operational and used for a variety of analytical purposes.

The EQUIPS effort extended the OBE Model by adding data on total waste generated in all economic sectors, including agriculture, industry, government, and households. The use of these data in the standing input-output model will make it possible to identify specific types of waste resulting from each unit of output generated for intermediate and final consumption.

The Model will make it possible to examine current levels of treatment, untreated waste residuals, and benefits and costs associated with increasing the level of waste treatment. The purpose of these analyses will be to examine benefits and costs of alternative decisions and policies related to environmental quality and other national objectives. The Model is designed to indicate opportunities, priorities and early warning signals in the environmental quality area.

The EQUIPS effort is the first step toward obtaining an extensive body of data pertaining to all aspects of the environmental problem. Additional effort at refining and broadening the data will be undertaken in the coming months.

HUMAN RIGHTS AND THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, last October 24, in Milwaukee, Wis., a Governors Conference on the United Nations was held, sponsored by the Institute of World Affairs of the University of Wisconsin at Milwaukee, an institution which has long taken an active and leading role in world and international affairs. I should like to recommend to Senators a paper delivered by Llewellyn

Pfankuchen, professor of political science at the University of Wisconsin at Madison at this conference.

The paper is particularly relevant at a time when we are questioning the ability of the United Nations to promote world peace and protect human rights, and when we are considering the Genocide Convention.

Mr. President, I ask unanimous consent that the paper, entitled "The Issue Before Us," be printed in the RECORD.

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

THE ISSUES BEFORE US

(By Llewellyn Pfankuchen)

I can think of no better way of kicking off this conference than by repeating what Richard N. Gardner wrote in an article entitled "Can the United Nations Be Revived?" which many of you may have read in the July issue of *Foreign Affairs*.[1]

"Twenty-five years after the League of Nations was born a successor organization was being formed at San Francisco. This fate, at least, has been spared the United Nations. The United Nations is not dead. But it certainly is ill. It is suffering, even supporters admit, from 'a crisis of confidence,' a 'decline in credibility,' and 'creeping irrelevance.' However we define it, the fact is that the world organization is being increasingly bypassed by its members as they confront the central problems of the time.

"To be sure, a negative diagnosis of the patient's condition requires some qualification. One can argue that the important thing to say about the United Nations is not that it has fulfilled so few of its ambitious mandates, but that it has accomplished so much in the face of all the difficulties inherent in the international situation....

"The twenty-fifth anniversary of the United Nations, however, is an opportunity not just to celebrate past achievements, but to launch a continuing process of renewal and reform. If this process is to begin, we must pull no punches in analyzing the current state of the world organization. The United Nations today probably enjoys less confidence on the part of its members and the public at large than at any previous time in its history. The obvious reason is its demonstrated inability to deal with the central problems of war and peace in the world. It is hard to explain to people in most countries why the organization cannot do something to bring peace to Vietnam. It is hard to explain to Arab and Israeli opinion why it cannot assure a just settlement in the Middle East. It is hard to explain to African opinion why it does not implement its innumerable resolutions calling for an end to colonialism and racial discrimination in Rhodesia, South West Africa, South Africa and the Portuguese territories. It is hard to explain to American opinion why the United Nations does nothing to prevent the Soviet Union from suppressing liberty in Czechoslovakia or stop communist support for 'wars of national liberation.' It may even be hard to explain to opinion in communist countries—and elsewhere too—why the United Nations is silent in the face of unilateral U.S. actions in the Dominican Republic and Southeast Asia.

"The decline of the United Nations is particularly notable in the United States, the country which took the leading role in its formation and provided far and away its greatest single source of support. Relations between Washington and the world organization turned sour during the Article 19 crisis and became increasingly abrasive during the late Johnson years over Vietnam and the U.N. role in the Arab-Israel crisis. The Secretary-General's abrupt withdrawal of UNEF and the pro-Arab bias of certain U.N. resolutions alienated opinion in the administration, Congress and the public at large. The present American attitude toward the organization, however, is less irritation than indifference. The Nixon administration pays little attention to it in the conduct of foreign policy, the American leadership in the world body has declined to an all-time low. Despite the noble efforts of a revitalized United Nations Association and other nongovernmental organizations, the American people seem less interested in the United Nations than ever before—as may be verified by the empty galleries at U.N. meetings and the decline in coverage even by papers like The New York Times."

Mr. Gardner has a long list of reforms in his article, which doubtless will be discussed in the committee meetings here today. It is a formidable agenda, and many voices will be heard; but I should like to add the voice of the United Nations Secretary-General. We do not hear him very much—his voice is almost drowned out in the turbulence of our affairs. But there is a sense in which he is the Number One political leader of the world, and certainly no other single person can claim to represent most of the world's people as he can. He has an agenda of his own; it is presented in his "Annual Report . . . on the Work of the Organization" made public last month. The following quotes, however, are from a speech of his delivered in Ottawa.[2] After pointing out that the United Nations is suffering from a crisis of authority, he declared that "strengthening the United Nations should be not just a desire but an obsession," and he proposed the following agenda:

"First and foremost, the decisions of the United Nations, particularly of the Security Council, must be enforceable.

"Second, unused provisions of the Charter . . . should be activated. . . . There are . . . valuable provisions of the Charter for establishing subsidiary bodies for fact-finding and for purposes of conciliation in political disputes which may be activated far more frequently.

"Third, the International Court of Justice must be empowered to interpret the United Nations Charter. Our goal should be the acceptance by all Member States . . . of the compulsory jurisdiction of the International Court of Justice in all international legal disputes.

"Fourth, . . . I consider the idea of the universality of the United Nations the priority item of this year's agenda for world affairs. . . . Concerned citizens rightly cannot understand why the organization charged with keeping peace in the world cannot deal with the Indo-China war and other matters involving the excluded countries. . . .

"Fifth, I have recently recommended that global authorities related to the United Nations be established to deal with serious global problems. . . . The air and water of the earth circulate universally. They are no respectors of national boundaries or of any other man-conceived barriers. . . .

"Similarly, I hope that steps will swiftly be taken to establish the proposed international régime to administer the resources of the sea-bed, generally recognized as 'the common heritage of mankind'.

"Sixth, the United Nations urgently needs a stand-by force . . . In my view, a ready, trained, stand-by force is a prerequisite for effective maintenance of international peace and security.

"The most important lesson we have learned from the astronauts and the cosmonauts is that the world is a single unit, a rather tiny place; that the conditions of life are incredibly fragile; and that human life is confined by its own requirements to a very small fraction of the earth's biosphere. The penalty of technological mastery of the earth is that, henceforth, there is no escape from the responsibility of planetary management....

"I do not criticize national pride. National pride is natural. I say only that the sense of belonging to the human community must now be added to, and become dominant over, other allegiances. Man now has not only the possibility but the necessity for recognizing and for demonstrating his essential unity. This has always been the vision of the great religious teachers, philosophers, sages and wise men of the past. Today, it is a basic requirement for progress. . . .

"Are there any short-cuts to constructing the needed world order and the body of enforceable world law together with the necessary executive, legislative and judicial functions? I do not think so. It is generally recognized that law derives from norms of behaviour accepted by the community, and that in course of time, as usage proves their worth, bodies of law become enforceable. If we accept this concept, then there is no aspect of world affairs and national affairs that does not require the attention of world citizens as they work steadfastly to usher in the new world order. Whatever contributes to the sense of world community . . . serves to build the world order we all so earnestly desire...."

[1] Richard N. Gardner, "Can the United Nations Be Revived?" *Foreign Affairs*, July, 1970, Vol. 48, pp. 660–61.

[2] U Thant, "The United Nations: The Crisis of Authority," *UN Monthly Chronicle*, August-September, 1970, Vol. VII, No. 8, pp. 90–91.

EDUCATION IN AMERICA

Mr. GURNEY. Mr. President, James Bryant Conant, in his annual report to the Board of Overseers of Harvard University some years ago, said:

> The primary concern of American education today is not the development of the appreciation of the "good life" in young gentlemen born to the purple . . . Our purpose is to cultivate in the largest possible number of future citizens an appreciation of both the responsibilities and the benefits which come to them because they are Americans and are free.

I think these remarks have a great deal of validity yet, in spite of the fact that, in many cases, higher education has strayed from this mark.

I think most Americans are appalled by the conditions they find on the country's campuses today. A great deal of time and effort and money has gone into the creation of our State university systems. The people, I think, are beginning to question the wisdom of these expenditures and are beginning to wonder whether the return is commensurate with the expenditure. The State college and university system in California comes immediately to mind: The State of California has lavished great efforts into creating that system. For their trouble, they have gotten rebellion, riots, and mayhem. The recent college disorders trace their ancestry to Mario Savio at Berkeley in 1964. Those beautiful college campuses, which are more luxurious than any country club one could imagine, have been left in shambles by "flower children."

In my own State, we now have a course entitled "How To Make Revolution in the United States," sponsored by the student government's Center for Participant Education at the Florida State University: The gentleman who "teaches" this course, Jack Lieberman, whom the press

now refers to as "Radical Jack," recently laid seige to the Florida State Senate in Tallahassee. Wearing his badge with pictures of Marx and Lenin, this former head of the SDS recently taunted State Senators who do not share his outlandish political philosophy.

I think the time has come when we should begin to think about reassessing the role of government in our higher education system. It is bad enough to have the outrages we have in many of our universities today; it is intolerable that we, as taxpayers, have to contribute to the support of and finance the very people who are vowing to tear down our institutions. This has nothing to do with legitimate criticism of the Government or dissent as to particular policies of the Government. I am prepared to accept heresy; but subversion and actions designed to bring down the Government are in a completely different category.

However difficult it may be, we must face the fact that there are too many people in our colleges today who are not college material. We have allowed the specious notion to come into play that all Americans as a matter of right are entitled to a college education. They are not. Rather, we should seek to make it possible for everyone who has the ability and the will to earn a higher education—to make it possible for those youngsters to achieve that goal. The presence of many unqualified or badly motivated youngsters in our colleges today is a great tragedy. It is unfair to the youngsters themselves—it arouses hopes which cannot be satisfied. It is unfair to the other students—their courses are diluted to accommodate the slower students. It is extraordinary to me that we have the need for remedial reading courses in colleges today, but that sadly is the case in many institutions. Finally, it is unfair to ask society to foot the bill for this sort of nonsense. The bill is not only in terms of facilities and faculty salaries. It must be viewed also in terms of the costs of disruptions and social costs as yet uncalculable. How do you put a price tag of alienation on thousands of young Americans, alienation brought about by feeling of futility and hopelessness many youngsters have, who have not the ability or the will to succeed in college? It is as I say, time to reassess the problem. I invite the attention of Senators to an editorial published in the Wall Street Journal of April 26, 1971, which recites Yale University's experience with tuition loans to its students, the repayments of which are deferred until after graduation. The Journal comments about the implications of such a scheme for other colleges around the country:

At the same time, the advantages of some sort of deferred payment plan could be considerable. It would make the decision to go to college or not very much a matter of individual choice and ability rather than external circumstance. This would be as true for the poor, bright student eager to go to college as for the bored middle class student anxious to put it off for awhile. Furthermore, if the approach grew more widespread, it could bring economic pressures to bear on the universities that could prove quite healthy. Rather than seeking to impress the government with their need for money, universities would have to impress prospective students with the quality of their education. Since there is a diversity of potential students, the already varied choice of educational experience available in America would gain economic support; the tendency of universities to vie for more and more government aid threatens diversity.

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

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

THE PROPER PLACE TO SEND THE BILL

The universities currently are strapped for funds, and while we can sympathize with their difficulties, it's possible that in sorting out their financial problems they will manage to solve certain other problems too. For the problems that have so troubled the universities recently have a lot to do with the way educations are financed.

In the past, Americans have tended to believe that education should not necessarily be financed by the person to be educated; rather, the funds for his education have come from the government, because one person's education is presumed to benefit all society; or from his parents, because they see a college education as the key to their child's social mobility, a way to increase his potential earning power, and even as a way to get him (or her) married properly.

But lately this system of financing educations has begun to show some faults. Not only is higher education getting too expensive for it; the system itself has contributed to the disaffection of students and all the difficulties that has caused for the universities.

An article by Stephen J. Tonsor, a University of Michigan historian, in the journal Modern Age puts it well. He writes that "higher education, indeed the whole structure of middle class family life, provides the perfect paradigm of the welfare state, and it is precisely in these areas that the limitations of welfareism are most clearly evident. The adolescent child and the adult student are asked to postpone a meaningful role in the societies in which they participate. Their roles and identities are undefined, their responsibilities non-existent. They are excluded from the present work of society and they are asked to prepare for a future not of their own choosing."

The point Mr. Tonsor and others suggest is at first perhaps a bit unthinkable: Much might be gained, both for students and for universities, by shifting the financial responsibility for education received to those who receive it.

The suggestion is not necessarily unworkable. Mr. Tonsor favors the idea of establishing an independent corporation to offer long-term loans to students on a national scale. The corporation could borrow from private lenders and make student loans to be paid back over many years with interest.

And notably, Yale University recently announced a plan to give its students the option of taking a loan from the university for all or part of their tuition, to be paid off in regular installments based on a percentage of the student's postgraduate income. The university hopes to rely on short-term borrowing for operating funds until the plan begins to produce funds itself.

Now such proposals raise some immediate questions, of course. Yale officials are quick to point out that their plan as now constituted is "experimental" and does not come anywhere near solving their budgetary problems; and it takes little financial expertise to notice that if college costs continue to rise and college graduates continue to grow more and more disaffected with high-income careers in business or the professions, Yale could find itself in a lot of trouble.

At the same time, the advantages of some sort of deferred payment plan could be considerable. It would make the decision to go to college or not very much a matter of individual choice and ability rather than external circumstance. This would be as true for the poor, bright, student eager to go to college as for the bored middle class student anxious to put it off for awhile.

Furthermore, if the approach grew more widespread, it could bring economic pressures to bear on the universities that could prove quite healthy. Rather than seeking to impress the government with their need for money, universities would have to impress prospective students with the quality of their education. Since there is a diversity of potential students, the already varied choice of educational experience available in America would gain economic support; the tendency of universities to vie for more and more government aid threatens diversity.

Finally, there may be reason to believe that the principle of financing education out of a student's future income rather than money in hand could help the universities to get away from their current status as sanctuaries for aging adolescents. They might, as Mr. Tonsor suggests, "continue to educate people so long as they are able to make a convincing case that society will reward them for deepening their capacities and enlarging their skills."

These might include people who are dissatisfied and want to change their careers, people who decide they want to update their technical training and conceivably even people who are fed up with the outside world and want to drop out for a few years of study in order to regain perspective. The actual educational needs of adult Americans are huge and largely unmet.

Here surely are important possibilities for universities to consider as they try to deal with their financial problems. Mr. Tonsor notes that "institutional reform usually begins because of financial crisis." For universities right now, the potential rewards of the reform make the crisis a very mixed evil.

THE ABM—A MAGNET OF DESTRUCTION

Mr. EAGLETON. Mr. President, I invite the attention of the Senate to the perceptive and persuasive remarks of my senior colleague from Missouri (Mr. SYMINGTON) on some of the practical effects of having and installing a highly questionable antiballisitic missile system.

Senator SYMINGTON addresses his remarks specifically to the ABM's effect on Missouri. However, they are relevant to other States as well.

In an excellent editorial, the Springfield Leader & Press asked rhetorically "What would the ABM serve?" It answers:

Since it could not possibly, even if functioning with 100% efficiency, knock out more than a fraction of those incoming missiles, and since an interception setup would invite a heavier onslaught of bombs—perhaps up to 600—the ABM would actually invite a heavier, more widely dispersed fallout. . . .

The Springfield Leader & Press goes on to point out:

But even the assumption that the ABM is an effective defense is fallacious, these experts claim—its unsuitability and unworkability now are well recognized "even in the Pentagon."

The one argument that may have carried the day for proponents of the ABM in the 51–50 Senate showdown two years ago was that

the ABM could provide "a bargaining chip" for the Strategic Arms Limitation Talks then scheduled. Well, SALT proceedings have been going on for some time, and that "chip" has proven of no benefit.

The ABM has been proven a waste of money to date, and there are other, more important things to spend American dollars on—that, undoubtedly, is the weaponry Sen. Symington intends to use in the shaping Senate battle.

Mr. President, I ask unanimous consent that the entire editorial of the Springfield Leader & Press of April 28 be printed in the RECORD.

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

MAGNET FOR MISSILES

Sen. Stuart Symington is mustering his forces for a renewal of his old battle against the antiballistic missile system, the ABM which he fought so hard a couple of years ago. Most particularly, the senator opposes an ABM installation to protect the ensiloed offense missiles at Whiteman Air Force Base, in Missouri, on the theory that the risks it would invite would far outweigh defensive gains, if indeed there would be such a thing as gains.

Missouri's senior lawmaker is gathering his information through qualified experts, including Wolfgang Panofsky, director of the Stanford Linear Accelerator Center, and George W. Rathjens, former weapons specialist for the federal government, now a professor at Massachusetts Institute of Technology.

Some of the facts gathered by these men are blood chillers for Missouri and much of the Midwest to contemplate.

In case of a nuclear attack on the U.S., contends Panofsky, Whiteman Base would serve as a "magnet," for incoming missiles—in order words the base itself is the real danger—and assumption is that a "reasonable" attack might bring as many as 300 missiles raining down on the Whiteman area.

Rathjens takes up the theme here to explain the probable effects: assuming winds of 15 miles an hour, a fallout would cover an area of 35,000 square miles with a dose of radiation approximately 1500 roentgens within the first four days—far more than enough to kill everyone without adequate shelter.

That cloud of death would range across eastern Missouri, over the St. Louis area where as many as 4 million humans might be caught, and on northeastward over Chicago and Detroit. The death toll, Rathjens estimates, would probably range from 250,000 to as many as 20 million, depending on shelter and air conditions, but more likely would range from 1 million to 5 million.

And what would the ABM serve? Since it could not possibly, even if functioning with 100 percent efficiency, knock out more than a fraction of those incoming missiles, and since an interception setup would invite a heavier onslaught of bombs—perhaps up to 600—the ABM would actually invite a heavier, more widely dispersed fallout, Rathjens points out.

But even a assumption that the ABM is an effective defense is fallacious, these experts claim—its unsuitability and unworkability now are well recognized "even in the Pentagon."

The one argument that may have carried the day for proponents of the ABM in the 51–50 Senate showdown two years ago was that the ABM could provide "a bargaining chip" for the Strategic Arms Limitation Talks then scheduled. Well, SALT proceedings have been going on for some time, and that "chip" has proven of no benefit.

The ABM has been proven a waste of money to date, and there are other, more important things to spend American dollars on—that, undoubtedly, is the weaponry Sen. Symington intends to use in the shaping Senate battle.

PRIZE-WINNING ESSAY BY KATHLEEN EPELDI, BOISE, IDAHO

Mr. JORDAN of Idaho. Mr. President, it was a pleasure to learn that, for the second year in a row, an Idaho student has been named among the five national winners of the Ability Counts contest sponsored by the President's Committee and Governor's Committee on Employment of the Handicapped.

Miss Kathleen Epeldi, 17, of 1615 North 23d Street, Boise, a student of Bishop Kelly High School, entered the competition with 35,000 students from junior and senior high schools in 47 States, the District of Columbia, the Virgin Islands, and Puerto Rico.

This year, the students investigated the attitudes other members of their home community have toward employment of the handicapped. In many towns, the students encountered a general lack of knowledge about the abilities of handicapped workers. They found there is understanding of the needs felt by the handicapped man or woman who wants to be self-sufficient. Miss Epeldi was among the students who found her community has members who do understand those needs and who are endeavoring to help the handicapped individual build a better life. Discussing the lot of the unemployed handicapped person, Miss Epeldi noted:

It is difficult for us lucky ones to imagine how it would be. But we can do more than just shake our heads and move on—we can change their world by changing our own attitudes.

I congratulate Miss Epeldi for her winning report, the Disabled American Veterans, who donate the prize money for the student winners, and the sponsoring committees for the changes encouraged by this annual contest—instilling young people with positive attitudes toward their handicapped peers; focusing national attention on the capabilities, potential, and accomplishments of the handicapped.

I ask unanimous consent that Miss Epeldi's report be printed in the RECORD.

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

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

(By Kathleen Epeldi, Bishop Kelly High School, Boise, Idaho)

"Sitting, rocking, waiting for time to pass . . . breakfast, always the same . . . the mail boy at 10 o'clock but never any letters for her . . . a bit of lunch . . . the young one's running past on the way home from school . . . dinner, a silent affair . . . television, the shows are all the same . . . early to bed. Such a life." [1]

Yet, this is the life of millions in America today. It is difficult for us lucky ones to imagine how it would be. But we can do more than just shake our heads and move on—we can change their world by changing our own attitudes.

Even though I did come up against some attitudes which were largely the result of ignorance of the handicapped and their abilities, I found that there is more being done to help the handicapped in my community than I had previously thought. While doing research on the handicapped labor force in Boise, I discovered many favorable situations in which disabled laborers have become a vital element in their various jobs.

Mr. Brownfield, owner of an orthopedic equipment store in Boise, is one person who definitely recognizes the great potential of the handicapped. He employs many disabled workers and finds that they generally perform better work than unimpaired workers in this particular field because they can anticipate the needs of the people who will wear the braces and artificial limbs which are being manufactured. They are also loyal to their job since they have experienced the terrible fear and uncertainty of unemployment and dependency for life.

Mr. Brownfield also brought up the problem of the physical limitations which handicapped people encounter when looking for a job. The architectural barriers are obstacles which simply can't be overcome until people start giving more consideration to this important element of our labor force.

Mr. Jorgenson, the occupational therapist at the Elks Rehabilitation Center, stressed the need for sheltered workshops with more area, equipment, and staff to meet the growing needs of rehabilitating people to meet the demands of a modern vocation. He also cited the problems of placement, once they are ready for a job.

"The problem of getting an employer to accept someone who looks different, and to ignore the pressure which might result from other employees, is a common one for therapists." [2]

Attitudes such as these require both time and patience to change. Then again, the public is simply not well enough informed on the skills which handicapped workers have to offer. The stories of handicapped people who have conquered their disability and become outstanding citizens are unlimited, but they don't seem to have much of an effect on the general public since they have such a small circulation.

After having observed handicapped workers preparing for vocations at the rehabilitation center and watching them on the job in one of the city hospitals and local shops, I am convinced that the only thing my community is lacking is a new awareness of disabled people as hard-working citizens who are contributing their share to the welfare of the community. Perhaps the most difficult thing for us to realize is the fact that disabled people are not the only ones who are handicapped. We ourselves are unknowingly suffering from the biggest handicap of all—that of prejudice—if we fail to see the big task ahead of us. We must help others to help themselves.

[1] *Communications:* a program guide, by the President's Committee on Employment of the Handicapped.

[2] Mr. Jorgenson, occupational therapist, Elks Rehabilitation Center, Boise, Idaho.

POLISH CONSTITUTION DAY

Mr. PROXMIRE. Mr. President, 180 years ago Poland adopted a Constitution which declared:

All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

How strange those words sound when played against the realities of the Polish state today.

How strange it is that the most joyous and public celebration of the adoption of this historic document must come outside of Poland itself.

And how strange—in the face of subsequent warfare which has scarred the land—that the approval of this constitution came without a bloody revolution.

It is my fondest hope that we may soon see the lamp of freedom rekindled in Poland.

The remembrance of the adoption of this great document must surely chill the hearts of the men who now oppress the Polish people who remain in subjugation in their native land.

It is, therefore, all the more important that we who are free join to commemorate this historic day in the life of the Polish people and nation.

MINING IN WILDERNESS AREAS

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Oregon (Mr. PACKWOOD), and his request for insertions in the RECORD, relating to mining in wilderness areas.

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

MINING IN WILDERNESS AREAS

(Statement of Senator PACKWOOD)

Mr. President, I shall shortly introduce two bills pertaining to mining in wilderness areas. One relates specifically to mineral resources in lands comprising the Three Sisters Wilderness in Oregon. The other relates to the disposition of mineral resources in wilderness areas.

Reports are rampant in Oregon that the United States Pumice Supply Company plans to mine block pumice in the Three Sisters Wilderness sometime in the future. I ask unanimous consent that at this point in my remarks articles from the February 19, 1971, Bend, Oregon Bulletin, and the February 23, 1971, Oregon Journal be printed in the RECORD. I believe these two news accounts reflect accurately the concern of Oregonians about this report.

DESPITE FOREST SERVICE'S OBJECTIONS: SISTERS WILDERNESS MAY BE MINED

(By Bob Gaston)

A hike into the Three Sisters Wilderness area in the future might provide you with a new spectacular sight: a huge dump truck barrelling down a 30-foot-wide road from Rock Mesa to Devils Lake.

The truck will be loaded with block pumice being mined from Rock Mesa, a unique lava formation just northeast of Wickiup Plains. The potential mining site is less than a mile east of the Pacific Chest Trail and about two miles south and slightly west of the South Sister.

The mining operation, if and when it comes, will be legal. Under the Wilderness Act of 1964, wilderness areas can be mined. The law states that persons with valid mining claims must be permitted access to their claims.

The U.S. Pumice Co. of Los Angeles has mining claims to 1,460 acres around Rock Mesa. It will work through the U.S. Forest Service when it wants to start mining.

The mining issue came to the attention of local Deschutes National Forest officials recently when Supervisor Earl Nichols' office was presented with an updated report on the mining claims from the service's regional office in Portland.

The firm first filed claims in 1961. U.S. Pumice apparently learned of the block pumice deposits from U.S. geological reports, Nichols said.

Just when the company will start mining is a matter of conjecture. U.S. Pumice Co. responded only in general terms to inquires from The Bulletin, which posed questions in one letter and five-long distance telephone calls to the firm's Los Angeles office.

Officials would only say that the company plans to maintain its claims. It won't say if, or when, it will mine the area. U.S. Pumice employs from 25 to 70 persons, depending on the season.

Block pumice is used for 24 different products, with the main one being a panel board used for both interior and exterior construction. Development of the panel board has increased the firm's sales from less than $1 million in 1962 to almost $2 million in 1970.

The firm is now mining at Lee Vining in California, according to Forest Service officials. They indicate the company has enough pumice deposits there to last for three to five years.

Forest Service geologists have already certified that Rock Mesa contains plenty of high-grade block pumice, maybe even enough for 20 years of mining.

Officials on the Deschutes National Forest are not happy about the prospect of having Rock Mesa mined, but they say they can't do anything to keep U.S. Pumice Co. from minings its claims.

The Forest Service might give conservationists a cause for cheer by refusing U.S. Pumice access to Rock Mesa. Such action would force the firm to take the Forest Service to court to gain access.

A columnist writing in "American Forests" has suggested that the Forest Service should provoke a legal suit against 'tself by blocking mining interests in wilderness areas. He says that in court it could cite the Environmental Quality Act, the Multiple Use Act or even the temper of the times in making its case.

When that was suggested to Deschutes National Forest Supervisor Earl Nichols about a week ago, he said flatly, "We can't do that. They'd beat us in court."

But today Nichols announced he was sending Don Peters, land staff officer on the Deschutes, to the service's regional office in Portland Monday to find out what the local office's options under the Environmental Quality Act, passed in 1969.

"We'll be asking specifically about what we can do at Rock Mesa in regards to the environmental act," Nichols said.

The one club the Forest Service presently holds over the operation exists in the permit U.S. Pumice must obtain from Deschutes officers to get into Rock Mesa.

If a road is built, it will have to be constructed where and how the Forest Service wants it—within reasonable limits.

Nichols said it has been suggested that the Forest Service force U.S. Pumice to either pack out their material on horseback or fly it out by helipcopter.

But Nichols says the Forest Service must let the firm do what a "prudent miner" would do.

"We're always getting the term 'prudent miner' thrown back at us," Nichols said. "We can't restrict an operator too much."

But Nichols and Peters say they will use that permit to see that damage to the wilderness area is kept to a minimum.

They will most likely require that the road be built on an existing trail. The trail was once a road that cars used to travel even before jeeps were heard of, according to Peters.

The road would be about three miles long, taking off where Forest Service Trail No. 12 now begins—just beyond Devils Lake where the Cascade Lakes Highway turns sharply to the south.

"Our concern is that the country and its vegetation are extremely fragile," Nichols said "Once you make a mar with a road, it will be impossible to completely wipe out," he added, noting that the intent of the wilderness is to give a person an experience where he sees no works of man.

Nichols, while insisting that the Forest Service cannot deny U.S. Pumice access to its claims, indicated he would welcome any help from conservationists or the public to block mining at Rock Mesa.

The only "out" he sees is to have Congress alter the Wilderness Act to keep miners out of wilderness areas.

HANDS OFF THE SISTER, MISTER

Anyone familiar with the federal Wilderness Act of 1964 knows that it has a hole in it big enough to drive a truck through—a mining truck.

Mining, which is about the most destructive activity conceivable in a wilderness area, enjoys a specially privileged position under the Wilderness Act, as mining always has under the federal land laws.

Part of the Three Sisters Wilderness, that lovely Cascade Mountain area west of Redmond and Bend, is threatened with a miner's invasion because of that loophole in the law. The U.S. Pumice Co. of Los Angeles holds mining claims to 1,460 acres around Rock Mesa, about two miles south and slightly west of the South Sister and less than a mile east of the Pacific Crest Trail.

The firm first filed the claims in 1961, and Earl Nichols, supervisor of the Deschutes National Forest, told the Journal the original understanding was that it would begin to mine pumice in the area next year. Whether it will or not, he said, he does not know, but speculation that it might was stirred recently when the regional Forest Service office in Portland issued Nicholas' office an up-to-date report on the mining claims. The Bulletin, Bend's daily newspaper, reported it has quizzed U.S. Pumice about its intentions in a letter and five telephone calls, but received answers only in general terms.

Mining in that part of the Three Sisters Wilderness would be outrageous, but it would be legal. The Wilderness Act bars roadbuilding, construction, and other evidences of man's handiwork in designated wilderness areas for all other purposes, but specifically exempts mining from the ban. Filing of new mining claims in wilderness areas is allowed to continue until Dec. 31, 1983, and claims filed by then can be worked thereafter.

The act, in this case, would allow U.S. Pumice to build a road into the wilderness area to develop its claims. The traffic of the rock-hauling trucks would be added to the already heavy summer recreation traffic on the Cascade Lakes Highway that leads to Bend.

There's a possibility that later federal environmental protection laws might supersede the Wilderness Act on this point. The Forest Service is studying them now.

But if that hope fails, the best remaining possibility is to convince the pumice company that its desecration of an established scenic wilderness with a quarry would cost it far more in public good will than the rock would be worth.

Similar public outrage greeted the news about three years ago that the Kennecott Copper Corp. was thinking of exercising old copper claims it holds in the spectacular Glacier Peak Wilderness in Washington state. The protest apparently had its effect: At least, the mining and accompanying roadbuilding has not yet begun there.

Similar protest would greet a miner's invasion of the Three Sisters Wilderness, and it would be an entirely justifiable outcry.

CONTINUATION OF SENATER PACKWOOD'S STATEMENT

Mr. President, I ask unanimous consent that a letter I received from Mr. Bob Gaston, Managing Editor of the Bend Bulletin, dated February 24, 1971; together with copies of letters from Ivan Bloch, Ivan Bloch & Associates, of Bend, Oregon, dated April 16, 1971;

and from Mr. Graham W. McGowan, Director of Congressional Affairs, Environmental Protection Agency, dated March 16, 1971, be printed in the RECORD. These letters will indicate the points at issue and why I have chosen to introduce legislation to clarify the questions of mining within wilderness.

THE BULLETIN,
Bend, Oreg., February 24, 1971.

Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: As you see from the enclosed clipping, U.S. Pumice Co., a Los Angeles firm, has plans to mine block pumice in the Three Sisters Wilderness someday.

Forest Service people here say they can do nothing to stop U.S. Pumice Co. from mining its claims at Rock Mesa.

But we at The Bulletin say the U.S. Forest Service could deny U.S. Pumice Co. access to its claims. That would force the company to take the Forest Service to court to gain access. When we first suggested that tack to Earl Nichols, the Deschutes National Forest supervisor, he wouldn't go for it at all. But he called back about a week later to say that he was investigating the Forest Service's options in the Rock Mesa case in light of the Environmental Quality Act.

In your opinion, could the Forest Service legally keep U.S. Pumice from mining Rock Mesa under any provision of the Environmental Quality Act?

I'm sure the majority of Central Oregonians would be against any mining at Rock Mesa. If the Environmental Quality Act won't help keep out the miners, how about getting some help from you?

You could introduce a bill that would ban wilderness area mining of any material with a value, say, of less than $5 per cubic foot. It might not have much of a chance of passing, but it would at least call attention to the Rock Mesa situation.

We'd sure appreciate any help you can offer.

Sincerely,

BOB GASTON.

IVAN BLOCH & ASSOCIATES,
Bend, Oreg., April 16, 1971.

HON. ROBERT PACKWOOD,
U.S. Senator,
Washington, D.C.

DEAR BOB: Upon return, I find from the local Bend Bulletin and discussions with Oregon Environmental Council members that an attempt is under way to mine a pumice deposit in the Three Sisters Wilderness Area. The Company which owns claims on some 1,460 acres (the old magic number!) is the U.S. Pumice Co. of Los Angeles. I am certain you have already received correspondence on this subject; if not, let me know and I will send you further details.

Although it's been a long time since I read the Wilderness Act, I recall that it does permit mining "on a prudent" basis, whatever that means. I also gather there is apparently now no way to prevent this kind of operation within the Act unless and until it is amended. Having followed the copper situation in the Glacier Peak area ever since it became an issue, I realized a blanket mining prohibition by Congress is a political improbability. Further there is no doubt the U.S. is getting shorter and shorter of some major minerals.

Pumice, even in block form, is not a strategic or critical material. It is a very low value material to boot. The few "bucks" that might accrue from minor mining of the U.S. Pumice deposit would in no way measure to other dollar-benefits, etc., etc.

Would it be possible to get an amendment to the Act which would restrict mining only to "strategic and critical materials" under the accepted definition of such materials? If I can be of help to you in this matter re availability of pumice, value, and the general outline of "strategic/critical" materials, let me know.

Your position on critical issues continues to be one which we appreciate. Keep up the good work, and let us know if we can be of help.

Sincerely,

IVAN BLOCH.

MARCH 16, 1971.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for your March 8 letter concerning the proposed plans of U.S. Pumice Company to mine within the Three Sisters Wilderness Area.

It is correct that within the purview of the 1964 Wilderness Act mining may take place under the supervision of either the Secretary of the Interior, in the case of Park Service land, or the Secretary of Agriculture, in the case of Forest Service land. The Three Sisters Wilderness Area is, as you know, on Forest Service land.

Before making any determination as to whether or not the Environmental Protection Agency can interest itself in this matter, it will be necessary to find out what type of claim U.S. Pumice holds, whether it is a valid claim, and what will be the end use of the product to be mined. In this connection, we are asking the Forest Service to give us some additional data. These questions are highly complex and each one must be subject to a separate review. We want to have available to us all of the necessary facts to make a proper analysis of the situation.

Please be certain that we shall contact you as soon as we have had an opportunity to study this material.

Sincerely,

GRAHAM W. MCGOWEN,
Director of Congressional Affairs.

CONTINUATION OF SENATOR PACKWOOD'S STATEMENT

Mr. President, it is well to disclose, too, my communications with the U.S. Forest Service regarding the reported plans of the U.S. Pumice Supply Company. On April 2, 1971, Mr. M. M. Nelson, Deputy Chief, U.S. Forest Service, wrote to me:

"The United States Pumice Supply Company owns ten placer claims totaling 1,460 acres known as the Hermana Group. These claims, located in 1961, are for block pumice which is still locatable under the mining laws. To date there has been no removal of pumice for commercial purposes, but the company has performed annual assessment work as required by law."

Now under Public Law 84-167, which amended the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, in Section 3, it is stated:

"A deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders shall not be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. 'Common varieties' as used in this Act does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called 'block pumice' which occurs in nature in pieces having one dimension of two inches or more."

I do not believe there is any necessity to cover the mining provisions contained in The Wilderness Act of 1964, Section 4. As pointed out in the letter I received from the Environmental Protection Agency, under the 1964 Wilderness Act, mining may take place under the supervision of either the Secretary of the Interior, or the Secretary of Agriculture.

Mr. President, the question of mining laws, the effect of the Environmental Protection Act, and The Wilderness Act meeting on a collision course if not clarified is an immediate one. This is why I have chosen to put in the second bill relating to all wildernesses, and not limited to the problems now facing the Three Sisters.

This second bill will be overriding legislation relating to exploration, location, development, leasing, mining, processing, or other utilization of mineral resources, and will place the responsibility of deciding whether the wilderness area left intact, or the mining of a mineral designated as strategic or critical is in the best interests of the people of the United States upon the President.

There are other bills pending in Congress relating to mining. One has been introduced in the House by Representative Udall, following his entanglement with the mining laws and the EPA in Arizona. In fact, this was documented by *Sports Illustrated* in an article entitled "When a Law Fights a Law," by Bill Gilbert. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

Mr. President, the question involved here is one that cannot be passed over lightly, but goes to the heart of our wilderness system, and I believe it should be scrutinized closely by the Congress. I hope these two bills which I will shortly introduce will provide the necessary vehicle for doing just that. I shall be glad to add co-sponsors when I introduce these two proposals.

WHEN A LAW FIGHTS A LAW
(By Bill Gilbert)

Those encountering the Mining Law of 1872 for the first time find it an incredible act. Literally, they do not believe such a law can exist. Yet there it is on the books, giving—to industry or any citizen—license to take over huge tracts of the nation's public lands.

Before the act was passed a hundred years ago there was no national mining law, but there was a lot of mining and passion and money tied up in mineral exploration and exploitation. Unable to start afresh, or believing it politically imprudent to do so, the Congress simply collected most of the traditions, practices and local laws then current in the Western mining country, roughly codified them and declared them the law of the land. The resulting statute, with all its vagaries, loopholes and contradictions, more or less defies summarization. What follows is simply a listing of those of its provisions that prominently affect the country's public lands.

The law provides that on most of our public lands (virtually all of the 450 million acres of the Bureau of Land Management, the 140 million acres under the jurisdiction of the U.S. Forest Service and even on portions of our national parks and federal wildlife refuges) any American may stake a mining claim. To do so he simply marks off the claim area and then registers its location at a county courthouse where he must pay a token fee (in most states the charge is about $1.50 per claim). Claims are usually 20 acres in size but a man may stake as many of them as he wants. He is not required to ask permission of a public lands agency, *e.g.*, the Forest Service, before staking the claim. After he has done so, he is not required to inform the agency where his claim is or what he plans to do with it.

Having staked a claim on public lands, the claimant can immediately begin mining op-

erations. He may erect living quarters on the claimed land for himself and his employees. To facilitate mining operations he may timber the land, raise crops, pasture livestock on it and make use of its water resources. He may not be denied access to his claim and can construct a road—anything from a donkey trail to a paved highway—to it. He must obtain a permit from the Forest Service for his road, but the agency cannot deny the permit, only require that the builder meet certain specifications.

A mining claim, though it is on public lands, may be sold or traded for private gain. No federal taxes are paid on a claim since the land theoretically belongs to the public.

In general there are only two ways in which a claimant can lose his land. If he fails to make token ($100 worth) improvements on the claim each year, another prospector may restake the land and claim it for himself. Secondly, a claimant may lose his land (but, on the other hand, may gain almost perpetual use of it) through validation proceedings. Under this process a public-lands agency sends a mineral examiner to look at the claim. He makes a report of his findings to the Bureau of Land Management, a division of the Department of the Interior. If it appears that a "prudent man" can conduct a profitable operation on the claim, it is validated, which means the claim holder can do more or less anything he wants with it. If, on the other hand, the mineral examiner does not find evidence that a prudent man could turn a profit, the BLM will invalidate the claim. The miner must leave it and the land reverts to the public. However, a miner whose claim has been invalidated may appeal the BLM decision, first through a series of administrative tribunals in the Department of the Interior and from there to the federal courts. Large mining companies usually ask that their claims be validated prior to commencing operations so as to avoid future disputes. However, this is not necessary. In effect, a claim is treated as valid until the BLM declares it invalid. Agencies do not enter into these proceedings lightly as they are costly in terms of money, manpower and time. Even an uncontested invalidation case may take 18 months and a hard, messy one may drag on for a decade. Finally—and most ironic of all—the day after a claim is invalidated, another would-be miner may restake it.

A claim holder may also patent his land. He simply applies to the BLM for the patent and provides evidence that he can make a profit from the land. The BLM then patents his claim, which means that the land becomes his private property—the patent being a valid land deed. In theory virtually all of our national forest land is open to being patented; and, in fact, hundreds of thousands of acres have in this way been transferred to private control.

The mining industry, by whom and for whom the Mining Law of 1872 was created, believes it to be a splendid law and that any tampering with it will inevitably result in the destruction of the American way of life. The industry is, however, very cautious about making public statements on the controversial questions being raised these days by land managers, environmentalists and lawyers. Many of these people feel the mining law has created devastating land problems and abuses. For example:

The law not only permits but encourages (by giving subsidies in the form of virtually free land) spectacular and speculative exploitation. Millions of acres of land are vulnerable to despoilation, not because they possess minerals of value but because a miner has a hunch they might, and it costs him little or nothing to play his hunch.

If a mining claim can be regarded, as it often has been in the courts, as giving its holder *de facto* ownership of public lands, then no public-lands agency can be sure exactly how much land it controls or how it can manage its holdings. There may be as much as 20 million acres of national forest lands encumbered by mining claims. At least, that is one estimate. The uncertainty about just how many acres are involved arises from the fact that the claimant does not need to tell the land agency when he claims land from it.

Perhaps the most notorious abuse of the mining law has had nothing to do with either real or hunch mining. For generations Westerners who wanted a nice secluded site for a summer cabin, real-estate development, resort or, in a few cases, a gambling casino or house of infamy would simply stake a claim or claims in a national forest and proceed to occupy and use the land as they so desired. During the last decade the Forest Service has been trying to crack down on some of these "illegal occupancy" cases and retrieve some of this fraudulently claimed land. However, given the ubiquitousness of the practice (over 100,000 claims have been examined so far) and the limited resources of the agencies involved (the Forest Service employs only 40 mineral examiners, the BLM about 60), the best guess is that it will take another 20 years to clean up just the current cases.

For those who think it a bad statute, the worst feature of the Mining Law of 1872 is that it gives public agencies no real autonomy in the use of their own land. No matter how valuable a tract may be for grazing, timbering, recreation, no matter what its water, wildlife, wilderness or scenic values may be, a miner, if he wants the land, is entitled to take it. No other special-interest group has been so favored. Ranchers and lumbermen have been granted certain privileges over the years on public lands, but even they must secure permits and pay fees. The miner needs nothing under the law of 1872.

Currently the Forest Service is involved in a series of major disputes in which miners, attempting to exercise their rights under the mining law, are threatening valuable Forest Service resources—the home waters of the rare cutthroat trout in the Humboldt Forest of Nevada; the entire White Cloud mountain complex in Idaho's Sawtooth Forest; the Stillwater area in Montana's Custer National Forest. These are the most prominent of the current confrontations between Forest Service and mining interests.

In the final analysis, however, another dispute—and the solution of it—may prove more consequential. This case, relatively small in terms of land and resources, involves Ash Canyon in the Huachuca Mountains of southern Arizona. Here a few forest rangers are trying a new approach in defense of their lands.

The Huachucas are little-known mountains but in some respects they are unique. Rising at the Mexican border, they extend 25 miles northward, with their highest peaks soaring to about 9,500 feet. Surrounding the Huachucas is the Sonoran Desert. What makes these mountains singular is their range of climate. There are in the foothill canyons microenvironments that are tropical and more than a mile up on the mountain peaks ones that are subarctic. In consequence the flora and fauna is unusually varied. A greater assortment of reptiles, birds and mammals can be found in the Huachucas than any comparably sized area in the U.S.

By and large the mountains are still wilderness. There has always been some ranching, lumbering and mining but, due to the difficult terrain and the lack of resources thereabouts, the mountains have not really been disturbed. Most of the range belongs to the Forest Service, being part of the mammoth Coronado National Forest. Just two rangers are assigned to oversee the Huachucas and adjacent valleys, a 300,000-acre chunk of land. The supervisor is Adrian Hill, a Forest Service veteran, and his assistant is Chuck Shipp, a young ranger who was assigned to the district last June. The area also has two full-time nonprofessional maintenance men. These four men are responsible for everything that goes on in the district—fighting fires, erosion and floods, issuing grazing and camping permits, enforcing the provisions of the permits, cutting trails, clearing springs, building impoundments, locating lost hunters and hikers, assisting miners.

The two regular rangers spend much of their time simply driving, horsebacking and hiking about their vast domain trying to find out what is happening within it. Last July 29 while making a routine patrol along the eastern flank of the Huachucas, Chuck Shipp discovered what looked like trouble in Ash Canyon, one of the many canyons that scar and torture the sides of the Huachucas.

An elderly prospector named Bill King, who had held some claims in Ash Canyon and had pecked away at them for beans for more than a quarter of a century, had leased his holdings and become associated with one Alvin C. Hartley of Los Angeles and Las Vegas. Both men have a certain amount of notoriety. King had come into possession of his claims after killing an early partner, James Kelly. He was acquitted of the murder but retains the reputation of being a formidable gunman. He wears a six-shooter in his belt and normally cradles a .30–30 over his arm. Over the years King has run off more than one innocent visitor to the section of national forest on which he holds mining claims. His cohort Hartley is a bit less colorful but has had trouble with the law, too. He is on parole from California and has convictions for receiving stolen property and carrying a concealed weapon.

At their first meeting Hartley told Chuck Shipp that he had organized something called Cochise Mining and Exploration, Inc. He planned, he said, with the advice of his technical expert, Bill King, to take a lot of gold out of Ash Canyon, build some roads through it to the west side of the mountains, strip 150 acres for placer operations and construct a placer mill and wells.

"Right from the beginning this whole Ash Canyon thing really bothered us," recalls Shipp, who by temperament and age is an environmental activist. "In the first place there is no history of productive mining in the Huachucas, no mineral survey that justified the kind of operation Hartley was talking about. But the mountains have very important natural, wildlife and recreational values. It seemed almost criminal to tear them apart for marginal mining operations. Also, it seemed to us that this scheme in Ash Canyon had the smell of a promotion, not a legitimate mining operation. We got the feeling that Ash Canyon—and maybe more of this range—was to be gutter not for gold but for a few photographs in a stock prospectus."

This latter suspicion was confirmed by an investigation conducted by the Arizona Corporation Commission. Last winter the commission found that Hartley, an unregistered stock salesman, had peddled unregistered shares in Cochise Mining and Exploration. It ordered Hartley to cease and desist in this felonious activity, but the order was of an empty, post-factum sort. Late in November, Hartley left the Huachuca scene for Mexico, taking with him a hundred glossy Cochise stock certificates. He has not been seen since.

Between the end of July and mid-December, Shipp made 38 trips to Ash Canyon (on one visit he was unable to proceed up a Forest Service road, being blocked by Bill King and his six-shooter). Cochise Mining and Exploration began building a placer mill and, more important, cutting without permit a 1½-mile, 130-foot-wide road up Ash Canyon across Forest Service land. Shipp was convinced that the work already done

had seriously and adversely affected drainage patterns in the canyon. It also seemed obvious to the ranger that if Hartley should return and settle his curious financial and leagl problems, he could and would mount new operations in the Huachucas that would further ravage the land.

Shipp telephoned Ray Russell, the director of mining and recreation resources at the Tucson headquarters of the Coronado National Forest. "Ray had been following the case," says Shipp, "and I guess I told him in effect that they had sent me down here to protect a public resource and I didn't feel I had any authority to do so. We'd lost a good part of Ash Canyon and the chances were we'd lose more. I asked Ray if he had any suggestions. I also made a suggestion. We'd all been getting directives about the new Environmental Act and I asked Ray if there was anything in that which might help us. He said he would take a look."

Russell looked, and then he decided to do three things. He started proceedings leading toward a trespass hearing in federal court, charging King and Hartley with cutting a road without permit in Ash Canyon. He got in touch with the nearest Forest Service mineral inspector and asked that the King-Hartley claims be examined to see if they could be invalidated. Both of these actions were more or less conventional ones under the old rules of the Forest Service-Mining Law game. However, the third step Russell took, or rather suggested be taken, was extraordinary, something that nobody within the Forest Service had ever thought of doing before. Russell asked that the Forest Service seek a federal injunction, based principally on the provisions of the National Environmental Policy Act of 1969 (hereafter NEPA), to halt all mining operations in Ash Canyon while a study of the environmental impact of such operations was made.

"I am not a lawyer," Russell says, "but it seems to me under Section 102 of NEPA if any land changes are contemplated we are required to make an environmental impact study before the changes are permitted. So I applied this to Ash Canyon. The mining operations that King and Hartley were talking about there would certainly result in environmental changes. O.K., so we are required to make a study on the consequences of these changes. This kind of study will cost some money, tie up a lot of men and take a lot of time. Suppose we start such a study. The Mining Law and the Environmental Act appear to be in basis conflict. I thought maybe Ash Canyon would be a good place to find out where we stood legally—which law we should obey."

Clyde Doran, the Coronado National Forest supervisor, approved Russell's recommendation that the service seek a NEPA injunction in Ash Canyon and started the request for such action through departmental channels. Also, before paper work on the recommendation was completed, Doran made the matter public. He told the local press about Russell's proposal—that they were going to try to get permission to do something absolutely new, challenge the Mining Law of 1872 on the grounds it was in conflict with the Environmental Act.

Change, especially precedent-setting action, unsettles all bureaucracies, and the Forest Service is no different. If the service pushed for an injunction and all that it implied, it would certainly become involved in a bitter battle with the mining industry.

"The whole question is of special interest to us in the Coronado," Clyde Doran says, "since there are indications we may have more rather than less mining activity here in the future." It is something of an understatement when Doran says there are "indications" of future mining ventures and problems in southern Arizona. During the past 18 months it is estimated that some 250,000 acres of Doran's 1,800,000-acre forest have been staked in claims by giant mining concerns—Anaconda, Hanna Mining, Hecla, Kerr-McGee. When old claims and new claims by small operators such as Hartley and King are added, it is likely that somewhere between a third and a half of the Coronado is not, in a practical sense and according to the Mining Law, a public forest at all—it is a potential mine.

The reason for this sudden interest in southern Arizona mineral deposits is gossiped about openly within the mining community. The big operators are fearful to certain that they will soon lose control over major foreign holdings—that their mining properties in Chile, Peru and elsewhere in South America will be nationalized. Therefore, they are looking for domestic mines, particularly in Arizona where there are minerals and favorable tax laws. These political and economic factors, along with the ever-increasing demand for metal products, make it almost certain that mining pressure on national forest lands will markedly increase during the next few years. They also explain why land managers like Doran believe that if the Forest Service does not now get additional authority to control, direct and tame the exploiters, they may shortly have very little land left to manage.

The National Environmental Policy Act to which Russell and Doran have turned in the Ash Canyon case is, like the Mining Law, not well understood, but for different reasons. It is so new that few are certain whether it is a real law or simply another pious statement of good intentions.

"I have a theory," says Malcolm Baldwin, a young lawyer employed by the Conservation Foundation, one of the most respected organizations along Washington's Environmental Row (a collection of offices and chambers in the vicinity of DuPont Circle, lying mostly between Massachusetts Avenue and the National Rifle Association). "Until a law is fought over, either before it is passed or later in the courts, nobody really knows what it means. There have been few suits to date involving NEPA. It was written mostly by Scoop Jackson's staff and there was no great debate. You didn't have, say, the American Mining Congress and the Sierra Club at each other's throats when it was being considered. In fact, nobody paid much attention to it—it just eased through. This business in Arizona may provide a significant test case. Obviously if the Forest Service has enough nerve to ask for a NEPA injunction, it could be a formidable weapon."

It is said that a motto of the Devil is "Let's organize this thing." If true, his Satanic Majesty probably created the concept of the Regional Office. Regional offices—religious, educational, military, corporate, federal—neither sow nor reap. They are not concerned with ideas and policy, which is the business of Headquarters; nor with action—chasing bulldozers out of canyons—which is the work of the field staff. However, they are exquisite instruments for muddying ideas until they cannot be translated into action, for muffling action so that it cannot influence ideas or policy. The function and ambition of a Regional Man is to hide dirty linen, keep boats from rocking and at all times present a very low profile.

The Albuquerque office of the U.S. Forest Service is not that different from regional offices everywhere. Having been brought into the Ash Canyon case during the second week of January, Albuquerque did what Regional Offices do best—sat down tight on the whole affair. The request for a NEPA injunction looked as if it would not be approved, disapproved or bucked on to Washington, where decisions are made. In what passed for furious action at this administrative level, the Regional Office promised to send a Regional Attorney to Tucson in late February to discuss with the Coronado foresters the implications of a NEPA injunction. The first meeting was postponed but the conference was finally held a few weeks ago. The attorney is now in Washington and is said to be formulating his case. So that is how the matter officially stands at the moment.

Fortunately, the Ash Canyon affair has broken out of channels. While anonymous Albuquerque men were brooding over the embryonic case, word of its imminent hatching spread. On March 17 Arizona Congressman Morris Udall submitted a bill to the House of Representatives that would drastically revise the Mining Law of 1872.

Ash Canyon and the issues it raises, the challenge to the Mining Law, the question of the public right to regulate use of public lands, has become too large and knobby to be stuffed back in any Regional Man's bag. Like it or not, injunction or not, Ash Canyon has become a case to which we are all party. The proceedings promise to be long and difficult.

ARTICLE BY ROBERT YOAKUM, LAKEVILLE, CONN.

Mr. RIBICOFF. Mr. President, Robert Yoakum of Lakeville, Conn., is a constituent and a well-known writer. His articles over the years in the New Republic and other periodicals have won him a reputation for perceptive reporting, accuracy, and timeliness.

Mr. Yoakum, who reports regularly for Newsday and the Times, of London, has begun writing occasional columns with a refreshing, light approach to the events of the day. These columns, which appear in several newspapers throughout the country, are humorous and provide, as only humor can, new perspective for the world's problems.

Mr. President, I ask unanimous consent that one of Mr. Yoakum's columns, as it appeared in Newsday, March 24, 1971, be printed in the RECORD.

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

IN LONDON TOWN, THERE IS ONLY ONE "GOD" AND HIS NAME IS "LETTERS TO THE EDITOR"

(By Robert Yoakum)

LONDON.—If it is true that Hell hath no greater fury than a woman scorned—and I don't know, never having dared to scorn one—the letter writer who has been rejected by The Times of London must come in a close second.

To understand the bitterness with which unprinted writers assail The Times one must remember that the publication of a letter in that paper is, for some Britishers, the one clear way of earthly immortality.

Think of the frustration that builds up: 90,000 people wrote to The Times letters section last year; approximately 85,500 didn't get in. Even so, most rejected writers keep trying, hoping that the portals of heaven will someday open.

Even now and then The Times, which encourages humor as well as controversy and correction, does open its columns to the losers. At such times funny or furious letters pour in at an average of more than 500 a day, more than twice the usual number.

The most recent outpouring of this sort occurred when J. Armour-Milne (Pelham Court, Bishopric, Horsham, Sussex) wrote a splenetic letter asking why three of his offerings had been turned down. "I wonder why," he wrote, "when one considers the amount of drivel that is to be found in the Letters to the Editor."

Mr. Armour-Milne complained that in each case he has written about a subject on which he was an expert with international credentials. "What does one have to do in order to be recognized by the Editor of The Times?" he asked, certainly not suspecting that he was about to succeed.

On the day Mr. AM's query appeared in print one could hear typewriters clacking, and quill pens scratching, all over the United Kingdom. Postmen braced themselves.

Hockley Clarke, Editor of Birds and Country Magazine, peered from his seat on Mt. Olympus (he has had over 40 letters published in The Times) and informed Mr. Armour-Milne that he had done it by writing about "birds, animals, tomato plants, bats, caterpillars, hotels, the Christmas post, chemical sprays, railway closures, wintering in England, &c."

H. F. Martin wrote that "During a long life—I was born in 1889—I have written seven letters to The Times, of which three were published. The subjects were Roast Duckling, Bloaters, and Farming Finance."

Mr. Armour-Milne had written on Very Serious Subjects, so he may have found these entries unhelpful and even irritating. Neither could he have been enlightened or amused by the contribution of Philip G. Sharp, who wrote that many years earlier he, too, had composed "what I thought was a very good letter to your paper which was not published, and I complained to a friend of mine that it seemed that one had to be a member of the Athenaeum (an exclusive London club) to get a letter accepted.

"I asked his advice as to how to become a member of this august club and his reply was that he thought that the first step towards membership was to get a letter published in The Times."

Some nights, as I lie in bed awaiting sleep, I like to imagine Mr. Armour-Milne's expression of growing incredulity as he read column after column of the very "drivel" that he had damned—and, as it turned out undamned. This flood of printed frivolity must have confirmed his darkest suspicions.

With what scowls, for example, did he read this? "Sir,—I have now had three letters printed in the Times and I am an expert at nothing. Yours faithfully, A. J. Hill."

And the advice of H. M. E. Cardwell must have made him shudder: "Sir,—Brevity. Yours faithfully."

A few correspondents tried to make Mr. Armour-Milne feel better. One of these, Oliver Nicholls, told how publication didn't always bring happiness:

"In 1961 controversy raged in your columns on the subject of cleaning Old Masters. In May of that year I dropped you a line and you, Sir, saw fit to publish it, and behold, the controversy stopped dead—just like that.

"There are times, Sir, when having the last word can be as infuriating as having no word at all."

Still other letter writers felt that the Editor should ignore Mr. Armour-Milne.

"I hope nothing will move you to answer such a presumptuous question," wrote John Hocknell, tongue in cheek. The Editor's method of selecting letters, he said, "should not be bandied about by ordinary people." To have received a private letter of acknowledgement, as Mr. Armour-Milne had, "is to have moved in the foothills of immortality. Only grosser spirits would seek public proof of your editorial regard."

But no one, in my view, will improve on a letter printed by The Times twenty-five years ago. It was written from the Calvary Club by Colonel Wintle:

"Sir,—I have just written you a long letter. On reading it over, I have thrown it into the wastepaper basket. Hoping this will meet with your approval, I am Sir, your obedient servant, S. D. Wintle."

MISS SUSAN TIBBETTS

Mr. THURMOND. Mr. President, my State of South Carolina has been highly honored recently by the achievements of one of its young citizens.

Miss Susan Tibbetts, a senior at Rock Hill High School in Rock Hill, S.C., has been named the Betty Crocker All-American Homemaker of Tomorrow. This honor, given by the General Mills Corp., came to Miss Tibbetts after competition with approximately 650,000 girls from all 50 States and the District of Columbia.

This deserving young lady received a $5,000 college scholarship to attend the school of her choice. Her mother, Mrs. Ann Tibbetts of Rock Hill, tells me that she plans to attend Furman University in Greenville, S.C., where she will pursue a double major in English and Spanish.

Her philosophy was reflected in an essay she wrote as part of the Betty Crocker scholarship search. In this composition her theme was "to create an atmosphere of love and togetherness in the home." Such an emphasis reflects a maturity beyond her years, and the judges recognized this when they chose her over 50 other State winners in the national awards presentatiton ceremony in Williamsburg, Va., on April 22.

Mr. President, this remarkable young lady brought an impressive record with her to the Betty Crocker scholarship search competition. She was th South Carolina winner in the Voice of Democracy contest sponsored by the Veterans of Foreign Wars. Her speech, entitled "Freedom—Our Heritage," showed her deep feeling for patriotism and devotion to the values and institutions which make our country great.

She received the DAR award from the Rock Hill Chapter of the Daughters of the American Revolution, recognizing her as an outstanding student in leadership and scholastic achievement.

She was a cowinner representing the Fifth Congressional District in the South Carolina Star Student program. This award, presented by the South Carolina Chamber of Commerce, was based on her outstanding college board examination scores.

She was a runnerup in the National Council of Teachers of English contest which was designed to recognize high school students with high potential as future teachers of English.

As a high school junior she was one of two Rock Hill High School students selected to represent their school at Girls State.

Mr. President, Susan Tibbetts carries an overall grade average of 98.5. Her achievements show what is possible when one sets a worthy goal and disciplines himself or herself to the diligent pursuit of that goal. I take great pride in this outstanding young citizen of South Carolina.

INDUSTRIAL SAFETY

Mr. PEARSON. Mr. President, I have recently had the opportunity to read an article on the subject "Will Industrial Accidents Cease April 28, 1971?" by Robert L. "Bob" Simmons, of the Beech Aircraft Co., of Wichita, Kans.

Mr. Simmons stresses the importance of the proper attitude toward industrial safety programs. It seems to me this is a most worthwhile article. I call it to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

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

WILL INDUSTRIAL ACCIDENTS CEASE APRIL 28, 1971?

(By Robert L. "Bob" Simmons)

Is safe always safe? What makes an object or an act safe? Is your safety device necessarily safe for me or is mine yor you?

Most Beechcrafters are pretty much like all Americans and perhaps like people everywhere. We believe in Safety, if it is convenient; if it is something we are personally concerned about at the moment; or if we've just had our pants scared off by the unsafe act of the "other" person.

Really isn't safety an attitude, not a thing? Isn't it an approach to our play, to our work and to our responsibilities of life?

Doesn't a lack of good safety practices and the resultant accidents reflect more a lack of concern for other people than just the use or non-use of a device which may or may not make the operation safer if used?

Doesn't a breakdown of good two-way communication cause many accidents? Couldn't this breakdown occur between two workmen, or any two citizens; between a workman and his supervisor or a citizen and representatives of law enforcement agencies? Couldn't this communication breakdown also occur between company representatives and the union? Couldn't it also be a breakdown in two-way communications between a government agency and the company or between a government agency and the people it is intended to serve?

Why all these questions about safety?

We very soon (April 28th) will be living with a new act of our National Congress (Occupational Health & Safety Act) which could be very beneficial to all concerned in the field of industrial safety if it is used properly. If on the other hand it is not taken seriously and used wisely it could add to the problem it was intended to help alleviate. It should behoove us all to become informed on this new law. (A free copy may be obtained from: U.S. Bureau of Labor Standards, 341 Ninth Ave., Room 920, New York, N.Y. 10011.)

The workmen and his union, supervision and management along with the entire public deserve the safest most efficient machines, methods and materials with which to do their job, whatever it may be. The human element must however continue to remain paramount in our thinking.

If any one group should get out of hand or consider themselves to be the sole judge of what is safe, won't we all suffer?

Recently a device was put on a machine allegedly because of pressure from a government agency. Granted the best device available wasn't chosen but when that device increased the danger to the workman in the name of safety something is wrong. Isn't that "something" a lack of two-way communication at all levels?

A wise man once said, "the safest place for a ship is in the harbor, but then that isn't what ships are built for". A device that prevents a machine from performing the operation for which it was designed not only increases the man hours and operations to do a job but will ultimately increase the risk of an accident, because of those very extra hours and operations.

Using the wrong safety device on a machine is as dangerous as leaving one off and often more so. Trained and experienced workmen prevent accidents if a safety first attitude exists at all levels.

Whenever a workman is placed in a position that in order to get his job done he has to break a company rule and remove an alleged safety device neither he, his company nor his government that pays the controlling Agency are served, are they?

Should a device ever be put on a machine without full instructions being given by the safety department as to its proper use? Shouldn't signs be posted and official instructions be printed to establish responsibility?

Do we not need to be more concerned with true safety rather than just satisfying the technicalities of rules and laws for the appearance of compliance with good safety practices?

SIDNEY SALOMON, JR.—OUTSTANDING AMERICAN

Mr. SYMINGTON. Mr. President, a distinguished citizen of Missouri, Sidney Salomon, Jr., had been selected for a signal honor. Unico National, a service organization of men of Italian descent, has chosen Mr. Salomon to be the recipient of their highest recognition—the Antonio R. Rizzuto Award.

A man of deep civic concern and involvement, Mr. Salomon has long been a leader in local, State, and national affairs. As one of the former joint owners of the St. Louis Browns and St. Louis Cardinals baseball teams, and with his son the present owner of the St. Louis Blues hockey team, Mr. Salomon has worked to provide the entertainment and recreation which have helped make Missouri's largest metropolitan area a sports center important not only to the Midwest, but also to the Nation.

It is not only in the sports field, however, that Mr. Salomon has become nationally known.

When St. Anthony's Hospital in St. Louis was about to close, Mr. Salomon was asked to and did successfully put a lay board of directors together for the Sisters and assisted financially to help keep it going.

In 1962, because of unsolicited contributions to Italian orphans and contributions to other Italian-American groups including a completely equipped playground and school facilities to Sacred Heart Villa—a religious Italian-American high school—Mr. Salomon was awarded the Distinguished Service Medal with the Commendation of the Order of Merit from the Italian Republic.

In 1959, after years of helping in the financing and personal contributions through Mrs. Julia Skouras and directly to Father John Carroll Abling, of Boys' Towns of Italy, Mr. Salomon was awarded the Michaelangelo Award.

In addition, Mr. Salomon is a member of the board of the Development Council of St. Louis University, and a member of the board of directors of the St. Louis City and St. Louis County Chapters of the National Foundation of Infantile Paralysis, Inc.

As is true of all metropolitan areas today, St. Louis faces many challenges. With the interest and responsible leadership of such men as Sidney Salomon, however, these challenges will be successfully overcome.

I ask unanimous consent that newspaper articles from the St. Louis Globe Democrat of March 3 and the Creve Coeur Citizen of March 9, together with a short biography of this outstanding American be printed in the RECORD.

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

[From the St. Louis Globe-Democrat, Mar. 3, 1971]

SIDNEY SALOMON JR. TO RECEIVE UNICO NATIONAL AWARD

Sidney Salomon Jr., St. Louis business executive and president of the St. Louis Blues Hockey Club, has been named recipient of the highest award of Unico National, it was announced Tuesday.

Presentation of the Antonio R. Rizzuto Award will be made to Salomon at ceremonies during the Unico National convention, which will be held in St. Paul, Minn., Aug. 9–15.

Salomon was granted the award because of his unselfish service to his fellowmen regardless of race, color or creed in keeping with the fundamentals and principles embodied in the Unico National's creed, it was announced.

Unico is a service organization of men of Italian descent. The letters of the organization stand for unity, neighborliness, integrity, charity and opportunity.

Salomon's nomination for the award was made by the St. Louis chapter of Unico. His selection for the award was made by the Unico's board of directors from several candidates submitted by chapters in the organization.

[From the Creve Coeur Citizen, Mar. 9, 1971]

NATIONAL AWARD TO SALOMON

An Announcement has been received that Sidney Salomon, Jr., president of the St. Louis Blues Hockey club and local business executive, will be presented the Antonio R. Rizzuto Award at the Unico National Convention to be held in St. Paul, Minn. Aug. 9 to 15.

Mr. Salomon, whose name and biography was submitted by the Saint Louis Chapter of Unico, was selected from a number of persons submitted by other Chapters in the Organization. The selection was made by Unico's Board of Directors, meeting at the Mayflower Hotel in Washington, D.C. Feb. 18–20.

The Rizzuto Award is granted to an individual, not a Unico Member, on the following basis:

He must be an individual, not a member of UNICO National, who has either made a definite contribution in services or otherwise to UNICO; or he may have contributed to the general betterment of mankind through science, music, drama, etc., or he may have contributed in some way to the welfare and advancement of Italians in our Country or abroad; has shown service to all Americans regardless of race, creed or religion. Basically, those persons to be honored will have upheld, believed in and practiced the fundamentals and principles embodied in our UNICO Creed.

A medal, together with appropriate citation, will be presented to the Vastola and Rizzuto awardees.

Past recipients of the Antonio R. Rizzuto Award have been: Claire Booth Luce, Mrs. George P. Skouras, Judge Juvenal Marchisio, Honorable Judge Michael A. Musmanno, John A. Volpe, Secretary of Transportation, Former President Harry S. Truman, Senator John Pastore, Jack Valenti, Henry Salvatori, Jeno Paolucci.

Mr. Salomon was granted the Award because of his unselfish service to his fellowman regardless of race, color or creed, in keeping with the fundamentals and principles embodied in Unico National's Creed.

Sidney Salomon, Jr.—Insurance Company Executive—Born in New York City April 20, 1910. Graduated Culver Military Academy. Married Jean Korsch—2 children, Sidney III and Susan. Entered Life Insurance Business 1929, Annual Member Million Dollar Round Table, National Association Life Underwriters 1935–62.

Appointed Executive Assistant Postmaster General, Washington, D.C. 1945.

President, Sidney Salomon, Jr. & Associates Life Insurance General Agents, St. Louis, Missouri.

Member Board of Directors—Bank of St. Louis—Former Executive Vice-President, and member Board of Directors—St. Louis Browns, American League Baseball Club.

Former member, Board of Directors and Part owner—St. Louis Cardinals, National League Baseball Club.

Former President, Founder, Miami Marlins, Miami Baseball Club, International League, President, St. Louis Blues Hockey Club, Inc. Governor, National Hockey League, Inc., Chairman, Advisory Council Eastern Missouri Professional Golfers Association.

Advisory Council, American Professional Golfer's Association. Member American Battle Monuments Commission 1961–69.

Treasurer-Democratic National Committee 1950–51. Finance (Fund Raising) Director, Democratic Senatorial Campaign Committee, 1954–56.

National Finance Chairman Kennedy-Johnson Committee 1960.

Delegate at Large—Democratic National Convention 1956, 1960, 1964, 1968. Member Democratic State Committee. Democratic National Committeeman, 1968–71. Member Missouri Appelate Judiciary Commission, 1959–64. Honorary Colonel for all five Missouri Governors since 1949. Member Missouri Academy of Squires.

Member Board of Development Council, St. Louis University. Member Board of Directors—St. Louis and St. Louis County Chapters, National Foundation Infantile Paralysis, Inc.

Member Board of Trustees, American Medical Center, Denver, Colorado. Member Board of Trustees, Harry S. Truman Library, Independence, Missouri.

Served from 2nd Lieutenant to Major—USAAF from 1942–45.

In 1959, after years of helping in the financing and personal contributions through Mrs. Julia Skouras and directly to Father John Carroll Abling, of Boys' Towns of Italy, Mr. Salomon was awarded the Michaelangelo Award.

In 1962, because of unsolicited contributions to Italian Orphans and contributions to other Italian-American groups including a completely equipped playground and school facilities to Sacred Heard Villa, (a religious Italian-American High School) Mr. Salomon was awarded the Distinguished Service Medal with the Commendation of the Order of Merit from the Italian Republic.

When St. Anthony's Hospital, St. Louis, Mo. was about to close, Mr. Salomon was asked to and he successfully put a Lay Board of Directors together for the Sisters and assisted financially to help keep it going.

ADDRESS BY SENATOR BEALL BEFORE CONVENTION OF MARYLAND LEAGUE FOR NURSING

Mr. BEALL. Mr. President, on April 29 I had the privilege of speaking before the Maryland League for Nursing Convention.

I ask unanimous consent that the text of my remarks and a summary of the provisions of the Nursing Education Act

of 1971, S. 1614, which I cosponsored, be printed in the RECORD.

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

Health affairs have in the past been largely a private affair. That was yesterday.

Health affairs today are moving rather rapidly to become a principal matter of public policy. And accompanying that movement has come an emerging consumerism—an emerging consumerism backed, quite often, by Federal money.

Consumer participation, particularly in the ghetto and other deprived areas has become an important force of change. In some instances it has even caused serious problems to professionals in the health field.

This particular consumer has sought power within the very structure of the medical care system and demands a substantial role in governing health care institutions.

This consumer participation is a plus factor but, at times, I fear that this concentration of one set of consumers may impair our vision because we are *all* consumers of health services. To not recognize that fact and to move ahead to design a system of health care delivery that does not recognize that fact, I think, is to foredoom us to repeat the failures of the past.

First, this morning, I would like to slice through some of the murk that has been allowed to develop by unchallenged woesayers of what has come to be the "cause celebre" of 1971—the health crisis.

Second, I will lay out a few of the proposals of this administration for "curing" that crisis.

Third, I would like to mention some changes I would think we all might wish to see in the healing arts, and then make an announcement I think will be of special interest to you.

Passions have been raised about health in the United States. And where passions prevail, reason retreats. When we use the term health crisis, we should, in my view, use it advisedly. If we restrict the crisis to the cost of health care, that is one thing—an acceptable use of the term, in fact. But if we use the term generally to cast doubt on the quality of health care—that to me is a totally unacceptable use of the term.

Since 1950 life expectancy in the United States has increased by 3.4% . . . the infant death rate has dropped 2.3% . . . the maternal death rate has gone down 66% . . . the neo-natal death rate has fallen by 19.5%.

Between 1960 and 1968 days lost from work per person have decreased by 3.5% . . . days lost from school have decreased by 7.5%.

Health care expenditures have increased at a faster rate than the GNP . . . in 1965 total health expenditures amounted to $18 billion (4.7% of GNP) . . . in 1970 they amounted to $67 billion (or 7% of GNP).

In 1963 there were 12.4 hospital beds per 1,000 people . . . in 1968 there were 13.5.

Between 1950 and 1966 while the population of the U.S. was increasing by 29%, the number of people in health occupations increased by more than 90%—three times as fast. In 1960 health workers comprised 2.9% of the labor force. By 1966 the percentage was 3.7 and rising. Our supply of physicians increased by 34% during the same period.

In 1950 48.7% of employed workers were covered by hospitalization. By 1967 70.5% were covered.

20 years ago, only 50% of the population as a whole had health insurance. Today 88% have it.

I believe you will agree that in general our critical health problems today do not arise because the health of our people is worsening; or because expenditures on health care have been niggardly; or because we have been negligent as a nation in developing health care resources; or because we have been unconcerned about providing financial protection against ill health.

Just as Secretary Richardson mentioned before the health subcommittee, of which I am a member, our present concerns go to two broad problem areas: The first is the inequality in health care. The other is the pervasive one of rising medical costs.

The rendition of statistics I gave are in the raw—they are gross. They pertain to the nation as a whole. They mask differences among sub-populations in the United States . . . and these differences have become intolerable. The level of maldistribution has become the crisis; not the general physician-to-population ratio but the differences between suburb and ghetto.

The impressive growth in the number of people covered by health insurance conceals the fact that only 29% of all personal health expenditures were paid by insurance in 1968.

When we look beyond our borders and compare ourselves with other nations, any sense of accomplishment over our long-run gains in health status is mitigated by the fact that other advanced nations are doing better than we are. While cross-national comparisons are imperfect and must be used with caution, we note that Sweden, which devotes about as much of its natural product as we do to health, out-performs us on comparable health indices.

The other major problem is pervasive inflation in medical costs. I hardly need remind this well-informed group that, since 1960, hospital costs have been rising at 15% per year, and physician fees have been increasing at more than twice the rate of the consumer price index. Under these circumstances, relatively minor episodes of illness become heavy burdens, and serious illness is transformed into large and lingering debts, and sometimes bankruptcy.

So far, I have tried to share with you a conception of what is, and what is not, at the crux of the health care crisis. I should now like to probe a bit into the causes.

For some time there has been a migration to our large urban areas. It is to be expected that physicians, as well as other service personnel, dependent as they are on a reservoir of population for their livelihood, would migrate too. Lately, physicians have left the central cities and moved to the suburbs because there were no "disincentives" (as the sociologists put it). . . . That is, no loss in income or status or professional prestige . . . for moving out of the city. By the same token, fewer services are now available from primary care physicians—general practitioners, pediatricians, and internists—because their numbers are declining. And they have been declining for a number of reasons: the large infusion of research dollars into the medical schools after the Korean War gave young medical students a clear signal at that time of national priorities. To further confound, the increase in knowledge has been leading to an increase in specialization.

Our medical care system is geared to sickness, not to health. The incentives have been to care for the sick—and constantly to do a better job of caring—and few incentives or none to prevent illness, or to diagnose illnesses in their early stages and treat them before they become "interesting".

Our insurance plans also reward people if they go to the hospital for services, and penalize them if they obtain the same services outside the hospital. No wonder, then, that hopitals have been excessively and inappropriately used.

A most comprehensive set of proposals has been submitted by this administration to attack many of the problems I have just been enumerating.

The Nation is confronted by a geographic maldistribution of health care services. The administration proposes to attack this problem in many different ways.

First, the administration proposes to promote the development of out-lying health education centers; that is, community facilities generally affiliated with medical and dental schools. Medical schools will be encouraged to expand their capacity for graduating physicians in these "scarcity" areas at a much faster pace than in the existing medical school buildings. Medical schools will be encouraged to hold down the cost of medical education by converting community hospitals and other clinical facilities into teaching facilities. In effect, the administration will implement the recommendation of the Carnegie Commission report on "Higher Education and the Nation's Health". The F.Y. 1972 budget will contain up to $40 million for this purpose.

Incentives for the development of health maintenance organizations will be provided. This will put health care resources in areas now lacking them.

Support of the training of "Medex" and similar types of physician's assistants will be expanded to enlarge the capacity of physicians to care for patients . . . and to lessen the burden that many family physicians carry in small towns and other scarcity areas.

Development of new neighborhood health centers or, as we prefer to call them, family health centers, will be supported which will later evolve into health maintenance organizations or "HMO" satellites.

A new Health Service Corps under the authority of the Emergency Health Personnel Act of 1970 will be created.

Incentives to new medical and dental graduates to practice in areas lacking physicians and dentists will be provided by forgiving part or all of the guaranteed loan indebtedness they incur while in school.

The Nation is also confronted by the maldistribution of certain types of services, and primary care services in particular.

The administration's proposals, here, for example, contain incentives to increase the supply of primary care physicians. I have introduced a family practice assistance bill of my own to further the administration's interest in this area.

These are but some of the administration's proposals in a very comprehensive health care program that has been sent to the Hill.

Now if I may turn to some of the administration's proposals to bring medical costs under control.

For the long run, the strategy calls for a determined effort to prevent illness, and thereby reduce demands on our health care resources. Among proposals in this regard, the most important are:

To maintain the broad base of medical research, and upon that base, launch major new programs to conquer cancer. As you know, an additional $100 million in fiscal year 1972 has been proposed for this purpose.

The Occupational Health and Safety Act will be implemented for our working population.

In fiscal year 1972, $69 million will be budgeted for family planning—doubling last year's program. As a health measure, family planning not only allows women to avoid the birth of unwanted children, but also can prevent illness of mothers and children through, for example, the proper spacing of births.

To improve the nutrition of households in general, and of children in particular, the administration nearly tripled the outlays for food stamps between fiscal year 1970 and fiscal year 1971—from $577 million to $1.4 billion. The fiscal year 1972 budget calls for more than an additional $500 million.

In addition to the anticipated reduction in demand for health services through prevention, the administration is also proposing a number of direct actions to reduce medical care costs. In effect, incentives are offered to shift the medical care industry from its preoccupation with acute care in hospital settings. Incentives will be offered for the

application of preventive measures—procedures like immunizations to prevent an illness from occurring; or multi-phasic health screenings; or special tests like "pap smears," to catch a disease in its early and treatable stages; or the early ambulation of surgical patients, which leads to early recovery and rehabilitation.

This shift to preventive medicine will occur, if there are sufficient incentives. Prepaid arrangements in health maintenance organizations should provide one such incentive. Under these arrangements, HMOs will receive a contractually-fixed amount for the care of their enrolled members. If the HMOs Health care staff pays little attention to prevention and continues with acute care in hospitals, then they will exceed the contracted amount for the care of each person. If, on the other hand, the HMO bends its concern to prevention—or, in other words, to low cost consumer care—its costs will be within the set amount. It will profit by maintaining the health of its members. Will this be sufficient incentive? There is convincing evidence that it will be.

I have now given you my views as to how the administration sees the crisis . . . and its causes and some of its proposals to alleviate them.

Now I'd like to wing rather broadly with you, if I may, on three or four other concerns that are not all really legislative in nature.

Institution changing is always one of our most difficult tasks, whether it be changing the seniority system of the United States Senate or changing the way we run our health industry. In this day when hospital nursing positions go unfilled—it would seem to me to make good sense to investigate altering the working hours to accommodaate those licensed non-practicing nurses who would like to get out of the house and practice their profession . . . not for 8 hours a day, but for 3 or 4 hours while the children are in school. I think that possibility might be vigorously pursued. Health consumers would be the gainers. Women's Liberation should like that one, too! 282,000 licensed nurses are not presently practicing.

The U.S. Health Care System has been regulated since the late 1800 by a comprehensive licensure scheme.

Licensure was developed in recognition of the fact that the consumer of health services seldom possesses the knowledge necessary to allow him to make an effective evaluation "of the product" he receives . . . that is, of the medical attention he receives. Physicians were the first recipients of license required for practice. With the development of yet other types of medical practitioners, the need to assure their competence was answered by granting licenses delineating qualifications and scope of practice limitations for the various occupational groups. Today, there are approximately 25 health professions and occupations licensed in one State or another.

Licensure is justified primarily as a means of ensuring the quality of providers of health care. Many, though, question the efficacy of licensure as a quality control device. Most licenses are issued upon examination immediately after completion of the professional or occupation training. Very few laws require periodic relicensure, reevaluation, or continuing education. It is perhaps unrealistic to think that one-time licensure, at career inception, provides much of a check on quality in an industry in which such rapid strides in knowledge and technology are being made.

I think that it is most important that this particular situation—that of licensure—should be made more responsive to the rapid changes that have taken place and I am sure will continue to take place in the health professions.

Another recent development that has greatly interested me that I believe will have a profound effect on the consumer side of the provider/consumer equation is the growing number of physician's assistants programs. Even though, here again, some institutional problems arise—like licensure and malpractice questions—I would think this would be a "natural" area to which nurses might gravitate.

I have saved until last my most pleasant duty. I am today co-sponsoring a new three year program of institutional support to schools of nursing—the Nursing Education Act of 1971.

Although the exact dollar figure of support will be developed in committee, I do think the bill will be a boon to nursing.

Besides authorizing grants to schools of nursing based on a stipulated amount per graduate, the bill will also extend the present program of traineeship for advanced training of professional nursing and will extend and increase from 66⅔% to 75% the present construction grant program. Under this bill this grant construction program will be extended to assist associate degree schools of nursing, too. I am very happy to be a cosponsor of this most important measure.

SUMMARY OF MAJOR PROVISIONS—NURSING EDUCATION ACT OF 1971

1. Authorizes a new 3-year program (FY '72 thru FY '74) of institutional support grants to schools of nursing on a capitation formula of a stipulated amount per graduate—the exact dollar figure to be determined by Committee upon legislative hearing testimony. The formula, on the basis of graduates, is patterned upon the "Health Manpower Assistance Act of 1971."

2. Special project grants are authorized to schools of nursing and non-profit agencies, organizations and institutions to achieve priority goals such as increased educational opportunities for disadvantaged nursing students, increased supply or improved geographic distribution of trained nursing personnel or promote preventive health care.

3. Financial disaster relief grants are authorized for schools of nursing, where necessary, with appropriate safeguards, including provision for full financial disclosure.

4. Extends for 3 years the present program of traineeships for advanced training of professional nursing.

5. Extends for 3 years present construction grant authorities; broadened to include authority for guaranteed loans and 3% interest subsidies, patterned upon the "Health Manpower Assistance Act of 1971." Support extended to assist associate degree schools of nursing; and present grant ceiling of up to 66⅔% of construction costs increased to 75%.

6. The existing nursing student scholarship program is extended for three years with the great amount increased from $2,000 to $3,000.

(a) Existing nurse student assistance programs liberalized with respect to maximum loan amounts ($1500 to $2500); and repayment terms.

(b) Forgiveness for nursing student loans is authorized at a rate of 20 percent per year up to the maximum amount of the loan for full-time employment in a public or nonprofit private agency or institution, including neighborhood health centers. The forgiveness rate is increased to 33⅓ percent per year for full-time employment in an area defined by the Secretary of HEW as a health care shortage area.

(c) The bill also authorizes Federal repayment of guaranteed loans for nursing students in exceptional financial need who are unable to complete their studies.

(d) Where nursing students are unable to secure a guaranteed loan, provision for direct loans is authorized.

8. Expands present Nurse Talent Search program from disadvantaged youth to potential nursing candidates regardless of age, experience, education, or financial need and eliminates contract limitation.

9. Such sums as may be necessary are authorized to be appropriated for carrying out the provisions of this Act.

THE MIDDLE EAST IS NOT INDOCHINA

Mr. RIBICOFF. Mr. President, last Thursday evening, the distinguished Senator from South Dakota (Mr. McGOVERN) spoke to an important gathering here in Washington concerning U.S. foreign policy in the Mideast. In his usual forthright manner, the Senator addressed himself to the significant differences between continued American involvement in Indochina and, as he put it, "the substantial national interest in maintaining our Israeli ally in the Mideast."

Senator McGOVERN, who has spoken out so often and so eloquently against continuation of the Vietnam war, pointed out that—

There is virtually no important similarity between the lamentable role we have played in Indochina and the role which we must continue to play in the Mideast.

It is particularly significant at this time that the Senator's voice, so often raised in behalf of peace, has been raised to admonish those misguided elements in the peace movement who champion the cause of Israel's enemies.

The distinguished Senator made it clear that—

It is the obligation of those of us who have led the peace movement in this country to educate our constituents to the vital distinction between preventing war in the Mideast by placing the American guaranty behind Israel's right to survive, and perpetuating the war in Indochina by fighting the internal struggles of the people of that area for an indefinite period of time with American troops and pilots.

I heartily recommend Senator McGOVERN's remarks to all Americans concerned over the tragedy of Vietnam and its aftermath. We must not allow our revulsion for the war in Indochina to, as Senator McGOVERN stated—

Cloud our judgment and render us unable to carry our our responsibility for acting in support of peace in the world.

I ask unanimous consent that the text of Senator McGOVERN's remarks be printed in the RECORD.

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

REMARKS OF SENATOR McGOVERN AT AMERICAN-ISRAEL PUBLIC AFFAIRS SOCIETY AND JEWISH COMMUNITY COUNCIL AT WASHINGTON, D.C., ON APRIL 29, 1971

I believe that Americans of every political persuasion have come to realize that the war in Indochina has been an American tragedy, a tragedy which goes far beyond the staggering loss of life and property that we and the people of Indochina have suffered in this insane struggle.

No one who keeps his eyes and ears open can fail to notice that the American people are in a state of agony.

It permeates every aspect of our lives so deeply that it is hard to remember that ten years ago, few Americans were more than dimly aware of the existence of Vietnam, and two or three years ago, many Americans were hardly aware of the existence of Cambodia and Laos.

If one can find encouragement in an ex-

amination of our national spirit at this time, that encouragement must be rooted in the fact that a clear majority of the American people have achieved a more perceptive vision of America's crisis than have our political and military leaders.

The movement for peace in Indochina, which seemed to many to be a leftist fringe in this country five years ago, now encompasses, to one degree or another, an overwhelming majority of the American people, a fact which seems finally to have dawned upon most members of the Congress, and, to a lesser extent, upon the President of the United States.

As the first Senator to reject our Indochina policy on the floor of the Senate, I believe the American public has outstripped its leadership in achieving a realistic and moral view of the disaster in Vietnam.

Though I believe that we must continue relentlessly to build upon the pressure that has forced a reluctant administration to begin reassessing our military involvement in Indochina, I believe that the process that has gone on in the minds and hearts of the American people in their attitudes toward this war is an irreversible process.

And for this we must be pleased.

But tonight, I look beyond our involvement in the war in Indochina to broader questions of American foreign policy, and I see cause for great concern—concern for the legacy that the memory of our horrible experience in Indochina will leave upon our national spirit.

I am deeply troubled by the ever-increasing possibility that the American people, who have come together from all sides in the peace movement, will allow their revulsion for the war in Indochina to debilitate our spirit, cloud our judgment, and render us unable to carry out our responsibility for acting in support of peace in the world.

In no part of the world do I find the potential reaction of a weary and frustrated American people more disturbing than in the Middle East.

And no conceivable consequence of the assault brought upon our spirits by the Indochina war is more disturbing than a weakening of our will to maintain a necessary balance of power in the Middle East and to insure the survival of Israel.

I could not, in all candor, deny that those of us who have supported and led the movement for peace in Indochina are asked by sincere and well-meaning Americans how we can reconcile our insistence upon American withdrawal from Indochina with an equally firm insistence upon an American guarantee of the survival of Israel.

This question saddens me. It saddens me because the answer is so apparent that the question itself is a dismal reflection of how badly our judgment has been impaired by the trauma we have undergone in Southeast Asia.

Indeed, there is virtually no important similarity between the lamentable role we have played in Indochina and the role which we must continue to play in the Mideast.

This is true with respect to the merits of the conflict, the nature of our supportive role, and the degree of American self-interest involved in that area.

The specific areas of contrast do not need belaboring. The Israeli government, as everyone well knows, is a democratically elected coalition whose basic popular support is as firm as that of any government in the world.

Indeed, there is not the faintest trace of civil war, in the Arab-Israeli conflict, or any suggestion of an internal enemy.

Whatever the views of Israel's neighbors about the founding of the State of Israel in 1948, the fact is that the international community, through the United Nations, guaranteed Israel's right to exist as a sovereign nation in an area comprising about one-fifth of the territory of Palestine.

Israel's Arab neighbors never accepted the internationally recognized fact of Israel's existence.

Only recently has there been any sign that they might be willing to modify their plans aimed at Israel's destruction.

We have little choice but to believe that had the balance of power not been as it was during every moment of the past twenty-three years, Israel's neighbors would simply have made good their threats.

And now, in spite of more encouraging diplomatic sounds from the Arab world, Israel faces the most realistic threat to the balance of power in its history—by which, of course, I refer to the presence of extensive Soviet equipment and manpower in the United Arab Republic.

In short, a totally external threat to the survival of a self-supporting, democratic state to which we have a binding international commitment—a classical example of a proper area for the exercise of the American responsibility.

And what kind of American commitment and support are we talking about?

Basically, I favor the maintenance of a balance of power in the quantity and sophistication of conventional arms, which I believe must include the maintenance of Israel's control of the air, the assurance of secure, defensible boundaries, international insistence on a directly negotiated settlement of the dispute between Israel and its neighbors, and the deterrence of Soviet intervention in the area through firm American guaranty that a Soviet threat to Israel is intolerable.

No one has ever suggested that we send one American soldier—not even in an advisory role, much less in a military capacity—to Israel.

Several weeks ago, General Dayan said as emphatically as he could that American manpower was the last thing in the world that Israel wanted.

Appropriately for the contrast between our role in the Mideast and Indochina, General Dayan wisely noted that Israel simply could not afford the enmity of the American people which he knew would result if Israel had to fight a war with the aid of American servicemen.

I do not believe that this issue will ever arise if a proper balance of arms is maintained. And the Israelis have asked for nothing more than the right to *purchase*—not to be given, but to purchase—arms from us in sufficient quantity to assure that proper balance.

Finally, I do not believe that there is any ground of comparison whatsoever between the substantial national interest in maintaining our Israeli ally in the Mideast, and whatever benefit we derive from propping up the regime of Messrs. Thieu and Ky in Vietnam.

And those who are familiar with my views on our foreign policy know that my recognition of American national interest in Israel has no root whatsoever in a mindless, reflexive anti-Communism—a description I emphatically reject when applied to the American commitment to Israel.

It is the obligation of those of us who have led the peace movement in this country to educate our constituents to the vital distinction between preventing war in the Mideast by placing the American guaranty behind Israel's right to survive, and perpetuating the war in Indochina by fighting the internal struggles of the people of that area for an indefinite period of time with American troops and pilots.

And I believe that it will be the obligation of those who lead this country to channel the full force of the peace movement that has won the hearts of the American people into assuring genuine peace in the Middle East.

I gladly accept that obligation.

Let me add this final note.

One of the most pathetic symptoms of national frustration over the continuation of the unauthorized and unpopular war in Indochina has been the disillusionment suffered by young Americans, especially those in college.

Unfortunately, the effect of the rage these young people feel can, in extreme instances, result either in a total rejection of international responsibility, or in a severe impairment of judgment and a doctrinaire grasping of every political position which bears the revolutionary label.

Perhaps the saddest, and in many ways the most ironic, symptom of this thoughtless approach to political thought is the emergence of a minority of young people, including young Jews, who have turned their backs on support for Israel because they find that posture inconsistent with some philosophies of the new left.

I understand that here in Washington, for example, on the campuses of George Washington and American Universities, and on other American campuses, leftist students, including Jewish students, distribute the anti-Israel propaganda of the Palestine Liberation Front, El Fatah, and other Arab militants who supposedly carry the banner of third world revolutionaries.

We must not fail to do all we can to provide a decent life for the Palestinian people, who for one reason or another lost their homes during the original Arab-Israeli war.

And the just settlement of the Palestinian refugee problem is of paramount concern to Israel, to the Arab states who have refused to render any assistance to the alleviation of this problem, and to the international community.

But how has it happened that even a minority of our youth now show disdain for the peaceful, social and political revolution that is Israel?

How have even the most revolutionary of our youth missed the impact of the monumental struggle for liberation and self-determination which the Israelis waged twenty-three years ago against British troops—a struggle which enabled tens of thousands of survivors of the Nazi holocaust to find refuge from the crowded leaking ships that transported them in circles around the Mediterranean Sea when no country would take them?

And how can any student of third-world problems ignore the admiration that so many emerging nations of Asia and Africa have shown for the remarkably successful democracy of Israel's struggle for liberation? Or the fact that Israel is helping some 37 less-developed countries?

I fervently hope that by ending the war in Indochina, we can help to dispel the confusion of illusion and reality that the rejection of Israel represents.

Let us begin by dispelling the illusion which our national policymakers, and yes, leaders in Congress, have tried to market as reality—the illusion that we have sent our men and our resources to Indochina in the name of self-determination, and to win the hearts and minds of the people.

Where is the truth of self-determination and winning the hearts and minds of people any more apparent and profound than in the struggle and experience of Israel?

Yes, my friends, that is the difference between illusion and reality.

No wonder that our young people, who know the fallacy of this distorted rhetoric about self-determination, who have borne the greatest sacrifice and suffered the burden of Indochina, find it very difficult to accept self-determination as a legitimate concept.

But that is precisely what Israel is all about, and that is the fact that we must understand ourselves. We must see that issue clearly, and in so doing, help those who

are younger to understanding and political maturity.

Then shall we heed the admonition of Isaiah:

"Open ye the gates, that the righteous nation which keepeth the truth may enter in."

TRIBUTE TO MISS JOYCE RICHARDSON

Mr. THURMOND. Mr. President, five outstanding 4–H members from South Carolina were brought to Washington for the National 4–H Conference which took place during the week of April 17–24. These 4–H'ers were accompanied by their very able leader, Miss Joyce Richardson, who is assistant extension specialist for 4–H Club work at Clemson University. The leadership and dedication of Miss Richardson has played a major role in making the 4–H program meaningful to many students in South Carolina. Because of her contributions and the efforts of others like her, more than 3 million young people now belong to 4–H.

Any boy or girl between the ages of 9 and 19 may join 4–H by agreeing to work on a project and following 4–H ideals and standards. The main requirement is a willingness to learn by doing and "to make the best better"—the 4–H motto.

These young people carry on a wide variety of projects in agriculture, citizenship, and personal development. They apply the latest scientific findings to learn the "why" as well as the "how" of what to do. Developing character and citizenship are long range goals.

Mr. President, I applaud Miss Richardson for her role in the development of the character and citizenship of our young people. During these critical decades few activities are more vital to the future of our Nation.

I wish also to pay tribute to the five South Carolina delegates who attended the national conference with Miss Richardson. They are Miss Gerri Spann, of Sumter; Shelton Parker, of Harleyville; Edward Fludd, of Santee; Miss Anita Wright, of Greenwood; and Miss Ann Simmons, of Ware Shoals.

THE OEP'S OIL REPORT STRESSES NATIONAL SECURITY

Mr. HANSEN. Mr. President, yesterday the Office of Emergency Preparedness released its Report of Crude Oil and Gasoline Price Increases of November 1970. The report is the result of a study conducted as a result of Presidential Proclamation 3279. The report came to three major conclusions which can be fairly summarized as follows:

First. The crude oil price increase of 25 cents per barrel has not been justified on short run, national security grounds.

Second. The 25 cents per barrel increase in the price of crude oil can be justified because of sound national security considerations in the long run.

Third. Crude oil price increases alone will not be sufficient in the future to insure the achievement of our national security objectives.

The report is an important and interesting one. While I do not find myself in complete agreement with it, I do recognize it as an objective, comprehensive analysis of the national security ramifications of last November's increase in the price of crude oil.

At this time, however, I do not want to dwell on the details of the report. Rather, I would like to call to your attention the remarks submitted to the task force by the able Senator from Texas (Mr. TOWER). As one of only four congressional men who submitted responses to the Federal Register notice concerning the study, Senator TOWER has contributed significantly to the balance of the final report.

In his December 3, 1970, remarks to the President's Oil Policy Committee Senator TOWER made two things quite clear. First, our national security is dependent to a significant degree upon our ability to insure petroleum resources sufficient to meet our energy needs and secondly, our present level of domestic exploration activity, now at a 15-year low, is not at a high enough level to provide us with this insurance.

Mr. President, it is apparent from the balanced tone of the Oil Policy Committee's report that its members heeded the alarm sounded by my colleague from Texas. So that all Senators can study Senator TOWER's remarks in conjunction with the "Report of Crude Oil and Gasoline Price Increases of November 1970," I ask unanimous consent that his submission to the Oil Policy Committee be printed in the RECORD.

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

STATEMENT OF SENATOR JOHN G. TOWER

I appreciate the opportunity to submit my views concerning the recently announced increases in the price of some crude oil produced in the United States.

I will assume that other interested persons will submit to you, during the course of your investigation, the ample statistical data which documents the decreased levels of operating profits of domestic oil exploration companies. I feel certain that this data will show that decreased profits in this industry are the result of the near static price level of crude oil over the past 15 or so years, while the costs of finding new reserves have greatly increased during this period. I believe that a substantial increase in the price of domestically produced crude oil is justified to restore this loss of profits.

But, there is an even more important justification for increasing the price of crude oil. Our national security is directly related to a strong, viable domestic oil exploration industry.

I will explain how an increase in the price of crude oil affects our national security by stating and then discussing the elemental concepts of this relationship.

(1) Domestic exploration for new reserves of crude oil is at a 15 year low. Drilling activity can be measured in several different ways: the number of drilling rigs in existence, the number of drilling rigs actually cutting holes, the dollars invested in drilling equipment, or the number of feet of holes drilled, to name some of the measures most often used.

In this instance, measure used is unimportant because all such measures show a marked decline over the past 15 years.

(2) The continued existence of our domestic oil exploration companies is contingent upon their exploring for new reserves of crude oil. Each day, fourteen million barrels of oil are consumed in this country. We produce approximately 10 million barrels per day of this oil. New reserves of crude oil must be found to replace those being consumed.

If the consumed oil is not replaced, it is easy to see that we will use up all our producing reserves. As a matter of fact, at the present time, we possess only about a 9 year's supply of known producing reserves of oil, at the present rate of consumption. This is an overly optimistic figure, however, because the rate of consumption is almost certain to increase in the future. Our producing reserve cushion has decreased from in excess of a 20 year's supply in the early 1960's to the present level of about 9 year's supply. This 9 year reserve figure is misleading in another way. The flow of this oil cannot be substantially increased above the present level of production. Not only are there physical limitations, such as lack of additional pipelines and refinery capacity, but also, formations which contain the oil can only give up that oil at certain ideal rates. If these ideal rates are exceeded, significant percentages of oil will probably be irretrievable due to loss of pressure and other technical reasons.

So, we probably have less than a 9 year's supply of proven crude oil which we cannot produce as fast as we may need it. Without additions to this reserve supply, it will almost certainly continue to decrease.

(3) Increasing the price of crude oil increases the operating profits of domestic oil exploration companies.

This statement seems self-evident.

But the real issue is whether the increase is large enough to offset inflationary and other cost increases. Cost increases must be made up. These inflationary increases must be offset just to get the oil companies back to normal. I feel that a 25¢ per barrel increase is not enough to offset inflationary cost increases. This 25¢ per barrel increase under investigation represents only an 8 percent increase in the price of crude oil. Cost increases attributed to inflation have increased more than 8 percent. So, not only must operating profits increase, they must increase enough to offset inflationary and other cost increases.

(4) The amount of operating profit of domestic oil exploration companies is the primary factor which determines the amount of exploration for reserves of oil that these companies can perform.

Oil exploration companies must finance exploration for new reserves from one of two sources: invested capital or operating profit. Thus, the amount which can be invested is limited. The primary source of exploration funds is operating profit. If operating profit decreases, the amount of exploration must be decreased. Thus, when the management of these companies decides how much exploration that they can do, the primary factor which determines this is the amount of operating profit.

(5) It follows, therefore, that increases in the price of crude oil are prerequisites to increasing the amount of exploration for new reserves of oil and that increases in the price of crude oil should result in increases in exploration, if these increases are large enough to offset increased costs.

During the 1960's domestic exploration companies spent an average of 7.2 billion dollars per year searching for new reserves. But between now and 1985, this country will consume approximately 100 billion barrels of oil. It is estimated that, in order to find that quantity of new oil, expenditures of around 22 billion dollars per year throughout the 1970's will have to be made. Thus, our exploration expenditures must triple.

(6) Increased domestic exploration for oil translates into increased productive capacity.

The reason this statement is true is that fortunately this nation possesses the necessary physical ingredients for successful oil exploration.

First, we have the necessary undiscovered reserves of crude oil. The U.S. Geological Survey estimated undiscovered crude oil in place exceeded two trillion barrels of oil within the United States and its continental shelves to a depth of 200 isobaths. While our future needs are great, our reserves are greater.

Secondly, we possess requisite men, machinery and technology to convert domestic exploration dollars into proven producing capacity. We know this is so because, until very recently, this nation enjoyed virtually unlimited supplies of crude oil to meet the increasing demand. The availability of large quantities of crude oil is one of the main reasons this nation holds a position of preeminence in the world today. Abundance of oil is one of the primary reasons we enjoy the highest standards of living anywhere on earth.

So, we have the undiscovered reserves of oil and the means to find them. Needed are continued adequate economic incentives in the form of operating profits.

(7) Adequate domestic oil producing capacity is necessary for the maintenance of our national security.

National security demands that we have available the reserves of oil necessary to propel our armed forces when needed and to maintain the mobility which is so vital to our military strength. But, national security, as it relates to crude oil, means more than that. It means, also, world-wide bargaining power. We must maintain that international bargaining strength which is based on the knowledge that this nation can supply its own energy needs and those required to meet our commitments. Further, national security includes the capability to provide for our vital industrial and consumer needs.

It is estimated that unless new reserves of crude oil are found, we will have used up all our surplus producing capacity by the end of 1971. This means that increases in consumption will have to be met through increased imports of crude oil from foreign countries.

It has been recognized that it is not wise to allow limited imports of crude oil to meet our needs. In 1959, President Eisenhower implemented the Mandatory Oil Import Quota System. He said that the new system was "designed to insure a stable, healthy (oil) industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted. The basis of the new program as the certified requirement of our national security would make it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States."

President Eisenhower correctly recognized the national security aspects of the domestic oil industry, that there were maximum safe import levels and that to exceed these levels would impair the viability of the domestic oil industry. The Presidents since President Eisenhower have similarly recognized that vital relationship. Thus, we must not allow ourselves to rely on imports of foreign oil to the detriment of our domestic industry.

The events in the Near East in the past few months have demonstrated again the wisdom and necessity of maintaining a strong domestic oil producing industry. The relatively minor disruptions in the flow of mideast oil produced serious repercussions around the world. Yet, the deficiencies in the United States' supply of crude oil caused by these disruptions have largely been made up by increasing the production of oil in Texas and Louisiana. This higher level of production from secure domestic sources cannot be sustained indefinitely. We must continue to add to our producing reserves.

(8) Maintaining our national security is necessary.

Can there be any serious argument against the concept of this nation's maintaining a strong national security posture? Can there be any doubt that if this nation reduced its level of national security that other hostile countries would not take advantage of this reduced level of security? In my opinion, we must continue to maintain a strong defense posture. A vital link in this posture is a viable domestic oil industry.

(9) Therefore, it follows from the foregoing that increasing the price of domestically produced crude oil is necessary.

I realize that you already understand and acknowledge much, if not all of what I have submitted. However, this investigation seems an appropriate time and place to review the basic concepts which relate adequate prices of domestic crude oil to our national security.

TWIGS FOR AN EAGLE'S NEST—ADDRESS BY MICHAEL STRAIGHT

Mr. PELL. Mr. President, Michael Straight, Deputy Chairman of the National Endowment for the Arts and Humanities, was recently honored by being asked to deliver the annual humanities and arts lecture at the University of California in Los Angeles.

Mr. Straight, who has been with the endowment since 1969, has been an ardent and able representative of our Federal Government's efforts to support esthetic endeavors in our country. I admire him both in his official capacity and as a personal friend. His presentation, "Twigs for an Eagle's Nest," is a most erudite and meaningful discussion of the need for patronage in the arts, patronage which is now partially supplied by the Federal Government. And what is even more important is the need for that patronage to be of a supportive and undemanding nature.

Mr. President, Mike Straight's statement is most eloquent. I have read many articles and statements about Federal support of the arts, its pitfalls and problems, and think that the subject has been no better presented than in Mr. Straight's message. I ask unanimous consent that it be printed in the RECORD.

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

TWIGS FOR AN EAGLE'S NEST

(By Michael Straight)

Castiglione, in his classic work, *The Courtier*, speaks of Urbino as a blessed city. Chief among its blessings, he adds, is its government. It has been ruled by the very best lords, among them, Guidobaldo da Montefeltro. In proof of Guidobaldo's worth, he tells us:

"Among his other praiseworthy deeds, he built on the rugged site of Urbino, a palace regarded by many as the most beautiful to be found in all Italy. And, he furnished it so well, with every appropriate article, that it appeared to be, not a palace, but a city in the form of a palace. He furnished it not only with all that is customarily used, such as bases of silver and hangings of the richest gold and silk; by way of embellishment, he added innumerable antique statues of marble and of bronze, paintings of outstanding merit, and musical instruments of all kinds; nor would he admit any object that was not very rare and very excellent. Next, at very great expense, he gathered together a large number of very excellent and very rare books in Greek, Latin and Hebrew, all of which he adorned with gold and silver, judging that this was the supreme distinction of his great palace."

Urbino, to Castiglione, was a blessed city because it was ruled by Guidobaldo; Guidobaldo was a worthy ruler because he was a great patron of the arts. In our own time, and on a minor scale, Lady Gregory's nephew, Hugh Lane, attempted to act in Guidobaldo's spirit. He offered to give his own, rich collection of French Impressionist paintings to Dublin, if Dublin in turn would establish a Municipal Gallery of Modern Art. A number of private citizens responded to Lane's offer.

Among them was Lord Ardilaun, head of a family of prosperous brewers. He made what he felt was a generous contribution; the city in its turn, put up the less-than-princely sum of Two Thousand Pounds. So the supporters of the Gallery went back to Lord Ardilaun. They asked him to give again, and his lordship said *no*. Or rather, he said that he would make a second subscription, but only if the people of Dubin "gave some sort of evidence" that they really wanted a Gallery of Art.

Fair enough, many Americans might say, committed as we are to the principle of matching grants. But, Lord Ardilaun's offer led the most eloquent of Irishmen to clout him with a formidable weapon—a poem:

> You gave, but will not give again
> Until enough of Paudeen's pence
> By Biddy's halfpennies are lain
> To be some sort of evidence;
> Before you'll put your guineas down
> That things it were a pride to give
> Are what the blind and ignorant town
> Imagines best to make it thrive.

By way of contrast, Yeats goes on to contrast the unfortunate brewer with Guidobaldo. And, for good measure, he throws in Duke Ercole, as well:

> What cared Duke Ercole, that bid
> His mummers to the market-place
> What th' onion-sellers thought or did
> So that his Plautus set the pace
> For the Italian comedies?
> And Guidobaldo, when he made
> That grammar school of courtesies
> Where wit and beauty learned their trade
> Upon Urbino's windy hill,
> Had set no runners to and fro
> That he might learn the shepherds' will.

Yeats presents the Duke of Urbino to Lord Ardilaun, with his poet's plea:

> Your open hand but shows our loss,
> For he knew better how to live.
> Let Paudeens play at pitch and toss,
> Look up in the sun's eye and give
> What the exultant heart calls good
> That some new day may breed the best
> Because you gave, not what they would,
> But the right twigs for an eagle's nest!

II

In political terms, needless to say, the poem was a failure, Lord Ardilaun was not persuaded. In terms of our discussion, it contains four challenging beliefs:

First, art is central to a good life;
Second, great patronage is needed to sustain great art;
Third, the people cannot for the present provide great patronage of the arts;
Fourth, through the arts, a great culture will be born.

Let us consider these ideas in turn.

III

Art is central. Without it, Yeats declared, Ireland would be "a little, greasy, huxtering nation, groping for halfpence in a greasy till." The Renaissance dukes are, for him, the model; they "knew better how to live." In the narrow sense of 'the arts,' they placed the highest value on painting and sculpture, music, dance and theatre. In the broader sense of art itself, they were trained to a

high level of aesthetic sensibility, discerning, and requiring proportion and order in all things. Thus, Guidobaldo extended his sensibility so far that, in Castiglione's words, his palace "appeared to be, not a palace but a city in the form of a palace."

Today, in the suburbs of Los Angeles, the idea of a city in the form of a palace, a work of art, seems bizarre. It would not have seemed so to the founders of our nation. In Georgia and Florida, in Maryland and Virginia, in New England and in Pennsylvania, the towns that made the Revolution and created the nation were planned communities, orderly, harmonious, unified by adherence to an accepted style. Drama and dance may have been proscribed in those towns by Puritanism; but, glassware and silverware, hog benches and bedspreads, doorknobs and cradles, were all seen as works of art. Bullfinch, like Bramante, moved in the mainstream; Trumbull and Morse, like Piero della Francesca and Berruguete, saw themselves as the means of conveying the great truths of their time to the great majority of the people.

Here, as in Europe, the arts were moved to the rim of society in the 19th Century. Aesthetic sensibility shrank, from being a general characteristic, to a form of eccentricity. Expansion made the planning of new towns impossible. The industrial revolution raised to a dominant role a new class, without inherited taste or an acquired concern for beauty. The rise of democracy led to contempt for culture, which was seen as the affectation of an outworn aristocracy. It was said, no doubt with malice, that, when Andrew Jackson's supporters flooded into the White House after his inauguration, they clawed gobbets from the immense cheese that he set out for them, and then wiped their hands on the White House curtains. True or false, the point is made. "The mind of this country, taught to aim at low objects, eats upon itself," said Emerson. Writing at the same time, de Toqueville noted that, even for the cultured minority, the arts were looked on "as a transient if necessary recreation, amid the serious labors of life." The arts were fragmented and diminished, the architect settling for the beautiful building in place of the beautiful city; the painter escaping to the wilderness. As for literature, de Toqueville notes:

"The inhabitants of the United States have, at present, properly speaking, no literature. The only authors whom I acknowledge as Americans are the journalists. They indeed are not great writers, but they speak the language of their country, and make themselves heard. Other authors are aliens; they are to the Americans what the imitators of the Greeks and Romans were to us at the revival of learning, objects of curiosity, not of general sympathy. They entertain, but they do not act upon the attitudes of the people."

That was in 1835. From then on, no church, no aristocracy, no elite of any kind was able to impose its own aesthetic standards on the nation. The nation, in turn, made no effort to train itself through the one means that became available—education. The development of aesthetic awareness was never seen as part of the necessary preparation for American life.

This national indifference to the general level of aesthetic awareness has led to a continuing and costly division between art and entertainment. Its boundary lines, of course, are indeterminate; there have been entertainers who have produced profound works of art—Mark Twain is one example. There have been great artists—Charles Chaplin is one—who have captured the whole world of entertainment. But, in general, the division has persisted between what de Toqueville called 'journalists' and 'authors' and what later, and lesser, critics have called 'high art' and 'mass art.'

On one side of the spectrum today, Americans listen to more music—popular music—than men ever listened to before. They receive more man-made images: films, billboards, advertisements, than men ever saw. They read more, in newspapers and magazines, than men ever read. An immense number of individuals, working in the mainstream of commerce, produce these works. With skill and sensitivity, they reflect current moods. Most of them, nonetheless, work within the limits noted by de Toqueville: "They entertain, but they do not act upon the attitudes of the people."

On the other side of the spectrum, many serious artists work on the margin of society, making little or no effort to enrich or to alter the perceptions of the majority. The inability of the serious artist to influence the world around him has been elevated to a concept by some critics; the concept of non-communication has become a game which, ironically, any number may play. The Biennial Exhibition, now on display at the Corcoran in Washington, has among its featured works two very large mounted canvases which are fastened, front to front. A puddle of paint squeezed onto the floor around them indicates to the passerby that the canvases were painted, and then fastened together when the paint was wet. But, only by prying the canvases apart, and so destroying the work, can the paints be revealed. Thus, the principle of non-communication is carried to its logical limit—no one has access to the work of art, including the artist himself.

We have come now to the dead end of a century-and-a-half of aesthetic neglect. The results can be seen all around us: in the decay of our cities; in the formless squalor of our suburbs; in the mindless destruction of our heritage; in the alienation of our young citizens. They feel what Yeats felt when he spoke of "a great huxtering nation, groping for halfpence in a greasy till." They understand, if we do not, that in the cities which we have built, and in which three out of four Americans now live, human scale has been destroyed, and with it, two essentials of human happiness: the sense of communion between the individual and his surroundings, and the sense of community, through which individuals are joined.

We cannot, as a nation, continue to live in this way. The cost, in waste, in destruction, in alienation, in division and disorder, is beyond the capacity, even of this continent, to meet for long. The determination as to where Americans will live, and how they will live, will be made in future years by conscious decisions concerning our cities, our highways, our resources, arrived at and carried out through the democratic process. These decisions will require, in all citizens, a heightened awareness of our external surroundings, and of our inward needs. This awareness will be attained in large measure, through education and the arts.

Thus:

"The arts are much more than a form of entertainment: a way of filling up our newfound hours of leisure. . . . They are an indispensable means through which imagination may be freed, and through which we can gain new perceptions and heightened understanding."

These words, contained in a message sent to the Congress by President Nixon, accord with our conviction: art is central; it is a part of our capacity to survive.

IV

The second conviction voiced by Yeats concerns the relationship of art and patronage. Wit and beauty learned their trade in Guidabaldo's grammar school; the brilliance of their achievements is in part a measure of the excellence of his patronage.

It is of course easy, in the long history of art, to note the exceptions to Yeats' rule. The French Impressionists are a monumental example. But, on balance, most of us would agree that, through many centuries, there can be traced a close and a direct relationship between patronage and art. Shakespeare had Mr. W. H., "the onlie begetter of these ensuing sonnets," Haydn, "My Prince . . . satisfied with all my works. . . ." Mencken would add that in the United States, our would-be Shakespeares and Haydns had what he called the "booboisie." And, unjust as his comment is, it is true that where high costs are incurred, as in theatre and in architecture, creativity suffers. The commercial theatre is shaped by the ten dollar ticket; our cities and suburbs display, not what our architects and designers can do, but what our homeowners want, or are willing to settle for.

In general, the worth of the patron may be measured by the sum of three qualities:

Discernment: the ability to identify artistic genius *in its lifetime:*

Restraint: the recognition that the artist, in Haydn's words, must "venture," and cannot be "pestered;" and

A Command of Resources: to grant to the artist the time and the scale that his work requires.

These qualities were acquired over many centuries by the traditional patrons of art: the court; the aristocracy; the Church. In the Nineteenth Century, the Maria Theresas and the Catherines; the Esterhazys and the Rasumovskys; the Borgheses and the Estes were washed away. Yeats' appeal to the beer barons to step forward in their turn was written on the eve of the First World War. That was the last occasion on which in Europe, private individuals commanded the resources that great patronage of the arts required. When the war was over, we had stumbled into what Henry Wallace called the Century of the Common Man. From then on, in democratic nations, the survival of art institutions came to rest upon the willingness of the people themselves, acting through their governments, to become patrons of the arts.

V

Here, we come to the heart of the problem of public patronage. Guidobaldo and Duke Ercole may have scorned the aesthetic judgments of the shepherds and the onion sellers; now, the judgments of the onion sellers and the shepherds—the majority—are governing. Yet, the third conviction contained in Yeats' poem is that, in his day, the majority could not sustain great patronage of the arts. Dublin, for him, was "a blind and ignorant town." Left to themselves, its people would play at pitch and toss while the arts died of neglect.

Yeats, for all his wanderings, was no opponent of democracy. He was himself a Senator. He wrote as a participant, a passionate participant, in the political life of his country. His views have since been shared by many men. T. S. Eliot, writing in 1947, conceded that "the practise of the arts has no longer, on any large scale, the benefit of private patronage." Going far beyond Yeats' intuitive response to an immediate circumstance, Eliot, in his essay, *Notes Toward a Definition of Culture,* went on to dismiss the possibilities of democratic patronage of the arts under any circumstances, and for all time. Education, he maintained, could not be a means of transmitting aesthetic awareness; the majority would always be incapable of appreciating or of sustaining high standards of art. For Eliot, the concept of a democratic culture was, simply, a contradiction in terms. So, preferring culture to democracy, he became a Royalist.

Eliot's conclusion is plainly without significance for us. Culture is one realm in which the people clearly govern, as consumers. They are not about to surrender their power to any old, or to any new elite.

Eliot himself sensed this, and drew from it an inescapable conclusion. "I see no reason," he wrote, "why the decay of culture should not proceed much further, and why we may not even anticipate a period of some duration of which it is possible to say that it will have no *culture*."

If today, we focus, not upon art itself, but upon specific forms of art; if we view those forms as given and unalterable, then we might persuade ourselves that the symphony orchestra, say, like our national emblem, the Bald Eagle, is an endangered species, on its way to extinction. We could then immobilize ourselves in attitudes of despair. But, art forms are adaptable, and art is constantly changing. Experience, a better guide than theory, argues that in England, the land of his adoption, Eliot was wrong.

Thirty years of public patronage in Britain has shown that democratic government can develop and exercise the qualities necessary for great patronage of the arts. It can be discerning. It can act with restraint. It can provide funds in amounts sufficient to permit the arts to flourish.

It does not, of course, follow that government in the United States can act on the same scale, and with the same sensitivity. Three contrasts between our nations should be noted before any conclusion is drawn:

First, Britain is a small, metropolitan country. One-third of its citizens can go to a concert hall or a theatre in London, and return home for the night. Another third can do the same in Manchester. The Arts in Britain are concentrated, accessible, within easy reach.

Secondly, Britain has been, and still is, what Eliot called "a healthily stratified society." In culture, as in taste, the majority still respects the judgment of an acknowledged elite.

In addition, private patronage of the arts in Britain has been all but eliminated by the nature and extent of taxation. Apart from the box office, government is the dominant, if not the only source of financial support.

The United States, in contrast, is an immense continent, with a rich diversity of cultures. Our health lies in our freedom from stratification; we acknowledge no elites. Our system of taxation, by encouraging private initiative in all forms of philanthropy, works to disperse and to diversify patronage. Our political system inhibits the display of personal power. Neither the President of the United States, nor even the head of the Ford Foundation, can act in the grand manner of Guidobaldo and Duke Ercole.

In developing a role for the Federal government, as a patron of the Arts, we start, of course, from where we are. Given the immensity of the continent, we set out to make the arts accessible. Given the absence of elites, we minimize, as far as we can, the exercise of aesthetic judgment on the government's part. Given the national commitment to diversity of patronage, we try to ensure that individuals, foundations, corporations, and state and local governments keep pace with the Federal government, as it expands its programs in support of the arts. This course seems to me to be aesthetically wise as well as being politically necessary, for it guards against the emergence of an academy, an official, government-sponsored Art.

In shaping its programs, the government starts by determining what arts institutions and artists want and need. In making grants within these programs, it relies on the advice of panels, created for each art form. The panels are drawn from the world of arts, and they are charged with considering each applicant on the basis of merit alone. When grants are made, the government's role is, almost wholly, to ensure that funds are spent for the purpose for which they are given. Beyond this, the Law under which the Endowment operates declares: "In the administration of this Act, no department, agency, officer or employee of the United States shall exercise any direction, supervision or control over the policy determination, personnel, or curriculum, or the administration or operation of any . . . agency, institution, organization or association" to which a grant is given. This prohibition is not a means by which the Endowment absolves itself of all responsibility; between the completion of a grant and its renewal, an evaluation of the purpose and performance of the grantee must take place. But, to recall Haydn's phrase, while the patron may appraise the artist's work, it cannot pester him.

The National Endowment for the Arts was established in 1965. If we measure its record against the standards we have set for patronage, we can, I believe, conclude that it has met the first and the second tests. It has shown discernment in supporting the best that the nation can offer in the arts. It has acted with restraint. No artist that I know of has been pestered in the midst of his creation. A Senate committee, reviewing the record of five years, concluded that it "negates the concern of those who feared the establishment of "a cultural czar.' "

Our third standard, in judging partonage of the arts is the patron's command of resources. Here, we can best look, not at where we are now, but where we are heading.

For the first three years of its existence, the Endowment was funded at a level of about $7 million a year, or about four cents for every citizen. That was very little, in terms of a percentage of the federal budget, in terms of the arts budgets of other governments, and in terms of need. But, it must be remembered that the appropriations were voted at the end of a century-and-a-half of alienation between the arts and society. A significant minority of congressmen in 1966 felt that the arts were radical, if not subversive; a majority of congressmen in 1968 supported the view that the arts were essentially frills. In turn, the artists themselves were in no sense committed to the cause of public patronage. Spokesmen for our symphony orchestras made it perfectly clear: they neither needed nor wanted Federal support.

President Nixon called upon the last Congress to double its appropriations for the Endownment. The Congress went a long way toward meeting the President's request. The Endowment, in turn, was able for the first time to offer limited and selective support to our eighty-eight leading orchestras, whose needs, by 1970, were only too clear. This year, the President is asking the Congress to raise the appropriation for the Arts Endowment to $30 million, again, almost double the present level. At that level of funding, the Endowment will be able to offer some assistance to another hard-pressed sector of our culture—our museums. Other, vital sectors—the music conservatories, for example—are almost overwhelmed by mounting costs. But, at best, they will have to hold on for another year.

The conservatories are the source of tomorrow's fine musicians; in making no provision for them—and we are making no provision—we are supporting the present at the expense of the future. What, then, are we to do? If all of the $30 million we hope to receive were to be expended on music, the Endowment could assure the training and the employment of our musicians. But, in any program of public patronage, a balance must be kept between art forms. Again, the Endowment could maintain a balance between the arts, and, within each form, it could concentrate its support upon the finest institutions. Then, for a handful of institutions, the $30 million would provide decisive rather than marginal support. But, this course would work against our commitment to diversity in the arts. It would force the government to make harsh aesthetic judgments. It would offend the spirit of democracy.

The Endowment will have to obtain increased appropriations if it is to meet the third test of patronage. In the intense competition of the political arena, it will succeed only if it has strong public support.

So we come back to Eliot and to Yeats. We can, as I suggested, discard Eliot's position in the certain knowledge that Americans will not support for long activities which are not for them. Yeats, in contrast, is concerned with a particular time and place. And his concern bears on our situation, caught as we are between our inheritance and our needs. Our inheritance has created a gap between our artists and our nation, not only as to the importance of art but as to its nature and purpose. And, since the arts are in need of substantial public support, this gap is a continuing threat to all that we hope to do.

Let me cite one example of the way in which this gap between the artists and the nation makes itself felt:

In 1967, *Poetry*, an old and a respected journal, published a poem by a young American whose works have appeared in many contemporary anthologies.

The title of the poem, and the poem, itself, were brief. They both consisted of one word, l-i-g-h-g-h-t.

The Endowment, until last year, sponsored the publication of *The American Literary Anthology;* an annual collection of works published in small literary magazines. Its purpose was, in part, to support deserving writers, so its rates were generous: $500 was paid to each poet whose work was selected for republication.

The jury of distinguished poets who acted for the *Anthology*, selected the work I referred to as one of the outstanding poems of the year. Their judgment was not questioned. So, one page of *The American Literary Anthology, Volume 11*, became a point of intersection, a *rendevous*, for two widely separated aspects of contemporary culture: a very large payment, by conventional standards, and a very small product.

I should, of course, add that the size of a poem is not a measure, either of its worth, or of the effort that its creation requires. It was explained to me by an enthusiast of Concrete Poetry, that the author of *Lighght* had succeeded in compressing into one word the entire history of an important school of theology. In turn, if the author were asked how long it took him to write the poem, he might reply, as Whistler did: *a lifetime*.

Granting these considerations, the gap remains.

A Congressman seized upon the poem as evidence of the pointless profligacy of public patronage of the arts. A number of newspapers promptly endorsed his view. The poem, in a matter of weeks, reached a level in the national consciousness second only to Joyce Kilmer's *Trees*. The White House and the Congress were flooded with letters from outraged taxpayers, demanding the abolition of the National Endowment for the Arts.

It was my good fortune, a year ago, to answer many of these letters, and to visit with the Congressmen who were receiving them. I learned quite quickly that I could not take refuge in the fact that the total appropriation available to the Endowment amounted to one cent in every two hundred dollars of the Federal budget. Nor could I murmur that a single miscalculation on the part of the Pentagon could cost the same taxpayers more than the Endowment, in its wildest moments, would dream of spending over the next fifty years. The comparison, I was reminded, was invalid: armaments are essential to the nation's survival, the arts are not.

This irritating but predictable episode could be cited in opposition to public patronage of the arts. The White House did not see it in that way. Neither did the House

of Representatives which, in June, voted by the resounding margin of 262 to 78 to sanction the continuing growth of the Endowment. Nonetheless, the episode points to a continuing threat to public patronage—the gap between our artists and our nation.

The Endowment is one thread, stretched across that gap. If it is stretched too far, it will be broken, as earlier attempts to create public patronage were broken in the Thirties, the Forties and the Fifties. It will survive if its limitations, as well as its possibilities are understood. It cannot be given sole responsibility as a patron. It cannot cover every expression of art. Between the outer and the inner boundaries of free speech, there is a realm in which artistic expression is entitled to the protection of the Constitution and yet is inappropriate for government endorsement and support. As it moves along the boundary line, ill-defined as it is, the Endowment is made to learn that it is guarded by high voltage wires. The Endowment, as a branch of government, cannot be a party to subversion. It cannot be expected to promote art whose aim is violence, or whose form is obscene. These are limitations on public patronage of the arts, when one function of the arts is to reflect the anger, the frustration, the desire to cast off all inhibitions that are present in our nation. But, the limitations are marginal rather than central, by the standards we have set. They would become central and crippling only if the artists themselves made them so.

The attitude of our artists is of course determining. The gap will be closed when artists regain the desire and the capacity to communicate with the majority of citizens. It is for the moment perpetuated because many artists still seek security within the enclaves which they have inherited, and to which they have become accustomed. Our security-minded musicians resist change in our symphony orchestras, relying on the defensive clauses of a union contract as the French army once relied on the Maginot Line. Our politically-minded painters announce that they will boycott the city run by Mayor Daley. Chicago, which could care less, continues to be torn down and rebuilt by businessmen and engineers. Our writers meet to confer honors upon each other; in the libraries of many high schools and army posts, the shelves marked "Contemporary Literature" are bare.

Our artists need to raise their own horizons; to believe in themselves. The nation will take them seriously only when they take seriously their own role in our national life.

VI

We come, in closing, to the fourth belief voiced by Yeats: that a new society may be created through the arts if the arts in turn can build upon wise and generous patronage; upon what Yeats called "the right twigs for an eagle's nest."

The metaphor is precise. The patron is in no sense the creative equal of the artist, and still less, his master. He is diminished in scale by the metaphor to the tiny proportions of those donors who can barely be seen, kneeling devoutly in the lower corners of 15th Century portrayal of the Holy Family and the surrounding saints: the role of the patron is, simply to assemble the twigs.

That seems to me to be exactly right. But, $30 million worth of twigs is quite a bundle. And, we will need more. For the present, the problem of arts organizations throughout the nation is: how can we meet next Friday's payroll? But, if we can get by the Fridays of the next decade, there are, it seems to me, reasons for optimism.

One is the promise that technology offers to the performing arts. For the moment, the television sets that suffice for Rowan and Martin, cannot do justice to *The Magic Flute*. But, electronic technology is still in its infancy. We will, before long, be able to be present when the lights are dimmed in the Music Center; when the conductor takes his place, and the audience falls silent, in Severance Hall; when the curtain rises in the Minneapolis Theatre, or in the Metropolitan. We will be able to see and to hear all that follows, with the scale and the fidelity to sound and color that the occasion requires. The performance will be live, and not a recapitulation. The arts will gain what they must have, in return for national support—a national constituency.

If, then, the arts become more accessible, is there any assurance that the majority of citizens, or even a significant minority, will demand more, in the way of artistic content, than they receive, on radio and television today? The answer, it seems to me, lies plainly in education, and, contrary to Eliot's conclusion, there is every reason to believe that cultural standards can and will be heightened through our schools. In the newly-created, and very small programs of the Endowment, almost three hundred painters and sculptors and over three hundred poets, are now at work in school systems in every state; helping to release the artist that is present, but perhaps imprisoned, in every child. The program is capable of indefinite extension—to music, to dance, to design, to architecture and town planning. In all of these areas of imagination and of action, the gains are demonstrable by now; the direction is plain.

The Fifth Graders who are writing poems in P.S. 61 in Manhattan; the Tenth Graders who are designing and assembling model cities in St. Louis, will, before long, be adults, seeing more, demanding more, than we see and settle for today. They will be perplexed by remarks such as these, in which distinctions are drawn between "art" and "entertainment." They will be amused to think of us, scrambling to secure ten cents a head, for the arts this year, from the Congress. The twigs are tiny, but, enough of them, if they are well assembled, can bear a good deal of weight; can provide a substantial nest, from which the eagles of the next century will spring.

THE ABBEVILLE HIGH SCHOOL BAND

Mr. THURMOND. Mr. President, the State of South Carolina was highly honored during the recent Cherry Blossom Parade and festivities held here in Washington. On this occasion the Abbeville High School Band from Abbeville, S.C., won first place in two categories of national competition.

In the open marching category, this band, under the able direction of Mr. Leland Scott, captured first place in competition with 84 other bands of all sizes from across the country.

Mr. Scott's Abbeville Band also won first place honors in the parade category, competing with other bands numbering 75 or less in membership.

Winning first place in two areas of national competition is no small achievement, and I wish to pay tribute to all the members and to Mr. Scott, who was assisted by Mr. Larry Cook, the assistant band director for Furman University in Greenville, S.C. The band captain is Miss Patty Dellinger, a senior at Abbeville High School, and the drum major is Phillips Jones, a sophomore.

Mr. President, this talented group has won the AA State championship for marching in South Carolina high schools for the past 4 years.

This was their first year to compete nationally in the Cherry Blossom Parade, and their accomplishment reflects the excellent leadership of their directors and the devotion and discipline of each of the members.

I wish to pay tribute to Miss Judy Anderson, who is one of the assistant band directors, and to the members of this outstanding Abbeville Grenadier Band, and they are: Marva Koerber, Judy Floyd, Demarice Copelan, Sheryl Broome, Carolyn Fleming, Ralph Koerber, Jennie Wilson, Beth Jones, Lisa Haygood, Pam Hammonds, Tara Beckwith, Susan Beckwith, Patsy Rawls, Mike Epps, Dianne Ferguson, Barry Baughman, Henry Gilliam, Marvin Koerber, Johnny Goin, Johnny Wells, Jean Broome, Rusty Patterson, Skip Wilson, Larry Partridge, Karen James, Barbara Alexander, Dianne Saxon, Jeri Moats, Deborah Sentell, Joyce Broome, Raney Gillispie, Junior Hammonds, Tommy Ferguson, Benny Rambo, Russell Williams, Joe Hawthorne, Ross Campbell, John Waldrop, Eric Moats, Jack Moss, and Rosmary Chandler. Additional members are: Janet Kizer, Jane Campbell, Holly Perkins, Johnelle Mabry, Jane McMillan, Bobby Bowen, Clara Peeler, Rene Hagen, Becky Hammonds, Janice Pelfrey, Cathy Copelan, Debbie Settles, Cheryle Caldwell, Billy Mims, Janis Floyd, Billy Ward, Neil Keith, Carl Floyd, Beth McMillan, Donnie Cobb, Carl Wright, Cynthia Ferguson, Cheryl Arnold, Gail Bolts, Patricia Hammonds, Nancy Lind, Ree Dugan, Cheryl Telfrey, Laurie Gillispie, Joey Savitz, Ricky DeLoach, Bobby Jackson, Jim Wilson, Art Davis, Bobby Driggers, Tommy Driggers, and Jerry Ware.

Mr. President, several articles, congratulatory editorials, and letters to the editor have appeared in South Carolina newspapers lauding the achievement of this Abbeville High Grenadier Band.

I ask unanimous consent that an article written by Fletcher Ferguson, which appeared on page 1 of the April 7 issue of the Press and Banner of Abbeville, S.C.; an editorial entitled "True Champions Again Prove Themselves," published in the April 14 issue of the same paper; and a letter to the editor in that same issue, written by Rev. C. M. Smith and Joe Brubaker, of Abbeville, be printed in the RECORD.

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

ABBEVILLE HIGH GRENADIER BAND NATIONAL MARCHING CHAMPION: DIRECTOR SCOTT'S UNIT ALSO WINS FIRST IN CHERRY BLOSSOM FESTIVAL PARADE

(By Fletcher W. Ferguson)

The Abbeville High School Grenadier Band came home from Washington, D.C., and the annual Cherry Blossom Festival last Sunday with the national marching championship and a Cherry Blossom Grand Parade divisional championship, achieving a goal its members and Director Leland S. Scott had set out to accomplish several years ago.

Like the "Man of La Mancha," the band had set out in quest of what many termed "The Impossible Dream," but last weekend it became reality—Abbeville's first national championship in any kind of competition.

The unit received a hearty farewell the prior Monday evening when it presented a "Cherry Blossom Preview" at the Abbeville

Plaza parking lot, but it was accorded a tumultous ovation when its members debarked from three chartered buses at the high school band room Sunday night.

The story began back some six years ago when the Abbeville band won the Class A inspection championship, its first award ever in South Carolina state competition. The following year, it placed third in the marching competition for "another first."

Then came the "break through" when in 1967 it was crowned the State Class A champion and people about the Palmetto State began to take serious notice of the then Panther Marching Band.

The following year it moved up to Class AA and again the state championship, plus a fourth place finish in national competition at The Mardi Gras in New Orleans. Along the way, the unit was piling up trophies in various and sundry competitions and through its excellent performances in the "Music In Motion" program at Forest City, N.C., and later here, it became one of "The Bands" in the two Carolinas and Georgia.

Last spring, a scant few points separated Abbeville from the tremendous-size band of Liberty High School, Bethlehem, Pa., as it ranked second in all phases behind the Bethlehem unit in the "Festival of States" competition at St. Petersburg.

Later on in the spring, it was decided to change the band style to Grenadier, which meant a tremendous outlay of money and revamping of marching and playing tactics.

The effort paid off and Abbeville won the Class AA competition at the Furman University Band Contest, captured class and overall honors at the S.C. Upper State Fair, won its fourth consecutive South Carolina State marching championship and missed the overall title by one-half point in an after-competition decision following a tie for first place, won the Class AAA drill championship at the Carolinas Carousel in Charlotte and then took the title trophy in the big Greenville Christmas Parade.

Last Thursday morning, after but a few hours rest, the Grenadier Band showed its collective heels to 17 other top-rated bands from throughout the nation in the Cherry Blossom Festival national competition by taking the marching championship. Several of the military judges for the occasion, which include strict inspection, commented upon Director Scott's unit as "the finest high school band" they had ever seen.

The Grand Parade championship came in a separate competition, participated in by 86 bands classified according to the number of bandsmen. Abbeville, with 84 boys and girls in its overall marching unit, competed in the under-75 bandsmen class (which did not count drill teams, color guards, majorettes, ets.). It was the biggest classification in the parade.

That Abbeville had won a national championship was the "word of the day" in the area from Friday afternoon when the announcement was made until the three buses rolled in about 9:15 p.m. Sunday. The return had been set for "between 10:30 and 11," and the arrival ahead of schedule set a record in itself.

The party was again fortunate to have Patrolman Jack Mitchell of the S.C. Highway Department as escort, a job he so ably handled when the band went to St. Petersburg last spring. Also accompanying the band and lending a hand to Director Scott was Joe Cook, assistant band director at Furman University. Both Mrs. Mitchell and Mrs. Cook were also in the party.

Several "band grads" and a few others were of the opinion that the unit deserved special recognition when it reached home. Upon entering the bandroom, Director Scott, Assistant Director Judy Anderson, bandsmen and chaperones found a replica of the Washington Monument sitting in the middle of the room, a shy Grenadier aside a pennant which read "We're No. 1," and several other banners indicating recognition of the accomplishment.

Members of the Band Booster Club had refreshments awaiting the group when it arrived.

Whatever other honors Abbeville—the City, County or area—may win, it will take something extra ordinarily special to top the thrill of this first National Championship, brought home by the Abbeville Grenadier Band of 1970–71.

TRUE CHAMPIONS AGAIN PROVE THEMSELVES

The Abbeville High Grenadier Marching Band has been hailed as the "top news getter" in Abbeville County and that it surely is. On more than one occasion during the current school year, it has received national recognition.

Surely the past week end of activity at the Cherry Blossom Festival in Washington, D.C. enhanced the prestige of this fine unit and sponsored considerable favorable recognition and publicity for Abbeville High School and Abbeville County.

Competing with 18 championship bands from various parts of the nation, the Abbeville contingent was accorded 1st Overall Marching, 4th Overall as Best Band and in the big parade was rated 1st in bands under 75 (musicians). This is quite a collection of awards to add to the numerous proofs of proficiency already accorded this unit.

It is most difficult to continuously praise this unit. One finds a paucity of word combinations to express the depth of praise and appreciation for what these young people are contributing to their school, their county and their state. Surely there is a proper appreciation here and throughout South Carolina for their contributions and fine representation; surely, too, there is a proper appreciation for the long hours of practice and the determination to achieve perfection not only in musical renditions, but in all aspects of a marching band.

We are grateful; we are thankful.

APRIL 7, 1971.

ABBEVILLE HIGH SCHOOL BAND,
Care of Mr. Leland Scott,
Abbeville High School,
Abbeville, S.C.

DEAR BAND: The Administrative Board of Grace United Methodist Church at their regular meeting April 4th 1971 passed a resolution asking us to express to you our deep appreciation for the splendid way you represented Abbeville High School and Community at The Cherry Blossom Festival in Washington last week.

We feel you not only win trophies but you represent many of the things that we of the Church stand for by your discipline, your attitude, and your vitality. We can always count on you to conduct yourselves in such a way that it makes us proud.

Keep up the good work and remember we are pulling for you at all times.

With heart felt regards:
CMS/pdm

Sincerely,

C. M. SMITH,
Pastor.
JOE BRUBAKER,
Church Lay Leader.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. PEARSON. Mr. President, I was necessarily absent last Monday when the Senate considered the Emergency School Aid and Quality Integrated Education Act of 1971. Of the first three votes recorded, my position has been previously indicated. I wish now to indicate that had I been present and voting on the final three amendments numbered 41, 42, and 37, offered by Senator ERVIN, I would have voted "nay."

I ask unanimous consent that the permanent RECORD reflect these positions.

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

THE VIETNAM WAR

Mr. HRUSKA. Mr. President, on April 7, President Nixon briefed the American people on the war in Southeast Asia. He wanted to present the latest facts so that, as he put it, Amercians could judge for themselves the success or failure of our policy in Vietnam. During a press conference on April 29, the President gave the people more information on the war.

Mr. President, it is my firm conviction that most Americans will give President Nixon the continued support he requested. Unfortunately, a few people had already judged the President's policy before he spoke. These people were naturally the first to criticize. Indeed they spoke out against his policy almost before he had finished speaking.

It is true that no dramatic, theatrical announcements were made. No dates were set for complete troop withdrawal. No promises were made for instant peace. Instead, the President discussed frankly how far we had come in this war and where he believed we are heading.

The President's noisiest critics know him well enough to concede he will adhere to the goal of getting us out of Vietnam—and in a way that will help to build world peace. Knowing this, they chose to condemn and criticize without listening to the President's words. But the American people were listening, and I believe they appreciate the President's courage in following the path that will bring us peace at a price we can afford.

An increase in the monthly rate of withdrawal from 12,500 to 14,300 was announced on April 7. This will bring another 100,000 troops home between May 1 and December 1, 1971. It was promised earlier that our forces would be down to 284,000 by May 1, 1971. We actually reached that figure ahead of schedule in mid-April.

Mr. President, if this is widening the war and increasing our involvement, as some critics proclaim, then this Senator's ability to perform simple subtraction is seriously impaired. In April of 1968 we had 543,000 American boys in Vietnam. Two years later we have 284,000 over there. President Nixon has brought 259,000 troops home during that period—this is indisputable. It is now equally clear, no matter how his detractors complain to the contrary, that the success of allied actions in Cambodia and Laos have allowed the President to keep to and increase his withdrawal rate.

In his address to the Nation, President Nixon asked the American people to look at the record in deciding whether to support him. He said that every decision made has reduced American involvement and casualties. Mr. President, it is this record which I support. Because I am absolutely committed to ending this war, I could not in good conscience support

the President if his accomplishments were not so clear and convincing.

Americans are tired of this war, and with good reason. It is now clear that the involvement of our country in this war is coming to an end. The key question at this point is how we end it. We must not let our desires to see an early end obscure this vital question.

The American people are tired of an ineffective welfare system, rising medical costs, higher prices, and other ills which need resolution. Yet few would contend that these problems could be corrected overnight in any meaningful way. In the same way there is no instant solution to extricating us from Southeast Asia without seriously jeopardizing our future hopes for world peace. It took a number of years and hard work by two previous administrations to get us as deep into Vietnam as President Nixon found us when he took office.

Now that the course of our involvement has been turned around and the end of the road is in sight, several self-announced experts on the war want an immediate termination. This would be both unrealistic and unwise. On April 7, the President repeated his offer to Hanoi of an immediate ceasefire and release of prisoners of war, complete withdrawal of outside forces, and a political settlement. I have not heard that this offer was accepted by Hanoi. It will surely not be accepted so long as North Vietnam believes there is any possibility of a unilateral withdrawal of American forces in the near future.

The President has more recently proposed the transfer of all prisoners of war on both sides to a neutral country like Sweden. I have not heard that this offer was accepted, nor do I expect to in view of Hanoi's past record.

Unfortunately, Mr. President, there are those in this country and in this body who have fostered Hanoi's hopes in this area by continually calling for immediate withdrawal or a fixed withdrawal date. We do not need this, no matter how honest the convictions from which these calls arise. We need to get firmly behind the President in his careful and logical plan for getting us out of the war. By doing this we will further guarantee the success of his program and increase the possibility of withdrawal at a still greater rate.

In order to compare the trends of our involvement in Vietnam, I ask unanimous consent that several summaries be printed in the RECORD.

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

Troop strength

[Democratic Administration]

December 1965	184,300
December 1966	385,300
December 1967	485,600
December 1968	536,100

[Republican Administration]

April 1969	543,000
November 1969	480,000
December 1969	474,400
April 1970	425,000
October 1970	384,000
December 1970	344,000
February 1971	330,000
April 1971	284,000
Projected December 1971	184,000

Combat deaths

[Democratic Administration]

1965	1,369
1966	5,008
1967	9,378
1968	14,592

[Republican Administration]

1969	9,414
1970	4,221

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

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

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of Calendar No. 93, S. 421.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 421) to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents.

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. STENNIS. Mr. President, the purpose of this bill is very plain, and its application is very limited. We have a law on the books now that provides special educational benefits and care for retarded children of men in the service.

That bill was so drawn that in the case of a very fine sergeant in Vietnam who was killed in action, his child was automatically cut from the rolls under the law as written, at the very time his family most needed the benefits of the general act.

This amendment to that general act is limited in its application. It would apply only in cases like that, where one is on the rolls and is entitled to the benefits and the father dies while he is eligible for receipt of hostile pay.

The amendment would provide that his dependents shall not be cut off. The bill passed the Senate last year, and it went to the House. It was not rejected by the House at all, but was amended and came back over here, as I recall, in the rush of things at the last minute, and the Senate did not get to take it up or get it to conference.

I feel sure that the membership understands that the bill was reported unanimously.

The PRESIDING OFFICER (Mr. TALMADGE). The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

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

ORDER FOR ADDITIONAL TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

MAY DAY WAS "GREEN-UP DAY" IN VERMONT

Mr. AIKEN. Mr. President, several times recently, I have advised the Senate of things going on in Vermont which have lent and can lend encouragement and inspiration to the other States.

I now have to report another event which could have far-reaching results.

Last Saturday, May 1, a successful demonstration occurred in my State.

This demonstration—called Green-Up Day—was put on largely by our young people and extended into every community throughout the length and breadth of Vermont.

Young people rose early last Saturday morning—I understand about 75,000 of them—and began scattering over all the highways of the State—interstate, State-Federal, and local roads.

By 9:30 a.m., every mile of the interstate highway had been closed to the traveling public, with State police guarding the access roads.

The interstate highways remained closed until 12:30 p.m., when they were again opened to the public.

During this time, what did the young people of Vermont do?

They collected virtually every glass bottle, every metal can, every scrap of paper which had been cast onto the roadsides by careless and unthinking people.

The result was that by Saturday evening Vermont was undoubtedly the cleanest State in the Nation.

State officials reported to me that several hundred thousand cans were collected which filled five huge tractor trailer trucks.

The cans will be taken to Albany, N.Y., where they are being put through a recycling process for eventual reuse.

The glass containers are being shipped to Dayville, Conn., for recycling.

So successful is the can recycling activity that I understand several Vermont towns are now considering ways to collect cans on a year-round basis and sell them to can companies for recycling on a continual basis.

In order to pick up the litter, some 200,000 30-gallon-capacity plastic bags were distributed throughout the State, as well as some 40,000 reinforced paper bags.

By Saturday morning Green-Up Day officials discovered that they needed more bags to collect the litter.

So some 12,000 additional bags were purchased and airdropped by the Civil Air Patrol to key airports throughout the State of Vermont.

Green-Up Day involved many citizens and many industries—State and local

governments participated by donating trucks to pick up the refuse.

The spirit of Green-Up Day was infectious, and I understand that Governor Sargent of Massachusetts sent an observer to watch the activities.

What this country needs is more successful demonstrations like the one which occurred in Vermont on May Day—a demonstration which gives our young people something constructive to work for and leaves our roadsides clean and attractive.

Mr. President, I want to add that Vermont was honored on May Day, last Saturday, by the presence of the distinguished majority leader of the Senate. I do not know whether he was there planning to demonstrate with the young people, but I am satisfied that he was impressed, because Sunday morning, when we drove 40 miles to the airport, we did not see one single scrap of paper, one bottle, or one can along the roadside.

Also, Mr. President, I ask consent to have printed in the RECORD at this point a story appearing in today's Christian Science Monitor, entitled "Greening of Vermont."

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

"GREENING OF VERMONT"

(By Monty Hoyt)

The Green Mountain Boys never had it so green.

The largest cleanup operation in the nation, Vermont's second annual Green-Up Day, attracted 75,000 over the weekend who scoured the state's highways and streets collecting an estimated 36,000 cubic yards of roadside rubbish.

By noon the cry went up in many parts of the state: "We're out of trash."

Lured by the warm, inviting weather of a sunny May Day, thousands of Vermonters took to the highways and byways carrying their litterbags behind them. Many enthusiasts jumped the gun by cleaning up their yards in advance and in areas where the snows had melted earlier, the "Greening of Vermont" had been going on for several weeks.

Greening up has become a year-round way of life in many Vermont communities. In Calais for example, townsfolk have offered their barns for storing bottles, cans, and paper until they can be properly separated and collected.

OUT-OF-STATERS BEWARE

Out-of-staters should beware that Vermonters intend to keep their state green, too. Litterers can be fined up to $500; and, as happened recently, one offender found himself clearing debris until his sentence had been worked off.

The assault on litter, even more successful than last year in terms of the numbers of volunteers, carried a new environmental twist: Many of the cans and bottles collected are to be recycled.

Sponsors of the first statewide recycling project estimate that as many as 1 million cans are being trucked to the Continental Can recycling center in Albany, N.Y., as a result of Saturday's green-up effort. Sorted bottles go to a glass manufacturer in Dayville, Conn. Fewer areas of the state participated in the bottle recycling project because bottles had to be color separated into greens, browns, and whites before taken to collection centers.

To continue the recycling effort, Vermont bottlers have volunteered on a year-round basis to pick up cans and bottles from towns that will collect and sort them. An experimental collection center will be started this week in Burlington, which if successful will be started in several other cities.

INTERSTATE HIGHWAYS CLOSED

Vermont's interstate highways were closed from 9 to 12 in the morning to aid the volunteers working along the rights-of-way. Visitors to the state were stopped along the border, handed litterbags and literature about the campaign, and invited to join in the clean-up. As happened last year, sightseeing Canadians entered into the spirit of things and helped in the antilitter campaign.

James Fayette, president of the Vermont Bottlers Association, enthused: "It has made Vermonters litter conscious. They'll find they start putting even gum wrappers in their pockets," he said.

"This is the greatest statewide education program in environmental matters I've seen," the green-up coordinator Joseph T. Newlin allowed. But he added: "Hopefully, we won't have to do this every year. The object is to educate the people not to throw things away. Recycling is the ultimate answer to solid-waste-disposal problems."

16 PERCENT TURNOUT

Although 16 percent of the population turned out on statewide basis, some of the rural areas drummed up almost a total citizen effort.

In Windham County in the southwest part of the state, 4,000 volunteers collected 11,000 bags of refuse, including 500 bags of cans. Plastic green-up bags were colored coded—green for cans and beige for paper and bottles—to make sorting easier for collection vehicles picking up the litterbags along the roads.

Tiny Charlotte, Vt., became so involved in greening up that several town mothers banded together and prepared one of those delectable, old-fashioned community suppers for the volunteers. The noontime guests numbered more than 400 and included the Governor.

Since 75 percent of the participants were teen-agers or younger, the tenor of the day almost took on that of a scavenger hunt. Last year's scouts found items as varied as fox tails and wall safes. But this year's winner was a Putney, Vt. youth who found a $100 bill.

Gov. Deane C. Davis toured the northern counties by air and car to view the progress; Lt. Gov. John S. Burgess covered the activities in the southern part of the state.

In his tour, the Governor noted that less trash was found along the roadside, indicating "the educational program of the past year has been paying off."

FOCUS: RESIDENTS SUPPORT "THE GREENING OF VERMONT"

Green-up coordination Mr. Newlin reported 90 percent of the 10,400 miles of roads in the state had been covered by the sweeping broom of volunteers.

Mr. Newlin stressed the voluntary nature of the project: More than 200 state highway trucks, National Guard vehicles, and numerous private vehicles helped pick up the litter bags. The use of 100 trucks and 20 trailers was donated by the state's malt and beverage dealers for collecting cans and bottles for recycling.

Almost without exception, everyone working donated his time and services.

The entire promotion, including advertising and plastic bags, cost $17,000, Mr. Newlin said. But he attributed Green-Up Day as a major factor in reducing the annual $200,000 costs for the Highway Department's clean-up program.

Visitors to the state could not but be impressed by the high degree of civic cooperation and organization in Green-Up Day. The end result—miles and miles of roadside greenery unscarred by thoughtless litter—appeared to justify the means. For as one roadway sign proudly proclaimed: "Today Vermont becomes the Clean Mountain State."

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Vermont yield?

Mr. AIKEN. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. I want to extend to the State of Vermont, through the distinguished senior Senator from Vermont (Mr. AIKEN), and its Governor and first lady, Governor and Mrs. Davis, my congratulations for undertaking the kind of cleanup job achieved on Green-up Day on last Saturday, May 1. It was a May Day expression in the finest American tradition.

People of all kinds—young, old, and in between—businessmen, farmers, workers, all went out on the roads and into the towns and villages doing a remarkable job of cleaning up.

Of course, we have come to expect that the great State of Vermont would be first in everything, and once again she is first in inaugurating a Green-up Day.

I understand that the first application of this kind of May Day demonstration was on May 1, 1970—a year ago.

I must say, I was tremendously impressed and pleased with the way the people of Vermont worked together to clean up their State, although it really did not need much cleaning up.

I was particularly impressed by the fact that they closed the interstate road system and no traffic was allowed on the freeway. Everything was cleaned up and as we came back on Sunday from Vermont, all I can say is that Vermont looked as clean as a whistle.

Mr. AIKEN. It would be a wonderful thing if we could have another demonstration, and clean up all the streets and all the main roads and the back roads for many miles around Washington, D.C., as well as other cities in this country of ours.

Mr. MANSFIELD. The Senator from Vermont will recall that I made a suggestion that the other 47 contiguous States might do well to follow the example of Vermont and set aside at least 1 day each year as "Green-up Day."

This is really news, because it is a return to some of the old virtues which made this Republic what it is today.

Mr. AIKEN. We had observers from neighboring States. I think that they will probably follow our example now. I hope so, anyway.

Mr. MANSFIELD. They should.

QUORUM CALL

The PRESIDING OFFICER (Mr. TALMADGE). What is the will of this Senate?

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business again be concluded.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. There is no pending business before the Senate.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA, SENATOR THURMOND, AND SENATOR BYRD OF WEST VIRGINIA TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the senior Senator from Virginia (Mr. BYRD) be now recognized for not to exceed 15 minutes, following which the Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 10 minutes, following which the junior Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

PRESIDENT NIXON'S VIETNAM ACTIONS PLACED IN PERSPECTIVE

Mr. BYRD of Virginia. Mr. President, as the Nation's Capital is being harassed by antiwar demonstrators, it is worthwhile, I think, to put President Nixon's Vietnam actions in perspective.

President Nixon had nothing to do with sending combat troops to Indochina.

It was the administration of Lyndon B. Johnson that propelled the Vietnam war into the longest—and one of the most costly—in American history.

President Johnson began large-scale combat operations in Vietnam in the spring of 1965. He and his Secretary of Defense, Robert S. McNamara, then began to send more and more American military personnel to Vietnam, until the total for a particular time reached 540,000. All together, 2½ million Americans have served there.

It was more than 4 years ago that I began to speak out against the Americanization of the war in Indochina. It was more than 4 years ago that I began to continually call the attention of the Senate and the Nation to our current casualties and the need to deemphasize America's role in this war, the need to encourage the Asians to fight their own battles.

From the very beginning, I stated that it was a grave error of judgement for the United States to become involved in a ground war in Asia. But when President Johnson, under his authority as Commander in Chief, sent troops to Indochina, I consistently supported those troops.

From the beginning, it has been my deep conviction that U.S. involvement in a long war in Southeast Asia is not only costly in lives and treasure to Americans, but is also highly advantageous to our chief adversary, the Soviet Union.

With that thought in mind, I had a standard question which I put to every high official of the Department of Defense who came before the Senate Armed Services Committee. That question was: "In your judgment, is U.S. involvement in a long war in Southeast Asia advantageous to the Soviet Union?"

I was deeply disturbed and alarmed at the attitude of Secretary of Defense McNamara and his top civilian advisers. To me, it was clear that they did not regard U.S. involvement in a long war in Southeast Asia as being advantageous to our chief adversary Russia.

As a result, there was no sense of urgency in the Department of Defense under Mr. McNamara to bring the war to an end. As a matter of fact, it was the very foolish McNamara policy of a so-called limited war that in fact prolonged the war and increased the casualties. The McNamara line—which one heard throughout official Washington during 1966, 1967 and 1968—was the "merits" and "sophistication" of a limited war.

So when President Nixon came to office in January 1969—only a little more than 2 years ago—he was faced with a critical situation not of his making. At that time, 540,000 Americans were in Vietnam.

President Nixon; the new Secretary of Defense, Melvin R. Laird; the President's Foreign Affairs advisor, Dr. Henry Kissinger; and the Secretary of State, William P. Rogers, decided to reverse the Johnson–McNamara program of sending more and more men to Asia, and instead began a program of steady withdrawal.

Instead of 540,000 Americans in Vietnam, President Nixon has reduced that figure by more than 50 percent.

He is continuing his withdrawal program, and at the same time, he is concentrating on developing the Vietnamese to a point where they have a reasonable chance to hold their own against invaders from the North.

So I say the facts are—and the figures show—that President Nixon, in a short period of time, has made progress in bringing about American disengagement. In a few more months, American troops will no longer be assigned to combat missions.

Those who continually condemn the President for not moving fast enough should, I feel, give him credit for what he has done.

Instead of putting more and more men into Vietnam, as was done by President Johnson and Secretary McNamara, he has been taking more and more men out of Vietnam.

Instead of following the McNamara policy that a long, limited war in Southeast Asia is somehow advantageous to the United States—or at least not disadvantageous to the Soviet Union—President Nixon has stated loud and clear that he wants this war brought to an end, and he has taken firm, clear, precise and definite steps to bring American involvement to an end.

Over the weekend, I read again the official testimony of 4 years ago of high Defense Department officials before the Senate Committee on Armed Services.

The testimony, to my mind, made clear that the McNamara team in the Defense Department had no sense of urgency in bringing the war to an end.

I shall quote from the testimony of only two, but these two, in my judgment, personified the basic civilian thinking in the Defense Department under Secretary McNamara.

First, I quote from the hearing on June 28, 1967, when John T. McNaughton, of Illinois, Assistant Secretary of Defense for International Security Affairs, was nominated to be Secretary of the Navy.

The following is a part of the colloquy that I had with Mr. McNaughton:

Senator BYRD. Let me ask you this question.

During the past 2 years do you feel that the war has greatly widened?

Mr. MCNAUGHTON. Widened during the past 2 years? No.

Senator BYRD. Now, could I recite what seems to me areas where it has been greatly widened. Two years ago, that is, April of 1965, we had 29,000 ground troops in Vietnam. Today, we have got in round figures 462,000 ground troops in Vietnam. Now, it seems to me that so far as the American people are concerned that the war has been greatly widened.

Mr. MCNAUGHTON. I agree that the war has "widened" if you use the word "widened" in that sense.

The war has been greatly intensified.

Senator BYRD. It has not been widened insofar as going beyond the physical boundaries of Vietnam?

Mr. MCNAUGHTON. That is correct.

Senator BYRD. It has not been widened insofar as bringing in additional allies to help us?

Mr. MCNAUGHTON. Well, we have gotten some additional allies. The Koreans and the Australians and New Zealanders and the Thai and the Filipinos have all contributed forces in that period, a total of over 50,000, between 50,000 and 60,000 forces.

Senator BYRD. While it hasn't been widened beyond the borders of Vietnam, it may be widened so far as the contributions of the American people are concerned?

Mr. MCNAUGHTON. It has intensified in that sense; that is correct.

Senator BYRD. Intensified both in regard to manpower and in regard to economic resources?

Mr. MCNAUGHTON. That is correct. And furthermore—a correction of my original answer, Mr. Senator—the actions against North Vietnam have been intensified in that period.

Senator BYRD. During that same period of 2 years, while the American ground forces were being built from 29,000 to 462,000 today, the harbor at Haiphong has been an open harbor insofar as cargo going to the Vietnamese enemy is concerned; is that correct?

Mr. MCNAUGHTON. That is correct, with minor qualification. There have been some strikes on some facilities. The answer in substance is "Yes."

Senator BYRD. In other words, while the war has been greatly widened insofar as the American people are concerned in the way of combat troops, and in the way of economic resources, we have done nothing to shut off the supplies going through the harbor at Haiphong?

Mr. MCNAUGHTON. For practical purposes, that is correct.

Senator BYRD. Do you see an end to the fighting in Vietnam within the next 12 months?

Mr. MCNAUGHTON. It could happen. But this is a matter of probability. I think it is unwise for me to say something which could be taken out of context and construed to imply optimism or pessimism. There is a chance.

Senator BYRD. Do you see a long war?

Mr. MCNAUGHTON. We have already had a long war, Senator. I believe the best chance for a short war is to be prepared for a long one. The best chance to shorten the war is to be dug in with absolute perseverance to see through a long war if necessary.

Senator BYRD. Is a long war in Vietnam to the advantage of the Soviet Union in your judgment?

Mr. MCNAUGHTON. This is similar, Senator, to a question put to Mr. Nitze. And I would answer about the same way. I think that the Soviet Union on balance wants to see the war ended, but not if she has to take steps to bring it to an end which would work to her disadvantage, and not if it came to an end on terms that would severely disadvantage her. And, therefore, the question can only be answered in terms of what the outcome is likely to be. I think the Soviet Union would like to see the war brought to an end on terms acceptable to her.

Senator BYRD. Do you feel that with the United States so deeply involved in Vietnam, suffering heavy casualties, and fighting a very costly war from an economic point of view, that it is or is not to the advantage of the Soviet Union to keep it going?

Mr. MCNAUGHTON. I think that it is to their disadvantage to keep it going. And I would like to make this strictly a personal opinion, Senator.

Senator BYRD. In all of these I am seeking your own personal judgement.

Mr. MCNAUGHTON. I am labeling this clearly so that there is no misundertanding.

Senator BYRD. I was hoping that all of this would be your judgement.

Mr. MCNAUGHTON. Yes.

I think that the military power of the United States is greater today than it has ever been. I think that the Soviets do not think of the war in Vietnam as something that is weakening the United States in the way you implied your question. I have forgotten the final sentence of your question, but I do not think that they want to keep the war going in order to weaken us. I do not believe that.

Senator BYRD. You do not believe that. I must say that I am 100 percent in disagreement with you.

Mr. MCNAUGHTON. I am sorry that we are in disagreement.

Senator BYRD. I respect your opinion.

To get back to my original question, to which I assume your answer would be "No," the original was this: Is a long war in Vietnam to the advantage of the Soviet Union in your own personal judgment? I assume your answer is "No" to that question.

Mr. MCNAUGHTON. The answer is "No, if they can bring it to an end on terms that fall within their shaded area of acceptability."

Senator BYRD. If they can accomplish all their objectives, perhaps they would like to. But assume they don't accomplish their objectives.

Mr. MCNAUGHTON. They have some minimum objectives. I don't know what they are, unfortunately. But I would suspect that they would like to see this war brought to an end. They do have the problem that Secretary Nitze raised, of their position in the world; and they cannot be in a position of running out on a colleague, or of being put in an embarrassing position vis-a-vis China. They have a very complex problem to face, too. So I just can't answer your question yes or no.

Senator BYRD. I have been fearful that a great many individuals in high positions in our Government have taken that view—that the Russians will not be advantaged by a long war. I can't help but believe that a long war logically from every point of view is an advantage to Russia. We are losing men every day. We have these great economic commitments to Southeast Asia, and the Russians have an opportunity to hit us elsewhere and stimulate adverse activity elsewhere as they did in the Middle East.

But anyway, your judgment may be right and my judgment may be wrong.

Mr. MCNAUGHTON. Let me add, Senator, that we do not, in our decisions or behavior, count on my being right or your being right on this point.

Senator BYRD. I think it is very important, though, what is the real thinking of the men who have to make these vital decisions. And to me it is a matter of vital consequence whether or not they believe that a long war is to the advantage of the Soviet Union. And I can't help but see that a long war is to the advantage of the Soviet Union.

But if they don't feel that way, naturally they are going to make decisions differently from what they would otherwise.

So much for Mr. McNaughton, whose testimony showed he believed that it was to Russia's disadvantage to keep the Vietnam war going, and that the Soviets did not think the war was weakening the United States, as I had suggested.

Now, on August 17, 1967, Mr. Townsend Hoopes, of Virginia, was nominated to be Under Secretary of the Air Force.

I read into the RECORD at this point my colloquy with Mr. Hoopes when he appeared before the Committee on Armed Services, which was considering his nomination:

Senator BYRD. Thank you, Mr. Chairman.

Mr. HOOPES. I would like to welcome one who lives in Virginia, with many children, to the committee today.

I might say for the record that I have not had the privilege of knowing you, but I am very much impressed by your appearance before the committee this morning.

I would like to ask one or two questions.

* * * * *

Senator BYRD. You have had wide experience during the past 2 years with the economic problems throughout the world which confront the service?

Mr. HOOPES. Generally speaking; yes, sir.

Senator BYRD. And that would include Southeast Asia as well as the areas that we mentioned a moment ago?

Mr. HOOPES. It would include Southeast Asia in a broad sense, particularly as far as the impact of what is going on there relates to areas with which I had closer contact and for which I had closer responsibility.

Senator BYRD. In what areas did you have closer contact and closer responsibility?

Mr. HOOPES. I would say the broad area we call the Near East and Southeast Asia. It includes the southeast flank of NATO, Greece and Turkey. It runs through the Near East, and includes Iran, Afghanistan, India, Pakistan, and Ceylon; it stops essentially at the Himalayan frontier.

Senator BYRD. What about the Soviet Union?

Mr. HOOPES. I have had no direct responsibility for the Soviet Union, but of course, that is a pervasive factor in all our considerations.

Senator BYRD. That covers your consideration of all the other matters?

Mr. HOOPES. It does, indeed, in every problem area.

Senator BYRD. Now, another question along that line. You agree, of course, that we are involved in a very costly war in Vietnam?

Mr. HOOPES. I do, indeed, sir.

Senator BYRD. Costly in regard to resources, economic resources; costly in regard to casualties?

Mr. HOOPES. I do, indeed, sir.

Senator BYRD. And it has been a somewhat lengthy war?

Mr. HOOPES. Yes.

Senator BYRD. And I assume you will agree, too, that the end is not now in sight?

Mr. HOOPES. I don't see any evidence of it.

Senator BYRD. Is it your judgment that a long war in Vietnam, insofar as the United States is concerned, would be to the advantage of the Soviet Union?

Mr. HOOPES. I would say not necessarily, Senator, because I think the Soviets would calculate to some extent, as we do, that the longer the war goes on, the larger the opportunity for an escalation. And I believe that the Soviet Union does not desire a confrontation with the United States in any part of the world at this time.

Senator BYRD. Is it your belief that the Soviet Union would like to see the war in Vietnam ended—on their own terms, naturally—do you think that the Soviet Union would like to see the war in Vietnam ended at an early date?

Mr. HOOPES. I would say that, on balance, the Soviet Union would probably like to see an ending of the war in Vietnam.

Senator BYRD. Has there been any evidence that the Soviet Union is decreasing the military materiel that it is sending to North Vietnam?

Mr. HOOPES. I don't believe there is. I have limited information on that subject.

Senator BYRD. Am I correct in interpreting your response to my questions to be that it is your view that the Soviet Union would not be advantaged by a long war in Vietnam?

Mr. HOOPES. I would say from what I know of the prevailing opinion in the Soviet Government that on balance it would like to terminate the war, because it would fear that the longer the war went on, the greater the risk of a military escalation which might involve it directly.

Let me give you an example of why I believe the Soviet Union is quite reticent about confronting the United States at this time. In the recent Middle Eastern War in June, you may recall that Premier Kosygin took the initiative on the hotline to make it completely clear to us that there would be no Soviet intervention on behalf of the Arabs. This was highly disappointing to the Arabs. But I think it was a clear signal of the Soviet reticence about facing this kind of military situation with us.

Senator BYRD. I am pleased to hear you say that you feel the Soviet Union is reticent in regard to a basic situation with the United States. But that is not exactly the purport of my question.

The Soviet Union does not have to face the United States in Vietnam. It has not been facing the United States in Vietnam. The North Vietnamese and the Vietcong have been facing the United States. And the United States has been pouring resources and manpower in opposition, not to the Soviet Union, of course, but to the Vietcong and the Vietnamese.

Now, it is not to the Soviet Union's advantage, in your judgment, that we continue to pour resources and manpower in opposition, not to the Soviet Union but to North Vietnam and to the Vietcong?

Mr. HOOPES. I would agree with that, sir. I think the Soviet Union is not displeased by our expenditure of resources, human and material, in Vietnam. But I don't believe that they would conclude from that that the United States is being severely weakened. It is a fact of history, I think that every war we have fought in has rendered us afterward militarily and industrially stronger than before. And the Soviet Union is aware of this. I would say that the Soviets have to balance

their desire to see us expend resources wastefully against their fear that a wider war might involve them.

Senator BYRD. Is it your feeling then, that the longer the war goes on, the stronger the United States would be?

Mr. HOOPES. No, sir; I wouldn't argue that.

Senator BYRD. You said a moment ago that history shows that after each war we are stronger than we were before. Would that naturally lead to your belief that if this war goes on 2 or 3 or 4 years longer, we would be better off than if it were ended quickly?

Mr. HOOPES. I think it happens to be an historical consequence. But I wouldn't turn it around and argue that it was therefore desirable for us to——

Senator SYMINGTON. Would the Senator yield?

Senator BYRD. I yield.

Senator SYMINGTON. I think you are a bit mixed on that, Mr. Secretary. At the end of World War II, this country had $24.5 billion in gold, and owed $7 billion abroad redeemable in gold. Today we have $13.2 billion in gold, and owe over $30 billion abroad that can be called tomorrow morning. I think the Senator from Virginia is correct in the implications of his question.

The gross national product of the United States does not necessarily have anything to do with our financial position, specifically our fiscal and monetary positions. We had the dollar gap and other things after World War II. Those problems are no longer with us today.

To me, a great problem today is inflation. We will have a trillion dollars' worth of life insurance out among the citizens by the end of this year. We have retirement plans, pension plans, and so forth. I predict all these are going to be vitally affected, especially because of this $70 million-a-day expense in Vietnam.

So I would hope you would give full consideration to the implications of the questioning of the Senator from Virginia, because I believe the longer this war goes on the more it is weakening the United States, not strengthening it. I hope you never give the impression that wars are what make capitalism work because that is exactly what the Soviets have been preaching for a long time, the theory of Marx.

Thank you, Senator.

Senator STENNIS. Any further questions, Senator?

Senator BYRD. Yes.

Senator STENNIS. Proceed.

Senator BYRD. I want to say again that I feel that you are a tremendously able individual. I am not in any way discounting that. I am interested in the philosophy, however, of those who are in a high position of our Government, who make decisions regarding Vietnam. And certainly, you have been in a position to influence decisions, and you will be in a position to—in even a more important position in regard to influencing decisions of Government. And I am not clear in my own mind from your response to my various questions, and I would be glad if you would correct. The best that I can determine is that you do not agree with my assertions that a long war in Vietnam is to the advantage of the Soviet Union.

Mr. HOOPES. I would like to try to correct what may be a misunderstanding. I certainly am not, obviously, an advocate of war, short or long.

Senator BYRD. I am aware of that; I am certain of that.

Mr. HOOPES. You asked me what I thought the Soviet judgment would be on the question of U.S. involvement in a long war. And I gave you my best judgment, which was that the Soviet Union probably does not believe that we are being decisively weakened by our expenditures at the current level in Vietnam.

Senator BYRD. Do you think we are being weakened?

Mr. HOOPES. I believe we are expending very substantial resources.

Senator BYRD. Am I correct, though, in assuming that you do not agree with me that a long war is to the advantage of the Soviet Union? Leaving out what they think, what is your judgment? Does your judgment coincide with mine, or is it contrary to mine?

Mr. HOOPES. If the Soviets could be assured that this war would stay at a low level, a relatively low level, and would be contained, that it would not escalate in a way that might involve them directly, I think I would probably agree with you, sir.

Senator BYRD. Let me state it once more. My belief is that a long war in Vietnam is advantageous to the Soviet Union. Now, is that your personal view, or is it not your own personal view?

Mr. HOOPES. I would say it is not my personal view, in broad terms.

Senator BYRD. You do not agree with my assumption that a long war in Vietnam is to the advantage of the Soviet Union?

Mr. HOOPES. I couldn't agree with the way you have stated it, which is somewhat in isolation of other factors which would bear upon Soviet considerations.

So much for Mr. Hoopes. His testimony concerned me so greatly that I held up his confirmation for about 10 days.

Mr. Hoopes had stated that "the Soviet Union would probably like to see an ending of the war in Vietnam," and denied, "in broad terms," my assertion that a long war in Vietnam worked to the advantage of the Soviet Union.

Today, 4 years after the testimony of Mr. McNaughton and Mr. Hoopes, I continue to believe that a long war is in the interest of Moscow.

And I feel that had there been clearer recognition of that fact, then officials in the Johnson administration would have acted differently.

And had they acted differently—had they had a real sense of urgency about ending the war—then I think we would not have had as long a war in Vietnam as we have had.

Now we have a different administration. And the Nixon administration has adopted a firm policy of disengagement from Vietnam, which in my opinion has so far been successful.

The record is clear. President Nixon and his associates have reversed the course of ever-increasing American involvement in Vietnam.

I think these facts should be stated and should be recognized by the American people.

Mr. GRIFFIN. Mr. President, does the Senator have any time remaining?

The PRESIDING OFFICER. Does the Senator yield time, and if so, to whom?

Mr. BYRD of Virginia. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute remaining.

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

Mr. BYRD of Virginia. I yield.

Mr. GRIFFIN. I wish to compliment the distinguished Senator from Virginia upon his excellent and very statesmanlike remarks. It proves again that, although he sits on the other side of the aisle, he indeed is an independent and a nonpartisan.

I commend the Senator and associate myself with his remarks.

Mr. BYRD of Virginia. I thank my good friend from the State of Michigan.

I want to say, too, that I see on the floor of the Senate a former distinguished Member of this body, the former Senator from Delaware, Mr. Williams, who has rendered such great service to the Senate and to his State as a Member of the Senate.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the Senator from South Carolina (Mr. THURMOND) is recognized for 10 minutes.

Mr. THURMOND. Mr. President, I would like to commend the Senator from Virginia for his excellent remarks, which are very timely and which I hope every Member of this body will read.

COMMUNIST PLANNING OF MAY DAY DEMONSTRATIONS

Mr. THURMOND. Mr. President, the Nation's Capital is still experiencing the onslaught of the alleged peace demonstrators who have been converging on the Nation's Capital during the last week for the so-called May Day demonstrations.

There are some people who seem to take their statements of an interest in "peace" at face value. Some Members of Congress have announced that they will address rallies and demonstrations in connection with the events. Certainly the political leaders who are intending to participate must be ignoring the revolutionary ideology of the people who have been organizing and promoting this demonstration.

We are engaged in a war against a Communist enemy in Vietnam. The Communists in every country of the world have joined together in solidarity to promote support for the Communist government and to urge a hasty retreat by the United States. While some of the people involved in these demonstrations may be of good intentions, it is manifest that such an elaborately organized program did not happen by spontaneous events. It is clear that a small group of people have joined together for various reasons to attack the United States and the position of the President of the United States. The leaders of this demonstration received their stimulus from a meeting in Hanoi in which they signed a so-called peace treaty dictated by the Communists. The purpose of their activities is to organize as broad a support as possible behind this Communist document.

When we look at the participating leaders of the demonstration we find a strange mix. We find that convicted criminals, such as Rennie Davis, are among the principal leaders. We find that other key organizers, such as Fred Halstead, Donald Gurewitz, and Carol Lipman are prominent members of the Trotskyite Communist party.

Nor is it true that this is strictly a Trotskyite Communist group. In addi-

tion, other leaders belong to the People's Coalition for Peace and Justice, which includes such well known Moscow Communists as Gilbert Green and Jarvis Tyner, members of the party's national committee. In addition, there is Sylvia Kushner, a notorious Communist from Illinois; Irving Sarnoff, formerly active in the Southern California District of the Communist Party; and Sidney Peck, who is a former Communist leader in Wisconsin.

Obviously, it is no coincidence that these demonstrations are timed for May Day, the traditional day for celebrating Red victories.

I find it hard to believe that a group of Communists in such a key role in this demonstration are really interested in peace and justice and I find it astonishing that Members of this Congress will support and encourage activities prepared and directed under the Communist aegis. Anyone who lends his support to these activities is undermining the social and political stability of the United States, and is joining in an unprincipled attack on our national security.

Mr. President, for some reason the national media have chosen to ignore the well-documented background of these so-called peace leaders. However, the Washington newsletter, Human Events, in last week's issue has published this information for all to see.

Mr. President, I ask unanimous consent that the article "Media Should Expose Peace Protest Background" from Human Events, April 24, 1971, be printed in the RECORD at the conclusion of my remarks.

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

MEDIA SHOULD EXPOSE PEACE PROTEST BACKGROUND

Across the country, the media are now starting to give broad coverage to the spring "peace" protests that will begin with a rousing demonstration in Washington on April 24.

We learn that such honorable statesmen as Ed Muskie, George McGovern and John Lindsay, are whooping it up for the demonstrators. The flower children, of course, have rallied to the great cause of peace, and the Beautiful People are all behind this wonderful occasion. But we look in vain on television, radio or in the big metropolitan newspapers for just an inkling that peace may not be what the leaders of these demonstrations have in mind.

Where, oh where, are those honest journalists who will simply tell the truth: that the protests beginning April 24—while undoubtedly supported by many honest and patriotic persons—have been plotted, organized and directed by domestic Communists and their fellow travelers who crave an American humiliation in Viet Nam?

Where are those media men—who so pride themselves on their "integrity" when assailing the Administration—who will frankly and publicly acknowledge that Hanoi and its leaders have had a major hand in working out the strategy for these demonstrations?

The information is all there, as Human Events has consistently reported, but the major media refuse to let the public in on it. Because so many of the reporters are blindly enamored with the goals of these protests—the immediate, unconditional withdrawal of all U.S. troops from Viet Nam—they find it terribly difficult to divulge the stark, but embarrassing facts.

Since we have gone to great lengths to spread the word about who's behind the protests but have found that the word has not spread very far, we would like to involve our readers in a project that we hope will help goad the media into more fully disclosing the nature of the demonstrations. We urge those other than our readers to join in.

From now until this pro-Hanoi conceived and directed peace offensive is over, interested persons should not request—but demand—that the networks, the local TV and radio stations and the major papers, in the area publicize the Communist manipulation of these demonstrations.

Call, write and wire—and if you're put off, do it again. Make yourself a general pest until you see some results.

While we have, for your convenience, published the addresses and telephone numbers of the TV networks on this page, we are advised that it is also extremely important to complain to the local TV and radio affiliates if the networks continue to distort the truth about these demonstrations. If the locals feel enough heat, they will inform the networks, which are extremely sensitive to what their affiliates have to say. Indeed, a small percentage of the locals have the power to compel a change in network policy.

There is no excuse for the media to omit the fact that there is very heavy Communist involvement in these demonstrations.

Rep. Richard Ichord, a Missouri Democrat who is chairman of the House Committee on Internal Security, has disclosed this involvement in great detail on pages 9787–9790 of the April 6 *Congressional Record*, the official proceedings of Congress. The ranking minority member, Rep. John Ashbrook, an Ohio Republican, is scheduled to deliver a similar speech this week.

The essential facts, as we have reported, are these. The National Peace Action Coalition (NPAC) and the People's Coalition for Peace and Justice (PCPJ), both of which, according to Ichord, "are known to be operating under substantial Communist influence," are the two major organizations taking part in the April 24 through May 5 demonstrations. They are, in fact, the prime movers behind the protests.

The leaders of these two groups have boasted that sustained, two-week protest actions will commence April 24 with a mammoth assembly near the White House and will culminate May 5 with the "encirclement" of the Capitol to compel Congress to ratify the so-called "People's Peace Treaty." This "treaty," noted Ichord, "is a document drafted in Hanoi which is in complete accord with the Communist position on Viet Nam."

On June 19–21, 1970, the Trotskyite Socialist Workers Party (SWP) and its youth arm, the Young Socialist Alliance and the YSA-dominated Student Mobe, held a conference in Cleveland, Ohio, for the purpose of planning future "peace" demonstrations. The conference resulted in the birth of the National Peace Action Coalition as the Trotskyite-controlled group to carry out massive anti-war demonstrations. The SWP, as the networks have not informed us, is a Communist splinter group which, according to Ichord, advocates the overthrow of our government by force and violence. Moreover, it is completely attuned to the ideals of Ho Chi Minh.

Four of the NPAC's five national coordinators, Ichord points out, "are affiliated with the Socialist Workers party. The NPAC steering committee includes representatives of several organizations that are dominated by the Socialist Workers party and its youth arm, the Young Socialist Alliance. Among the prominent Socialist Workers party members serving on the NPAC steering committee are Fred Halstead, Donald Gurewitz and Carol Lipman."

At about the same time the NPAC was being created, the Communist party faction of the now defunct New Mobe held a strategy action conference in Milwaukee, Wis., on June 26–28, 1970. From this conference resulted the People's Coalition for Peace and Justice. Here's what Ichord says about *this* group:

"Among the top leadership of the PCPJ are such well-known Communist party functionaries as Gilbert Green and Jarvis Tyner, members of the Communist party's National Committee. In addition, there is Sylvia Kushner, a member of the State Committee of the Communist party of Illinois; Irving Sarnoff, formerly active in the Southern California District of the Communist party; Sidney Peck, former Communist party leader in the state of Wisconsin; and David Dellinger, who is often described by the press as a leading pacifist, but who describes himself as a non-Soviet Communist. There is also, of course, Rennie Davis, who was convicted in Chicago for violation of the anti-riot laws."

The PCPJ group is not a pacifist or anti-war group any more than is the NPAC group. Both are prowar, in fact, when it is being waged by Hanoi. Both groups border on treason in their diligent work toward a thunderous American defeat in Viet Nam.

These groups, furthermore, are working closely with Hanoi in preparing for these demonstrations. Xuan Thuy, chief of the North Vietnamese delegation in Paris, made a significant contribution to the "peace" strategy when he called for unity in the anti-war movement.

According to the pro-Communist *Guardian*, a split between the NPAC and the PCPJ had threatened to weaken the impending anti-war demonstrations in the Nation's Capital. But Rennie Davis' PCPJ in late February finally agreed to co-sponsor the April 24 protest that had initially been planned only by the NPAC.

"The move," said the *Guardian*, "decided on with virtual unanimity, resolves a previous conflict between NPAC's April 24 date and the People's Coalition call for May 2 mass protest in the Capital. The split had become a cause for *international* concern and, until the People's Coalition decision, prospects for a united action this spring appeared bleak.

"Instrumental in the decision were numerous messages from constituent organizations whose members have provided a significant proportion of both participants and funds for previous actions. *An urgent plea from Xuan Thuy . . . addressed to all anti-war forces in the U.S., also convinced many that the need for unified action was paramount.*" (Emphasis added.)

This is the sort of information, unfortunately, that we have not yet seen or heard in the major news media. Perhaps our readers—and their friends—with a bit of perseverance can make the media somewhat more honest by bringing the facts about these demonstrations to their attention.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. BYRD) is recognized for 15 minutes.

A NEW JERSEY NEWSPAPERMAN WINS THE PULITZER PRIZE

Mr. BYRD of West Virginia. Mr. President, at the request of the junior Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent to insert in the RECORD a statement by Mr. WILLIAMS entitled, "A New Jersey Newspaperman Wins the Pulitzer Prize."

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

A NEW JERSEY NEWSPAPERMAN WINS THE PULITZER PRIZE

(Statement by Senator WILLIAMS)

Mr. President, I was delighted to learn today that one of New Jersey's most distinguished newspapermen, William A. Caldwell, has been awarded the Pulitzer Prize for Commentary.

Mr. Caldwell, as a columnist for The Record of Hackensack, N.J., has become a familiar and respected figure to thousands of newspaper readers in Bergen County. He has utilized his column as an effective force for community improvement, and has earned the admiration of his fellow journalists, of public officials, and of private citizens throughout New Jersey.

This singular honor is one which Mr. Caldwell has certainly earned through the consistently high quality of his writing, and through a lifetime of devotion to his profession and his community. The announcement issued yesterday by Columbia University detailing Mr. Caldwell's achievements and his background follows:

For Distinguished Commentary—William A. Caldwell of The Record of Hackensack, N.J., for his daily columns.

"William A. Caldwell has been writing a column about local affairs in Bergen County, N.J. for more than 40 years, touching upon everything from the handicap of being born a December child to the divisive tragedy of racism. He calls his commentary 'Simeon Stylites' after the Fifth Century Syrian hermit who spent 35 years in meditation atop a pillar in the desert.

"As a liberal in a conservative community he has his daily arguments with his readers in the Record of Hackensack, N.J., of which he is associate editor. But he has not lost many and he has the reputation of having persuaded the majority to take a more active role in the work of their community. For his distinguished commentary, he received the Pulitzer Prize for Commentary today. As was the case in 1970, when the award for criticism or commentary was first established, the Columbia trustees gave two separate and co-equal $1,000 prizes in each category.

"Mr. Caldwell was born in Butler, Pa., December 5, 1906 and grew up in Titusville, Pa. where his father was managing editor of the Titusville Herald. When he was 14 and a sophomore in high school at Hasbrouck Heights, N.J., to which the family had moved, his father died and he had to leave school.

"After a few odd jobs as a part-time reporter, he joined the Record (then the Bergen Evening Record) in 1926 and has remained with the organization ever since. In addition to his column, he writes editorials and is active in civic affairs. Last June, he was awarded an honorary LL.D. by Rutgers University. He and his wife live at 936 Glen View Road, Ridgewood, N.J. They have two grown daughters and a son."

LABOR NEWS CONFERENCE INTERVIEW OF RUDY OSWALD ON MINIMUM WAGE

Mr. BYRD of West Virginia. Mr. President, at the request of the junior Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent to insert in the RECORD a statement by Mr. WILLIAMS with respect to the Labor News conference interview of Rudy Oswald on the minimum wage, together with the text of Mr. Oswald's interview.

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

LABOR NEWS CONFERENCE INTERVIEW OF RUDY OSWALD ON MINIMUM WAGE

(Statement by Senator WILLIAMS)

Mr. President, we are in a period of our country's history when the cost of living is escalating at an unprecedented rate, yet nothing is being done to lessen this heavy burden for those who suffer most from inflation—the employee who works for the minimum wage or less.

These workers represent the "working poor" in this country. For them an increase in the minimum wage is a desperate need. I say this because a man who labors for $1.60 an hour in today's economy falls by more than $700 to earn what the government considers to be the poverty line—$3,900 for a non-farm family of four.

Mr. Rudy Oswald, an economist for the AFL–CIO's Department of Research, has recently been interviewed in depth on the radio program entitled "Labor News Conference." I believe that Mr. Oswald shed some important light on problems regarding the minimum wage and the need for an increase in the rate and coverage of the minimum wage law.

Mr. President, the text of Mr. Oswald's interview follows.

LABOR NEWS CONFERENCE

America's lowest-paid workers are even worse off now than they were when the minimum wage was last improved in 1966, an AFL–CIO economist declared today, as he called for an immediate boost to "at least $2 an hour."

"The inflationary impact of the last five years" has cut the 1966 value of the $1.60 minimum wage to "only $1.24 today, which is less than it was before" Congress made the last improvement, declared Rudolph Oswald, of the AFL–CIO's Department of Research. That "deterioration of buying power . . . makes it mandatory" that there be a new and higher federal floor under wages, he stressed, on Labor News Conference, broadcast Tuesday at 9:35 p.m. (EST), on the Mutual Broadcasting System, and heard in Washington on WAVA–FM.

Oswald said that low-paid workers also continue to suffer from employer-violations of the federal Wage and Hour law, noting that "inspections of only about 5% of the establishments covered by the law" revealed that half-a-million workers "were short-changed some $93 million last year." Noting that the minimum wage law has been on the books since 1938, he said, "it is hard to believe that after (more than) 30 years," employers would not be aware of the law and what it requires. He said that mounting employer-violations could be curbed by the addition of more inspectors "to assure that workers . . . are actually paid" the minimum wage required by law.

The union economist turned aside the contention that the rise of unemployment for the past two years makes this the "wrong time to raise the minimum wage." He said that "if we listen to that argument, it would always be 'the wrong time' to raise the minimum wage," yet past improvements have been followed by a decline in unemployment. He pointed out that when the minimum wage was first established in 1938, "unemployment was double the current rate," and it decreased in the following years. He said that unemployment has also eased after other minimum wage improvements, "largely because we've always been so modest in the increases."

Oswald said the AFL–CIO will also push hard in this Congress to extend minimum wage coverage to all wage and salary employees. "If a job is worth doing, it's worth a wage that is at least enough to support the worker and his family," he declared.

Questioning him on the AFL–CIO produced public affairs interview were James F. Welsh, of the Washington Evening Star, and Donald Finley, of United Press International.

MINIMUM WAGE CHISELERS

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Rudolph Oswald, an economist in the AFL–CIO's Department of Research.

More than 30 years ago, President Franklin D. Roosevelt signed into law the federal Wage and Hour Act, putting a floor under wages and setting a ceiling on hours. Yet despite education and enforcement programs, either through cheating or carelessness, American employers shorted their employees' pay envelopes some $93 million last year, according to a recent report of the Secretary of Labor. Year after year, the number of unlawful wage underpayments grows. All too often, it is some of the nation's lowest-paid workers who suffer those losses. Here to question Mr. Oswald about growing violations of the Wage and Hour Law, how they can be curbed and efforts to strengthen and improve the Fair Labor Standards Act in the current Congress, are James Welsh, of the Washington Evening Star, and Donald Finley, Washington correspondent for United Press International. Your moderator, Frank Harden.

And now, Mr. Welsh, I believe you have the first question?

WELSH. Mr. Oswald, could you define exactly the AFL–CIO legislative proposal for changing the minimum wage this year—in this Congress? What is the situation now, and, what are your proposals?

OSWALD. Mr. Welsh, the federal minimum wage is currently at $1.60 an hour.

The AFL–CIO proposes that this be increased, immediately, to at least $2 an hour.

Also, the law currently covers the bulk of wage and salary employees—some 45 million workers. We propose that it be extended to cover all wage and salary employees, so that all workers will be guaranteed at least this basic minimum wage.

WELSH. How long has it been since the minimum wage has been raised—and—why has it been so long?

OSWALD. Congress, in 1966, increased the minimum wage to $1.60 an hour—in steps.

The inflationary impact of the last five years makes it mandatory that it now be increased to at least $2 an hour, so that the workers who are suffering from this deterioration of buying power be reinstated.

As a matter of fact, that $1.60—in 1966 terms—is only $1.24 today—which is less than it was before the minimum wage was increased from $1.25 to $1.60 an hour.

FINLEY. Mr. Oswald, there has been a federal minimum wage since the 1930's. Just how effective has enforcement of this minimum wage been? Have there been many violations?

OSWALD. Sad to say, the Labor Department, in its inspection of only about 5% of the establishments covered by the law, found that workers were short-changed some $93 million last year—1970. We know that actual violations are substantially greater than that.

Nearly half-a-million workers were found to have been short-changed in either the minimum wage or the overtime provisions of the law—or both.

FINLEY. What are the overtime provisions of the law?

OSWALD. The overtime requirements, Mr. Finley, are that employers pay one and one-half times the minimum wage for hours, in excess of 40, worked in a week.

WELSH. Well, if there are so many violations now, what you are saying, I believe, is that the law is not being enforced. Many, many thousands of workers are losing money that is due them under the minimum wage provisions. If you had a higher minimum wage, wouldn't there be even more violations? How do you square all of these things?

OSWALD. We find that although violations have been increasing recently, millions of workers are paid what the law requires.

For example, just this last February, employees who were covered by the Act for the first time in 1966—in laundries, hospitals and schools—had their minimum wage increased from $1.45 to $1.60. This meant that some 1.5 million workers received wage increases, as a result of the last step increase in the minimum wage. They also received an increase of about $300 million in total payroll—substantially more than the violations that were uncovered.

Obviously, more inspectors are needed to assure that there are no violations and that workers are actually paid what they should be paid.

However, increasing the minimum wage has brought increased benefits to millions of workers.

WELSH. Let me ask another question about the violations. We've heard that workers are being cheated out of about $100 million in wages. That's a substantial sum. Whose fault is this, exactly? Is it the federal government's fault? Another question—is there any way for these workers to go about claiming the money that is rightfully due them?

OSWALD. Mr. Welsh, it is not the federal government's fault that they are being underpaid, it's the employer's fault for not obeying the law.

WELSH. But isn't there an enforcement of the law obligation on the part of the government?

OSWALD. Yes, the Labor Department has been given responsibility of enforcing the Fair Labor Standards Act.

An employee who is not paid the proper minimum wage has the right, under the Act, to complain to the Department of Labor's Wage and Hour Division. The Labor Department is supposed to investigate the complaint and secure compliance with the law and back payments due.

The worker also has the alternative route of going to court directly and suing the employer for wages due, plus an equal amount for court costs. However, most poor workers do not have the ability to go into court—they don't have their own lawyers to sue for this back payment. That's why the law established the Wage and Hour Division of the Department of Labor as the enforcement arm for the Fair Labor Standards Act.

FINLEY. Mr. Oswald, are most of these violations intentional, or, are there some cases where employers are just ignorant of what the law provides?

OSWALD. Mr. Finley, it is hard to believe that after 30 years, employers wouldn't know that there is a minimum wage law that requires payment of $1.60 an hour, and requires that workers be paid time and one-half for hours worked over 40.

FINLEY. Under the present law, there are many exemptions—many jobs are exempt from the law. May it be that employers are confused as to which jobs are exempt and which are covered by the law?

OSWALD. There may be, on occasion, some confusion on exemptions.

But, the AFL–CIO believes that the minimum wage is so low, and the overtime requirement so minimal—basically, it hasn't changed since the 1930's—that payment of less than time and one-half for overtime or payment of less than $1.60 an hour, while it may not be prohibited for certain employers, would actually be an exploitation of the workers.

WELSH. Mr. Oswald, let me shift the subject just a bit. In proposing to raise the minimum wage—fairly substantially—how do you handle the dilemma of raising the minimum wage while facing the threat of cheap labor foreign competition? How can you pay a shoe factory worker in America what should be considered a fair wage, and then solve the problem of millions of shoes made by cheap labor coming in from a place like Italy?

OSWALD. Mr. Welsh, we find that often, the result of importation of foreign products has nothing to do with the wages that are paid American workers, nor the prices charged American consumers.

We believe that a worker working in the United States should earn a basic minimum wage—certainly, enough to reach above the minimum poverty level that's defined for the United States—about $3800 a year—in 1969. In 1971 prices, that would be approximately $4100 a year.

If a worker working year-round, full-time doesn't earn even this amount of money, then certainly, we're saying that many fully-employed workers can't even expect to support a family at a poverty standard of living.

WELSH. Yet, isn't this part of what's at the heart of the problem of import quotas and the drive for higher tariffs—the differential between American wage standards and the wages of the Japanese textile workers, for example? Won't there be more pressure on you to support higher tariffs?

OSWALD. The tariff problem does concern the AFL–CIO, substantially because of its impact on workers—and it's impact is on both high-wage industries, such as steel and auto, as well as it is on low-wage industries, such as shoe and textile.

It's a problem that we're trying to get Congress to consider, and develop means of restricting the dumping of foreign goods, and other loopholes in the current law that encourage the exportation of U.S. capital, with the goods produced brought back to compete with American labor.

FINLEY. Regardless of the competition from cheaper foreign labor, there is also the argument that some employers would just eliminate jobs, rather than pay a higher wage—that they feel they could do without the job, rather than pay, say $2 an hour.

OSWALD. This argument is made by employers regularly—whenever the minimum wage has been discussed before Congress.

The results have been just the opposite. We find actual employment increases following each of the minimum wage changes. We know that many employers exploit their employees by paying them low wages, and that even if a particular employer wanted to raise his wages up to a decent standard, he would be unable to, because of the unfair competition of other employers.

Therefore, raising the minimum wage for all employers has the beneficial effect of helping all workers achieve the benefits of the higher minimum—of lessening unfair competition.

FINDLEY. Unemployment has come down in the last couple of months, but it's still much higher than it was when President Nixon took office. Isn't this the wrong time to raise the minimum wage—a time when unemployment has been rising, as it has the past two years?

OSWALD. Mr. Findley, if we accept that argument, it would always be "the wrong time" to raise the minimum wage.

We're already late, in terms of raising the minimum wage. It should have come about earlier.

However, even the first increase in the minimum wage was introduced in 1938, when unemployment was double the current rate. And, following introduction of the first minimum wage in 1938, unemployment decreased.

We find that unemployment has decreased in other years, following changes in the minimum wage, largely because we've always been so modest in the increases that have been made over the years—as it has risen from the original 25¢ an hour, to $1.60 an hour.

WELSH. Do you look on raising the minimum wage as an alternative to what's provided in the Nixon Family Assistance Plan? That plan has a good chance of passing this year, I believe, and it contains a provision that the working poor—people who are working, but at fairly low wages—will be subsidized by government funds. Is raising the minimum wage an alternative or a complement to that?

OSWALD. We believe that raising the minimum wage is a basic necessity, in order for the welfare operation to work properly.

Otherwise, we're asking the taxpayer to supplement the low-wage worker—the worker who is being exploited by management.

Only if we raise the minimum wage to at least the poverty level—to at least $2 an hour—will we assure the worker who is working full-time, year-round, of enough income to support himself and the basic family of four.

WELSH. Well, let's put it this way—let's assume that Congress acts favorably on your plan—that it does raise the minimum wage to $2 an hour. That would provide for a $4000 annual income for the minimum people. Is there need then for subsidizing the working-poor through the Family Assistance Plan, or, should that be dropped?

OSWALD. There is still the need to subsidize the working poor.

There are many who do not work full-time, year-round—where there is seasonal unemployment—where there is unemployment because of illness. Many others are unable to work because of disability, because there are minor children in the home, because of old age, and for other reasons.

WELSH. There is another provision of the welfare reform assistance plan that for those people required to work, there is an odd little minimum there—$1.20 an hour. That looks extremely low, compared to $2.

OSWALD. That $1.20 an hour makes no sense whatsoever.

It's below even the federal minimum wage in existence today. Certainly, taxpayers should not be asked to supplement an employer who exploits his workers. The purpose of the Fair Labor Standards Act, as set forth in its preamble, states that the Act's purpose is to end the exploitation of workers, and to end those conditions that are detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency and general well-being of workers.

FINDLEY. Mr. Oswald, President Nixon's chief domestic goal has been to control inflation. There is evidence that there has been some easing of inflation. If the minimum wage is raised to $2 an hour, presumably, most of the people who are not getting the minimum wage—or just barely getting it—the unskilled or lower-skilled workers—if these people start getting higher wages, isn't this going to cause the higher-skilled workers to also ask for higher wages, to put them in relatively the same position that they were in with the lower-skilled workers? This is going to increase the inflationary pressures, isn't it?

OSWALD. No, Mr. Findley, because with the great time lag since Congress acted, in terms of raising the minimum wage to $1.60 an hour, and today, we find that all other workers have moved substantially ahead of these workers.

For example, in 1968, the minimum wage was about 55% of average hourly earnings. Today, it's only 45% of average hourly earnings in the total private economy.

Obviously, their condition has substantially deteriorated.

FINDLEY. President Nixon is on an expansionary program for the economy right now. Do you feel that increasing the minimum

wage would contribute to the goal that he has set for the economy?

OSWALD. Certainly it would, Mr. Findley.

Expanding the economy requires that there has to be an increase in consumption expenditures and increased housing expenditures.

Unless workers receive enough income to increase their consumption expenditures and their expenditures for housing, just investing in new plant and equipment will mean that people don't have the income to buy the things that we're currently capable of producing.

That's already one of our big problems—we're capable of producing substantially more than people are able to buy with their limited incomes.

WELSH. Following on that question, if the wage—the minimum wage—went to $2, how many workers, do you estimate, would get pay increases? How many workers would go up from $1.60—and how many workers who are now between the $1.60 and the $2 would get increased pay?

OSWALD. We find that those who are paid more than $2 normally do not get wage increases when the minimum wage goes up.

It's basically the group between $1.60 and $2 and the group that is currently not covered at all by the Fair Labor Standards Act and are paid less than $2 an hour who make a direct gain.

The number of workers in the United States who are paid less than $2 an hour is approximately 10 to 11 million, according to the most recent studies of the Department of Labor and the Bureau of the Census.

WELSH. Are most of them in the South?

OSWALD. A substantial number are in the South, but, we find that there are many in the Midwest, some in the East and far-West, and other areas, as well.

A survey found that two out of five workers who were underpaid in violation of the Minimum Wage Law were heads of families.

So, we know that raising the wages for these workers will have a substantial impact on the well-being of families currently in poverty.

WELSH. Why wouldn't there be corresponding pressure to raise the wages of the fellow who is now at $2?

OSWALD. As I indicated earlier, many of these workers have received increases in the past few years, whereas the minimum has not changed at all since 1966, when Congress acted, making the $1.60 effective February of 1968.

Raising it to $2 would just reestablish the relationship that has deteriorated in the last few years.

FINLEY. Is the AFL–CIO proposing that the minimum wage be extended to all workers? How about newspaper delivery boys, for instance, and salesmen on commission? Are you proposing that they also receive the $2 minimum?

OSWALD. We're asking that workers generally be paid a $2 minimum.

Anyone who is working for a living should receive at least that basic minimum income.

If the job is worth doing, it's worth a wage that is at least enough to support a worker and his family.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Rudolph Oswald, an economist in the AFL–CIO's Department of Research. Representing the press were Donald Finley, Washington correspondent for United Press International, and James Welsh, of the Washington Evening Star. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

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DISRUPTIVE EVENTS OF RECENT DAYS

Mr. BYRD of West Virginia. Mr. President, I rise to speak again on the disruptive events of recent days which have been caused by the so-called May Day protesters. I have no criticism of any person or persons who sincerely engage in lawful, legitimate, and reasonable means of dissent. My remarks are directed toward those persons who have deliberately set out to disrupt, in an unlawful manner, governmental activities here in the Nation's Capital. I will briefly review incidents of the past few days.

On April 28, a large group of demostrators blocked the entrance to Selective Service headquarters, preventing employees from entering or leaving the building. The D.C. Police arrested 208 of these demonstrators and charged them with violating 22 D.C. Code section 1107, which prohibits interfering with free access to public or private buildings. Those arrested were taken before the Superior Court where they were charged. Bond was set at $500 for a very few, but, for the majority, at $250. Members of this group were then released upon the payment of 10 percent of their bond.

On April 29, another large group of noisy, unruly demonstrators clamored into the headquarters building of the Department of Health, Education, and Welfare at 4th and Independence Avenue, SW., shouting obscenities, and disrupting employees from performing their work. The demonstrators culminated their irrational behavior with ripping down a recently constructed wall within the building. This group of demonstrators was not arrested within the building for destroying Government property, as they should have been, because GSA guards, acting on orders from HEW officials, requested the D.C. Police not to make any arrests within the building. I want to note, Mr. President, that HEW officials have not filed any formal complaint against these protesters to date. The D.C. Police arrested this group outside the HEW building for "parading without a permit." They were taken to police headquarters and held there until taken before Superior Court judges where they were released after posting $10 collateral.

Destroying Government property and disrupting Government employees from their work constitute serious offenses which are expensive burdens for the taxpayers of this country who have to foot the bill for such juvenile and destructive behavior. HEW officials who refused to allow these lawbreakers to be arrested on the spot should be severely criticized. Such officials have a duty to protect Government property charged to their care, and they should see to it that those who deliberately destroy Federal property are arrested.

On April 30, 370 demonstrators were arrested for blocking the entrance to the Justice Department. This was just a repeat performance of the protesters arrested during the previous 2 days for similar disruptive activities—filthy and slovenly in appearance—obscene in both words and gesture—and completely defiant of all laws and the rights of others. The 370 demonstrators were arrested at the request of the Justice Department and charged with obstructing entry to a Federal building. This offense carries a maximum penalty of 6 months in jail or a $500 fine or both. I commend the Department of Justice officials for taking the necessary steps, including the arrest of lawbreakers, to insure that the Department and the employees therein could function in a normal manner. This group of demonstrators was also taken before Superior Court judges, where with few exceptions, their bond was set at $250, and they, too, were released upon the payment of 10 percent of that amount.

Now, Mr. President, I think it is an absolute outrage that these deliberate lawbreakers should be treated in such a light-handed manner by judges of the Superior Court. These were not occasional lawbreakers who broke the law through oversight, ignorance, or carelessness. This was a group who acted with full knowledge of their objective, and with a previously announced intent, and they should be punished to the full extent of the law. I have tried with very limited success to determine what law or rationale prevailed upon the judges of the Superior Court, when they returned these lawbreakers to the streets after paying $10 or $25. I have been informed that the full amount of the bond was not enforced because no bondsman in this area would write the bond and if they did not meet their bond, the District of Columbia had no place to incarcerate them. My answer to that is that where there is a will there is a way, and places could be found to incarcerate them.

Yesterday's activities proved that the treatment accorded by judges of the Superior Court to lawbreakers arrested previous to yesterday was totally and completely insufficient to deter them from their announced course of unlawful activity. Many of the same demonstrators who were released on $10 collateral were back on the streets yesterday slashing tires, damaging automobiles, blocking traffic, and indulging in other disruptive and unlawful activities.

I am informed that 414 of the 7,000 demonstrators arrested yesterday were brought before the Superior Court last evening and charged, and the majority of those are being held under $250 and $500 cash or surety bonds. I commend the judges who followed this firm course of action. Had the Superior Court judges acted in a like maner last week when the first groups of disruptive lawbreakers were brought before them, many of the demonstrators indulging in yesterday's unlawful activities would still have been in jail or would, at least, have thought twice before subjecting themselves to additional stiff fines and/or jail sentences.

I want to applaud Police Chief Jerry Wilson; the D.C. National Guard; the Department of Justice; and all others who had a part in the masterful handling of yesterday's abortive effort by radical elements in our society to shut down the Nation's Capital. Notice has finally been served on demonstrators—

the revolutionaries who organize them and those who participate in them—that disruption and violence will no longer be tolerated. I hope that the Mayday events of this year will mark a turning point in official attitudes toward those who seek to destroy democratic social processes.

The demonstrators have failed on two counts: they have failed to intimidate the Government and disrupt it; and they have failed miserably to serve the cause which they purportedly espoused. The average American, I am certain, is bound to respond more favorably to the reasoned course which the President of the United States is following with respect to the war in Vietnam than to the press and television pictures of young militants obstructing traffic, letting the air out of automobile tires, and battling police in the streets.

The police, the Justice Department, the military, and all who took part in curbing the destructive demonstrations used admirable restraint. The training and instruction which the police have received has paid off. The strategy and tactics of Sunday's revocation of the permit and Monday's confrontation with the militants have been overwhelmingly successful.

I hope that Rennie Davis and others who may have been involved with him in organizing the disruption will be prosecuted to the full extent of the law. For too long, Government has dealt too leniently and too tolerantly with those who would tear it down.

It is heartening to know that in the present situation Government has acted swifty and decisively and effectively. This is not repression, as apologists for the militants may attempt to claim. Anyone, any group, may still come to Washington to engage in peaceful, legitimate, reasonable, lawful, dissent and sensible dialog with their representatives in the Federal Government.

But those who come bent on disruption and destruction should understand that criminal behavior and anarchy will no longer be permitted.

To Chief Wilson and his men; to the District of Columbia National Guard; to the Department of Justice; to the other participating law enforcement agencies—well done.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Rebellion in the Nation's Capital," written by Mr. David Lawrence, and published in today's Washington Star.

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

REBELLION IN THE NATION'S CAPITAL

(By David Lawrence)

A deliberate effort by a group of militant demonstrators to close down the federal government failed to attain its objective yesterday. But the damage done to the Nation's Capital was considerable.

Thousands of workers did not go to their jobs for fear of being caught up in the traffic jams due to the threatened blocking of the bridges leading to the city. Many persons refrained from going to the downtown stores.

The radicals had announced in advance that they intended to "close down the government." Copies of a manual distributed by the protesters designated as targets for disruption of all bridges over the Potomac River and other highway arteries by which thousands of employes of government and private business travel to and from Washington each day.

More than 7,000 of the demonstrators were arrested by the police, who were assisted by 4,000 combat-clad Army troops. A contingent of Marines and 6,000 other soldiers were stationed in the city or nearby. Volleys of tear gas were used to rout the raiders. But, despite even these efforts, traffic on some of the bridges and elsewhere was blocked for short periods by the slashing of tires or other devices.

The fact that in the United States an organization can undertake a well-planned attack to close off the main entrances to the city of Washington is an example of the extremes to which demonstrators will go. Up to now the rallies have not done any great damage. They usually have been in the nature of parades or marches. But the plan for Monday and Tuesday of this week was actually designed to shut down the government for two days.

Many employes living in suburban areas who have important jobs stayed at hotels in Washington on Sunday night in order to be sure of reaching their offices. But the city as a whole suffered from the threatened disruption. For although the effort to block all traffic was not successful, the publicity given the intention to produce congestion at the bridges caused many people to stay away yesterday.

Many of the streets were littered by garbage and trash as well as by abandoned cars and other obstacles. The police had a number of trucks handy to remove the debris but traffic was nevertheless delayed in some instances. In spite of all this, government offices reported that they had normal attendance. But lots of the private businesses did not have the same experience. It certainly was not a fruitful day for business in Washington.

The presence of the troops played a considerable role in discouraging the militants. There were no major confrontations, but sizeable numbers of soldiers were in evidence at the bridges and other target areas along with the police. They were scattered along most of the main streets, too, to be on hand in case of trouble. On the whole, the task of protection was well done.

But the big question is why did any organization plan such an attack on their own government? The attempt to close government buildings and particularly the Pentagon, was a move that could have involved serious consequences. If an international crisis arose and the Pentagon was not able to function quickly, the defense organization would still bear the responsibility to act.

Some significant comments are being made on Capitol Hill.

Senator Strom Thurmond, Republican of South Carolina, said:

"We may clearly impeach the democratic intentions of the organizers of these demonstrations when we note the open and unabashed participation in key leadership positions of members of the Communist party, U.S.A."

The question now is how many other members of Congress will speak out emphatically against the rebellion by an organized group which tried to block the bridges and close government offices. Likewise, it will be interesting to see what the courts do with the question of punishment for the many thousands who participated in the demonstrations and followed leaders who brazenly declared that their purpose was to close down their own government.

Doubtless many of those arrested expect only small fines, but rebellion is rarely treated lightly by any government in the world.

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

Mr. BYRD of West Virginia. I yield to my able senior colleague.

Mr. RANDOLPH. Mr. President, my colleague has spoken of a serious problem. I commend him on his documentation and on the earnest manner in which he has presented this subject. I want the RECORD to indicate that, I, too, believe that it is important, as my colleague from West Virginia has pointed out, to call attention to the rights of those who come to Washington to plead their cases and to seek redress of grievances. There should be balance and understanding, as we evaluate the current controversy.

Mr. President, it is not only in Washington, D.C., the Nation's Capital, that this disruption and obstruction are taking place. I recall that on April 14, the Public Works Committee, through its Subcommittee on Economic Development, opened 2 days of hearings in Seattle, Wash. We were there to consider the very severe problem of unemployment in Seattle and, in some measure, throughout the Northwest. We were attempting to find ways and means to help people. The purpose of the hearings was a responsible one, and practically all of the people who came to counsel with us were responsible people from the private sector as well as from Government.

We ran into a situation in which our hearing was disrupted. Senator MAGNUSON was the first witness on April 14. That is his home city, and the State he represents. I am sure that Senators, regardless of their membership by party in this body, value his long service in the House and in the Senate in connection with progressive programs, to help people, all types of people.

We had been alerted, in a sense, that there were elements that would be represented at the hearing who would try to disrupt that session. After about 2 minutes of testimony by Senator MAGNUSON, some 20 or 30 persons rose in the center of the hearing room. They had loudspeaking equipment attached to their bodies, and one or two had foghorns, as we call them, which of course could drown out any of the proceedings, including the testimony being given by Senator MAGNUSON.

Obscenities were hurled by those who stood. Beyond the profanity and the obscenity, beyond the necessity to recess the hearing because we could not carry on the business for a period of some 25 minutes, was an experience that I think Senator MONTOYA, Senator BAKER, Senator MAGNUSON, Senator TUNNEY, and the Senator now speaking never will forget.

A young woman in the group, perhaps 23 years of age, called out obscenities; she denounced the purpose of the hearing; she said that, in effect, we were not there to help people. Further, I report to my colleagues in the Senate—she pointed to every Senator in that room by name and said in the strongest language possible, which is documented: "We shall kill every one of you!". She pointed to Senators MAGNUSON and BAKER and TUNNEY and MONTOYA and me. "We shall kill every one of you. We shall kill all of the Senators of the United States, and we shall kill all of their children."

That incident was in Seattle, Wash., on April 14. I say, quietly but earnestly, that this is an indication of the revolutionary strength which appears at many points in our country; and what the Senator (Mr. BYRD, of West Virginia) has said about the situation in Washington, D.C., is being duplicated, in certain degrees, throughout the country where Senators are holding public hearings and where the conduct of the Federal Government is moving forward through proper and necessary channels.

That tense time may seem to be, in a sense, bizarre. But if Senators are interested in talking to the five Senators who were present, I think they will better understand the tension of the situation, the seriousness of the situation, and of course the revolutionary aspect of the situation in that day's hearing.

It is my conclusion—said with considerable reluctance, but I believe that I should state it because I feel it is necessary—that these people, 10 or 12 who spoke, were not interested in the programs of employment of men and women who are out of work in Seattle or in Washington or in the United States. I hope these people are interested and concerned, as they assert, about the problems of America, and efforts to help men and women. I hope they are. But I have the feeling that they actually desire to overthrow the Government of the United States. Their very statements indicate that belief—in Seattle, in many other parts of the country, in Washington, D.C., throughout the Nation.

It is when we face a situation, as I have described, that we go beyond just the casual or ordinary recognition of isolated problems of disruption and disorder. There must be an awareness on the part of the American people to the fact that this situation does exist. Men and women must be alerted to the danger.

I thank my colleague for permitting me to supplement his statement, and I conclude by emphasizing that there are the inherent rights of dissent and protest and demonstration. We must protect those rights. But there are also responsibilities for those who plead a cause—be it peace now in Vietnam or other causes they champion.

Mr. BYRD of West Virginia. I thank my senior colleague. He has very appropriately expressed the concern on the part of himself and others of us, and the American people, with respect to some of the problems which, regrettably, increasingly confront the committees of Congress as they go about the country trying to do the work of the people.

CIVIL SERVICE RETIREMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 94, S. 1204. I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. TALMADGE). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1204) to amend section 8332 of title 5, United States Code, to allow certain service to be credited for purposes of civil service retirement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, there will be no action on this bill today.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the close of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. Following the recognition of the two leaders, under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the order stated: Messrs. BROCK, TAFT, BYRD of Virginia, MCGOVERN, PERCY, and HART.

At the conclusion of the remarks of the Senators under the orders for which they will be recognized, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the then unfinished business, Calendar No. 94, S. 1204, a bill to allow certain service to be credited for purposes of civil service retirement.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 5, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 4, 1971:

FEDERAL FARM CREDIT BOARD

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1977:

Ernest G. Spivey, of Mississippi, (reappointment).

Earl S. Smittcamp, of California, vice Paul Arthur Dobson, term expired.

HOUSE OF REPRESENTATIVES—*Tuesday, May 4, 1971*

The House met at 12 o'clock noon.

Rev. R. Herbert Fitzpatrick, First Baptist Church, Riverdale, Md., offered the following prayer:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7: 14.

Our Heavenly Father, we believe Thy promise and pray that we may meet the conditions of Thy Word, that we may have Thy healing touch for our land. We are in desperate need of Thy blessings and the manifestation of Thy power in our Nation. In this hour when men are so restless, troubled, striving for a solution to the problems that beset us at this time, we look to Thee for direction.

We pray especially for these men and women who have been endowed with such a tremendous responsibility. We pray that Thou wilt give them the spirit of wisdom and understanding, courage and faith, strength and peace for this troubled hour.

In the name of Him who loved us and gave Himself for us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4246. An act to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 166. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; and

S. 1260. An act to amend the Small Business Act.

RESIGNATION FROM SELECT COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation from a committee: